

HAITI 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Haiti is a constitutional republic with a multiparty political system. The most recent national legislative elections were held in November 2016; international observers considered the elections free and fair. Jovenel Moise was elected as president for a five-year term and took office in February 2017. Due to political gridlock and the failure of parliament to approve an elections law and a national budget, parliamentary elections scheduled for October 2019 did not take place. In January parliament lapsed, leaving only 10 senators and no deputies remaining in office, and President Moise began to rule by decree. In March, President Moise appointed Joseph Joute as prime minister to head a new government. The president subsequently reappointed or replaced all elected mayors throughout the country when their terms ended in July. As of November the president was the sole nationally elected leader empowered to act, as the 10 senators remaining in office were unable to conduct legislative activities due to a lack of quorum.

The Haitian National Police, an autonomous civilian institution under the authority of a director general, maintains domestic security. The Haitian National Police includes police, corrections, fire, emergency response, airport security, port security, and coast guard functions. The Ministry of Justice and Public Security, through its minister and the secretary of state for public security, provides oversight to the Haitian National Police. The Superior Council of the National Police, chaired by the prime minister, provides strategic guidance to the national police force. The Superior Council also includes the director general and the chief inspector general of the Haitian National Police, the minister of the interior, and the minister of justice. Civilian authorities generally maintained effective control over security forces. Members of the security forces committed some abuses.

Significant human rights issues included: reports of unlawful and arbitrary killings by gangs allegedly supported and protected by unnamed officials; excessive use of force by police; harsh and life-threatening prison conditions; arbitrary and prolonged pretrial detention; a judiciary subject to corruption and outside influence; physical attacks on journalists; widespread corruption and impunity;

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lack of investigation of and accountability for violence against women; and the worst forms of child labor.

The government rarely took steps to prosecute government and law enforcement officials accused of committing abuses. There were credible reports that officials engaged in corrupt practices, and civil society groups alleged widespread impunity.

Insufficient steps were taken to apprehend or prosecute gang members, including at least one former police officer, accused of orchestrating killings, rapes, and destruction of property.

Section 1. Respect for the Integrity of the Person, Including Freedom from

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were numerous reports of arbitrary and unlawful killings perpetrated by armed gangs allegedly supported and protected by members of the government. The Office of the Inspector General of the Haitian National Police (HNP) was responsible for investigating whether killings by police officers were justifiable and referring cases of allegedly unlawful killings to the government prosecutor.

There were 960 reported homicides between January and the end of September, according to the UN Integrated Office in Haiti (BINUH). The Catholic Commission for Peace and Justice blamed most deaths on gang warfare and called on the government to investigate the “hidden forces” behind the killings. In June the Eyes Wide Open Foundation reported there were more than 150 active gangs in the country; it alleged active government support for the gangs.

The National Network for the Defense of Human Rights (RNDDH) reported two gang attacks in the Cite-Soleil neighborhood in May and June that left a total of 34 persons dead. In July gang attacks resulted in 50 deaths, 15 rapes, and 30 persons missing, the organization reported. On August 31, a gang attack in the Bel Air neighborhood of Port-au-Prince killed at least 12 persons, according to press accounts. According to an RNDDH report, former police officer Jimmy Cherizier

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led one of the key gangs. Press accounts and human rights advocates reported Cherizier had access to government vehicles and equipment and worked to unite several gangs.

BINUH and numerous civil society organizations reported gang violence in the Port-au-Prince metropolitan area and Artibonite Department increased as gangs attempted to expand their spheres of control. In June the United Nations reported that arrests of gang members and leaders had risen from 169 in January and February to 232 in March and April. Civil society groups alleged gangs had close ties to political and economic elites who either protected the gangs from arrest or obtained their release if detained.

Attackers killed several prominent public officials and figures, including Port-au-Prince judge Fritz Gerald Cerisierin in June and Monferrier Dorval, president of the Port-au-Prince Bar Association, on August 28. Dorval was killed in front of his home by unknown assailants. Authorities stated they were continuing to investigate the Cerisierin killing but did not have a suspect. The Port-au-Prince prosecutor announced the arrest of three suspects in the Dorval killing.

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.

While authorities claimed they continued to investigate the 2018 and 2019 attacks in the La Saline and Bel Air neighborhoods that left dozens dead, as of December the government had not brought any perpetrators to justice. Among those implicated in the violence were Jimmy Cherizier, Fednel Monchery, and Joseph Pierre Richard Duplan, who were government officials at the time of the La Saline attacks.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or

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Punishment

While the law prohibits such practices, several reports from nongovernmental organizations (NGOs) alleged that HNP officers beat or otherwise abused detainees and suspects. Detainees were subject to cruel, inhuman, and degrading treatment in overcrowded, poorly maintained, and unsanitary prisons and makeshift detention centers.

A May 5 video clip showed Patrick Benoit, with hands and feet tied and bloodied clothing, being dragged on the ground by police. The incident took place after magistrate judge Ricot Vrigneau and police officers attempted to enforce what they claimed was a court judgment. Family members said the case was still before the courts, and a final judgment had not been issued. Benoit was taken to the police station in Petionville on obstruction charges, and then released within hours to be taken to the hospital for emergency surgery. The prime minister condemned the incident, and Vrigneau was suspended a few days later.

Impunity was a significant problem in the security forces. Between October 2019 and August, according to the United Nations, the HNP Inspector General's Office opened investigations into 172 accusations of human rights abuses allegedly committed by security forces. The HNP took steps to impose systematic discipline on officers found to have committed abuses or fraud, but some civil society representatives continued to allege widespread impunity. Impunity was alleged to be driven largely by poor training and a lack of police professionalism, as well as rogue elements within the police force allegedly having gang connections. Reportedly more than 150 gangs were active in the country and allegedly received government support. To address impunity, the government provided training to police and investigated and punished allegations of wrongdoing.

Prison and Detention Center Conditions

Prisons and detention centers throughout the country were life threatening due to being overcrowded, poorly maintained, and unsanitary, and providing insufficient nutrition. BINUH reported that prisons and detention centers had an occupancy

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rate of 345 percent.

Physical Conditions: Overcrowding at prisons and detention centers was severe, especially at the National Penitentiary in Port-au-Prince and the prison in Cap Haitien, where each prisoner had 8.6 square feet of space. In many prisons detainees slept in shifts due to the lack of space. Some prisons had no beds for detainees, and some cells had no natural light. In other prisons the cells often were open to the elements or lacked adequate ventilation. Many prison facilities lacked adequate basic services such as plumbing, sanitation, waste disposal, electricity, ventilation, and lighting.

Prison conditions generally varied by gender; female inmates had more space per person in their cells than their male counterparts.

As of November approximately 365 prisoners were held in makeshift and unofficial detention centers such as police stations in Petit-Goave, Miragoane, Gonaives, and some parts of Port-au-Prince. Local authorities held suspects in these facilities, sometimes for extended periods, without registering them with the HNP's Directorate of Prisons.

Authorities in Port-au-Prince maintained separate penitentiaries for adult men, adult women, and minors. In Port-au-Prince all male prisoners younger than 18 were held at the juvenile facility at Delmas 33. Due to the lack of documentation, authorities could not always verify the ages of detainees. At times authorities mistakenly detained minors believed to be 18 or older, whose ages they could not confirm, with adult inmates. Authorities moved the vast majority of these minors to juvenile detention centers within two months of verifying their ages. Outside the capital, due to lack of prison space and oversight, authorities sometimes did not separate juveniles from adult prisoners or separate convicted prisoners from pretrial detainees, as the law requires.

There are specific provisions for juvenile offenders. Children younger than age 13 are not held responsible for their actions. Until age 16, children may not be held in adult prisons or share cells with adults. Juvenile offenders (anyone younger than 18) are placed in re-education centers with the objective of having the offender successfully rejoin society. There were two rehabilitation centers, both in Port-au-

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Prince, which held offenders up to age 18.

Because of poor security, severe understaffing, and a lack of adequate facilities in some detention centers, prison officials often did not allow prisoners out of their cells for exercise. In the National Penitentiary, prisoners spent approximately one hour per day outside of confinement, but in all other facilities, prisoners had 15-20 minutes to bathe before returning to their cells.

International and local observers said prisoners and detainees suffered from malnutrition. Approximately 1,000 inmates within the penitentiary system were acutely malnourished. Prisoners' access to adequate nutrition was problematic. The HNP was responsible for the delivery of food to prisons. Human rights observers reported that delays in fund disbursement and payments to contracted food suppliers reduced the number of meals fed to prisoners. Some prisons had kitchen facilities and employed persons to prepare and distribute food. Prison authorities generally gave prisoners one or two meals a day, consisting of broth with flour dumplings and potatoes, rice and beans, or porridge. None of the regular meals provided sufficient calories, according to medical standards. Authorities allowed regular deliveries of food to prisoners from relatives and friends.

International and local observers also reported a lack of basic hygiene, poor health care, and waterborne illnesses within the prison system. The NGO Health through Walls reported that unsanitary conditions and overcrowding led to high rates of tuberculosis and other communicable diseases. Most detention facilities had only basic clinics and lacked medications. Many lacked medical isolation units for patients with contagious illnesses. Few prisons had the resources to treat serious medical situations. Some very ill prisoners were treated at hospitals outside of prisons, but many hospitals were reluctant to accept prisoners as patients since there was no formal arrangement between the Ministry of Justice and the Ministry of Public Health regarding payment for treatment.

Administration: The country's independent human rights monitoring body, the Office of Citizen Protection (OPC), investigated credible allegations of inhuman conditions in prisons. The OPC regularly visited prisons and detention facilities

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throughout the country and worked closely with NGOs and civil society groups.

Independent Monitoring: Authorities permitted representatives from the United Nations, local human rights NGOs, and other organizations to monitor prison conditions. These institutions and organizations investigated allegations of abuse and mistreatment of prisoners.

Improvements: To decrease the number of inmates in prisons, 415 detainees received a presidential pardon in June and were released. Following special court hearings, the government released an additional 627 detainees to reduce the prison population and avoid mass infection.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but it does not provide for the right of any person to challenge in court the lawfulness of his or her arrest or detention. The constitution stipulates that authorities may arrest a person only if the person is apprehended during the commission of a crime, or if the arrest is based on a warrant issued by a competent official such as a justice of the peace or a magistrate. Authorities must bring the detainee before a judge within 48 hours of arrest. By routinely holding prisoners in prolonged pretrial detention, authorities often failed to comply with these requirements.

Local human rights groups reported detainees were often held in detention after completing their sentences due to difficulty obtaining release orders from the prosecutor's office.

Arrest Procedures and Treatment of Detainees

While authorities generally acknowledged the right to counsel, most detainees could not afford a private attorney. By law the National Legal Assistance Program provides free assistance to criminal defendants and victims of crimes who cannot afford a lawyer. In September, President Moïse appointed the members of the National Legal Assistance Committee charged with overseeing the program, which was in the process of being implemented. The law has a bail procedure that was

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rarely used.

Arbitrary Arrest: Independent reporting confirmed instances in which, contrary to law, police without warrants or with improperly prepared warrants apprehended persons not actively committing crimes. Authorities frequently detained individuals on unspecified charges.

Pretrial Detention: Prolonged pretrial detention remained a serious problem due to the arbitrary application of court rules, court discretion, corruption, and poor record keeping. The judicial system rarely observed the constitutional mandate to bring detainees before a judge within 48 hours. Many pretrial detainees never consulted with an attorney, appeared before a judge, or received a docket timeline. In some cases detainees spent years in detention without appearing before a judge. According to the RNDDH, pretrial detainees constituted 78 percent of the prison population in October, up from 72 percent at the same time in 2019. Prison population statistics did not include the large number of persons held in police stations around the country for longer than the 48-hour maximum initial detention period. Statistics were not available on the average length of stay in pretrial detention.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: The constitution stipulates that it is illegal for an individual to be detained more than 48 hours without being seen by a judge. The OPC's national and 12 regional offices worked to verify that law enforcement and judicial authorities respected the right to due process. When authorities detained persons beyond the maximum allotted 48 hours and OPC representatives learned of the case, the OPC intervened on the detainee's behalf to expedite the process. The OPC was unable to intervene in all cases of unlawful detention.

e. Denial of Fair Public Trial

Human rights organizations alleged politicians routinely influenced judicial decisions and used the justice system to target political opponents. Detainees reported credible cases of extortion, false charges, illegal detention, physical violence by HNP personnel, and judicial officials refusing to comply with basic

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due-process requirements.

The law provides for an independent judiciary, but senior officials in the executive and legislative branches exerted significant influence on the judicial branch and law enforcement authorities. Local and international NGOs repeatedly criticized the government for attempting to influence judicial officials. Since executive-appointed prosecutors could prevent cases from being seen by judges, judges themselves faced less direct executive pressure in making decisions. Nonetheless, civil society organizations reported judges often feared ruling against powerful interests due to concerns for the judges' personal security.

The Superior Council of the Judiciary (CSPJ) is responsible for independently overseeing appointments, ethics, transparency, and accountability in the judicial system, and managing the judiciary's financial resources. Internal political divisions as well as organizational, funding, and logistical problems often hampered the CSPJ. Observers stated the CSPJ was ineffective in providing judicial accountability, transparency, and judicial vetting. The terms of trial judges and investigative judges are renewable by the president, on the recommendation of the CSPJ. As of November the CSPJ had submitted the names of at least 60 judges for renewal of their terms, but the president had not acted on those submissions. Consequently the judges were unable to carry out their duties.

Strikes by essential judicial actors hobbled the right to fair trials. On June 2, the Association of Magistrate Judges launched a one-week strike, requesting better working conditions. Its president, Michel Dalexis, stated the work stoppage would be renewed one week at a time until their demands were met. They were joined one week later by trial judges, who were protesting the judicial budget. The combined strikes lasted until July 2. On July 28, clerks and other court personnel went on strike, also demanding better work conditions.

Judges frequently closed cases without bringing charges and often did not meet time requirements. By law the chief prosecutor generally launches criminal investigations by transferring a case to the chief judge of the jurisdiction, who then assigns it to an investigative judge who takes control of the case. The investigative judge must order a trial or dismiss the case within three months, although this time period was often extended to six months. Judges and other judicial actors

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frequently did not meet time requirements, resulting in prolonged pretrial detention for many detainees.

The law requires each of the country's 18 jurisdictions to convene jury and nonjury trial sessions twice per year, usually in July and December, for trials involving major, violent crimes. During a jury trial session, the court may decide for any reason to postpone the hearing to the next session, often because witnesses are not available. In these cases defendants return to prison until the next jury trial session. Human rights groups highlighted poor treatment of defendants during criminal trials, saying defendants in some jurisdictions spent the entire day without food or water.

Corruption and a lack of judicial oversight severely hampered the judiciary. Human rights organizations reported several judicial officials, including judges and court clerks, arbitrarily charged fees to begin criminal prosecutions. These organizations also claimed judges and prosecutors ignored those who did not pay these fees. There were credible allegations of unqualified and unprofessional judges who received judicial appointments as political favors. There were also persistent accusations that court deans, who are responsible for assigning cases to judges for investigation and review, at times assigned politically sensitive cases to judges with close ties to the executive and legislative branches. Many judicial officials reportedly held full-time jobs outside the courts, although the constitution bars judges from holding any other type of employment except teaching.

Trial Procedures

The constitution provides for the right to a fair and public trial, but the judiciary did not uniformly enforce this right. The judiciary follows a civil law system based on the Napoleonic Code, largely unchanged since 1835. The constitution denies police and judicial authorities the right to interrogate suspects unless legal counsel or a representative of the suspect's choice is present or the suspect waives this right. Authorities widely ignored constitutional trial and due-process rights.

The constitution provides defendants a presumption of innocence, as well as the right to attend their trial and to be informed promptly of their charges. Defendants also have the right to communicate with an attorney of their choice. Legal aid

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programs were limited, and those who could not pay for attorneys were not always provided one free of charge. The law does not clearly provide a defendant time to prepare an adequate defense. Defendants have the right to confront hostile witnesses, call witnesses, and provide evidence on their own behalf. Judges often denied these rights. The perception of widespread impunity discouraged some witnesses from testifying at trials. Defendants may not be compelled to testify or confess guilt. Defendants have the right of appeal.

While French and Haitian Creole are both official languages, with Haitian Creole being the most commonly spoken language, all laws and most legal proceedings are in French. Observers noted judges often spoke to defendants in Haitian Creole to facilitate comprehension. Interpreters were used only in cases involving foreigners. Judges generally ensured that defendants fully understood the proceedings.

The functioning of justice of the peace courts, the lowest courts in the judicial system, was inadequate. Judges presided based on their personal availability and often maintained separate, full-time jobs. Law enforcement personnel rarely maintained order during court proceedings, and frequently there was no court reporter. Defendants would often bribe judges to get their cases heard.

In many communities, especially in rural areas, elected communal administrators with no legal judicial authority took on the role of state judges and asserted powers of arrest, detention, and issuance of legal judgments. Some communal administrators turned their offices into courtrooms.

Political Prisoners and Detainees

There were no credible reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Victims of alleged human rights abuses may bring a civil or criminal complaint before a judge. Courts may award damages for human rights abuse claims brought in civil court, but seeking such remedies was difficult and rarely successful.

Human rights cases may be submitted directly through petitions by individuals or

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organizations to the Inter-American Commission on Human Rights, which in turn may submit the case to the Inter-American Court of Human Rights.

Property Restitution

In February the El-Saieh family complained that authorities were attempting to confiscate arbitrarily their property in West Department to build a school and that authorities had not followed the appropriate legal procedures. President Moïse subsequently declared the property would be confiscated; however, he promised the appropriate legal procedures for expropriation of land would be followed. As of October the situation was not resolved.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including

a. Freedom of Expression, Including for the Press

The constitution grants broad freedom of expression to citizens and protection to journalists. Civil society observers noted these rights were not always upheld or respected.

Violence and Harassment: Journalists reported a deteriorating security climate and said some journalists resorted to self-censorship to avoid being publicly targeted by political or gang leaders. 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 Caraïbes, a privately owned radio and television outlet in Port-au-Prince. They set several vehicles on fire, broke windows, and damaged broadcasting equipment at the

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station, according to local media reports and a statement by the broadcaster.

On July 28, during a live radio interview with Radio Delta Stereo, the alleged leader of a criminal gang operating in Artibonite Department threatened to kill journalist Pradel Alexandre, according to news reports and the Association of Haitian Journalists. The alleged gang leader said he was angry over reporting by Alexandre that linked the alleged gang leader to kidnappings in the region. Alexandre filed a complaint with the investigative office of the Saint-Marc Court of First Instance against the alleged gang leader, according to the July 31 statement.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authorization.

Academic Freedom and Cultural Events

There were no reports of the government restricting academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for freedoms of peaceful assembly and association, and the government generally respected these rights, with some exceptions.

Freedom of Peaceful Assembly

Under the constitution, citizens have almost unlimited rights to peaceful gatherings. Police must be informed in advance of planned gatherings but may not prevent them. As in previous years, many groups exercised that right, but there were accusations of heavy-handed tactics by police to suppress protests. For example, on June 29, protesters staged a sit-in at the Ministry of Justice. Protesters alleged they were threatened, teargassed, and chased by police, who subsequently 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

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violated COVID-19 restrictions banning large gatherings.

On February 7, active and former police officers demanding official recognition of a police union marched through downtown Port-au-Prince shooting guns in the air, burning tires, and confiscating citizens' car keys. Later in February they ransacked a human rights defender's law firm. On July 8, the G-9 gang alliance marched through Port-au-Prince carrying heavy weapons and firing shots in the air. Police did not interfere in the police union protests or the gang march.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

In-country Movement: On March 19, the government declared a national state of emergency due to the COVID-19 pandemic that included a nighttime curfew and movement restrictions during the curfew. The government extended the state of emergency several times and lifted it on July 20. Human rights groups reported the curfew was sometimes applied arbitrarily. On April 24, police stopped a man going to the pharmacy to buy medication for his wife, fined him, and threatened to kill him, the RNDDH reported. Activists also reported the circulation of a video showing police beating a woman, allegedly because she was violating the curfew. On April 28, police officers stopped journalist Georges Allen for supposedly violating the curfew and allegedly assaulted him. The RNDDH reported police made verbal threats against citizens for violating COVID-19 restrictions during the state of emergency, including multiple threats of death.

e. Status and Treatment of Internally Displaced Persons

Following an August 31 gang attack on the Bel Air neighborhood, at least 265 families fled their homes and 785 persons were left homeless, including at least 190 minors, according to the International Organization for Migration (IOM). The

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government, through its civil protection office, moved to relocate and support the victims, in collaboration with the IOM and NGOs.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Access to Asylum: The law provides for granting refugee status or asylum through Haitian missions or consulates abroad, and the government has established a system for providing protection to refugees. Third-country nationals may petition for asylum through the local office of the UN High Commissioner for Refugees.

g. Stateless Persons

At least five state agencies play key roles in providing identity documents to citizens. Bureaucratic obstacles and a lack of coordination between these agencies made obtaining official documentation complex and costly for most citizens. Due to these systemic deficiencies, many citizens living abroad without other citizenship or permanent residency were effectively stateless or at risk of statelessness in their country of residence.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: Legislative, municipal, and presidential elections were held in 2016. While there were isolated allegations of voter fraud, the elections were generally regarded as credible by international and domestic observers. Although voter turnout was low, citizens generally accepted the elections, and public demonstrations against the election results were muted compared with previous

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years. Due to political gridlock and the failure of parliament to approve an elections law and a national budget, parliamentary elections scheduled for October 2019 did not take place. As of November a provisional electoral council had been appointed, but the elections had not been rescheduled.

Participation of Women and Members of Minority Groups: No law limits the participation of women or members of minority groups in the political process, but social norms and the threat of electoral violence discouraged women from voting and, to a much greater extent, from running for office. During the 2016 national elections, four of 58 approved presidential candidates were women. Of 209 senatorial candidates, 23 were women, and there were 129 women among 1,621 candidates to be deputies. The constitution requires that at least 30 percent of elected officials be women, but the last legislative session had four female deputies and one senator, which was a decrease of one female deputy from the prior legislative session. Mayoral elections are organized around panels of three that are required by law to include at least one woman. While they were rarely the principal local leaders, women made up 30 percent of local officials.

Section 4. Corruption and Lack of Transparency in Government

The law criminalizes a wide variety of acts of corruption by officials, including illicit enrichment, bribery, embezzlement, illegal procurement, insider trading, influence peddling, and nepotism. There were numerous reports of government corruption and a perception of impunity for abusers. The judicial branch investigated several cases of corruption during the year, but there were no prosecutions. The constitution mandates that the Senate (rather than the judicial system) prosecute high-level officials and members of parliament accused of corruption, but the Senate has never done so. The government's previous anticorruption strategy expired in 2019, and as of November the government did not have a formal anticorruption strategy.

Corruption: There were many reports of widespread corruption associated with the Petro Caribe petroleum importation program. In July, Youth Minister Max Athys resigned after publicly stating he had found little evidence of the sports

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facilities for which Petro Caribe funds had been disbursed under the supervision of Olivier Martelly, son of the former president. An August report by the Superior Court of Auditors and Administrative Disputes stated more than 140 billion Haitian gourdes (HTG) (\$2 billion) in Petro Caribe funds had been embezzled or wasted in worthless projects.

On August 10, the Center for Human Rights Research and Analysis reported aid worth hundreds of millions of Haitian gourdes meant for the government's response to COVID-19 had been misappropriated, accusing the government of a vast "operation of corruption, pauperization, and human rights violation." The center alleged the government had spent at least 2.4 billion HTG (\$34 million) in the "greatest opacity" without the approval of the High Court of Public Accounts, the state entity responsible for reviewing and approving government contracts, including during states of emergency.

Financial Disclosure: The law requires all senior government officials to file financial disclosure forms within 90 days of taking office and within 90 days of leaving office. Government officials stated the requirement was not always followed. There is no requirement for interim, periodic reporting during the officials' terms. Disclosure reports are confidential and not available to the public. The punishment for failure to file financial disclosure reports is withholding 30 percent of the official's salary, but the government has never applied this sanction.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally cooperated with human rights groups, although they disagreed at times on the scope of certain human rights problems and the most appropriate means of addressing them. The government generally consulted human rights groups, including the OPC, on legislative

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matters.

Government Human Rights Bodies: The OPC's mandates are to investigate allegations of human rights abuse and to work with international organizations to implement programs to improve human rights. The government increased OPC funding by approximately 30 percent in the 2019-20 budget, compared with the previous period. In July the president named former tourism minister Colombe Jessy Menos as the minister-delegate, responsible for human rights.

When in session, the Chamber of Deputies has a justice, human rights, and defense commission and the Senate has a justice, security, and defense commission to cover human rights.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law prohibits rape of men and women but does not recognize spousal rape as a crime. The penalty for rape is a minimum of 10 years' forced labor. In the case of gang rape, the maximum penalty is lifelong forced labor. The crimes were rarely formally prosecuted and were often settled under pressure from community and religious leaders. The law excuses a husband who kills his wife, her partner, or both if found engaging in adultery in the husband's home, but a wife who kills her husband under similar circumstances is subject to prosecution.

The law does not classify domestic violence against adults as a distinct crime. Women's rights groups and human rights organizations reported domestic violence against women remained commonplace. Judges often released suspects arrested for domestic violence and rape.

Victims of rape and other forms of sexual violence faced major obstacles in seeking legal justice as well as in accessing protective services such as women's shelters. While civil society organizations reported anecdotally that women were more likely to report cases of sexual and domestic violence than in the past, these

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organizations stated many victims did not report such cases due to social pressure, fear, and a lack of logistical and financial resources. Due to familial responsibilities, victims were usually unable to dedicate the time necessary to follow through with legal proceedings. According to some civil society organizations, many local nonprofit organizations that provided shelter, medical services, psychological services, and legal assistance to victims had to reduce services due to a lack of funding. In rural areas, criminal cases, including cases of sexual violence, were often settled outside of the justice system. In some cases local leaders pressured family members to come to financial settlements with the accused to avoid societal discord and embarrassment. According to judicial observers, prosecutors often encouraged such settlements.

Sexual assault and rape continued to be serious and pervasive societal problems, particularly in socially and economically disadvantaged areas. According to the RNDDH, 20 women were victims of rape in Cite-Soleil between March and July. In another case where gang rape was reported, the victim said her three attackers claimed to be part of the G-9 gang confederation. As of November there were no arrests in these cases.

Authorities stated that 10 women who were sexually assaulted by male inmates during a November 2019 prison riot in Gonaives were subsequently transferred to other facilities for their safety. Authorities declared the culprits had been identified and remained imprisoned.

Sexual Harassment: The law does not specifically prohibit sexual harassment, although it states that men and women have the same rights and obligations. Observers stated sexual harassment occurred frequently. Although authorities stated the government was opposed to sexual harassment, there were no formal governmental programs to combat it on a national scale.

Reproductive Rights: The law recognizes the rights of couples and individuals to decide the number, spacing, and timing of their children; however, regulations, social customs, and economic disparity often made these rights unattainable.

While stigma around seeking or accessing contraception significantly decreased over the past decade and women were far more knowledgeable about

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contraception, social and economic barriers remained. Cultural and historical barriers persisted in the use of IUDs and contraception more generally, particularly cultural misconceptions and lack of knowledge of proper usage.

The country's level of unmet need for family planning was 38 percent, and the use of modern contraception was 34 percent. Approximately one-fifth of women of reproductive age used a modern contraceptive method, while more than one-third of married women who wanted to limit or space births did not use any contraceptive method, according to the 2016-17 *Demographic and Health Studies (DHS) Report*.

Many women and their families maintained a strong preference for giving birth at home with the assistance of *matrones* (traditional birth attendants) as opposed to giving birth in health facilities with the assistance of skilled birth attendants. The choice may be rooted in a desire for client-centered care--particularly for respectful maternity care--which was otherwise largely unavailable. The government did not allow state institutions to work openly with matrones, a practice that prevented them from acquiring the skills needed to serve as highly skilled birth attendants.

The government has protocols governing the provision of service to survivors of sexual violence. The Ministry of Public Health was responsible for maintaining these protocols and practices; however, donors and NGO partners provided nearly all such care.

The World Health Organization estimated the maternal mortality rate at 480 deaths per 100,000 live births in 2017. The government's estimate for 2016-17, based on maternal deaths reported by health facilities, was 175 maternal deaths per 100,000 live births. A major cause of maternal deaths was the government's lack of support for matrones. Other reasons included geographic difficulties in access to health facilities and financial barriers to primary health care. Of the country's 571 communal sections, 125 had no health facilities. The proportion of births attended by skilled health personnel was 42 percent. The adolescent birth rate for those ages 15-19 years was 140 per 1,000.

Coercion in Population Control: There were no reports of coerced abortion or

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involuntary sterilization on the part of government authorities.

Discrimination: Women did not enjoy the same social and economic status as men, despite constitutional amendments requiring that women's participation in national life and in public service (i.e., political candidates, elected officials, and civil servants) be at least 30 percent of the positions.

By law men and women have equal protections for economic participation. Women, however, faced barriers to accessing economic inputs, collateral for credit, information on lending programs, and other resources. Gender discrimination was a major concern. Women were often restricted to certain jobs, such as secretarial or cleaning work, and they faced lower pay as well as barriers when attempting to compete for hiring or promotions on an equal footing with men. Women were largely viewed as more vulnerable to coercive and exploitive practices in the workplace, such as sexual harassment.

Children

Birth Registration: Citizenship is derived through an individual's parents; either parent may transmit citizenship. Citizenship may also be acquired through a formal request to the Ministry of the Interior. The government did not register all births immediately. Birth registry is free until age two. Approximately 30 percent of children between the ages of one and five lacked birth certificates or any other official documentation. Children born in rural communities were less likely to be documented than children in urban areas.

Education: The constitution was generally interpreted as requiring the government to provide free and compulsory education to all children through grade nine; nonetheless, the government did not effectively enforce this. According to a 2018 report published by the Ministry of Health, in urban areas 65 percent of girls attended school, compared with 58 percent of boys.

Child Abuse: The law prohibits domestic violence against minors. The government lacked an adequate legal framework to support or enforce mechanisms to promote children's rights and welfare fully. The government made some

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progress in institutionalizing protections for children.

Child, Early, and Forced Marriage: The legal age of marriage is 18 for males and 15 for females. Early and forced marriage were not widespread customs. *Plasaj*, or common-law marriage, was common and sometimes used by older men to enter into relationships with underage girls.

Sexual Exploitation of Children: The minimum age for consensual sex is 18, and the law has special provisions for rape of persons who are age 16 or younger. The law prohibits the corruption of persons younger than 21, including through prostitution, with penalties ranging from six months to three years' imprisonment for offenders. The penalty for human trafficking with aggravating circumstances, which includes cases involving the exploitation of children, is up to life imprisonment.

In May the International Federation of Football Associations (FIFA) suspended Haitian soccer federation president Yves Jean-Bart for 90 days after allegations that he sexually assaulted multiple youth soccer players. Two other top officials, Wilner Etienne and Nela Joseph, were subsequently suspended in August. In November, FIFA's ethics committee imposed a lifetime ban and a fine of more than one million Swiss francs (\$1.1 million) on Yves Jean-Bart. He had not yet been charged with a crime in Haiti.

In October reports emerged that at least 41 girls between ages 13 and 17 at La Prophetie College in Grand-Anse Department became pregnant after sexual abuse. Most of the abusers were reported to be male classmates, but there were also reports of sexual abuse by community members.

Several civil society groups reported impoverished children were often subjected to sexual exploitation and abuse. According to these groups, children were often forced into prostitution or transactional sex to fund basic needs such as school-related expenses. Recruitment of children for sexual exploitation and pornography is illegal, but the United Nations reported criminal gangs recruited children as young as age 10.

Institutionalized Children: The Ministry of Social Affairs and Labor's Institute

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of Social Welfare and Research (IBESR) has official responsibility for monitoring and accrediting the country's orphanages and residential care centers. According to the international NGO Lumos, an estimated 25,000 children lived in the 756 orphanages in the country, of which 45 were licensed by the government. An estimated 80 percent of those children had at least one living parent.

On February 13, a total of 15 children died after fire engulfed an unaccredited orphanage in Fermathe, a community one hour north of Port-au-Prince, which had previously failed multiple inspections. In July lawyers working on behalf of the orphanage offered cash payments to family members of the victims to settle the case.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

The Jewish community numbered fewer than 100 persons, and there were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The constitution stipulates that persons with disabilities should have the means to provide for their education and independence. The law requires all public buildings and spaces to be accessible to persons with disabilities. The law prohibits discrimination in employment against persons with disabilities, requires the government to integrate such persons into the state's public services, and imposes a 2 percent quota for persons with disabilities in the workforces of private-sector companies. This quota was not met, and the government did not enforce

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these legal protections. The law bans discrimination against persons with disabilities and provides for access to basic services such as health, education, and justice.

Local disability rights advocates stated that persons with disabilities faced significant obstacles to voting. Persons with disabilities had difficulty obtaining a national identification card, a requirement to vote, because the National Identification Office was inaccessible to persons with disabilities.

Individuals with disabilities faced significant social stigma, exclusion, and discrimination because of their disabilities. For instance some families often left their family members with disabilities isolated at home. Basic services such as government offices, churches, and schools did not routinely make accessible services available for persons with disabilities. Opportunities to access services often depended on the economic status of the family. Persons with mental, developmental, or physical disabilities were marginalized and neglected. Deaf and blind citizens also faced marginalization and neglect and did not routinely receive services they needed. The Office of the Secretary of State for the Integration of Handicapped Persons (BSEIPH) in the Ministry of Social Affairs and Labor is the lead government agency responsible for assisting persons with disabilities and ensuring their civil, political, and social inclusion.

While some children with disabilities were mainstreamed into regular schools, mainstreaming depended on the severity of the disability and the economic status of the family. A small number of schools provided specialized education for children whose disabilities did not allow them to be mainstreamed. According to the most recent national education plan, covering 2010 to 2015, fewer than 14 percent of children with disabilities attended school. Children of economically disadvantaged families were often left to languish uneducated at home.

The BSEIPH had several departmental offices outside the capital. Its efforts were constrained by a limited budget, and there was little progress toward creating a strategic development plan. The BSEIPH provided persons with disabilities with legal advice and job-counseling services. It regularly convened meetings with disability rights groups in all its regional offices. The BSEIPH worked to better integrate persons with disabilities in society, including by encouraging their

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employment in public institutions.

President Moïse named Soinette Desir, a former activist for persons with disabilities, as the new BSEIPH undersecretary. On June 12, Desir distributed materials and equipment to new public-sector employees with disabilities, intending to facilitate their success in the workplace.

Some disability rights activists said social services available to persons with disabilities were inadequate and that persons with disabilities had significant difficulties accessing quality medical care. Hospitals and clinics in Port-au-Prince were not accessible to persons with disabilities and often refused to treat them.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

There were reports police condoned violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals. Some LGBTI groups reported the HNP and judicial authorities were inconsistent in their willingness to document or investigate LGBTI persons' claims of abuse. On July 1, a transgender woman was attacked by motorcycle taxi drivers in the street. Activist groups reported that part of the attack was recorded, but even so, police declined to investigate when they learned the victim was a transgender person.

No laws criminalize sexual orientation or consensual same-sex sexual conduct between adults, but there are no antidiscrimination laws to protect LGBTI persons from discrimination based on sexual orientation or gender identity.

The government's legal reforms announced in June, and scheduled to enter into force in 2022, offer specific protections to LGBTI persons for the first time. The proposed changes include making LGBTI persons a protected group and imposing penalties on public agents, persons, and institutions that refuse services on the grounds of someone's sexual orientation. The reforms prompted intense national debate and protests led by local religious leaders. LGBTI activists reported increased hostility towards LGBTI persons as a result and said they had not been consulted about the reforms. Many, however, said they were pleased by the new protections and viewed the reforms as an opportunity to stimulate national

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dialogue.

In July a mob threw stones and shot at a transgender shelter, activists reported. A new crisis telephone line for the LGBTI community reported 20-30 calls per day after its establishment in July, with most callers expressing fear about hostility surrounding the proposed legal reforms.

Local attitudes, particularly in Port-au-Prince, remained hostile toward LGBTI persons who were public and visible about their sexual orientation or gender identity and expression. Some politicians, societal leaders, and organizations actively opposed the social integration of LGBTI persons and discussion of their rights. LGBTI advocacy groups in Port-au-Prince reported a greater sense of insecurity and less trust of government authorities than did groups in rural areas.

The investigation into the November 2019 death of Charlot Jeudy, head of the LGBTI rights group KOURAJ, remained open as of November.

HIV and AIDS Social Stigma

Stigma against persons with HIV or AIDS was strong and widespread. In 2019 UNAIDS reported 63 percent of adults in the country said they would not purchase vegetables from a seller known to be HIV-positive, while 55 percent believed students with HIV should not attend school.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of some workers, excluding public-sector employees, to form and join unions of their choice and to strike, with restrictions. The law allows for collective bargaining, stating that employers must conclude a collective contract with a union if that union represents at least two-thirds of the workers and requests a contract. Strikes are legal if, among other requirements, they are approved by at least one-third of a company's workers. The law prohibits firing workers for union activities but is unclear whether employers may be fined for each violation. The law sets very low fines for trade union dismissals,

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however, and does not explicitly provide for reinstatement as a remedy.

The law restricts some worker rights. It requires that a union obtain prior authorization from the government to be recognized. The law limits legal strikes to four types: striking while remaining at post, striking without abandoning the institution, walking out and abandoning the institution, and striking in solidarity with another strike. Public-utility service workers and public-sector enterprise workers may not strike. The law defines public-utility service employees as essential workers who “cannot suspend their activities without causing serious harm to public health and security.” A 48-hour notice period is compulsory for all strikes, and strikes may not exceed one day. Some groups were able to strike despite these restrictions by being present at their workplace but refusing to work. One party in a strike may request compulsory arbitration to halt the strike. The law does not cover freelance workers or workers in the informal economy.

The government did not effectively enforce applicable law, and penalties were not commensurate with those for other laws involving denials of civil rights, such as discrimination. Government officials, unions, and factory-level affiliates expanded their efforts at dialogue. The labor court, located in Port-au-Prince and under the supervision of the Ministry of Social Affairs and Labor, adjudicates private-sector workplace conflicts. Outside of Port-au-Prince, plaintiffs may use municipal courts for labor disputes. The law requires ministry mediation before cases are filed with the labor court. In the case of a labor dispute, the ministry investigates the nature and causes of the dispute and tries to facilitate a resolution, including reinstatement as a possible remedy. In the absence of a mutually agreed resolution, the dispute is referred to court.

During the year, despite work stoppages and operational complications due to the COVID-19 pandemic, the labor ombudsperson for the apparel sector and the Ministry of Social Affairs and Labor provided mediation services to workers and employers in Port-au-Prince, Caracol Industrial Park, and Ouanaminthe. Due to limited capacity and procedural delays in forwarding cases from the ministry to the courts, the mediation services of the apparel sector’s labor ombudsperson and the conciliation services of the ministry were often the only practical options for worker grievances regarding better pay and working conditions. The labor

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ombudsperson intervened to improve relationships between employers, workers, and trade union organizations, either upon formal request by workers, unions, or employers' representatives, or based on labor-related human rights allegations reported by the International Labor Organization's Better Work Haiti (BWH) program.

Antiunion discrimination persisted, although less than in previous years. Workers reported suspensions, terminations, and other retaliation by employers for legitimate trade union activities.

b. Prohibition of Forced or Compulsory Labor

Although the law prohibits all forms of forced or compulsory labor, there is no criminal prosecution for violations. The government did not effectively enforce the law in all sectors of the economy, and penalties were not commensurate with those for analogous crimes such as kidnapping. The labor ombudsperson did not record any instances of intimidation or employer abuse. Penalties for violation of forced labor law were insufficient to deter violations.

While there were no reports of forced or compulsory labor in the formal sector, other reports of forced or compulsory labor were made, specifically instances of forced labor among child domestics, or *restaveks* (see section 7.c.). Children were vulnerable to forced labor in private and NGO-sponsored residential care centers, construction, agriculture, fisheries, domestic work, and street vending.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The country has ratified all key international conventions concerning child labor and has established laws and regulations related to child labor. Gaps existed, however, in the legal framework to protect children adequately from the worst forms of child labor, including in the identification of hazardous occupations, activities prohibited for children, and the prohibition of forced labor. The worst forms of child labor, including forced child labor, continued to be problematic and endemic, particularly in domestic service. The government did not effectively

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enforce applicable law, and penalties were not commensurate with those for analogous crimes such as kidnapping. There are no legal penalties for employing children in domestic labor. The law requires employers to pay domestic workers older than age 15, but employers of domestic workers used “food and shelter” as unregulated compensation for workers 15 and younger.

The employment of children younger than 15 in the informal sector was a widespread practice. Children often worked in domestic work, subsistence agriculture, and street trades such as selling goods, washing cars, serving as porters in public markets and bus stations, and begging. Children also worked with parents on small family farms, although the high unemployment rate among adults kept significant numbers of children from being employed on commercial farms.

Working on the streets exposed children to a variety of hazards, including severe weather, vehicle accidents, and crime. Abandoned and runaway restaveks were a significant proportion of children living on the street. Many of these children were exploited by criminal gangs for prostitution or street crime, while others became street vendors or beggars.

The most recent study by the Ministry of Social Affairs and Labor, published in 2015, estimated 286,000 children worked in indentured domestic servitude, a form of trafficking in persons. Such restaveks were often victims of psychological, physical, and sexual abuse. While the IBESR and the HNP’s specialized Child Protection Bureau were responsible for protecting the welfare of children, their effectiveness was limited. Restaveks were exploited by being forced to work excessive hours at physically demanding tasks without commensurate pay or adequate food, being denied access to education, and being subjected to physical and sexual abuse.

Girls were often placed in domestic servitude in private urban homes by parents who were unable to provide for them, while boys more frequently were exploited for farm labor. Restaveks who did not run away from families usually remained with them until age 14. Many families forced restaveks to leave before age 15 to avoid paying them wages as required by law. Others ignored the law, often with

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impunity.

The minimum age for employment in industrial, agricultural, or commercial companies is 16. The minimum age does not apply to work performed outside a formal labor agreement. Children age 12 and older may work up to three hours per day outside of school hours in family enterprises, under supervision from the Ministry of Social Affairs and Labor. The law allows children 14 and older to be apprentices, but children ages 14 to 16 may not work more than 25 hours a week as apprentices. The law states it is illegal to employ children younger than 16, but it is unclear whether the provision supersedes older statutes that create the sectoral exceptions mentioned above. In addition it is unclear whether there is a minimum age for domestic workers.

The law prohibits anyone younger than 15 from performing any work that is likely to be hazardous; interferes with their education; or is harmful to their physical, mental, spiritual, moral, or social health and development, including the use of children in criminal activities. The law prohibits minors from working in dangerous or hazardous conditions such as in mining, construction, or sanitation services. The law prohibits night work in industrial enterprises for children younger than 18. The law doubles penalties for employing underage children at night. Prohibitions related to hazardous work omit major economic sectors, including agriculture. According to a BWH report covering April 2019 to March, all apparel factories complied with child labor law.

Persons between ages 15 and 18 seeking employment must obtain authorization from the Ministry of Social Affairs and Labor unless they work in domestic service. The law stipulates penalties for failure to follow procedures, such as failing to obtain authorization to employ persons between ages 15 and 18, but it does not penalize the employment of children. The penalties were not sufficient to protect children from labor exploitation. The government did not effectively enforce the law.

The IBESR is responsible for enforcing child labor law. The IBESR and the Brigade for the Protection of Minors (BPM), a unit within the HNP, responded to reports of abuse in homes and orphanages where children worked. The government did not effectively enforce applicable law, and penalties were not

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commensurate with those for analogous crimes, such as kidnapping. The government did not report on investigations into child labor law violations or the penalties imposed. Although the government and international donors allocated supplemental funds for the IBESR to acquire new administrative space and hire more staff, the IBESR lacked the programs and legislation needed to eliminate the worst forms of child labor.

The National Tripartite Committee, organized by the government to help develop national policy on child labor, updated the list of hazardous work for children younger than age 18 in accordance with the International Labor Organization. The hazardous work list was not ratified because parliament lapsed in January.

The BPM is responsible for investigating crimes against children, and it referred exploited and abused children to the IBESR and partner NGOs for social services. Although it has the authority to respond to allegations of abuse and to apprehend persons reported as exploiters of child domestic workers, the BPM struggled to investigate cases involving the practice of *restavek* successfully. These investigations were difficult because no specific law protects *restavek* victims and the BPM must rely on other law, such as law against human trafficking, to investigate such cases.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination with Respect to Employment and Occupation

The constitution provides for freedom of work for all citizens and prohibits discrimination based on sex, national or geographic origin, religion, opinion, or marital status. The constitution states that women should occupy 30 percent of the positions in public-sector employment. The law does not define employment discrimination, although it sets out specific provisions with respect to the rights and obligations of foreigners and women, such as the conditions to obtain a work permit, foreign worker quotas, and provisions related to maternity leave. The law prohibits discrimination based on disability but does not prescribe penalties for law violations. The law does not prohibit discrimination based on language, sexual orientation, gender identity, social status, or HIV-positive status. Women

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continued to face economic restrictions such as harassment in the workplace and lack of access to finance.

The government did not effectively enforce applicable law, and penalties were not commensurate with penalties for laws related to civil rights, such as election interference. In the private sector, several industries including public transportation and construction, which in the past had been male oriented, employed female workers at the same pay scale as men. Despite these improvements, gender discrimination remained a major concern. There was no governmental assessment or report on work abuses. The BWH's assessment of 29 factories between April 2019 and March identified two cases of gender discrimination. Following the assessment, the factories where the cases occurred were reprimanded and conducted compliance training with the offenders as well as with all workers, and they reviewed sexual harassment policy in consultation with the trade union committee.

e. Acceptable Conditions of Work

The law provides for a national minimum wage. Minimum wages are set by the government based on official macroeconomic indicators and generally remained above the national poverty line.

The law known as the 3x8 law organizes and regulates work over a 24-hour period divided into three eight-hour shifts. This law sets the standard workday at eight hours and the workweek at 48 hours for industrial, commercial, agricultural, and tourist establishments, and for public and private utilities. While the law sets overtime and rest hours per shift, it repealed other legal provisions that covered working hours, overtime payment, a weekly rest day, and certain paid annual holidays. According to the chairman of the Haitian Hemispheric Opportunity through Partnership Encouragement Commission, a public-private labor oversight organization for the apparel assembly sector, the 3x8 law applied only to certain enterprises, thereby limiting its implementation.

The law establishes minimum occupational safety and health (OSH) regulations, including rules for onsite nurses at factories, medical services, and annual medical checks. The law allows workers to notify the employer of any defect or situation

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that may endanger worker health or safety, and to call the Ministry of Social Affairs and Labor or police if the employer fails to correct the situation. OSH standards were in need of reform, including new policies and programs to mitigate persistent and emerging OSH risks, reinforce health promotion at work, and develop compliance programs. Additionally, standards were not always enforced. Penalties for violations of OSH regulations were not commensurate with penalties for analogous crimes, such as negligence.

The Ministry of Social Affairs and Labor was responsible for enforcing a range of labor-related regulations on wage and hour requirements, standard workweeks, premium pay for overtime, and occupational safety and health, but it did not effectively enforce these regulations. Penalties were not commensurate with those for similar crimes, such as fraud. There were no prosecutions of individuals accused of violating the minimum wage or hours of work.

Labor inspectors faced problems, including a lack of training as well as support from law enforcement authorities. Inspectors did not have the authority to make unannounced inspections or initiate sanctions. Despite operational difficulties due to the COVID-19 pandemic, the ministry was able to conduct inspections in the garment sector.

There were few reports of noncompliance with overtime provisions in apparel factories. In its 20th *Biannual Synthesis Report*, which covers part of 2020, the BWH found that several factories had at least one compliance problem related to emergency preparedness, working hours, or handling of chemical and hazardous substances.

The BWH reported cases in which employers made late payments for worker contributions to the country's social security administration (the Office of National Insurance) or when employers made erroneous or late payments to the Office of Insurance for Work Accidents, Sickness, and Maternity. The BWH continued to work with factories to improve compliance with benefit requirements.