

International Protection Considerations with Regard to People Fleeing **Haiti**

March 2024

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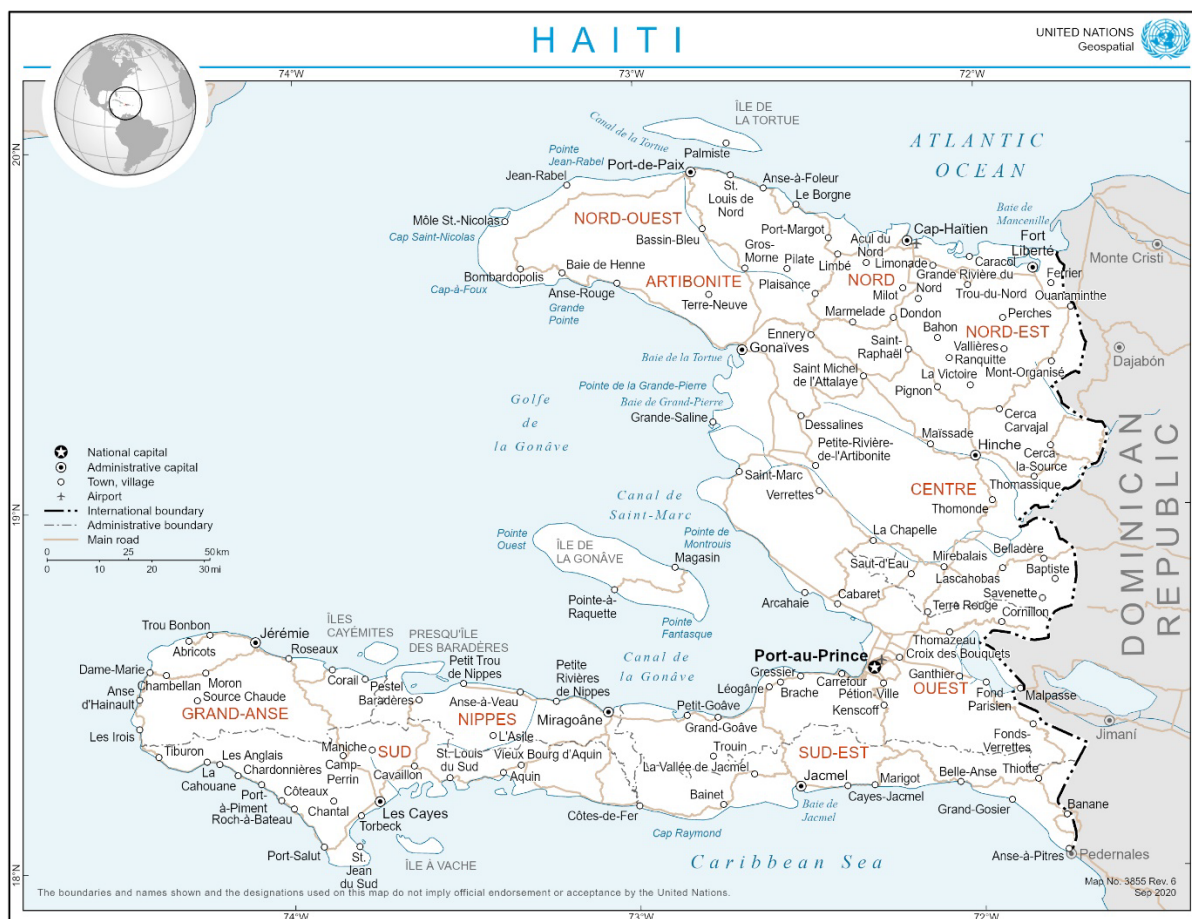
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List of Abbreviations

AP	Assessment Capacities Project
ACLED	Armed Conflict Location & Event Data Project
AP	Associated Press
BBC	British Broadcasting Corporation
BINUH	United Nations Integrated Office in Haiti (<i>Bureau intégré des Nations Unies en Haïti</i>)
CARICOM	Caribbean Community
CARDH	<i>Centre d'analyse et de recherche en droits de l'homme</i>
CDC	Centers for Disease Control and Prevention
CEPPS	Consortium for Elections and Political Process Strengthening
CEPR	Centre for Economic and Policy Research
CFR	Council on Foreign Relations
CPJ	Committee to Protect Journalists
CRS	Congressional Research Service
CSIS	Center for Strategic and International Studies
ECOSOC	United Nations Economic and Social Council
EU	European Union
FACSDIS	Women in Action Against Sexual Stigma and Discrimination (<i>Femmes en Action Contre la Stigmatisation et la Discrimination Sexuelle</i>)
FAO	Food and Agriculture Organization
FEWS NET	Famine Early Warning Systems Network
GBV	Gender-Based Violence
GCR2P	Global Centre for the Responsibility to Protect
GI-TOC	Global Initiative Against Transnational Organized Crime
GJC	Global Justice Clinic
HNP	Haitian National Police (<i>Police Nationale d'Haïti</i>)
HRW	Human Rights Watch
IACHR	Inter-American Commission on Human Rights
IACtHR	Inter-American Court of Human Rights
IAPA	Inter-American Press Association
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
IDMC	Internal Displacement Monitoring Centre
IDP	Internally Displaced Person
IFA/IRA	Internal flight or relocation alternative
IFJ	International Federation of Journalists
IFRC	International Federation of Red Cross and Red Crescent Societies
IGPNH	General Inspectorate of the Haitian National Police (<i>Inspection Générale de la Police Nationale d'Haïti</i>)
ILGA	International Lesbian, Gay, Bisexual, Trans and Intersex Association
IMF	International Monetary Fund
IOM	International Organization for Migration
IPC	Integrated Food Security Phase Classification
IPI	International Press Institute
IRB	Immigration and Refugee Board of Canada
NGO	Non-governmental organization

NPR	National Public Radio
OAS	Organization of American States
OAU	Organisation of African Unity (succeeded by the African Union)
OCHA	UN Office for the Coordination of Humanitarian Affairs
OHCHR	UN Office of the High Commissioner for Human Rights
OPC	Office for the Protection of Citizens (<i>Office de la Protection du Citoyen</i>)
PAHO	Pan American Health Organisation
PHTK	<i>Parti Haïtien Tèt Kale</i>
RDNP	Rally of Progressive National Democrats (<i>Rassemblement des Démocrates nationaux progressistes</i>)
RFI	Radio France Internationale
RNDDH	National Network for the Defence of Human Rights (<i>Réseau National de Défense des Droits Humains</i>)
RSF	<i>Reporters Sans Frontières</i> (Reporters Without Borders)
SOGIE	Sexual Orientation, Gender Identity and/or Gender Expression
UN	United Nations
UN DESA	United Nations Department of Economic and Social Affairs
UNDP	United Nations Development Programme
UNDRR	United Nations Office for Disaster Risk Reduction
UNEP	United Nations Environment Programme
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UNSC	United Nations Security Council
USAID	United States Agency for International Development
VOA	Voice of America
WFP	World Food Programme
WHO	World Health Organisation



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I. Executive Summary

These International Protection Considerations are issued against the background of the multi-dimensional political, security, human rights and humanitarian crisis confronting Haiti. The document contains information about developments that may impact the assessment of international protection needs for persons from Haiti falling within certain risk profiles or finding themselves in certain circumstances. These International Protection Considerations are based on information available up to 15 March 2024, unless otherwise stated. All assessments of international protection needs of people fleeing Haiti must be based on reliable, relevant and up-to-date information about the situation in the country.

A. Refugee Status under the 1951 Convention

UNHCR considers that asylum-seekers from Haiti falling within one or more of the following risk profiles may be in need of international refugee protection, depending on the circumstances of the individual case.

- 1) Political activists and (perceived) opponents of the government;
- 2) Persons (perceived to be) opposing gangs;
- 3) Judges, prosecutors, and lawyers involved in the fight against corruption and crime;
- 4) Journalists and media workers;
- 5) Women and girls;
- 6) Children;

- 7) Individuals with diverse sexual orientations, gender identities and/or gender expressions (SOGIE);
- 8) Survivors of trafficking and persons at risk of being trafficked;
- 9) Persons of (perceived) means or with (perceived) access to resources, and their relatives;
- 10) Persons with disabilities;
- 11) Persons living with HIV/AIDS.

This list is not necessarily exhaustive and is based on information available to UNHCR at the time of writing. A claim should not automatically be considered as without merit simply because it does not fall within any of the profiles identified here. Depending on the specific circumstances of the case, family members or other members of the households of individuals with these profiles may also be in need of international protection on the basis of their association with individuals at risk.

B. Refugee Status under UNHCR's Broader Mandate Criteria or Regional Instruments, or Eligibility for Complementary Forms of Protection

The 1951 Convention Relating to the Status of Refugees (“1951 Convention”) forms the cornerstone of the international refugee protection regime. Accordingly, a sequential approach is preferred, whereby refugee status is initially assessed under the 1951 Convention definition, while interpreting the criteria for refugee status contained in that Convention in such a manner that individuals or groups of persons who meet these criteria are duly recognized and protected under that instrument.¹ In such a sequential approach, if an asylum-seeker is found not to meet the refugee criteria contained in the 1951 Convention, for example because the feared persecution is not for reason of a Convention ground,² or the threshold for applying the 1951 Convention definition is otherwise not met, broader international protection criteria under UNHCR's mandate or contained in regional instruments need to be examined.

UNHCR's mandate encompasses individuals who meet the refugee criteria under the 1951 Convention and its 1967 Protocol,³ but has been broadened through successive UN General Assembly and ECOSOC resolutions to a variety of other situations of forced displacement resulting from indiscriminate violence or public disorder.⁴ In light of this evolution, UNHCR's competence to provide international protection to refugees extends to individuals who are outside their country of nationality or habitual residence and who are unable or unwilling to return there owing to serious threats to life, physical integrity or freedom resulting from conflict, generalized violence or other events seriously disturbing public order.⁵

In the context of Haiti, assessments of the threat to life, physical integrity or freedom resulting from conflict, generalized violence or events seriously disturbing public order should include both the direct impact of the violence as well as the longer-term, more indirect consequences of violence. In this respect and in the specific context of Haiti, relevant factors include the information presented in [Section II](#) relating to (i) the protracted political crisis in Haiti, with none of the three branches of government functioning according to the Constitution and the country being governed without elected officials; (ii) the fact that in parts of the country gangs and other criminal groups exercise control over the civilian

¹ This sequential approach underscores the universal character of the definition of a refugee in Article 1A(2) of the 1951 Convention, the primacy of that Convention, and the explicitly complementary character of the regional definitions. See UNHCR, *Guidelines on International Protection No. 12: Claims for Refugee Status Related to Situations of Armed Conflict and Violence under Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees and the Regional Refugee Definitions*, December 2016, www.refworld.org/docid/583595ff4.html, (hereafter: UNHCR, *Guidelines on International Protection No. 12*, www.refworld.org/docid/583595ff4.html), para. 87.

² Note in particular that in situations of armed conflicts and violence, what may appear to be indiscriminate conduct (i.e., conduct whereby the persecutor is not seeking to target particular individuals) may in reality be discriminate, in that the conduct is aimed at whole communities or areas whose inhabitants are actual or perceived supporters of one of the sides in the situation of armed conflict and violence. UNHCR, *Guidelines on International Protection No. 12*, www.refworld.org/docid/583595ff4.html, para. 33.

³ UN General Assembly, *Protocol Relating to the Status of Refugees*, 31 January 1967, United Nations, Treaty Series, vol. 606, p. 267, www.refworld.org/docid/3ae6b3ae4.html.

⁴ UNHCR, *Providing International Protection Including Through Complementary Forms of Protection*, 2 June 2005, EC/55/SC/CRP.16, www.refworld.org/docid/47fd49d.html; UN, General Assembly, *Note on International Protection*, 7 September 1994, A/AC.96/830, www.refworld.org/docid/3f0a935f2.html.

⁵ UNHCR, *Note on the Mandate of the High Commissioner for Refugees and His Office*, October 2013, www.refworld.org/docid/5268c9474.html; UNHCR, *MM (Iran) v. Secretary of State for the Home Department - Written Submission on Behalf of the United Nations High Commissioner for Refugees*, 3 August 2010, C5/2009/2479, www.refworld.org/docid/4c6aa7db2.html, para. 10.

population, by means of threats and intimidation, extortion, kidnappings, restrictions on freedom of movement, forced displacement, targeted physical and sexual violence, and forced recruitment; (iii) the fact that these non-State actors are able to commit such violent crimes and human rights abuses with impunity; (iv) record levels of humanitarian needs due to rising insecurity, natural hazard-related disasters and years of economic decline, with nearly half of Haiti's population in need of humanitarian assistance; (v) systematic constraints on access to education and basic health care as a result of insecurity; and (vi) the request to deploy an international armed force to Haiti made by the Prime Minister and a recommendation from the UN Secretary-General to the UN Security Council to support the request on the basis of "extreme violence and insecurity" in Haiti.⁶

UNHCR considers that these factors taken together indicate that an *ordre public* (public order) based on respect for the rule of law and human dignity has been seriously eroded in Haiti, and that accordingly Haiti should be regarded as being impacted by events seriously disturbing public order. Consequently, UNHCR considers that Haitians, or stateless persons who were habitually resident in Haiti, who are found not to meet the refugee criteria of the 1951 Convention may be eligible for international refugee protection under UNHCR's broader mandate on the grounds of serious threats to life, physical integrity or freedom resulting from events seriously disturbing public order. Persons originating from areas controlled by gangs or where gangs exert substantial influence or areas into which gangs seek to expand, and who are found not to meet the refugee criteria of the 1951 Convention may be eligible for international refugee protection under UNHCR's broader mandate on the grounds of serious threats to life, physical integrity or freedom resulting from generalized violence.

Haitian asylum-seekers who seek international protection in any of the countries that have incorporated the 1984 Cartagena Declaration on Refugees ("Cartagena Declaration")⁷ into their national legislation may qualify for refugee status under the terms of the broader refugee definition recommended by the Cartagena Declaration. Following similar considerations as for UNHCR's broader mandate criteria, UNHCR considers that Haiti should be regarded as being impacted by events seriously disturbing public order. Alternatively, UNHCR considers that the situation prevailing in Haiti may be characterized as a massive violation of human rights. Consequently, UNHCR considers that Haitians, or stateless persons who were habitually resident in Haiti, who are found not to meet the refugee criteria of the 1951 Convention may be eligible for international refugee protection under the terms of the Cartagena Declaration refugee definition, on the grounds that their lives, safety or freedom were threatened by circumstances that have seriously disturbed public order, or by massive violations of human rights. Persons originating from areas controlled by gangs or where gangs exert substantial influence, or areas into which gangs seek to expand, and who are found not to meet the refugee criteria of the 1951 Convention may be eligible for international refugee protection under the terms of the Cartagena Declaration on the grounds that their lives, safety or freedom were threatened by generalized violence.

Haitians who seek international protection in countries that are States Parties to the Convention Governing the Specific Aspects of Refugee Problems in Africa ("1969 OAU Convention"),⁸ and who are found not to meet the criteria of the 1951 Refugee Convention, may qualify for refugee status under Article I(2) of the 1969 OAU Convention. In particular, UNHCR considers that Haitians, or stateless persons who were habitually resident in Haiti, who are found not to meet the criteria of the 1951 Refugee Convention may be eligible for international refugee protection under the terms of Article I(2) of the 1969 OAU Convention, on the grounds that they were compelled to leave their place of habitual residence owing to threats to their lives, freedom or security as a result of events seriously disturbing public order.

Persons originating from Haiti who seek international protection in Member States of the European Union and who are found not to be refugees under the 1951 Convention may qualify for subsidiary protection under Article 15 of the 2011 Qualification Directive, if there are substantial grounds for

⁶ UN Security Council, *Letter Dated 8 October 2022 from the Secretary-General Addressed to the President of the Security Council*, 10 October 2022, S/2022/747, <https://undocs.org/en/S/2022/747>, p. 2. In October 2023, the Security Council authorized the deployment of a multinational security support mission, "[c]ondemning in the strongest terms the increasing violence, criminal activities, and human rights abuses and violations which undermine the peace, stability, and security of Haiti and the region, including kidnappings, sexual and gender-based violence, trafficking in persons and the smuggling of migrants, homicides, extrajudicial killings, as well as arms smuggling". UN Security Council, *Resolution 2699 (2023)*, 2 October 2023, S/RES/2699 (2023), [https://undocs.org/S/RES/2699%20\(2023\)](https://undocs.org/S/RES/2699%20(2023)), p. 1.

⁷ Cartagena Declaration on Refugees, *Colloquium on the International Protection of Refugees in Central America, Mexico and Panama*, 22 November 1984, www.refworld.org/docid/3ae6b36ec.html, para. III(3).

⁸ Organization of African Unity (OAU), *Convention Governing the Specific Aspects of Refugee Problems in Africa* ("OAU Convention"), 10 September 1969, 1001 UN Treaty Series 45, www.refworld.org/docid/3ae6b36018.html.

believing that they would face a real risk of serious harm in Haiti.⁹ In light of the information presented in these International Protection Considerations, Haitians, or stateless persons who were habitually resident in Haiti, may, depending on the individual circumstances of the case, be in need of subsidiary protection under Article 15(a) or Article 15(b) of the EU Qualification Directive, on the grounds of a real risk of the relevant forms of serious harm, either at the hands of gangs, criminal groups or the State or its agents. Additionally, considering the information presented in these International Protection Considerations, Haitians, or stateless persons who were habitually resident in Haiti, who originate from, or who previously resided in, areas under the control of gangs or areas over which gangs seek to impose their control, may, depending on the individual circumstances of the case, be in need of subsidiary protection under Article 15(c) of the EU Qualification Directive on the grounds of a serious and individual threat to their life or person by reason of indiscriminate violence.¹⁰

C. Considerations Relating to the Application of an Internal Flight or Relocation Alternative

The assessment of the availability of an internal flight or relocation alternative (IFA/IRA) requires an analysis of both the relevance and reasonableness of the proposed IFA/IRA.¹¹

In light of the fact that UNHCR considers that the situation in Haiti may be characterized as events seriously disturbing public order, or alternatively as a massive violation of human rights, UNHCR does not consider that an internal flight alternative is available for Haitian nationals, or stateless persons who were habitually resident in Haiti, who have been found to have a well-founded fear of persecution under the 1951 Convention in relation to their home area in Haiti.

Similarly, UNHCR does not consider that an internal flight alternative is available for Haitian nationals, or stateless persons who were habitually resident in Haiti, who are found to meet the broader refugee criteria under UNHCR's mandate,¹² or the broader refugee criteria of the Cartagena Declaration,¹³ in relation to their home area in Haiti. The consideration of internal relocation is not generally relevant to the determination of refugee status under Article 1(2) of the 1969 OAU Convention.¹⁴ The objective circumstances prevailing in Haiti also mean that an internal protection alternative is not available for persons found to meet the criteria for subsidiary protection under the EU Qualification Directive in relation to their home area.

The obstacles to humanitarian access in many parts of Haiti and the limitations on freedom of movement due to security concerns are further elements that weigh against the availability of an internal flight alternative.

D. Exclusion from International Refugee Protection

Among Haitian nationals or habitual residents of Haiti seeking international protection, there may be individuals who have been associated with acts falling within the scope of the exclusion clauses provided for in Article 1F of the 1951 Convention.¹⁵ Exclusion considerations would be triggered, in

⁹ European Union, *Directive 2011/95/EU of the European Parliament and of the Council on Standards for the Qualification of Third-country Nationals or Stateless Persons as Beneficiaries of International Protection, for a Uniform Status for Refugees or for Persons Eligible for Subsidiary Protection, and for the Content of the Protection Granted (Recast)* ("Qualification Directive"), 13 December 2011, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32011L0095&from=EN>, Articles 2(f), 15.

¹⁰ On 5 December 2023, the French Cour nationale du droit d'asile found that the entire territory of Haiti was affected by indiscriminate violence, with this violence reaching exceptionally high levels in Port-au-Prince and the West and Artibonite departments. France: Cour nationale du droit d'asile, *Case N° 23035187*, 5 December 2023, www.refworld.org/docid/659e5a914.html, para. 19.

¹¹ The decision-maker bears the burden of proof of establishing that an analysis of relocation is relevant to the particular case. If considered relevant, it is up to the party asserting this to identify the proposed area of relocation and provide evidence establishing that it is a reasonable alternative for the individual concerned. See UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, HCR/GIP/03/04, 23 July 2003, www.refworld.org/pdfid/3f2791a44.pdf (hereafter: UNHCR, *Guidelines on International Protection No. 4*, www.refworld.org/pdfid/3f2791a44.pdf), paras 33-35.

¹² See UNHCR, *Guidelines on International Protection No. 12*, www.refworld.org/docid/583595ff4.html, paras 40-43.

¹³ "The focus of the Cartagena refugee definition is on situations that seriously disrupt state and societal structures. Under such circumstances, people cannot be required to relocate to other parts of the country, even if the situation in these parts may be less disrupted." *Ibid.*, para. 85.

¹⁴ *Ibid.*, para. 60.

¹⁵ UNHCR, *Guidelines on International Protection No. 5: Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees*, 4 September 2003, HCR/GIP/03/05, www.refworld.org/docid/3f5857684.html (hereafter: UNHCR, *Guidelines on International Protection No. 5*, www.refworld.org/docid/3f5857684.html).

particular, in cases involving possible participation in acts of violence, including murder, torture and other forms of ill-treatment, kidnappings, rape and other forms of sexual violence, extortion, robbery, violent assaults and other violent crimes, forced displacement, recruitment and use of children, and child labour, including trafficking. In all such cases, it will be necessary to examine carefully any issues of individual responsibility for crimes that may give rise to exclusion from international refugee protection. Given the potentially serious consequences of exclusion from international refugee protection, the exclusion clauses need to be interpreted restrictively and applied with caution. Mere membership in a gangs or criminal group is not a sufficient basis to exclude. A full assessment of the circumstances of the individual case is required in all cases.¹⁶

In view of the particular circumstances and vulnerabilities of children, the application of the exclusion clauses to children needs to be exercised with great caution.¹⁷ Where children associated with a gang or other criminal group are alleged to have committed crimes, it is important to bear in mind that they may be victims of offences against international law and not just perpetrators.¹⁸

E. Protection-Oriented Arrangements under National or Regional Legal Frameworks

Where States face challenges in adapting existing asylum systems to the need to determine potentially large numbers of claims for international refugee protection by Haitian nationals, UNHCR encourages States to consider protection-oriented arrangements to enable legal stay for Haitians with appropriate safeguards, in particular where this would ensure faster access to protection and services for the individuals concerned. This could include other forms of international protection under international human rights law such as complementary protection under the American Convention on Human Rights,¹⁹ or temporary protection. States can also consider adopting legal stay arrangements that offer protection against refoulement and standards of treatment akin to international protection status.²⁰ Under international law, non-refoulement provisions prohibit returning people to a country where they are at risk of persecution, torture, or other serious or irreparable harm.

In all circumstances involving the application of protection-oriented arrangements under national or regional legal frameworks, minimum standards would need to be guaranteed, namely:

- a) Legality: The requirements and procedures for obtaining such arrangements would need to be defined and articulated under national law. UNHCR calls on States to ensure that persons benefiting from such arrangements are issued with an official document recognized by all government authorities.

¹⁶ In some cases, individual responsibility for excludable acts may be presumed if membership and participation in the activities of a particularly violent group is voluntary. Detailed guidance on the interpretation and application of Article 1F of the 1951 Convention can be found in UNHCR, *Guidelines on International Protection No. 5*, www.refworld.org/docid/3f5857684.html; and UNHCR, *Background Note on the Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees*, 4 September 2003, www.refworld.org/docid/3f5857d24.html.

¹⁷ For further guidance on the application of the exclusion clauses to children, see UNHCR, *Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, HCR/GIP/09/08, 22 December 2009, www.refworld.org/docid/4b2f4f6d2.html (hereafter: UNHCR, *Guidelines on International Protection No. 8*, www.refworld.org/docid/4b2f4f6d2.html), paras 58-64.

¹⁸ The Paris Principles state: "Children who are accused of crimes under international law allegedly committed while they were associated with armed forces or armed groups should be considered primarily as victims of offences against international law; not only as perpetrators. They must be treated in accordance with international law in a framework of restorative justice and social rehabilitation, consistent with international law which offers children special protection through numerous agreements and principles". See UN Children's Fund (UNICEF), *The Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups*, February 2007, www.refworld.org/docid/465198442.html, paras 3.6 and 3.7.

¹⁹ Organization of American States (OAS), *1969 American Convention on Human Rights*, www.refworld.org/docid/3ae6b36510.html, Art. 22(8). See also, Inter-American Court of Human Rights (IACtHR), *Advisory Opinion OC-21/14, Rights and Guarantees of Children in the Context of Migration and/or in Need of International Protection*, 19 August 2014, www.refworld.org/docid/54129c854.html; IACtHR, *Caso Familia Pacheco Tineo vs Estado Plurinacional de Bolivia*, 25 November 2013, www.refworld.org/docid/52c53b154.html.

²⁰ Such standards include: appropriate reception arrangements; recognized and documented permission to stay; protection against arbitrary or prolonged detention; access to housing, education, health care and other basic services; freedom of movement, except as may be warranted by national security, public order or public health considerations; the registration of births, deaths and marriages; physical security, including protection against sexual and gender-based violence and exploitation; special care for separated and unaccompanied children, guided by the best interests of the child; respect for family unity and tracing, and opportunities for reunification with separated family members; particular attention and special arrangements for persons with special needs, including persons with disabilities; self-sufficiency or work opportunities; and access to UNHCR and, as appropriate, other relevant international organizations and non-governmental organizations and civil society. See UNHCR, *Guidelines on Temporary Protection or Stay Arrangements*, February 2014, www.refworld.org/docid/52fba2404.html, in particular paras 13, 16-18.

- b) Accessibility: The relevant arrangements would need to be accessible to all Haitians, irrespective of their date of entry into the host country. This would mean that there should be no or minimal costs associated with applying for such an arrangement, and that applications would be accepted in various locations across the territory to ensure that transportation costs are not prohibitive. Further, neither irregular entry/presence nor lack of identity documents would be viewed as a valid reason for denying access to such an arrangement.
- c) Access to basic rights: Protection-based arrangements would also guarantee access to basic services and fundamental rights, on an equal basis with other foreign nationals who are legally residents on the State's territory, in line with UNHCR's Guidelines on Temporary Protection or Stay Arrangements.²¹ These rights include: 1) access to health care; 2) access to education; 3) family unity; 4) freedom of movement; 5) access to shelter; and 6) the right to work. These rights would be guaranteed on an equal and non-discriminatory basis.

Implementation of such arrangements would be without prejudice to the right to seek asylum, notably in expulsion or deportation proceedings or in the case of non-renewal of residence permits. Fair and efficient asylum systems provide the necessary safety net to ensure that individuals with international protection needs are recognized as such and are protected from refoulement. All decisions on asylum claims need to take into account relevant, reliable and up-to-date country of origin information.

F. Moratorium on Forced Returns

Against the background of continuing serious concerns about the security and human rights situation in Haiti and record humanitarian needs in the country (see [Chapter II](#)), UNHCR reiterates its call on States not to forcibly return anyone to Haiti, including those who have had their asylum claims rejected or who have otherwise been found not to be in need of international protection. This moratorium on forced returns serves as a minimum standard and needs to remain in place until such time as the security, rule of law, and human rights situation in Haiti has significantly improved to permit a safe and dignified return.

II. Overview of the Situation in Haiti

Haiti is experiencing a multi-dimensional crisis that includes political deadlock and failure, rampant insecurity and lawlessness, the undermining of State authority by unrelenting and expanding criminal gangs, a grave human rights situation, the lasting after-effects of natural hazard-related disasters and a rapidly deteriorating humanitarian situation.²² On 11 March 2024, the UN Security Council "reiterated their deep concern over the security and humanitarian situation and [...] their strong condemnation of the increasing violence, criminal activities, mass displacement of civilians, and human rights abuses that undermine the peace, stability, and security of Haiti and the region".²³

²¹ Ibid.

²² UN Office of the High Commissioner for Human Rights (OHCHR), *Haiti: Türk Warns of Deepening Human Rights Crisis Following Most Violent Month in Two Years*, 9 February 2024, www.ecoi.net/en/document/2104659.html; UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, pp. 2-3; Human Rights Watch (HRW), *"Living a Nightmare": Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, pp. 1-5; US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html; OHCHR, *UN High Commissioner for Human Rights Volker Türk Concludes his Official Visit to Haiti*, 10 February 2023, www.ohchr.org/en/statements/2023/02/un-high-commissioner-human-rights-volker-turk-concludes-his-official-visit-haiti.

²³ "[...] including kidnappings, sexual and gender-based violence, trafficking in persons and the smuggling of migrants, homicides, unlawful killings, and recruitment of children by armed groups and criminal networks." UN, *Security Council Press Statement on Haiti*, 11 March 2024, <https://press.un.org/en/2024/sc15620.doc.htm>. See also, UN Security Council, *Resolution 2692 (2023)*, 14 July 2023, S/RES/2692 (2023), [https://undocs.org/en/S/RES/2692\(2023\)](https://undocs.org/en/S/RES/2692(2023)), p. 1.

A. Political Developments

1) Anti-Government Protests of 2018-2021

Protests erupted throughout the country on 7 July 2018 over increased fuel prices, quickly escalating into demonstrations against corruption and calls for political reform and the resignation of then-President Jovenel Moïse.²⁴ In October 2018, mass protests closed down businesses, schools and government offices in what became known as "*peyi lok*"; a similar protest-related shutdown took place in February 2019 for ten days, followed by a shutdown of almost three months at the end of 2019, which led to the delay of the planned legislative elections.²⁵ While the demonstrations quieted down during the first half of 2020, they intensified in early 2021.²⁶ In February and March 2021, thousands of protestors filled the streets in Port-au-Prince and other major cities throughout Haiti, demanding the resignation of the President and the Prime Minister.²⁷ Between 1 January and 1 August 2021, the country "witnessed 94 peaceful and 565 violent incidents of civil unrest" with "accusations of heavy-handed tactics by police to suppress protests".²⁸

The protests and unrest led to multiple changes in the government, including the resignations of successive prime ministers in September 2018, March 2019, March 2020, April 2021 and July 2021.²⁹ Between 2017 and 2021, parliament essentially ceased to function, with no major laws being passed

²⁴ The rise in fuel prices intensified already growing dissatisfaction with the government, and bolstered a civil society movement concerned with corruption in the government, focusing on the mismanagement of millions of dollars via the PetroCaribe programme with Venezuela, intensifying "calls for a credible investigation and for the authorities to exert due diligence." When more extreme political parties joined the demonstrations, the "rhetoric intensified and incidents of violence occurred in the capital". UN Secretary-General, *United Nations Mission for Justice Support in Haiti: Report of the Secretary-General*, S/2018/1059, 28 November 2018, www.ecoi.net/en/file/local/1453336/1226_1543996809_n1839181.pdf, paras 2-3. "The [PetroCaribe] scandal has become a rallying cry for anti-corruption activists, many of whom call themselves PetroChallengers. [...] Moïse took office in February 2017—after the period the PetroCaribe investigations looked at. But the report published May 31 [2019] [...] alleges that he helped embezzle funds from a large PetroCaribe project before he came to office, when he was head of the company AgriTrans." Time, *Why a Venezuelan Oil Program Is Fueling Massive Street Protests in Haiti*, 24 June 2019, <https://time.com/5609054/haiti-protests-petrocaribe/>. The increase in fuel prices was due to a cut in fuel subsidies pursuant to an agreement with the International Monetary Fund (IMF). Freedom House, *Freedom in the World 2019: Haiti*, 4 February 2019, www.ecoi.net/en/document/2015980.html.

²⁵ "On October 17, 2018, an estimated 10,000 to 15,000 Haitians marched across the country, constituting one of the largest public demonstrations in Haiti's recent history. The protests culminated in multiple operations '*peyi lok*,' during which businesses, schools, and public transportation were shut down across Haiti as a result of widespread demonstrations. During a three-month *peyi lok* beginning in September 2019, large demonstrations took place almost every day." Harvard Law School, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, 22 April 2021, https://hrp.law.harvard.edu/wp-content/uploads/2022/10/Killing_With_Impunity-1.pdf, p. 7. See also, UN Security Council, *United Nations Mission for Justice Support in Haiti: Report of the Secretary-General*, 28 November 2018, S/2018/1059, www.ecoi.net/en/file/local/1453336/1226_1543996809_n1839181.pdf, paras 2-3. The United Nations Integrated Office in Haiti (BINUH) documented a rise in violence connected to the protests in 2018 and 2019. Both non-State actors and State actors violated human rights and attacked protestors. The majority of 60 violations of the right to life and 171 violations of the right to security of the person attributable to the government were due to the police firing live rounds into crowds. BINUH and OHCHR, *Manifestations en Haïti : Leurs impacts sur les droits humains et l'obligation de l'État de protéger tous les citoyens*, January 2021, https://binuh.unmissions.org/sites/default/files/2021.01.15_rapport_manifestations_2018-2019.pdf, pp. 12-13. For information on how PetroCaribe funds were siphoned by corruption, see UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, paras 172-173.

²⁶ UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, S/2021/133, 11 February 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, para. 17; UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, S/2020/944, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 11. "Haiti's current wave of unrest began in 2018, triggered when then-President Jovenel Moïse suddenly and dramatically raised gas prices. For the next two years, Haitians periodically took to the streets to oppose Moïse's government. Mass protests escalated in early 2021, when the president rejected claims his five-year term had ended." Think Global Health, *Pandemic Protests: When Unrest and Instability Go Viral*, 28 July 2021, www.thinkglobalhealth.org/article/pandemic-protests-when-unrest-and-instability-go-viral. See also, US Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.ecoi.net/en/document/2048160.html; British Broadcasting Corporation (BBC), *Dispute over Haiti Presidential Term Triggers Unrest*, 15 February 2021, www.bbc.com/news/world-latin-america-56069575; Aljazeera, *In Pictures: Rubber Bullets, Tear Gas at Haiti Protests*, 18 October 2020, www.aljazeera.com/gallery/2020/10/18/haiti-protests-bullets-tear-gas.

²⁷ "Existing street protests exploded in early 2021 after Moïse refused to hold a presidential election and step down when his four-year term ended in February." The Conversation, *Slain Haitian President Faced Calls for Resignation, Sustained Mass Protests Before Killing*, 7 July 2021, <https://theconversation.com/slain-haitian-president-faced-calls-for-resignation-sustained-mass-protests-before-killing-164131>.

²⁸ US Department of State, *2021 Country Report on Human Rights Practices: Haiti*, 12 April 2022, www.ecoi.net/en/document/2071140.html. During 2020 and 2021, the government responded to protests "with aggressive measures, including criminalizing common non-violent protest tactics and increasing illegal surveillance of opponents." Harvard Law School, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, 22 April 2021, https://hrp.law.harvard.edu/wp-content/uploads/2022/10/Killing_With_Impunity-1.pdf, p. 3.

²⁹ Aljazeera, *Interim Haitian Prime Minister Claude Joseph to Step Down*, 19 July 2021, www.aljazeera.com/news/2021/7/19/interim-haitian-prime-minister-claude-joseph-to-step-down; Voice of America (VOA), *Haiti's Prime Minister Resigns Following Months of Unrest*, 14 April 2021, www.voanews.com/a/americas_haitis-prime-minister-resigns-following-months-unrest/6204567.html; France 24, *Haiti's President Picks New Prime Minister to Tackle Socio-Political Crisis*, 3 March 2020, www.france24.com/en/20200303-haiti-s-president-picks-new-prime-minister-to-resolve-socio-political-crisis; VOA, *Haiti Officials, Media Say PM Lapin Has Resigned*, 22 July 2019, www.voanews.com/a/americas_haiti-officials-media-say-pm-lapin-has-resigned/6172399.html; UN Security Council, *United Nations Mission for Justice Support in Haiti: Report of the Secretary-General*, S/2019/563, 9 July 2019, www.ecoi.net/en/file/local/2013222/S_2019_563_E.pdf, para. 3; Freedom House, *Freedom in the World 2019: Haiti*, 4 February 2019, www.ecoi.net/en/document/2015980.html.

and only one budget being adopted. As a result, many government institutions failed to provide services or only after significant delays.³⁰

2) Assassination of President Moïse

Jovenel Moïse won the first round of presidential elections in October 2015, but after opposition parties contested the results, leading to violent protests, the second round of voting was postponed.³¹ Moïse went on to win new elections held in November 2016, and assumed the office of the President on 7 February 2017.³² While legislative and mayoral elections were supposed to be held in October 2019, they were “indefinitely postponed” when “Parliament failed to pass an elections law”.³³ As a result, the terms of the entire lower chamber of parliament, all local officials, and two-thirds of the senate expired on 13 January 2020.³⁴ President Moïse subsequently attempted to rule by decree.³⁵ In February 2021, a dispute arose over the end of his five-year term, which Haitian constitutional scholars argued should be measured from the date the previous president stepped down in February 2016, but which President Moïse claimed should end five years from the date he assumed office.³⁶ Twenty-three opposition members, including a supreme court judge, were arrested on 7 February 2021 and accused of attempting a coup.³⁷

³⁰ “Later, between 2017 and 2021, the Haitian parliament ground to a halt: no major laws were passed and only one budget under regular conditions was voted on. Public administration came to a standstill due to the government’s inability to pay its staff. This had serious consequences for national healthcare, education and security.” Global Initiative Against Transnational Organized Crime (GI-TOC), *Gangs of Haiti: Expansion, Power and an Escalating Crisis*, October 2022, <https://globalinitiative.net/wp-content/uploads/2022/10/GITOC-Gangs-of-Haiti.pdf>, p. 3.

³¹ “Moïse appeared to win the first round of voting in the October 2015 presidential election. Turnout in the election was low, with only 1.5 million (of 5.8 million) registered voters going to the polls to choose from a field of 54 candidates [...]. Moïse’s adversaries did not recognise the results, asserting that they were marred by ballot tampering and fraudulent tabulations. The dispute led to violent unrest on the streets and repeated postponements of the second round of voting.” International Crisis Group (ICG), *Haiti: A Path to Stability for a Nation in Shock*, 30 September 2021, www.ecoi.net/en/file/local/2061293/b044-haiti-path-to-stability+%281%29.pdf, p. 5.

³² Reuters, *Businessman Jovenel Moïse Takes Office as President of Haiti*, 7 February 2017, www.reuters.com/article/us-haiti-politics/businessman-jovenel-moise-takes-office-as-president-of-haiti-idUSKBN15N045; National Public Radio (NPR), *14 Months After Elections Began, Haiti Finally Has a President-Elect*, 4 January 2017, www.npr.org/sections/thetwo-way/2017/01/04/508171191/14-months-after-elections-began-haiti-finally-has-a-president-elect. See also, ICG, *Haiti: A Path to Stability for a Nation in Shock*, 30 September 2021, www.ecoi.net/en/file/local/2061293/b044-haiti-path-to-stability+%281%29.pdf, p. 5.

³³ Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, www.ecoi.net/en/document/2030875.html. Prior to October 2019, the “parliament was dysfunctional and its relationship with the president was broken. The 119-seat lower house was divided among 20-odd parties, which mostly represent the interests of local bigwigs. The 30-seat senate had 15 [parties], [...] [From March 2019 to January 2020] the government has operated without parliamentary authorisation. [In 2019], no budget was passed. Bureaucrats operate under the budget for 2017-18, unadjusted for inflation.” The Economist, *Jovenel Moïse Tries to Govern Haiti Without a Parliament*, 18 January 2020, www.economist.com/the-americas/2020/01/18/jovenel-moise-tries-to-govern-haiti-without-a-parliament. As of September 2023, no elections had been held since 2016. UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 12.

³⁴ US Department of Justice, *Haiti: Fact Sheet*, 19 February 2021, <https://efile.fara.gov/docs/6170-Informational-Materials-20210219-848.pdf>, p. 2.

³⁵ During this time, he made several changes to the government that were heavily criticized by his opponents, including by creating a new intelligence service with broad powers and modifying the definition of terrorism. He also proposed a referendum that “[would have removed] some of the constitutional safeguards that had been introduced to curtail presidential power after Baby Doc Duvalier was toppled in the 1980s”. ICG, *Haiti: A Path to Stability for a Nation in Shock*, 30 September 2021, www.ecoi.net/en/file/local/2061293/b044-haiti-path-to-stability+%281%29.pdf, pp. 5-6. See also, Harvard Law School, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, 22 April 2021, https://hrp.law.harvard.edu/wp-content/uploads/2022/10/Killing_With_Impunity-1.pdf, p. 6; The Economist, *Jovenel Moïse Tries to Govern Haiti Without a Parliament*, 18 January 2020, www.economist.com/the-americas/2020/01/18/jovenel-moise-tries-to-govern-haiti-without-a-parliament. “The president had been ruling by decree since January 2020, with Haiti’s Parliament closed and legislative elections repeatedly delayed. Opposition leaders have accused Moïse of dictatorial tendencies, citing his creation of a new intelligence agency under his sole authority. They also point to Moïse’s attempts to alter the country’s constitution to ensure presidential immunity from prosecution and his alleged ties to local gangs. Furthermore, Moïse oversaw the reinstatement of the army, a controversial move given its history of human rights abuses and corruption.” Council on Foreign Relations (CFR), *The Assassination of Haitian President Jovenel Moïse: What to Know*, 14 July 2021, www.cfr.org/in-brief/assassination-haitian-president-jovenel-moise-what-know.

³⁶ President Moïse “touched off a firestorm by insisting that his five-year term in office – which normally would be measured from the date that Martelly stepped down and therefore end on 7 February 2021 – should be extended a year to 7 February 2022 because his term had begun a year late. This position was backed by the UN Secretariat, the Secretary-General of the Organization of American States and the U.S. government, but it generated mass protests and other pushback inside Haiti. Most constitutional scholars rejected Moïse’s argument, noting that all other elected officials measured the length of their terms from the 2016 starting date even though they took office one year later.” ICG, *Haiti: A Path to Stability for a Nation in Shock*, 30 September 2021, www.ecoi.net/en/file/local/2061293/b044-haiti-path-to-stability+%281%29.pdf, p. 6. See also, The Conversation, *Slain Haitian President Faced Calls for Resignation, Sustained Mass Protests Before Killing-164131*; BBC, *Dispute over Haiti Presidential Term Triggers Unrest*, 15 February 2021, www.bbc.com/news/world-latin-america-56069575.

³⁷ “In the early hours of February 7, 2021, the Haitian National Police (HNP) apprehended 23 individuals, including sitting Supreme Court Justice Dieujuste Yvickel Dabrezil and an HNP senior officer, Marie Louise Gauthier, in Tabarre, Port-au-Prince, for their alleged involvement in a plot to oust President Jovenel Moïse and install a transitional government. A total of 18 alleged co-conspirators were jailed.” All of the detainees were eventually released and no charges were filed. US Department of State, *Appendix F: Alleged February 2021 Coup Against President Jovenel Moïse and U.S. and International Partner Efforts to Support Free and Fair Elections in Haiti, 2022*, www.state.gov/wp-content/uploads/2022/11/Appendix-F-Developments-in-Haiti-004977.pdf, p. 1.

On 7 July 2021, President Moïse was killed at his residence in Pétiion-Ville.³⁸ The Haitian police claimed that the attack was carried out by 28 mercenaries, 26 of whom were former Colombian soldiers, and orchestrated by a group of persons intending to replace President Moïse with a Haitian American pastor.³⁹ In the aftermath of the assassination, the Haitian authorities arrested 47 persons and killed three others who resisted capture.⁴⁰ The prosecution of those arrested has been marred by multiple obstacles, including threats against the judges involved in the proceedings and allegations of corruption and official complicity.⁴¹

According to the UN Secretary-General, the political instability caused by President Moïse's assassination "exacerbated inter-gang disputes" and allowed gangs to align themselves with political objectives, resulting ultimately in the gangs' stronger "territorial and political foothold in strategic areas in and around Port-au-Prince".⁴²

3) Elections and State Functioning

On 20 July 2021, Ariel Henry assumed the office of Prime Minister, despite procedural deficiencies.⁴³ A provisional electoral council appointed by President Moïse in September 2020 had scheduled presidential and legislative elections for late 2021.⁴⁴ However, in September 2021 Prime Minister Henry dismissed the provisional electoral council.⁴⁵ By the end of 2021, the Haitian State was in a protracted political crisis, with none of the three branches of government functioning according to the Constitution.⁴⁶

³⁸ CFR, *The Assassination of Haitian President Jovenel Moïse: What to Know*, 14 July 2021, www.cfr.org/in-brief/assassination-haitian-president-jovenel-moise-what-know.

³⁹ New York Times, *Key Suspect in Assassination of Haiti President Is Set to Plead Guilty*, 5 September 2023, www.nytimes.com/2023/09/05/world/americas/haiti-jovenel-moise-assassination-guilty-plea.html; BBC, *Haiti President's Assassination: What We Know so Far*, 1 February 2023, www.bbc.com/news/world-latin-america-57762246.

⁴⁰ Another suspect died in custody, and the Colombian detainees complained of lack of due process and inhuman conditions as well as torture. HRW, *World Report 2023: Haiti*, 16 January 2023, www.ecoi.net/en/document/2085455.html. Seventeen of the former Colombian soldiers were in the National Penitentiary but did not take part in the jailbreak in March 2024. They were transferred to "a detention center inside the headquarters of the judicial police" and remain in custody at the time of writing. Miami Herald, *Families Fear Imprisoned Colombian Soldiers Are in Danger as Haiti Descends into Chaos*, 8 March 2024, www.miamiherald.com/news/nation-world/world/americas/haiti/article286429895.html.

⁴¹ "Four judicial officials who conducted initial proceedings in the Moïse case said they were threatened. Three investigating judges later resigned, citing personal reasons linked to security problems. One faced a corruption accusation. A fourth resigned in April, complaining he had no access to the case file. In May, a fifth judge was appointed to the case. Chief Prosecutor Bedford Claude asked a judge, in September 2021, to approve charges against Prime Minister Henry, arguing he had made phone contact, hours after the assassination, with one of the main suspects. Prime Minister Henry denied the allegation and fired Claude. A judicial decision regarding Claude's request to indict Prime Minister Henry remained pending as of October 2022." HRW, *World Report 2023: Haiti*, 16 January 2023, www.ecoi.net/en/document/2085455.html. See also, BINUH, *Human Rights Situation: Main Trends*, 27 October 2023, https://binuh.unmissions.org/sites/default/files/2023_q3_rapport_trimestriel_droits_humains_en.pdf, p. 7; UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 13 June 2022, S/2022/481, www.ecoi.net/en/file/local/2074533/N2237155.pdf, para. 23. As of Jun 2023, the US had brought charges against seven individuals, convicting one man of involvement in the assassination and sentencing him to life in prison. New York Times, *Haitian Businessman Gets Life Sentence in Assassination of Haiti's President*, 2 June 2023, www.nytimes.com/2023/06/02/us/haiti-moise-assassination-conspiracy.html; US Department of Justice, *Additional Four Charged in Connection with Plot to Kill Haitian President*, 31 January 2023, www.justice.gov/opa/pr/additional-four-charged-connection-plot-kill-haitian-president.

⁴² UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 15 February 2022, S/2022/117, www.ecoi.net/en/file/local/2068390/S_2022_117_E.pdf, para. 13.

⁴³ Claude Joseph, who was serving as the Prime Minister from April to July 2021, at first disputed the appointment of Ariel Henry, who President Moïse had chosen days before his assassination. However, after several weeks, he stepped down from the position and Ariel Henry assumed office officially on 20 July 2021. Aljazeera, *Interim Haitian Prime Minister Claude Joseph to Step Down*, 19 July 2021, www.aljazeera.com/news/2021/7/19/interim-haitian-prime-minister-claude-joseph-to-step-down. However, since there was not a quorum in the legislature, Henry could not be sworn in. NPR, *As Its Only Remaining Elected Officials Depart, Haiti Reaches a Breaking Point*, 18 January 2023, www.npr.org/2023/01/18/1149556481/haiti-last-elected-official-political-crisis.

⁴⁴ "[T]he Provisional Electoral Council published its proposed electoral calendar in early January 2021. The document specified that a constitutional referendum was to be held on 25 April, to be followed by the overdue legislative polls and the presidential election on 19 September, and delayed municipal and local elections along with the legislative and presidential runoff elections on 21 November." UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 11 February 2021, S/2021/133, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, para. 7.

⁴⁵ Aljazeera, *Haiti Elections Postponed Indefinitely amid Political Crisis*, 28 September 2021, www.aljazeera.com/news/2021/9/28/haiti-elections-postponed-indefinitely-amid-crisis.

⁴⁶ By the end of 2021, there was a complete vacuum in Haiti's political institutions. The president had been assassinated, the head of the Court of Cassation had died of COVID-19 and the legislature lacked a quorum of elected officials. See UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 27 September 2021, S/2021/828, www.ecoi.net/en/file/local/2061540/S_2021_828_E.pdf, para. 5; New York Times, *Political Crisis in Haiti Deepens Over Rival Claims to Power*, 8 July 2021, www.nytimes.com/2021/07/08/world/americas/haiti-prime-minister.html; Center for Strategic and International Studies (CSIS), *'A Cycle of Instability': Haiti's Constitutional Crisis*, 8 February 2021, www.csis.org/analysis/cycle-instability-haitis-constitutional-crisis. "Prime Minister Ariel Henry has controlled all executive and parliamentary functions since the assassination of President Jovenel Moïse in 2021, and he has not reached a consensus with Haitian political actors to enable a democratic transition." HRW, *'Living a Nightmare': Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, p. 2.

Since he assumed office, Prime Minister Henry has been opposed by a coalition called the Commission for a Haitian Solution to the Crisis (“Montana Group”), which has advocated for a new transitional government.⁴⁷ Throughout 2021 and 2022, political deadlock, including over questions of constitutional reform, elections and the nature of the executive branch, prevented progress in restoring Haitian government institutions.⁴⁸ On 21 December 2022, the Prime Minister and a group of political actors, not including the leadership of the Montana Group, signed an agreement, called the National Consensus for an Inclusive Transition and Transparent Elections, that outlined a transitional plan including general elections in 2024.⁴⁹

The terms of the remaining ten elected senators expired in January 2023, leaving the country without a single elected official.⁵⁰ Nevertheless, the government took several positive steps in January and February 2023, including appointing a High Transitional Council and appointing eight judges to the Court of Cassation, which had not been functioning due to the lack of a quorum.⁵¹ Negotiations between stakeholders regarding the political transition continued throughout 2023 without resolution.⁵² The Caribbean Community (CARICOM) eminent persons group (EPG), which is composed of three former

⁴⁷ The Montana Group was founded in March 2021, and advocated, after the assassination of the President, for the appointment of a provisional president and prime minister along with governance and security reform. A major sticking point between the Montana Group and the Prime Minister has been the latter’s preference for constitutional reform which would involve an executive branch led by only a prime minister, among other more specific political disputes. See The Montana Accord, *Montana Agreement: A Unique National Movement*, accessed 15 March 2024, <https://akomontana.ht/en/agreement/>; Brookings Institution, *Haiti in 2023: Political Abyss and Vicious Gangs*, 3 February 2023, www.brookings.edu/articles/haiti-in-2023-political-abyss-and-vicious-gangs/; UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 27 September 2021, S/2021/828, www.ecoi.net/en/file/local/2061540/S_2021_828_E.pdf, para. 7; Haiti Watch, *Commission for Haitian Solution to the Crisis*, 12 May 2021, www.haitiwatch.org/home/commissionforhaitiansolution. “On 14, 15 and 18 July, the Prime Minister, Ariel Henry, convened an opening round of negotiations between signatories of the 11 September political agreement and leaders of the joint delegation of the Commission for a Haitian Solution to the Crisis (known as the Montana Group) and the Protocole d’entente nationale. According to statements issued by both sides, disagreement remained as to whether the executive branch should continue to be led by a Prime Minister alone or be replaced by a temporary, dual-headed leadership consisting of both a President and a Prime Minister. There are also diverging views over including new, additional stakeholders in the talks.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 13 October 2022, S/2022/761, www.ecoi.net/en/file/local/2080457/N2263243.pdf, para. 9.

⁴⁸ “Since the assassination, a political stalemate has persisted over how to convene elections and who should govern until an elected government is in place. In September 2021, de facto Prime Minister Henry and his supporters proposed that Henry name a provisional electoral council to convene elections, and that Henry remain the single head of government until a new elected government takes office, but Henry did not appoint that council. Rival political and civil society leaders, some of whom backed the Montana Accord, a 2021 proposal to form an interim government led by a president and prime minister, argued for a transitional government not led by Henry.” Congressional Research Service (CRS), *Haiti: Recent Developments and U.S. Policy*, 18 September 2023, <https://crsreports.congress.gov/product/pdf/R/R47394>, pp. 4-5.

⁴⁹ “While parts of the political scene and civil society questioned the legitimacy and legality of the Prime Minister and refused to join the Accord, it remains the most consensual effort to date.” UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 13. See also, UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 17 January 2023, S/2023/41, www.ecoi.net/en/file/local/2086289/N2301674.pdf, para. 4. “On December 21, 2022, Henry put forth a new transition proposal—the National Consensus for an Inclusive Transition and Transparent Elections (or the December 21st agreement)—that was signed by a range of stakeholders, including some former signatories of the Montana Accord”. CRS, *Haiti: Recent Developments and U.S. Policy*, 18 September 2023, <https://crsreports.congress.gov/product/pdf/R/R47394>, p. 5. “On Wednesday, December 21, 2022, at the Karibe Hotel, Prime Minister a.i. Ariel Henry signed a new political agreement entitled ‘National consensus for an inclusive transition and transparent elections’ with representatives of political parties, civil society organizations and members of the private sector. [...] The signatories [...] agree that ‘the 14-month transition period includes the new general elections to be held in 2023, the entry into office of a newly elected government on February 7, 2024 and the first year of the mandate of this first post-reform government.’” Haiti Libre, *The PM Signed a «Historic» Consensus for an Inclusive Transition*, 22 December 2022, www.haitilibre.com/en/news-38427-haiti-flash-the-pm-signed-a-historic-consensus-for-an-inclusive-transition.html.

⁵⁰ “...without any semblance of stability and security, Haiti, which doesn’t have a single elected official, cannot hold elections. The country last held general elections in 2016.” Miami Herald, *Political Wrangling, a Pause in Kenyan Deployment Complicate Path out of Haiti’s Crisis*, 13 March 2024, www.miamiherald.com/news/nation-world/world/americas/haiti/article286594210.html. “Reversing Haiti’s deepening insecurity crisis, however, will be difficult if the country cannot restore some semblance of legitimate governance. As of now, Haiti does not have a single democratically elected official. The last 10 remaining senators to be chosen by popular vote left office in January, with no elected officials taking their place. Haiti has not held an election since Moïse’s assassination”. Foreign Policy, *Haiti Is on the Brink of State Failure*, 17 February 2023, <https://foreignpolicy.com/2023/02/17/haiti-crisis-corruption-criminal-gangs-violence-humanitarian-assistance-state-failure-sanctions/>.

⁵¹ Stakeholders had mixed reactions to the appointment of the High Transitional Council, with some welcoming the establishment of the council, but others expressing concern and the heads of the Montana Group along with several political parties expressing disagreement with the process. Similarly, while some “welcomed the appointment of the judges as a necessary measure to facilitate the administration of justice”, other political actors “asserted that the ad hoc procedure adopted for the appointment of the judges violated article 175 of the amended 1987 Constitution”. UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 14 April 2023, S/2023/274, www.ecoi.net/en/file/local/2091678/N2309343.pdf, paras 2-5, 10. See also, UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 14.

⁵² UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 15 January 2024, S/2024/62, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N24/001/85/PDF/N2400185.pdf>, paras 2-3. “High-level talks among Henry and other key stakeholders took place in Jamaica in mid-June 2023, with a focus on increasing the size of the transition council and possibly expanding its powers, as well as selecting an electoral council. The stakeholders did not reach an agreement then nor in follow-up talks held earlier in September 2023, but negotiations continue.” CRS, *Haiti: Recent Developments and U.S. Policy*, 18 September 2023, <https://crsreports.congress.gov/product/pdf/R/R47394>, p. 5. “While dialogue efforts are crucial to restoring security and democratic institutions in the country, many Haitian and international observers deplore the lack of willingness to compromise of the key political players in the country. Furthermore, despite efforts to define the structure of the Provisional Electoral Council, several sectors of civil society have refused to engage in the process, arguing that running elections is not realistic given the current insecurity.” UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 16.

prime ministers from Jamaica, The Bahamas and Saint Lucia, facilitated negotiations on achieving political consensus on a framework agreement in November and December 2023, although no agreement was reached.⁵³

Protests broke out across Haiti when the government failed to complete the political transition as scheduled in February 2024, with protestors calling for Ariel Henry's resignation.⁵⁴ On 29 February 2024, CARICOM announced that the Prime Minister had agreed to hold elections by 31 August 2025.⁵⁵ However, after days of rampant violence by gangs prevented the Prime Minister from returning from Kenya to Haiti, he announced his resignation on 11 March 2024 pending the formation of a transitional council.⁵⁶ At a meeting of Haitian and international stakeholders facilitated by CARICOM, it was agreed that the Transitional Presidential Council would include seven voting members from "Collectif, December 21, EDE/RED/Compris Historique, Lavalas, Montana, Pitit Desalin, and the Private Sector" and two non-voting members from civil society and interfaith groups.⁵⁷ Certain persons would be prohibited from serving on the council, including anyone intending to run in the next elections in Haiti, anyone with a criminal history, persons under UN sanctions and anyone who opposes the deployment of the multinational security support mission.⁵⁸ In the days following the announcement on the formation of a transitional council, resistance to the proposal was reported to grow in Haiti, with some political actors rejecting the proposal.⁵⁹ Jimmy "Barbecue" Chérizier stated that his gang coalition would not accept "any government resulting from these [CARICOM] meetings" and that the Haitian people would need to choose the government.⁶⁰

⁵³ The group announced that some progress had been made after their visit to Haiti in December 2023, with various stakeholders agreeing on parts of the draft framework. A key sticking point was the demand by some opposition groups that Ariel Henry resign. Caribbean Life, *CARICOM Happier with Haitian Talks*, 19 December 2023, www.caribbeanlife.com/caricom-happier-with-haitian-talks/. See also, UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 15 January 2024, S/2024/62, [https://documents-dds-ny.un.org/doc/UNDOC/GEN/N24/001/85/PDF/N2400185.pdf](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N24/001/85/PDF/N2400185.pdf?para=5-7), paras 5-7.

⁵⁴ Associated Press (AP), *Haiti's Prime Minister Calls for Calm as Violent Protests Seek his Ouster*, 8 February 2024, <https://apnews.com/article/haiti-prime-minister-ariel-henry-protests-c982a5f13585434f9547fc4ccfc08523>; Aljazeera, *Five Killed in Clashes with Police as Protests Rock Haiti*, 8 February 2024, www.aljazeera.com/gallery/2024/2/8/five-killed-in-clashes-with-police-as-protests-rock-haiti. Henry has also been opposed by armed troops affiliated with the Ministry of the Environment, "which ha[ve] sworn allegiance to [Guy Philippe, a popular politician and former rebel leader who returned to Haiti from the US in 2023] and mobilized over the dismissal of their director by Henry's government in an attempt to retake control of these units." Armed Conflict Location & Event Data Project (ACLED), *Regional Overview: Latin America & the Caribbean*, 9 February 2024, <https://acleddata.com/2024/02/09/regional-overview-latin-america-and-the-caribbean-january-2024/>. During the February 2024 protests, five environmental protection agents were killed by police. AP, *Official Says Police in Haiti Killed 5 Armed Environmental Protection Agents during Ongoing Protests*, 8 February 2024, <https://apnews.com/article/haiti-bsap-officers-killed-protests-ee554ab7e2d998ccccbbd75318e062af>.

⁵⁵ Reuters, *Haiti PM Commits to Elections by 2025, CARICOM to Send Team*, 1 March 2024, www.reuters.com/world/americas/haiti-pm-commits-elections-by-2025-caricom-send-team-2024-02-29/; Caribbean Community (CARICOM), *CARICOM Heads of Government Statement on the Situation in Haiti Following the Exchange with Key International Partners*, 29 February 2024, <https://hgc.caricom.org/caricom-heads-of-government-exchange-with-key-international-partners-on-the-situation-in-haiti/>. The announcement triggered a new wave of civil unrest and gang violence. See Section II.B.2.

⁵⁶ BBC, *Haiti's Prime Minister Ariel Henry Resigns as Law and Order Collapses*, 12 March 2024, www.bbc.com/news/world-latin-america-68541349; The Guardian, *Haiti PM Ariel Henry Resigns after Gang Insurrection Caused Days of Chaos*, 12 March 2024, www.theguardian.com/world/2024/mar/12/haiti-pm-ariel-henry-resignation-details-update.

⁵⁷ CARICOM, *Outcome Declaration of Caricom, International Partners and Haitian Stakeholders*, 11 March 2024, <https://caricom.org/outcome-declaration-of-caricom-international-partners-and-haitian-stakeholders/>. However, on 13 March 2024, a special advisor to Ariel Henry told CNN that any transitional council would first need to be approved by the Prime Minister. CNN, *Only Henry Can Sign Off on Haiti's Transitional Council, Embattled PM's Office Tells CNN*, 13 March 2024, <https://edition.cnn.com/2024/03/13/americas/haiti-henry-constitution-transitional-council-intl/index.html>.

⁵⁸ This would notably exclude gang leaders. CARICOM, *Outcome Declaration of Caricom, International Partners and Haitian Stakeholders*, 11 March 2024, <https://caricom.org/outcome-declaration-of-caricom-international-partners-and-haitian-stakeholders/>. "The statement also specifies that no one who has been charged or convicted in any jurisdiction can serve on the council – a condition that would exclude many prominent figures, including gang leader Jimmy Chérizier, also known as Barbeque, who has been long seen as having political aspirations and has taken credit for the latest wave of gang attacks in Port-au-Prince." CNN, *Haiti's Prime Minister Is Resigning. Will that Bring Calm to the Gang-Ravaged Country?*, 12 March 2024, <https://edition.cnn.com/2024/03/12/americas/haiti-gangs-prime-minister-analysis-intl>.

⁵⁹ Jean Charles Moïse, who leads Pitit Desalin and who has allied himself with Guy Philippe, rejected CARICOM's proposal in a press conference. Philippe has indicated he would run for president and also suggested that he would support amnesty for gang leaders. Reportedly, Jimmy "Barbecue" Chérizier has said that his gang coalition supports Philippe. AP, *Plan to Install New Leaders in Haiti Appears to Crumble after Political Parties Reject It*, 14 March 2024, <https://apnews.com/article/haiti-henry-resignation-prime-minister-violence-aa91714a56ade1220a4e5f0d203716d9>; VOA, *Haitian Politicians Busy Negotiating Representation on Transitional Presidential Council*, 13 March 2024, www.voanews.com/a/haitian-politicians-busy-negotiating-representation-on-transitional-presidential-council-7527017.html; ABC News, *Haiti Is Preparing Itself for New Leadership. Gangs Want a Seat at the Table*, 12 March 2024, <https://abcnews.go.com/International/wireStory/haitis-premier-resign-transitional-council-created-interim-leader-108035396>. See also, The Economist, *Haiti Is Locked in a Doom Loop of Insecurity and Illegitimacy*, 14 March 2024, www.economist.com/the-americas/2024/03/14/haiti-is-locked-in-a-doom-loop-of-insecurity-and-illegitimacy.

⁶⁰ CNN, *Haiti's Prime Minister Is Resigning. Will that Bring Calm to the Gang-Ravaged Country?*, 12 March 2024, <https://edition.cnn.com/2024/03/12/americas/haiti-gangs-prime-minister-analysis-intl>.

B. Security Developments

1) Request to Deploy a Multinational Security Support Mission to Haiti

In October 2022, Prime Minister Henry and 18 high-ranking officials signed a document authorizing the Prime Minister to request that an armed force be deployed in Haiti.⁶¹ Reactions to the proposal in Haiti were mixed, with many Haitians rejecting the idea of foreign intervention and Haitian organizations and political actors speaking out in protest.⁶² Noting that “extreme violence and insecurity further imperil the economy, hinder freedom of movement and the enjoyment of other human rights, and obstruct the provision of basic services and the distribution of humanitarian assistance”, the UN Secretary-General recommended that the UN Security Council support the request for deployment of a non-UN international force.⁶³

In August 2023, Kenya volunteered to lead a multinational force in Haiti, while the US pledged funding and material support for the mission.⁶⁴ Jamaica, the Bahamas and Antigua and Barbuda followed by offering assistance or troops.⁶⁵ On 2 October 2023, the UN Security Council voted to approve a year-long multinational security support mission to “bolster Haitian police, restore security and protect critical infrastructure”, with a review after nine months.⁶⁶ On 26 January 2024, the Kenyan High Court held that the deployment of Kenyan police officers outside Kenya would be illegal, throwing the future of the multinational security support mission into doubt.⁶⁷ Prime Minister Ariel Henry subsequently signed a bilateral reciprocal agreement with Kenya on 1 March 2024 in an attempt to provide legal backing for the deployment.⁶⁸ However, after Prime Minister Henry announced his resignation on 11 March 2024,

⁶¹ VOA, *Haiti's Leader Requests Foreign Armed Forces to Quell Chaos*, 7 October 2022, www.voanews.com/a/haiti-s-leader-requests-foreign-armed-forces-to-quell-chaos-6781288.html. See also, Foreign Policy, *Haiti's Crisis Escalates*, 14 October 2022, <https://foreignpolicy.com/2022/10/14/haiti-crisis-violence-cholera-ariel-henry-military-intervention-us/>.

⁶² UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 17 January 2023, S/2023/41, www.ecoi.net/en/file/local/2086289/N2301674.pdf, para. 8; Foreign Policy, *Haiti's Crisis Escalates*, 14 October 2022, <https://foreignpolicy.com/2022/10/14/haiti-crisis-violence-cholera-ariel-henry-military-intervention-us/>. See also, The New Humanitarian, *Haiti Gangs: Who Might Intervene, and Will It Do More Harm than Good?*, 29 August 2023, www.thenewhumanitarian.org/analysis/2023/08/29/haiti-gangs-who-might-intervene-and-will-it-do-more-harm-good. “The catastrophic track record of foreign interventions in Haiti, stemming back to the 19th century, makes many people – in Haiti, and abroad – profoundly wary of yet more international interference.” The Guardian, *UN Calls for Foreign Intervention in Haiti as Violence Surges*, 21 March 2023, www.theguardian.com/world/2023/mar/21/haiti-un-international-specialized-support-force.

⁶³ He outlined a plan that would include a rapid action force deployed bilaterally consisting of armed personnel in the short-term, followed by a multinational police or special force in the medium term. UN Security Council, *Letter Dated 8 October 2022 from the Secretary-General Addressed to the President of the Security Council*, 10 October 2022, S/2022/747, <https://undocs.org/en/S/2022/747>, pp. 2, 4-7.

⁶⁴ France 24, *US Pledges \$100 Million to Back Proposed Kenyan-Led Multinational Force to Haiti*, 23 September 2023, www.france24.com/en/americas/20230923-us-pledges-100-million-to-back-proposed-kenyan-led-multinational-force-to-haiti; Reuters, *Kenya Considers Leading a Force in Haiti: What You Need to Know*, 1 August 2023, www.aljazeera.com/news/2023/8/1/kenya-considers-leading-a-force-in-haiti-what-you-need-to-know. Amnesty International expressed “deep concern” over both the intervention, due to a “troubling history of abuses and impunity associated with past multinational or foreign interventions in Haiti”, and because of human rights abuses attributable in Kenya to the Kenyan security forces. Amnesty International, *Haiti: Open Letter to all Members of the Security Council Regarding the Development of an International Security Force in Haiti*, 18 August 2023, www.amnesty.org/en/documents/amr36/7122/2023/en/, pp. 1-2.

⁶⁵ Caricom Today, *Antigua and Barbuda Commits to Sending ABDF Personnel to Haiti*, 2 October 2023, <https://today.caricom.org/2023/10/02/antigua-and-barbuda-commits-to-sending-abdf-personnel-to-haiti/>; CARICOM, *Statement on Multi-National Force to Support Haiti*, 4 August 2023, <https://caricom.org/statement-on-multi-national-force-to-support-haiti/>.

⁶⁶ New York Times, *U.N. Approves Kenya Mission to Haiti*, 2 October 2023, www.nytimes.com/2023/10/02/world/americas/un-kenya-mission-haiti.html; Aljazeera, *UN Approves International Force to Aid Haiti amid Gang Violence*, 2 October 2023, www.aljazeera.com/news/2023/10/2/un-approves-international-force-to-aid-haiti-amid-gang-violence. The mission is not a UN peacekeeping mission; rather it is organized and funded by the US. About a dozen countries are reported to have offered support including physical troops or financial resources. “The Biden administration has pledged \$100 million plus another \$100 million from the Department of Defense in the form of intelligence, airlifts, communications, and medical assistance. About a dozen countries said they would join the mission, including Jamaica, Barbados, Antigua and Barbuda.” New York Times, *U.N. Approves Kenya Mission to Haiti*, 2 October 2023, www.nytimes.com/2023/10/02/world/americas/un-kenya-mission-haiti.html. For an overview of the challenges the mission is likely to face, see ICG, *Haiti's Gangs: Can a Foreign Mission Break their Stranglehold?*, 5 January 2024, www.crisisgroup.org/latin-america-caribbean/haiti/b49-haitis-gangs-can-foreign-mission-break-their-stranglehold.

⁶⁷ BBC, *Kenya Court Blocks Police Deployment to Haiti*, 26 January 2024, www.bbc.com/news/world-africa-68090488.

⁶⁸ Questions remain as to the legitimacy of the agreement between Haiti and Kenya and whether the court would see it as in line with its judgement. See VOA, *Haitian PM's Whereabouts Unknown since He Signed Bilateral Deal With Kenya*, 4 March 2024, www.voanews.com/a/haitian-pm-s-whereabouts-unknown-since-he-signed-bilateral-deal-with-kenya/7513111.html; Aljazeera, *Kenya, Haiti Sign 'Reciprocal' Agreement on Police Deployment: Ruto*, 1 March 2024, www.aljazeera.com/news/2024/3/1/kenya-haiti-sign-reciprocal-agreement-on-police-deployment-ruto. The High Court had ruled that the police could be deployed abroad but only in the context of a reciprocal agreement. The Guardian, *Kenya High Court Rules Against Plan to Deploy Hundreds of Police to Haiti*, 26 January 2024, www.theguardian.com/world/2024/jan/26/kenya-high-court-rules-against-plan-deploy-hundreds-police-haiti-un.

Kenyan officials confirmed that the deployment of the force was on hold until a new government was in place.⁶⁹

2) Security Situation

In April 2023, the UN Secretary-General stated that insecurity in Port-au-Prince had “reached levels comparable to countries in armed conflict”.⁷⁰ Violence by gangs in Port-au Prince and across Haiti continues to “escalate and spread”.⁷¹ High levels of gang violence, coupled with an insufficient State response, have led to a cycle of vigilante violence and retaliatory attacks.⁷²

There has been a steady rise in killings, injuries and kidnappings in Haiti, with an increase in homicides of 119.4 per cent and an increase in kidnappings of 83 per cent between 2022 and 2023.⁷³ Between January and June 2023, the Haitian National Police (HNP) recorded an unprecedented number of 2,094

⁶⁹ New York Times, *Kenya Hits Pause on Police Deployment to Haiti*, 12 March 2024, www.nytimes.com/2024/03/12/world/americas/kenya-haiti-police-deployment.html. On the same day that the Prime minister announced his resignation, the US announced an additional 100 million USD of support for the mission, bringing their total financial contribution to 300 million USD. Canada, Benin, France, Germany, Jamaica and Spain have also announced “financial, personnel and logistical support.” VOA, *US Commits \$100 Million More to Multinational Force for Haiti amid Violence*, 11 March 2024, www.voanews.com/a/us-commits-100-million-more-to-multinational-force-for-haiti-amid-violence/7523790.html.

⁷⁰ AP, *UN Chief: Haiti's Gang Violence Nears Conflict, Help Needed*, 25 April 2023, <https://apnews.com/article/haiti-gangs-violence-rights-crisis-force-57f6850d22458eb5b30e2a82e86e9287>. A regional director from Partners in Health said regarding the current situation that “[they] are practicing war medicine”. Partners in Health, *Chaos in Haiti Escalates as Gang Violence, Fuel Shortages Threaten Access to Health Care*, 24 March 2023, www.pih.org/article/chaos-haiti-escalates-gang-violence-fuel-shortages-threaten-access-health-care. As of January 2023: “Gang-related violence reached levels not seen in decades and remained the major threat to public security in Haiti.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 17 January 2023, S/2023/41, www.ecoi.net/en/file/local/2086289/N2301674.pdf, para. 3. “Since [2018], the metropolitan area of Port-au-Prince has experienced a steady deterioration of the human rights situation with a sudden exacerbation in early 2022.” BINUH and OHCHR, *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, October 2022, www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf, para. 26. “ACLED data indicate a 60% increase in violence involving gangs in 2023 compared to 2021; in the same period [...] the share of the population exposed directly to political violence rose to 66% from 57%.” ACLED, *Gangs Active in Haiti Double Since 2021*, 6 March 2024, <https://acleddata.com/2024/03/06/gangs-active-in-haiti-double-since-2021-acledd-insight/>.

⁷¹ UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 3 July 2023, S/2023/492, www.ecoi.net/en/file/local/2095017/N2318333.pdf, para. 10. “The dire security situation in Haiti has gotten worse since my first briefing to the Council. Violence continues and has intensified, moving beyond Port-au-Prince”. BINUH, *Remarks of Special Representative Maria Isabel Salvador to the Security Council Open Briefing on Haiti*, 6 July 2023, <https://binuh.unmissions.org/en/remarks-special-representative-maria-isabel-salvador-security-council-open-briefing-haiti-6-july>. “Between 1 January and 30 September 2023, we have recorded 5,599 cases of gang related violence, including 3,156 killings, 1,159 injuries, and 1,284 kidnappings, a sharp increase compared to the same period last year.” OHCHR, *Deepening Violence in Haiti*, 10 October 2023, www.ohchr.org/en/statements-and-speeches/2023/10/deepening-violence-haiti. “Official Haitian National Police (HNP) crime data reflect an upward trend in many forms of violence and crime (particularly kidnappings) between 2018 and 2021. However, CSA respondents among Haitian citizens and the international community viewed these data as dramatic underestimates of the current security crisis. Respondents also noted that the increased crime and violence affect all strata of Haitian society. Respondents primarily attributed this spike in violent crime to the increasing influence and spread of gangs.” US Agency for International Development (USAID), *Haiti Citizen Security Assessment (CSA) Final Report*, September 2022, https://pdf.usaid.gov/pdf_docs/PA0211RJ.pdf, p. 1.

⁷² UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 3 July 2023, S/2023/492, www.ecoi.net/en/file/local/2095017/N2318333.pdf, para. 12.

⁷³ “The number of reported homicides for 2023 increased by 119.4 per cent compared with 2022, with 4,789 victims reported during 2023 (including 465 women, 93 boys and 48 girls), equating to a ratio of 40.9 homicides per 100,000 inhabitants, against 2,183 in 2022 when a ratio of 18.1 homicides per 100,000 inhabitants was estimated. In the same vein, the number of victims of kidnapping rose from 1,359 reported in 2022 to 2,490 in 2023, representing an 83 per cent increase.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 15 January 2024, S/2024/62, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N24/001/85/PDF/N2400185.pdf>, paras 2-3. Between 2021 and 2021, there had been a 35.4 per cent and 104.7 per cent increase in killings and homicides, respectively, UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 17 January 2023, S/2023/41, www.ecoi.net/en/file/local/2086289/N2301674.pdf, para. 13. In July 2023, the Secretary-General noted that “[m]urders and kidnappings rose for the fifth consecutive year [during 14 April to 3 July 2023]”. UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 3 July 2023, S/2023/492, www.ecoi.net/en/file/local/2095017/N2318333.pdf, para. 12. Gangs “killed more than 2,000 people during the first half of 2023, an increase of nearly 125 percent compared to the first half of 2022. Six hundred were killed just in April.” HRW, *Living a Nightmare: Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, p. 16. See also, BINUH, *Rapport trimestriel sur la situation des droits de l'homme en Haiti*, 1 February 2024, https://binuh.unmissions.org/sites/default/files/rapport_trimestriel_sur_la_situation_des_droits_de_lhomme_en_haiti_oct_-_dec_2023.pdf, p. 3; BINUH, *Human Rights Situation: Main Trends*, 27 October 2023, https://binuh.unmissions.org/sites/default/files/2023_q3_rapport_trimestriel_droits_humains_en.pdf, p. 3.

homicides”.⁷⁴ The number of kidnappings has risen from 78 in 2019 to 2,490 in 2023.⁷⁵ There were 1,014 kidnappings in the first six months of 2023, and a further 701 between 1 July and 30 September 2023.⁷⁶ Kidnappings are a major source of income for gangs across Haiti, providing gangs with revenue streams and means of territorial control and expansion.⁷⁷ Both homicides and kidnappings are likely underreported.⁷⁸ After conducting a retrospective mortality survey in Cité Soleil, MSF estimated that there had been 2,327 violent deaths in that neighbourhood alone between July 2022 and July 2023, concluding that “it is likely that the real scale of the violence is much higher” than previous estimates.⁷⁹

According to the United Nations Integrated Office in Haiti (BINUH), most incidents of violence between January and March 2023 occurred in Port-au-Prince in Cité Soleil and Delmas, which are controlled by gangs, and in Pétiion-Ville and Kenscoff, as well as in Gonaïves, Liancourt, and Verrettes in the Artibonite department.⁸⁰ Between April and July 2023, incidents of violence occurred mostly in Cité Soleil, Croix-des-Bouquets, Pétiion-Ville and Port-au-Prince as well as in L’Estère, Liancourt and Petite

⁷⁴ “The main perpetrators were gangs operating in the Port-au-Prince metropolitan area and in Artibonite Department.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 3 July 2023, S/2023/492, www.ecoi.net/en/file/local/2095017/N2318333.pdf, para. 12. See also, UN Office on Drugs and Crime (UNODC), *Haiti’s Criminal Markets: Mapping Trends in Firearms and Drug Trafficking*, 28 February 2023, www.unodc.org/documents/data-and-analysis/toc/Haiti_assessment_UNODC.pdf, p. 9. Homicides have continued to surge, with an unprecedented 1,239 between 1 July and 30 September 2023, as compared to 577 during the same period in 2022, bringing the total number of homicides between 1 January and 30 September 2023 to 3,334 persons, including “340 women, 63 boys and 26 girls”. UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, para. 11. “Au cours des neuf premiers mois de 2023, les homicides et les kidnappings ont pris des proportions exponentielles avec une augmentation respectivement de 72% et de 71% par rapport à 2022 à la même période.” UN Office for the Coordination of Humanitarian Affairs (OCHA), *Haiti: Besoins Humanitaires et Plan de Réponse 2024*, 19 January 2024, www.unocha.org/attachments/74e0e2a8-61d7-4221-a069-b4a3bc467580/Haiti_HNRP_2024_FR_version%20finale.pdf, p. 6.

⁷⁵ UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 15 January 2024, S/2024/62, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N24/001/85/PDF/N2400185.pdf>, para. 11; UNODC, *Haiti’s Criminal Markets: Mapping Trends in Firearms and Drug Trafficking*, 28 February 2023, www.unodc.org/documents/data-and-analysis/toc/Haiti_assessment_UNODC.pdf, p. 3.

⁷⁶ “There were 701 victims of abductions, including 221 women, 8 girls and 18 boys, from July to September, a 244 per cent increase compared with the same period in 2022 [...] From January to September [2023] [...] 1,787 people (including 506 women, 45 boys and 20 girls) were kidnapped.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, para. 11. “[...] authorities registered 1,014 abductions, including of 256 women, 13 girls and 24 boys.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 3 July 2023, S/2023/492, www.ecoi.net/en/file/local/2095017/N2318333.pdf, para. 12. “Kidnappings rose [between July and September 2023] by more than 96% nationally, and by 166% in the Artibonite department, compared with the previous quarter.” BINUH, *Human Rights Situation: Main Trends*, 27 October 2023, https://binuh.unmissions.org/sites/default/files/2023_q3_rapport_trimestriel_droits_humains_en.pdf, p. 3. Between April and June 2023, BINUH documented the kidnapping of at least 298 individuals, with 48 per cent taking place along main roads in the Artibonite department. BINUH, *Human Rights Situation: Main Trends*, 1 September 2023, https://binuh.unmissions.org/sites/default/files/human_rights_situation_in_haiti_quarterly_report_april_-_june_2023_0.pdf, p. 5. See also, UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 78; UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 8; HRW, “Living a Nightmare”: *Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, p. 21.

⁷⁷ UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 78; HRW, “Living a Nightmare”: *Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, pp. 20-21. “Kidnappings in the Artibonite department rose by 166% compared with the previous quarter (from 142 to 378). This sharp rise is directly linked to increased attacks on public transport vehicles on main roads. To a lesser extent, people were also abducted from their places of work and from their homes during attacks on villages. Kidnappings are a major source of income for the gangs, as hostages are only released after a ransom is paid.” BINUH, *Human Rights Situation: Main Trends*, 27 October 2023, https://binuh.unmissions.org/sites/default/files/2023_q3_rapport_trimestriel_droits_humains_en.pdf, p. 5.

⁷⁸ “Human rights organisations have said there were more than 1,200 kidnappings in 2021, almost twice the number reported in 2020 and five times more than in 2019. Homicides have increased by at least 17 per cent [in the first five months of 2022], but because of under-reporting the real number might be considerably higher.” ICG, *New Gang Battle Lines Scar Haiti as Political Deadlock Persists*, 3 July 2023, www.ecoi.net/en/document/2094837.html. See also, UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 13 June 2022, S/2022/481, www.ecoi.net/en/file/local/2074533/N2237155.pdf, para. 9. Numbers reported by the national police may be low, as the HNP “struggles to manage, share and analyse data within the organization, much less across government agencies” and the data generated by the HNP and other agencies are “affected by considerable reporting gaps”. UNODC, *Haiti’s Criminal Markets: Mapping Trends in Firearms and Drug Trafficking*, 28 February 2023, www.unodc.org/documents/data-and-analysis/toc/Haiti_assessment_UNODC.pdf, p. 9. See also, UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 78.

⁷⁹ “These results show an extreme level of violence, reflected as much in mortality from violent causes as in direct exposure to violence. [...] The extrapolation of mortality figures for Cité Soleil can be compared with the figures published in the media over the summer: here again, reported mortality is vastly underestimated (~2,327 ‘violent’ deaths for Cité Soleil alone over one year versus 2,400 for all of Haiti over the first 6 months of 2023).” MSF, *Retrospective Estimation of Crude Mortality in Cité Soleil, Port-au-Prince, Haiti*, 7 March 2024, www.msf.org/retrospective-mortality-and-violence-survey-port-au-prince-haiti. “[...] the crude mortality rate [the number of deaths per 10,000 people per day] is 0.63. Past MSF surveys indicated similar mortality rates in the Islamic State group’s north Syria stronghold in 2017 among people exposed to the group’s terror regime and bombardment by the international coalition, and among Rohingya refugees in the months immediately preceding the campaign of violence launched against them by the Burmese army.” MSF, *New Survey Reveals Extreme Levels of Violence in Port-au-Prince*, 7 March 2024, www.msf.org/new-survey-reveals-extreme-levels-violence-haiti.

⁸⁰ “[...] armed violence augmented in frequency and intensity, affecting all communes in the metropolitan area of Port-au-Prince, and spilling over into the Artibonite department. [...] The highest number of casualties (killed and injured) was recorded in areas of Port-au-Prince largely under gang control, notably Cité Soleil and Delmas, but also in localities previously considered safe, such as Pétiion Ville and Kenscoff. Additionally, casualties increased dramatically in several municipalities in the Artibonite department, particularly in the zones of Gonaïves, Liancourt, and Verrettes.” BINUH, *Human Rights Situation: Main Trends*, May 2023, www.ohchr.org/sites/default/files/documents/countries/haiti/Haiti-Human-rights-quarterly-report-Q1-2023-EN.pdf, p. 3.

Rivière in Artibonite department.⁸¹ Between October and December 2023, 40 per cent of victims of killings and injuries nationwide occurred in the communes of Port-au-Prince and Cité Soleil.⁸² However, incidents of violence continue to occur across the country.⁸³ Reportedly, gangs have also sought to increase their influence and control in neighbourhoods and areas that were previously considered unaffected and safe.⁸⁴

Along with targeted killings,⁸⁵ gangs use indiscriminate violence to terrorize civilians in areas they control and in areas controlled by rival gangs, including by posting snipers on rooftops to “indiscriminately shoot people carrying out their daily activities” and to fire “into people’s residences”, as well as firing indiscriminately in raids and burning public transportation vehicles.⁸⁶ Gang-related violence against civilians is frequently exceedingly cruel.⁸⁷ Gangs have used blockades to restrict and prevent the provision of humanitarian aid and basic services.⁸⁸

⁸¹ Almost half of the kidnappings occurred in the Artibonite department, “notably along the main roads of the L’Estère, Liancourt and Petite-Rivière-de-l’Artibonite.” BINUH, *Human Rights Situation: Main Trends*, 1 September 2023, https://binuh.unmissions.org/sites/default/files/human_rights_situation_in_haiti_quarterly_report_april_-_june_2023_0.pdf, p. 3. “Between January and April 2023, many of the most egregious abuses took place in four communes in the West department, all in the metropolitan area of Port-au-Prince: Cité Soleil, Cabaret, Port-au-Prince, and Croix-des-Bouquets”. HRW, “*Living a Nightmare: Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*”, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, p. 25. Between July and September 2023, 67% of victims of homicide, injury or kidnapping were in the West department. However, “violence also increased sharply in the Artibonite department, which now accounts for 27% of all recorded victims (compared to 13% in the previous quarter). It should be noted that the number of kidnappings in the Artibonite department has exceeded that observed in the Ouest department.” Violence linked to drug trafficking was documented in Centre department as well. BINUH, *Human Rights Situation: Main Trends*, 27 October 2023, https://binuh.unmissions.org/sites/default/files/2023_q3_rapport_trimestriel_droits_humains_en.pdf, pp. 2-4.

⁸² “Residents, including children as young as five years old, were killed in their homes or in the streets by stray bullets and during random and indiscriminate mass shootings meant to kill as many people as possible.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 15 January 2024, S/2024/62, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N24/001/85/PDF/N2400185.pdf>, para. 31.

⁸³ BINUH, *Human Rights Situation: Main Trends*, 1 September 2023, https://binuh.unmissions.org/sites/default/files/human_rights_situation_in_haiti_quarterly_report_april_-_june_2023_0.pdf, p. 2. “Violence has also spread to other parts of the country, including the neighboring Artibonite department to the north, a largely agricultural region. According to international and Haitian humanitarian and human rights organizations, some criminal groups, mainly Baz Gran Grif, led by Luckson Élan, alias ‘Jeneral Luckson,’ have expanded their territorial control in the communes of Deschapelles, La Croix Périsse, L’Estère, Liancourt, Petite Rivière de l’Artibonite, Saint Marc, and Verrettes. This expansion led to at least 123 murders between January and June 2023, an increase of about 485 percent compared to the same period in 2022, as well as the closure of multiple markets and abandonment of land, which affected food production and the distribution chain to Port-au-Prince and from there to the rest of the country”. HRW, “*Living a Nightmare: Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*”, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, pp. 17-18. “From January to April 2023, numerous armed attacks and shootings against the civilian population and police stations were recorded in the following localities and communes: Pernier, Marlique, Diègue, Meyotte, Cargo, Tunnel, Thomassin, Laboule, in the commune of Pétiyon ville; Bérette, Calebasse, Fort-Jacques, in the commune of Kenscoff; Marché Salomon, Debussy, Bel-Air, Caradeux, Solino, Delmas, in the communes of Port-au-Prince and Delmas; Source Matelas, in the commune of Cabaret, Onaville, in the commune of Croix-des-Bouquets, as well as the communes of Cité Soleil, Liancourt, Verrettes, Petite Rivière de l’Artibonite and Montrouis”. National Network for the Defence of Human Rights (RNDHDH), *The Reign of Prime Minister Ariel HENRY or the Fury of the Armed Gangs*, 9 May 2023, <https://web.mddh.org/wp-content/uploads/2023/05/5-Rapport-Massacres-09Mai2023-VP-ENG.pdf>, para. 28.

⁸⁴ “The rapid spread of gang violence to rural areas previously considered safe, in particular in the Artibonite Department, is further cause for serious alarm.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 15 January 2024, S/2024/62, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N24/001/85/PDF/N2400185.pdf>, para. 79. See also, HRW, “*Living a Nightmare: Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*”, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, p. 17. “If before the advent to power of de facto Prime Minister Ariel HENRY, armed attacks, shootings, and massacres were confined to underprivileged neighborhoods, since August 2021, areas that were previously considered to be residential and very calm - such as Kenscoff, Laboule 12, several localities in Pétiyon-ville, haut Delmas, Bon Repos, in the Western Department - have been transformed into hunting grounds or battlefields.” RNDHDH, *The Reign of Prime Minister Ariel HENRY or the Fury of the Armed Gangs*, 9 May 2023, <https://web.mddh.org/wp-content/uploads/2023/05/5-Rapport-Massacres-09Mai2023-VP-ENG.pdf>, para. 64.

⁸⁵ HRW verified 67 killings by gangs between January and April 2023. Forty-five of the victims were shot, and most “appear to have been targeted”. Most of the bodies were burned in the streets or taken by gangs. HRW, “*Living a Nightmare: Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*”, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, p. 26.

⁸⁶ “These types of attacks were often perpetrated along with other human rights abuses, such as mass looting and burning of houses, and resulted in the displacement of thousands of people.” BINUH, *Human Rights Situation: Main Trends*, May 2023, www.ohchr.org/sites/default/files/documents/countries/haiti/Haiti-Human-rights-quarterly-report-Q1-2023-EN.pdf, p. 3. “Residents of gang-controlled neighbourhoods have continued to be victims of extreme violence, including killing, injury, burning, kidnapping, disappearance and restriction on movement.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 3 July 2023, S/2023/492, www.ecoi.net/en/file/local/2095017/N2318333.pdf, para. 10. Between July and December 2022, the G9 coalition posted snipers who would kill anyone that “passed in their field of vision” on rooftops in Cité Soleil, resulting in a “an almost permanent climate of terror”. BINUH, *The Population of Cité Soleil in the Grip of Gang Violence*, February 2023, www.ecoi.net/en/file/local/2086931/investigative-report-human-rights-abuses-committed-gangs-zone-brooklyn-july-december-2022.pdf, para. 3. When fighting broke out between G-Pep and G9 gangs after the death of a G9 leader in November 2023, “confrontations killed or wounded at least 174 members of the population (including nine children), most of whom were targeted by sniper fire.” BINUH, *Quarterly Report on the Human Rights Situation in Haiti*, 1 February 2024, https://binuh.unmissions.org/sites/default/files/quarterly_report_on_the_human_rights_situation_in_haiti_oct_-_dec_2023.pdf, p. 4.

⁸⁷ One resident of Bel Air said “The enemy gang attacks anyone who sets foot in its territory. They burn young people alive and sometimes send the videos to the victims’ families.” GI-TOC, *Gangs of Haiti: Expansion, Power and an Escalating Crisis*, October 2022, <https://globalinitiative.net/wp-content/uploads/2022/10/GITOC-Gangs-of-Haiti.pdf>, p. 15. “The case of a 25-year-old woman who was repeatedly raped on her husband’s corpse by gang members in front of her three children, before the house was set on fire, is illustrative of the level of brutality of the gangs’ actions.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 13 October 2022, www.ecoi.net/en/file/local/2080457/N2263243.pdf, para. 42.

⁸⁸ BINUH and OHCHR, *The Population of Cité Soleil in the Grip of Gang Violence*, February 2023, www.ecoi.net/en/file/local/2086931/investigative-report-human-rights-abuses-committed-gangs-zone-brooklyn-july-december-2022.pdf, para. 33.

Men are disproportionately impacted by homicides and kidnappings.⁸⁹ However, gangs systematically use sexual violence against women both in areas they control and as a weapon against persons living in areas controlled by rival gangs.⁹⁰ According to BINUH, gangs have “used rape, including collective rapes, and other forms of sexual violence to instill fear, punish, subjugate, and inflict pain on local populations with the ultimate goal of expanding their areas of influence, throughout the metropolitan area of Port-au-Prince.”⁹¹ In addition to women and girls, victims of rape and collective rape have also included boys and some men.⁹² Gangs target persons for sexual violence to punish them for living in areas controlled by rival gangs and to disrupt daily life and cultural norms.⁹³ Children as young as 10 have been collectively raped in gang attacks.⁹⁴

The situation in Cité Soleil has deteriorated due to fighting between the G9 and G-Pep gang coalitions since July 2022.⁹⁵ The population has experienced near-constant violence, including targeted shootings and executions by both gangs, rape and sexual violence, destruction of property and a blockade that prevents access to food, drinking water, healthcare and humanitarian supplies.⁹⁶ Like in many of the

⁸⁹ Between October and December 2023, BINUH documented 2,327 “victims of killing, injury and kidnapping across the country; men representing 73% of victims, women 24% and children 3%.” BINUH, *Quarterly Report on the Human Rights Situation in Haiti*, 1 February 2024, https://binuh.unmissions.org/sites/default/files/quarterly_report_on_the_human_rights_situation_in_haiti_oct_-_dec_2023.pdf, p. 3. See also, BINUH, *Human Rights Situation: Main Trends*, 1 September 2023, https://binuh.unmissions.org/sites/default/files/human_rights_situation_in_haiti_quarterly_report_april_-_june_2023_0.pdf, p. 3.

⁹⁰ The true scale of sexual violence is unknown since many survivors do not report or seek help. In addition, BINUH noted that protection arrangements—where young women became sexual partners of gang members to either avoid trouble for themselves or their family or for protection from violence—were not seen as sexual violence by the communities despite the involuntary nature of many of these relationships. BINUH and OHCHR, *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, October 2022, www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf, paras 48-49, 58-59. See also, UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, paras 131-36.

⁹¹ BINUH and OHCHR identified at least four broad patterns of sexual violence perpetrated by gangs: 1) during gang attacks, 2) when women are crossing frontlines or areas where control is in flux, 3) during kidnappings and 4) used as a tool to control and subjugate the local population. BINUH and OHCHR, *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, October 2022, www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf, para. 3. “Sexual violence continued to be used by gangs as a weapon to punish populations and extend their territorial control. Every attack on neighborhoods motivated by territorial expansion is accompanied by sexual abuse.” BINUH, *Human Rights Situation: Main Trends*, 27 October 2023, https://binuh.unmissions.org/sites/default/files/2023_q3_rapport_trimestriel_droits_humains_en.pdf, p. 5. “Sexual violence has reached alarming levels, with gangs using rape as a weapon of terror and subjugation against the population.” OCHA, *Haiti Humanitarian Response Plan: At a Glance*, 13 April 2023, <https://reliefweb.int/report/haiti/haiti-humanitarian-response-plan-2023-glance-april-2023-enht>, p. 3. See also, BINUH, *Quarterly Report on the Human Rights Situation in Haiti*, 1 February 2024, https://binuh.unmissions.org/sites/default/files/quarterly_report_on_the_human_rights_situation_in_haiti_oct_-_dec_2023.pdf, p. 6; UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 132; BINUH and OHCHR, *The Population of Cité Soleil in the Grip of Gang Violence*, February 2023, www.ecoi.net/en/file/local/2086931/investigative-report-human-rights-abuses-committed-gangs-zone-brooklyn-july-december-2022.pdf, paras 48-54.

⁹² BINUH and OHCHR, *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, October 2022, www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf, para. 5. See also, UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, paras 129-30.

⁹³ BINUH and OHCHR, *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, October 2022, www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf, paras 5, 6, 37. “Gangs use sexual and gender-based violence as an instrument of: (i) power, to terrorize, subjugate and punish the population, in particular women; (ii) control, to exercise dominion over a territory and its population; and (iii) extortion, as in the case of kidnappings, to obtain ransom. Furthermore, some victims have been subjected to sexual slavery by gang member”. UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 132(a).

⁹⁴ “Groups in situation of vulnerability, including children, elderly people and LGBTI+ persons, were not spared during these attacks. For instance, local sources described how gang elements in Croix des Missions (May 2022) forced children, some as young as 10 years old, out of their homes, and compelled them to walk to abandoned areas where they were subjected to collective rapes by several armed men.” BINUH and OHCHR, *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, October 2022, www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf, para. 35.

⁹⁵ “Between July and December 2022, at least 552 people were killed, injured, or reported missing in the Brooklyn neighborhood. In addition, there were at least 57 cases of collective rape of women and girls.” BINUH and OHCHR, *The Population of Cité Soleil in the Grip of Gang Violence*, February 2023, www.ecoi.net/en/file/local/2086931/investigative-report-human-rights-abuses-committed-gangs-zone-brooklyn-july-december-2022.pdf, para. 37, see also paras 1-9. See also, HRW, “Living a Nightmare”: Haiti Needs an Urgent Rights-Based Response to Escalating Crisis, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, pp. 27-33; GI-TOC, *Gang Control and Security Vacuums: Assessing Gender-Based Violence in Cité Soleil, Haiti*, May 2023, <https://globalinitiative.net/wp-content/uploads/2023/05/Gang-control-and-security-vacuums.-Assessing-gender-based-violence-in-Cité-Soleil-Haiti.-May2023.v2.pdf>, p. 5, see also p. 10.

⁹⁶ BINUH and OHCHR, *The Population of Cité Soleil in the Grip of Gang Violence*, February 2023, www.ecoi.net/en/file/local/2086931/investigative-report-human-rights-abuses-committed-gangs-zone-brooklyn-july-december-2022.pdf, pp. 4-6. See also, MSF, *New Survey Reveals Extreme Levels of Violence in Port-au-Prince*, 7 March 2024, www.msf.org/new-survey-reveals-extreme-levels-violence-haiti; UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, paras 143-144, 147-48; OCHA, *The Humanitarian Coordinator in Haiti Alerts on the Crisis Raging in Cité Soleil*, 23 April 2023, <https://reliefweb.int/report/haiti/humanitarian-coordinator-haiti-alerts-crisis-raging-cite-soleil>.

neighbourhoods most affected by gang violence in Port-au-Prince, the police rarely enter the area.⁹⁷ According to the Global Initiative Against Transnational Organized Crime (GI-TOC), residents of Cité Soleil “pay a heavy toll in terms of lost education, health and economic opportunities as a result of ongoing violence.”⁹⁸ A wave of violence broke out in Cité Soleil after the death of a G9 gang leader in November 2023, killing at least 87 persons.⁹⁹

Violence continues to escalate, and January 2024 was the deadliest month in over two years.¹⁰⁰

3) Gang Offensive in March 2024

On 2 March 2024, gangs stormed Haiti’s two largest prisons, in Port-au-Prince and Croix-des-Bouquets, and attacked multiple police stations.¹⁰¹ The government subsequently declared a state of emergency for 72 hours in the West department along with a curfew.¹⁰² The state of emergency and the curfew were extended on 7 March 2024 for one month.¹⁰³

Gangs also attacked the international airport, succeeding in closing down international flights and preventing Prime Minister Ariel Henry from returning to Haiti.¹⁰⁴ The attacks were claimed by the leader of the G9 gang coalition, Jimmy “Barbecue” Chérizier, who called for the resignation of the Prime Minister and threatened further violence.¹⁰⁵ According to reports, a broad coalition of gangs conducted

⁹⁷ Between July and December 2022, despite active fighting between the G9 and G-Pep coalitions, the police only responded once on 8 July 2023 by setting up an armored vehicle on an intersection leading into the neighbourhood. The police abandoned the position the next day and did not intervene again. The police station in Cité Soleil was taken over by the Brooklyn gang in June 2021 and is not operational. BINUH and OHCHR, *The Population of Cité Soleil in the Grip of Gang Violence*, February 2023, www.ecoi.net/en/file/local/2086931/investigative-report-human-rights-abuses-committed-gangs-zone-brooklyn-july-december-2022.pdf, paras 80–81, 87. “To those living in affected areas, the police and other authorities scarcely exist.” HRW, “*Living a Nightmare: Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*,” 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, p. 2, see also pp. 1, 29. “The women and girls who participated in the research were residents of neighbourhoods either totally controlled by gangs or with little police presence. However, it should be noted that there is little police presence across Cité Soleil in general, with many of the commune’s substations and police stations burnt down in 2022 during acts of gang violence.” GI-TOC, *Gang Control and Security Vacuums: Assessing Gender-Based Violence in Cité Soleil, Haiti*, May 2023, <https://globalinitiative.net/wp-content/uploads/2023/05/Gang-control-and-security-vacuums.-Assessing-gender-based-violence-in-Cité-Soleil-Haiti.-May2023.v2.pdf>, p. 5. See also, El País, *Haiti, When a State Collapses*, 2 July 2023, <https://english.elpais.com/eps/2023-07-02/haiti-when-a-state-collapses.html>.

⁹⁸ GI-TOC, *Gang Control and Security Vacuums: Assessing Gender-Based Violence in Cité Soleil, Haiti*, May 2023, <https://globalinitiative.net/wp-content/uploads/2023/05/Gang-control-and-security-vacuums.-Assessing-gender-based-violence-in-Cité-Soleil-Haiti.-May2023.v2.pdf>, p. 13.

⁹⁹ “A new series of gang turf wars broke out following the death of a gang leader on 12 November in Cité Soleil. Between 13 and 22 November, frequent clashes between rival gang coalitions left 87 residents dead and 46 injured.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 15 January 2024, S/2024/62, [https://documents-dds-ny.un.org/doc/UNDOC/GEN/N24/001/85/PDF/N2400185.pdf](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N24/001/85/PDF/N2400185.pdf?para=12), para. 12. See also, ICG, *Haiti’s Gangs: Can a Foreign Mission Break their Stranglehold?*, 5 January 2024, www.crisisgroup.org/latin-america-caribbean/haiti/b49-haitis-gangs-can-foreign-mission-break-their-stranglehold.

¹⁰⁰ “At least 806 people, not involved in the violent exchanges taking place, were killed, injured, or kidnapped in January 2024. In addition, some 300 gang members were killed or injured, bringing the total number of people affected to 1,108 – more than three times the number recorded in January 2023. Gang violence is affecting all communes in the Port-au-Prince metropolitan area, as gang members continue to clash for control of territory and have escalated their activities in areas outside the capital.” OHCHR, *Haiti: Türk Warns of Deepening Human Rights Crisis Following Most Violent Month in Two Years*, 9 February 2024, www.ecoi.net/en/document/2104659.html.

¹⁰¹ The Independent, *Haiti Jailbreak: What We know about Armed Violence that Saw Thousands of Prisoners Freed by Gangs*, 5 March 2024, www.independent.co.uk/news/world/haiti-emergency-prisoners-freed-gangs-b2506903.html. The G9 gang leader, Jimmy “Barbecue” Chérizier had announced an offensive targeting government ministers and attempting to prevent Henry from returning from abroad, seemingly in response to the announcement on 29 February 2024 that elections would be pushed back to mid-2025. Time Magazine, *Haitian Prime Minister Tries to Return Home to Quell Explosion of Gang Violence*, 5 March 2024, <https://time.com/6852920/haiti-prime-minister-gang-violence-airport-prison/>. While Jimmy “Barbecue” Chérizier referred to *Viv Ansanm*, a temporary truce declared during 2023 which had quickly broken down, it has not been clear to what extent other gangs besides the G9 have been involved in the violence. AP, *Gunfire Paralyzes Haiti as Powerful Gang Leader Says He Will Try to Detain Police Chief, Ministers*, 1 March 2024, <https://apnews.com/article/haiti-gangs-violence-barbecue-police-prime-minister-c275da3b420f018a95099c9e6539e61f>. Analysts from ICG noted that these two prisons were known to hold the most gang members and that, as a result, gang ranks may have swelled with escapees. ICG, *Hold Your Fire! Episode 17: Haiti in Freefall*, 15 March 2024, <https://shows.acast.com/60b001bcd92290012060084/65f4781a78cf73001729137c>.

¹⁰² Haiti: Ministère de la Communication, *Communiqué de Presse*, 3 March 2024, <https://communication.gouv.ht/2024/03/communique-de-presse-21/>.

¹⁰³ Aljazeera, *Anarchy in Haiti as State of Emergency Extended*, 8 March 2024, www.aljazeera.com/gallery/2024/3/8/anarchy-in-haiti-as-state-of-emergency-extended; Reuters, *Haiti Healthcare near Collapse, Says UN, as State of Emergency Extended*, 8 March 2024, www.reuters.com/world/americas/haiti-extends-state-emergency-pm-absent-2024-03-07/.

¹⁰⁴ “Over the last six days thousands of inmates have been released from prisons stormed by gang fighters who have also laid siege to strategic locations in the capital, Port-au-Prince, including two airports, police stations and a port. Nearly all flights in and out of the country’s main international airport have been cancelled, with gangs launching a renewed assault on the compound on Tuesday.” The Guardian, *Haiti Gang Boss Absent Prime Minister to Quit or Face Civil War*, 6 March 2024, www.theguardian.com/world/2024/mar/06/haiti-gangs-prime-minister. See also, BBC, *Haiti Gangs Try to Take over Port-au-Prince Airport*, 5 March 2024, www.bbc.com/news/world-latin-america-68478718; CBC, *Haiti Prime Minister Lands in Puerto Rico as Violence Descends on Capital*, 5 March 2024, www.cbc.ca/news/world/haiti-prime-minister-1.7134982.

¹⁰⁵ G9 leader Jimmy “Barbecue” Chérizier said on 6 March 2024 that if “Ariel Henry doesn’t resign, if the international community continues to support him, we’ll be heading straight for a civil war that will lead to genocide”. The Guardian, *Haiti Gang Boss Tells Absent Prime Minister to Quit or Face Civil War*, 6 March 2024, www.theguardian.com/world/2024/mar/06/haiti-gangs-prime-minister. See also, The Telegraph, *Haiti’s ‘Barbecue’ Gang Leader Warns of Genocide unless Prime Minister Ariel Henry Steps Down*, www.telegraph.co.uk/world-news/2024/03/06/haiti-barbecue-ariel-henry-genocide-criminal-prime-minister/.

coordinated and systematic attacks across Port-au-Prince against government buildings and infrastructure, the port, the airport, police stations and the presidential palace.¹⁰⁶

C. Gangs and Other Non-State Armed Actors

There are an estimated 200 gangs across Haiti, present in at least 63 communes (out of 144), and at least 100 gangs in Port-au-Prince.¹⁰⁷ Many gangs have either well-established or ad hoc patronage relationships with political or economic actors, who are concentrated among a small number of elites.¹⁰⁸ Political actors, including at high levels of the government, are reported to use gangs to consolidate power, influence elections,¹⁰⁹ suppress dissent and for attacking opponents.¹¹⁰

- ¹⁰⁶ ABC News, *Haiti's Most Notorious Gang Leader Plots its Future amid Rebellion*, 11 March 2024, <https://abcnews.go.com/International/haitis-notorious-gang-leader-plots-future-amid-rebellion/story?id=107994731>. "Gen. Laura Richardson, who oversees U.S. Southern Command, told lawmakers Tuesday that more than 300 gangs with a combined 7,200 members have 'consolidated and conducted simultaneous' attacks, taking advantage of Henry being out of the country to force his ouster". Washington Post, *As Leader Resigns, Haitian Politicians Rush to Create a New Government*, 12 March 2024, www.washingtonpost.com/world/2024/03/12/haiti-prime-minister-ariel-henry-resigns/. "Barbecue claims to have united Port-au-Prince's notoriously quarrelsome gangs in a coalition called Viv Ansanm (Live Together). It is hard to verify that claim. But while so far no rival gang leader has denied it, any alliance is likely to be short-lived". BBC, *The Men Fighting Gang Leader Barbecue for Power in Haiti*, www.bbc.com/news/world-latin-america-68534619. "What made this moment different, experts say: The gangs united, forcing the country's leader to relinquish power. [...] It is unclear how strong the alliance is or whether it will last. What is apparent is that the gangs are trying to capitalize on their control of Port-au-Prince, the capital, to become a legitimate political force in the negotiations being brokered by foreign governments." New York Times, *Why Everything Changed in Haiti: The Gangs United*, 14 March 2024, www.nytimes.com/2024/03/14/world/americas/haiti-gangs-ariel-henry.html. See also, Section II.B.
- ¹⁰⁷ This is the number estimated by GI-TOC, who also clarifies that: "This does not include criminal networks (more diffuse criminal organizations involved in illicit activity), paramilitary groups or semi-formal armed groups with known criminal activity". GI-TOC, *Gangs of Haiti: Expansion, Power and an Escalating Crisis*, October 2022, <https://globalinitiative.net/wp-content/uploads/2022/10/GITOC-Gangs-of-Haiti.pdf>, pp. 6, 21. OCHA estimates the number of gangs to be over 300. OCHA, *Haiti Humanitarian Response Plan: At a Glance*, 13 April 2023, <https://reliefweb.int/report/haiti/haiti-humanitarian-response-plan-2023-glance-april-2023-enht>, p. 3. See also, HRW, *Haiti: Surge in Violent Abuses*, 14 August 2023, www.ecoi.net/en/document/2095950.html. OCHA estimated in mid-2022 that 200 gangs had at least 3,000 members, with 40 major gangs and the remaining 160 being "mostly small bases spread across the capital and the country". OCHA, *Haiti: Impact of the Deteriorating Security Situation on Humanitarian Access*, 8 July 2022, <https://reliefweb.int/report/haiti/haiti-impact-deteriorating-security-situation-humanitarian-access-background-note-8-july-2022>, p. 1. "Today, there are about 200 gangs in Haiti, with each gang comprising 300–500 members, excluding collaborators." Adelphi et al., *Roots for Peace: Uncovering Climate Security Challenges in Haiti and What to Do about Them*, October 2023, https://weatheringrisk.org/sites/default/files/document/Roots_for_peace_uncovering_climate_security_challenges_in_Haiti_3.pdf, p. 9. However, the Panel of Experts cautions that not all criminal groups constitute gangs, finding that there are around "23 primary gangs" in Port-au-Prince. UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, [S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf](https://www.ecoi.net/en/file/local/2100024/N2324628.pdf), para. 47.
- ¹⁰⁸ UNODC, *Haiti's Criminal Markets: Mapping Trends in Firearms and Drug Trafficking*, 28 February 2023, www.unodc.org/documents/data-and-analysis/toc/Haiti_assessment_UNODC.pdf, pp. 5-6. "These gangs, which are better equipped than the national police, maintain patronage relationships with organized crime and with political and economic sectors. As a result, collusion is emerging around common political, economic, and criminal interests. To gain or retain power, political actors rely heavily on armed gangs, while economic elites employ gang leaders to protect their businesses or establish monopolies." D. Olivier, *The Political Anatomy of Haiti's Armed Gangs*, North American Congress on Latin America (2021), <http://dx.doi.org/10.1080/10714839.2021.1891648>, p. 85. According to Pierre Esperance, a respected human rights defender and the executive director of the National Human Rights Defense Network, there is a "correlation between the gangs and the people in power". New York Times, *Vigilante Justice Rises in Haiti and Crime Plummet*, 3 June 2023, www.nytimes.com/2023/06/03/world/americas/haiti-crime-gangs-vigilantes.html. For example, the UN Panel of Experts found evidence that Reynold Deeb, a prominent businessman, Michel Martelly, the previous president, Prophane Victor, a previous member of parliament, and Youri Latortue, the former Senate president, have financed, used and even formed gangs. UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, [S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf](https://www.ecoi.net/en/file/local/2100024/N2324628.pdf), paras 69–77.
- ¹⁰⁹ Gangs control a large number of voters in the capital. They have distributed leaflets, intimidated voters, bribed persons to vote for a particular party, fundraised for campaigns through extortion, vandalized or stuffed ballots and disrupted rallies by political opponents. "Gangs have developed a strong presence in municipalities with strategic electoral importance. In the 63 communes where gangs have taken hold, they have begun to dominate town halls in preparation for elections. [...] As a result, it is estimated that gangs now control more than 3.5 million voters. Growing gangs like 400 Mawozo control communes with a combined total of approximately 950 000 voters, while G9 can influence about 2 million." GI-TOC, *Gangs of Haiti: Expansion, Power and an Escalating Crisis*, October 2022, <https://globalinitiative.net/wp-content/uploads/2022/10/GITOC-Gangs-of-Haiti.pdf>, p. 10.
- ¹¹⁰ According to the executive director of the Haitian NGO Centre d'analyse et de recherche en droits de l'homme (CARDH): "Gangs are supported by certain authorities, politicians and business people. At almost all levels of the police force, gangs have links with police officers. The police do not have the means to systematically and simultaneously confront the growing gangs." New York Times, *Vigilante Justice Rises in Haiti and Crime Plummet*, 3 June 2023, www.nytimes.com/2023/06/03/world/americas/haiti-crime-gangs-vigilantes.html. See also, Foreign Policy, *Haiti Is on the Brink of State Failure*, 17 February 2023, <https://foreignpolicy.com/2023/02/17/haiti-crisis-corruption-criminal-gangs-violence-humanitarian-assistance-state-failure-sanctions/>. In February 2023, BINUH noted that "It is important to emphasize, however, that [the gang] violence and these abuses are not committed randomly but are motivated by the interest of political actors in controlling territories." BINUH, *The Population of Cité Soleil in the Grip of Gang Violence*, February 2023, www.ecoi.net/en/file/local/2086931/investigative-report-human-rights-abuses-committed-gangs-zone-brooklyn-july-december-2022.pdf, para. 20. "In the absence of effective state power, political figures across the spectrum have employed gangs as a form of hired muscle. Gangs routinely act on behalf of government and opposition figures to control key urban areas by suppressing dissent through assassinations, kidnappings and massacres; influencing the outcome of elections through bribery and intimidation; and disrupting political opponents by fomenting protests and destroying polling stations in districts where their candidate is set to lose." GI-TOC, *Gangs of Haiti: Expansion, Power and an Escalating Crisis*, October 2022, <https://globalinitiative.net/wp-content/uploads/2022/10/GITOC-Gangs-of-Haiti.pdf>, p. 3. "[...] hired guns in Haiti serve those seeking to advance a political agenda, harm an economic rival, or ensure protection of an important warehouse or other strategic location. According to one Haitian anthropologist, 'violence entrepreneurs – politicians and business elites – sponsor gangs to control territory, secure economic monopolies and deliver voters during elections'" ICG, *Haiti: A Path to Stability for a Nation in Shock*, 30 September 2021, www.ecoi.net/en/file/local/2061293/b044-haiti-path-to-stability+%281%29.pdf, p. 7.

In addition, observers have documented links between gangs and the police, including where the police have cooperated with gangs or participated in attacks.¹¹¹ The National Network for the Defence of Human Rights (RNDDH), a Haitian NGO, has documented multiple reports of gangs using police equipment, including armor, tear gas and armored vehicles, during attacks.¹¹²

However, while gangs in Haiti have a history of being used by political actors, they have “morphed into largely self-sustaining and self-funded groups that control large swathes of territory”.¹¹³ Gangs exercise control over an estimated 80 per cent of Port-au-Prince and have continued during 2022 and 2023 to expand their territory and to control points of access to cities and supply lines including major roads, airports, ports and border crossings.¹¹⁴ In poorer areas of Port-au-Prince, due partially to State absence and the lack of basic services, criminal groups and gangs have been able to establish themselves as informal authorities.¹¹⁵ Gangs enforce their authority and control over the civilian population using

¹¹¹ “Many of the gangsters who are preying on Port-au-Prince came from within the ranks of the Haitian National Police”. Foreign Policy, *The U.S. Is Preparing an Outsourced Invasion of Haiti*, 7 November 2023, <https://foreignpolicy.com/2023/11/07/haiti-kenya-invasion-gang-war-united-states/>. “Some police officers have been implicated in colluding with gangs. [...] According to numerous interlocutors the expert interviewed, gangs have obtained weapons and vehicles from the police and some officers have been accused of providing information to gangs about upcoming police operations. ‘It is difficult to fight gangs when police or political authorities are in collusion with them.’” UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 27. A report from Harvard Law School’s International Human Rights Clinic examined three massacres—La Saline in 2018, where at least 71 persons were killed, Bel-Air in November 2019, where at least 24 persons were killed, and Cité Soleil in May–July 2020, where at least 145 civilians were killed. In each instance, there was significant evidence of police involvement in the attacks and potentially of political backing. Harvard Law School, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, 22 April 2021, https://hrp.law.harvard.edu/wp-content/uploads/2022/10/Killing_With_Impunity-1.pdf, pp. 3–4, 24–28. In 2018, the National Network for the Defence of Human Rights (RNDDH) documented the involvement of several police officers in attacks which occurred in November 2018 in La Saline, led by a police officer who later become a fugitive. The gangs and policeman “used several vehicles including an armored vehicle from the [HNP] Departmental Intervention Unit (BOID)”. RNDDH, *The Events in La Saline: from Power Struggle between Armed Gangs to State-Sanctioned Massacre*, 1 December 2018, <https://web.mddh.org/wp-content/uploads/2018/12/10-Rap-La-Saline-1Dec2018-Ang1.pdf>, paras 39–40.

¹¹² RNDDH, *Massacres in Bel-Air and Cité Soleil Under the Indifferent Gaze of State Authorities*, 20 May 2021, <https://web.mddh.org/wp-content/uploads/2021/05/2-Rap-Bel-Air-Cite-Soleil-2020.2021-20-Mai-2021-ENG.pdf>, paras 6, 28, 49. “The weak or complicit response of state officials to gang activity has ensured that their misdeeds go almost entirely unpunished.” ICG, *Haiti: A Path to Stability for a Nation in Shock*, 30 September 2021, www.ecoi.net/en/file/local/2061293/b044-haiti-path-to-stability+%281%29.pdf, p. 8. See also, Harvard Law School, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, 22 April 2021, https://hrp.law.harvard.edu/wp-content/uploads/2022/10/Killing_With_Impunity-1.pdf, pp. 25–26.

¹¹³ UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 3. “The current gang crisis draws on the historic deployment of armed groups for political purposes, but it is an emerging phenomenon and threat in its own right. Gangs are becoming a central organizing force for young people, they are heavily armed, and largely driven by profit and power, rather than political ideology. At the same time, their connection to the political economy persists.” GI-TOC, *Gangs of Haiti: Expansion, Power and an Escalating Crisis*, October 2022, <https://globalinitiative.net/wp-content/uploads/2022/10/GITOC-Gangs-of-Haiti.pdf>, p. 6. See also, El País, *Haiti, When a State Collapses*, 2 July 2023, <https://english.elpais.com/eps/2023-07-02/haiti-when-a-state-collapses.html>.

¹¹⁴ “[As of September 2023], the whole of Port-au-Prince is affected by gang violence. While gangs control and exert strong influence over 80 per cent of the metropolitan area, the remaining 20 per cent of the territory is also not spared from their incursions.” UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, p. 2, see also para. 48. “While for decades [gangs] were confined to big-city slums, they now control 80 per cent of Port-au-Prince, which is home to some three million people, as well as the main routes into the capital. Around the city’s largest ports, gangs frequently hijack freight trucks and have blockaded Haiti’s main oil terminal on two occasions.” ICG, *Haitians Turn to Mob Justice as the Gang Threat Festers*, 3 July 2023, www.ecoi.net/en/document/2094837.html. “Throughout 2022 and early 2023, emboldened Haitian gangs steadily expanded their control over key access points to cities, including the capital Port-au-Prince. Some have also focused on controlling key supply lines connected to public and private ports and international border crossings with the Dominican Republic.” UNODC, *Haiti’s Criminal Markets: Mapping Trends in Firearms and Drug Trafficking*, 28 February 2023, www.unodc.org/documents/data-and-analysis/toc/Haiti_assessment_UNODC.pdf, pp. 8–9. See also, UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 79; BINUH, *Human Rights Situation: Main Trends*, May 2023, www.ohchr.org/sites/default/files/documents/countries/haiti/Haiti-Human-rights-quarterly-report-Q1-2023-EN.pdf, p. 2.

¹¹⁵ Gangs “wield significant socioeconomic power by taking on quasi-governmental functions and serving as conduits for government and financial assistance in the areas they control”. Harvard Law School, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, 22 April 2021, https://hrp.law.harvard.edu/wp-content/uploads/2022/10/Killing_With_Impunity-1.pdf, p. 8. “In short, the proliferation of territorial gangs and the development of the illicit arms and ammunitions trade has made Port-au-Prince a barricaded metropolis [...] The city is controlled in the north by the gangs of Cité Soleil and Croix-des-Bouquets, in the south by the gangs of Martissant and its surrounding areas, in the east by the gangs of Pétiön-Ville, and in the west by the gangs of Grand Bel-Air.” D. Olivier, *The Political Anatomy of Haiti’s Armed Gangs*, North American Congress on Latin America (2021), <http://dx.doi.org/10.1080/10714839.2021.1891648>, p. 87. In neighbourhoods without police presence: “If [residents] have any problem or request, they must go to the gang leaders, who tax business and even issue permits to build or repair homes. They act as a proto-state.” El País, *Haiti, When a State Collapses*, 2 July 2023, <https://english.elpais.com/eps/2023-07-02/haiti-when-a-state-collapses.html>. A 2022 survey of women in Cité Soleil found that two women who had experience GBV did not report it to the police, but took a complaint to the local gang, which indicated “who they believed had power to respond.” GI-TOC, *Gang Control and Security Vacuums: Assessing Gender-Based Violence in Cité Soleil, Haiti*, May 2023, <https://globalinitiative.net/wp-content/uploads/2023/05/Gang-control-and-security-vacuums-Assessing-gender-based-violence-in-Cité-Soleil-Haiti-May2023.v2.pdf>, p. 15. See also, UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, p. 44; HRW, “Living a Nightmare”: *Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, p. 2. Neighbourhoods controlled by gangs are “characterized by an absence of state institutions, state programs and policies, as well as by extreme poverty, and marginalization.” BINUH, *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, October 2022, www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf, para. 27.

violence and extreme forms of punishment.¹¹⁶ Gang leaders are reported to display both their power and their wealth openly.¹¹⁷

Gangs raise revenue via kidnapping, extortion and theft, but also through control of “customs, public markets, water and electricity distribution networks, and bus and public transport stations”.¹¹⁸ According to Insight Crime, gangs in Haiti are able to “control public infrastructure, shut down entire neighborhoods, kill and loot with impunity, and largely determine the daily lives of tens of thousands”.¹¹⁹ Many businesses in Haiti pay gangs, either regularly or as needed, in an attempt to avoid having their goods stolen or confiscated.¹²⁰ Gangs also run checkpoints throughout Port-au-Prince and often control access to and departure from their neighbourhoods.¹²¹ Rural gangs kidnap persons travelling along the roads or on public transport and control sections of major national routes.¹²²

- ¹¹⁶ “In the areas under their control, gangs are increasingly presenting themselves as authorities and mediators in relations between residents. There are regular reports of executions or detention of people challenging their authority or refusing to obey their orders. For example, in August and September, in the Brooklyn neighborhood of Cité Soleil, at least 19 people, including six children, were killed by gang members as punishment for ‘bad behavior’. Among the victims was an eight-year-old boy who was killed for slapping a gang member during a game.” BINUH, *Human Rights Situation: Main Trends*, 27 October 2023, https://binuh.unmissions.org/sites/default/files/2023_q3_rapport_trimestriel_droits_humains_en.pdf, p. 4.
- ¹¹⁷ “Haiti’s most successful gang members lead lives of minor celebrity. The gangs not only outnumber the police; they’re better armed, and they benefit from connections to the powerful élite who use them to secure influence. In YouTube videos, they brazenly celebrate their activities, often without bothering to obscure their faces.” The New Yorker, *Haiti Held Hostage*, 17 June 2023, www.newyorker.com/magazine/2023/07/24/haiti-held-hostage. A Brazilian missionary said that the gang “bosses are millionaires. They drive high-end cars, wear the best sneakers and record video clips. The kids are fascinated by them”. The leader of a G9 member gang in Waf Jérémie who is called Mikanó reportedly “ordered the construction of a castle in the neighborhood and a throne on which he sits”. El País, *Haiti, When a State Collapses*, 2 July 2023, <https://english.elpais.com/eps/2023-07-02/haiti-when-a-state-collapses.html>.
- ¹¹⁸ GI-TOC, *Gangs of Haiti: Expansion, Power and an Escalating Crisis*, October 2022, <https://globalinitiative.net/wp-content/uploads/2022/10/GITOC-Gangs-of-Haiti.pdf>, p. 14, see also p. 4. “[Gangs] are now replacing state institutions as the de facto authorities in much of the Haitian capital.” Insight Crime, *Haiti Gangs Embrace Political and Police Chaos*, 31 January 2023, <https://insightcrime.org/news/haiti-gangs-de-facto-authority-state-institutions-struggle-respond/>. See also, Insight Crime, *Haiti’s Neighbors Grow Concerned at Spread of Gang Governance*, 1 September 2021, <https://insightcrime.org/news/haitis-neighbors-grow-concerned-spread-gang-governance/>. According to an investigation by RNDDH, the Chen Mechan gang (a G9 member gang) levies tariffs according to a fixed schedule in their territory. Small merchants pay 50 gourdes according to tranches of revenue, while traders with trestle tables pay double that tariff. Pick-up trucks and buses pay at least the cost of a ticket for one passenger. A container placed in their territory requires 75,000 gourdes, while the cost of freight is variable. The gang 400 Mawozo, on the other hand, operates “in the markets, requiring private companies and state institutions including even the police stations of the area, to regular payments of large sums of money.” RNDDH, *Violent Clashes Between Armed Gangs: RNDDH Demands Protection of the Haitian Population*, 10 May 2022, <https://web.rnddh.org/wp-content/uploads/2022/05/6-Rap-Plaine-du-Cul-de-Sac-10Mai2022-ENG.pdf>, paras 27, 35. See also, UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 79.
- ¹¹⁹ Insight Crime, *Haiti Gangs Embrace Political and Police Chaos*, 31 January 2023, <https://insightcrime.org/news/haiti-gangs-de-facto-authority-state-institutions-struggle-respond/>. “[G]angs blocked access to the southern region by controlling Martissant, a Port-au-Prince neighborhood on the main road south. Halting a resurgent outbreak of cholera—which returned in October for the first time in three years—has been difficult in part because gangs have prevented health-care workers from accessing poor areas and made people afraid to visit hospitals.” Migration Policy Institute, *Haitians Flee a Nation Nearing Collapse*, 5 July 2023, <https://reliefweb.int/report/haiti/haitians-flee-nation-nearing-collapse>. “Trapped by the violence, civilians in areas under gang control are unable to leave their homes and lack access to food, water, sanitation and health-care services. Key arterial roads in and around Port-au-Prince remained under the control of gangs. Trucks and other vehicles continued to be systematically extorted, robbed and hijacked along these roads. In areas affected by gang violence, economic activities are periodically paralyzed.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 3 July 2023, S/2023/492, www.ecoi.net/en/file/local/2095017/N2318333.pdf, para. 36.
- ¹²⁰ However, gangs are unreliable and the payment of protection money is not a guarantee that the trader’s merchandise will be respected. In June 2021, one businessman’s warehouse was ransacked, costing him over 3.5 million USD, by the G9, despite his dealings with the gang. AP, *In Haiti, the Difficult Relationship of Gangs and Business*, 27 October 2021, <https://apnews.com/article/business-caribbean-port-au-prince-haiti-only-on-apfc8acb709b09f75b7783e9fab45e830d>. Gangs also levy “taxes” on the population in areas they control. UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, pp. 84-86.
- ¹²¹ “Travelling in a vehicle can be life-threatening. Gangs guard their territory. Checkpoints dot Port-au-Prince with heavily armed gang members stopping all vehicles. Gangs impose ‘taxes’ and often steal all or part of any merchandise, which exacerbates the food crisis.” UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 8. An 18-year-old student who lived in a G-Pep neighbourhood but went to school in La Saline, a G9-controlled neighbourhood, reported having to “cross three borders — three checkpoints, guarded by armed men — to get to school. The journey takes more than two hours.” El País, *Haiti, When a State Collapses*, 2 July 2023, <https://english.elpais.com/eps/2023-07-02/haiti-when-a-state-collapses.html>. “In some areas of Croix-des-Bouquets and Port-au-Prince (Western Department), motorists, passers-by and street vendors are regularly victims of extortion and theft in the streets and at ‘checkpoints’ improvised by gangs along main roads.” BINUH, *Human Rights Situation: Main Trends*, 27 October 2023, https://binuh.unmissions.org/sites/default/files/2023_q3_rapport_trimestriel_droits_humains_en.pdf, pp. 5-6.
- ¹²² According to Insight Crime, rural gangs like Kokorat San Ras are imitating the brutal tactics of urban gangs. Insight Crime, *The Rise of Haiti’s Violent Rural Gangs*, 3 August 2022, <https://insightcrime.org/news/rise-haiti-violent-rural-gangs/>. Another tactic that is reportedly becoming more common in rural areas is occupying land and demanding a ransom to vacate. BINUH, *Human Rights Situation: Main Trends*, 27 October 2023, https://binuh.unmissions.org/sites/default/files/2023_q3_rapport_trimestriel_droits_humains_en.pdf, p. 6.

Gangs attack or destroy homes and businesses,¹²³ as well as public institutions such as schools,¹²⁴ which leads to civilians being forcibly displaced and unable to return to these areas.¹²⁵ Haitians living in gang-controlled areas are increasingly forced to adapt their daily lives to escape the violence of gangs.¹²⁶ Reportedly, due to a lack of State protection, “[t]he role of gangs, whose elements have often been born and raised in the neighborhood, oscillates between ‘predators’ and ‘protectors’” in areas under their control.¹²⁷

Gangs have access to sophisticated weaponry.¹²⁸ According to the UN Panel of Experts, they have “developed more sophisticated and deadly arsenals with the procurement of large numbers of semi-automatic rifles, resulting in firepower exceeding that of the police”.¹²⁹ This is partially due to the government’s inability to secure its borders or prevent the trafficking of weapons by air or sea.¹³⁰ However, gangs have also taken control of key infrastructure to facilitate weapons and drug smuggling

- ¹²³ “[B]etween July and September [2023], more than 600 homes and businesses were vandalized, looted, or set on fire by gangs, most during or after large-scale attacks. [...] In a practice that has become commonplace in some rural areas of Artibonite, in mid-August, gang members occupied around 300 hectares of land belonging to farmers in the locality of Laverdure (commune of Petite Rivière de l’Artibonite) and demanded a large sum of money to leave the area.” BINUH, *Human Rights Situation: Main Trends*, 27 October 2023, https://binuh.unmissions.org/sites/default/files/2023_q3_rapport_trimestriel_droits_humains_en.pdf, p. 6; see also, UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 3 July 2023, S/2023/492, www.ecoi.net/en/file/local/2095017/N2318333.pdf, para. 10. “Many [gangs] are also engaged in predatory behaviour in communities under their control contributing to rising levels of extortion, sexual violence, kidnapping and fatal violence”. UNODC, *Haiti’s Criminal Markets: Mapping Trends in Firearms and Drug Trafficking*, 2 March 2023, www.unodc.org/documents/data-and-analysis/toc/Haiti_assessment_UNODC.pdf, p. 5.
- ¹²⁴ UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 3 July 2023, S/2023/492, www.ecoi.net/en/file/local/2095017/N2318333.pdf, para. 56. See also, BINUH, *Human Rights Situation: Main Trends*, 9 May 2023, www.ohchr.org/sites/default/files/documents/countries/haiti/Haiti-Human-rights-quarterly-report-Q1-2023-EN.pdf, p. 4; UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 14 April 2023, S/2023/274, www.ecoi.net/en/file/local/2091678/N2309343.pdf, para. 38.
- ¹²⁵ BINUH, *The Population of Cité Soleil in the Grip of Gang Violence*, February 2023, www.ecoi.net/en/file/local/2086931/investigative-report-human-rights-abuses-committed-gangs-zone-brooklyn-july-december-2022.pdf, paras 55-59.
- ¹²⁶ “Citizens’ perceptions indicate that actual levels of crime and violence are likely much higher than official data reflect. [...] As gangs have taken control of neighborhoods and towns, they use violence to maintain control and protect their territories against rivals. As a result, [citizens] suggest many Haitians (particularly those living in or near gang-controlled areas) feel insecure in their communities, are afraid of engaging in routine activities, and have adjusted lifestyles to minimize risk.” USAID, *Haiti Citizen Security Assessment (CSA) Final Report*, September 2022, https://pdf.usaid.gov/pdf_docs/PA0211RJ.pdf, p. 1. Reportedly, some Haitians have started to avoid certain areas in their neighbourhoods or to stay in their workplaces at night to prevent being kidnapped or attacked in gang-controlled areas. BBC, *Haiti: Inside the Capital City Taken Hostage by Brutal Gangs*, 5 December 2022, www.bbc.com/news/world-latin-america-63707429. See also, Migration Policy Institute, *Haitians Flee a Nation Nearing Collapse*, 5 July 2023, <https://reliefweb.int/report/haiti/haitians-flee-nation-nearing-collapse>.
- ¹²⁷ BINUH and OHCHR, *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, October 2022, www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf, para. 47. “In the areas under their control, gangs are increasingly presenting themselves as authorities and mediators in relations between residents. There are regular reports of executions or detention of people challenging their authority or refusing to obey their orders. For example, in August and September, in the Brooklyn neighborhood of Cité Soleil, at least 19 people, including six children, were killed by gang members as punishment for “bad behavior”. Among the victims was an eight-year-old boy who was killed for slapping a gang member during a game.” BINUH, *Human Rights Situation: Main Trends*, 27 October 2023, https://binuh.unmissions.org/sites/default/files/2023_q3_rapport_trimestriel_droits_humains_en.pdf, p. 4.
- ¹²⁸ In August 2022: “Over the last three months, [Homeland Security Investigations] has seen a substantial increase in the number of weapons, along with a serious increase on the caliber and type of firearms, being illegally trafficked. Some of those weapons include .50 caliber sniper rifles, 308 rifles, and a belt fed machine gun.” US Immigration and Customs Enforcement (ICE), *HSI Announces Crackdown on Firearms, Ammunition Smuggling to Haiti, the Caribbean*, 19 August 2022, www.ice.gov/news/releases/hsi-announces-crackdown-firearms-ammunition-smuggling-haiti-caribbean. “The gangs not only outnumber the police; they’re better armed, and they benefit from connections to the powerful élite who use them to secure influence.” The New Yorker, *Haiti Held Hostage*, 17 June 2023, www.newyorker.com/magazine/2023/07/24/haiti-held-hostage. See also, GI-TOC, *A Critical Moment: Haiti’s Gang Crisis and International Responses*, 12 February 2024, <https://globalinitiative.net/wp-content/uploads/2024/02/Romain-Le-Cour-Grandmaison-Ana-Paula-Oliveira-and-Matt-Herbert-A-critical-moment-Haitis-gang-crisis-and-international-responses-GI-TOC-February-2024.pdf>, p. 12.
- ¹²⁹ UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 18, see also paras 92-95.
- ¹³⁰ “Haiti’s borders are essentially porous, and the challenges of patrolling 1,771 kilometres of coastline and a 392-kilometre land border with the Dominican Republic are overwhelming the capacities of Haiti’s national police, customs, border patrols and coast guard, who are severely understaffed and under-resourced, and increasingly targeted by gangs.” UNODC, *Haiti’s Criminal Markets: Mapping Trends in Firearms and Drug Trafficking*, 28 February 2023, www.unodc.org/documents/data-and-analysis/toc/Haiti_assessment_UNODC.pdf, p. 1, see also pp. 12-14. “The lack of effective border management capacity, weak customs controls and entrenched corrupt practices are among the primary enablers of criminal activities”. UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, p. 82.

and have targeted border police and other officials.¹³¹ Additionally, gang members seem to be trained in military techniques and operate strategically.¹³²

Gangs recruit among the populations of the areas that they control and reportedly prey particularly upon children.¹³³ Many young persons join gangs due to a complete lack of State services, infrastructure and employment opportunities in their neighbourhoods, and because of extreme poverty.¹³⁴ According to GI-TOC, some “gangs are said to be so popular they have waiting lists for recruits to join, such as 400 Mawozo”.¹³⁵ In Cité Soleil, gangs have co-opted humanitarian aid via so-called foundations that they control, using it to “force young men and women to join [their] ranks”.¹³⁶

By mid-2022, most gangs in Port-au-Prince reportedly belonged to or were aligned with one of two warring factions: G9 or G-Pep.¹³⁷ This has resulted in constantly shifting battle lines drawn throughout Port-au-Prince and increased battles over territory, especially in Cité Soleil, Delmas, Croix-des-Bouquets and in the neighbourhoods of Martissant and Bel Air.¹³⁸ In July 2023, gang leaders from the G9 and G-Pep coalitions signed a truce, which led to a ceasefire in some areas but did not seem to

¹³¹ “[Gangs] are also targeting critical infrastructure, including access to sea ports, fuel terminals, airports and key roads in and out of major cities”. Additionally: “Haiti’s customs agents are operating in a context of extreme insecurity. According to the director general of customs, multiple offices have been sacked and forced to close since September 2022, with several officials forced to abandon their posts. For example, customs offices in Port-au-Prince, Saint-Marc and Gonaïves together with the Léogâne road checkpoint have all been vandalized. Customs authorities also claim that Port Latifeau, the Malasse and Belladère customs offices and the Gantier road checkpoints are essentially ‘inoperative’. Media have reported that a customs officer in Belladère was doused with gasoline by a purported smuggler in late December 2022.” UNODC, *Haiti’s Criminal Markets: Mapping Trends in Firearms and Drug Trafficking*, 28 February 2023, www.unodc.org/documents/data-and-analysis/toc/Haiti_assessment_UNODC.pdf, pp. 4, 19.

¹³² “Gangs control roads, including through the setting of concealed traps, and not only are heavily armed (see annex 32) and trained, but also know how to handle weapons, display combat techniques and operate strategically in neighbourhoods. Former police and military officers, as well as deportees from the United States, are among their ranks (see annex 4).” UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 63. “Armed gang strategy and tactics have further evolved. Gangs in Village de Dieu (West Department) have used Molotov cocktails, laid sophisticated traps and built defensive concrete pillboxes in their strongholds to repel police operations. A similar modus operandi has been observed in the area of Mariani.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 15 January 2024, S/2024/62, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N24/001/85/PDF/N2400185.pdf>, para. 14.

¹³³ UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 49.

¹³⁴ “The lack of opportunities for the youth has propelled many to join gangs, by default, often to escape poverty.” UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 12. “Members of the armed groups or gangs (baz in Creole) are overwhelmingly young men from the poorest sectors of big cities – areas with few to no social services, poorly equipped schools, no clean water and scarce health care facilities. These young people have scant employment options and face a grim future, making it easy and cheap for politicians and the business elite to buy them off, often for only a few dollars per day.” ICG, *Haiti: A Path to Stability for a Nation in Shock*, 30 September 2021, www.ecoi.net/en/file/local/2061293/b044-haiti-path-to-stability+%281%29.pdf, p. 7. “Often numbering hundreds of impoverished young men per group, the gangs control over half the capital and have significant presence beyond.” Brookings Institution, *Haiti in 2023: Political Abyss and Vicious Gangs*, 3 February 2023, www.brookings.edu/articles/haiti-in-2023-political-abyss-and-vicious-gangs/.

¹³⁵ GI-TOC, *Gangs of Haiti: Expansion, Power and an Escalating Crisis*, October 2022, <https://globalinitiative.net/wp-content/uploads/2022/10/GITOC-Gangs-of-Haiti.pdf>, p. 4. As of March 2022, the gang “400 Mawozo” was the “largest active criminal group in Haiti”, with an estimated membership of over 1000, and controlled territory in Croix-des-Bouquet. Insight Crime, *400 Mawozo*, 23 March 2022, <https://insightcrime.org/haiti-organized-crime-news/400-mawozo/>.

¹³⁶ BINUH, *The Population of Cité Soleil in the Grip of Gang Violence*, February 2023, www.ecoi.net/en/file/local/2086931/investigative-report-human-rights-abuses-committed-gangs-zone-brooklyn-july-december-2022.pdf, para. 9, see also para. 8. “Social foundations run by gang leaders also provide an entry point for recruitment. Children mostly come from families in distress and join the gangs in search of money and food. Several sources have indicated that some gangs force their enrolment by refusing to distribute food to their families through their social foundations if they do not join.” UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, p. 55.

¹³⁷ “The criminal federalization of Port-au-Prince’s gangs means that today most gangs in the capital belong to either the G9 or the G-PEP alliances. 400 Mawozo were the largest holdout left, but [according to a gang researcher] that non-alignment ended sometime in the last year.” Insight Crime, *Why Haiti’s Gang War Keeps on Getting Worse*, 20 May 2022, <https://insightcrime.org/news/why-haiti-gang-war-keeps-on-getting-worse/>. According to the HNP, in Haiti there are “currently seven major gang coalitions and approximately 200 affiliated groups”. UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 14 April 2023, S/2023/274, www.ecoi.net/en/file/local/2091678/N2309343.pdf, para. 27. “Alongside [the members of G9 and G-Pep], a range of other independent gangs undertake opportunistic alliances, both among themselves and with the G9 and G-Pép”. UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 47. See also, GI-TOC, *A Critical Moment: Haiti’s Gang Crisis and International Responses*, 12 February 2024, <https://globalinitiative.net/wp-content/uploads/2024/02/Romain-Le-Cour-Grandmaison-Ana-Paula-Oliveira-and-Matt-Herbert-A-critical-moment-Haitis-gang-crisis-and-international-responses-GI-TOC-February-2024.pdf>, p. 9.

¹³⁸ “Coalition building in the capital has also intensified inter-gang rivalry. [...] Such coalition building is seen as a step towards expansion from the capital into other regions of Haiti.” GI-TOC, *Gangs of Haiti: Expansion, Power and an Escalating Crisis*, October 2022, <https://globalinitiative.net/wp-content/uploads/2022/10/GITOC-Gangs-of-Haiti.pdf>, p. 13. For a map of gang control as of July 2023, see UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, p. 14.

reduce gang violence in Port-au-Prince.¹³⁹ In September 2023, gang leaders from both coalitions again pledged to cease hostilities and specified that they would also stop attacking local populations, forming a coalition.¹⁴⁰ The truce reportedly broke down and gang violence continued at a high rate during the last quarter of 2023.¹⁴¹ In March 2024 Jimmy “Barbecue” Chérizier claimed that this truce—called *viv ansanm*, or live together—had been revived.¹⁴²

While most gang activity occurs in the West department, since July 2022 gang violence has escalated and spread in the Artibonite department, where there are at least 20 “criminal groups, including gangs and vigilante groups”.¹⁴³ Reportedly, the larger gangs have formed alliances with the G-Pep coalition, which has consolidated control of the national highway and other entries into Port-au-Prince from the northern part of the country.¹⁴⁴ Between January 2022 and October 2023, gangs and other criminal groups have killed, injured and kidnapped over 1,690 persons.¹⁴⁵

Gangs and criminal groups are reported to be active in other areas of the country too, including Saut d’Eau (Centre department), Les Cayes (South department), Miragoâne and Petite-Rivière-des-Nippes (Nippes department), Cap-Haïtien (North department), Marigot (South-East department) and Port de-

¹³⁹ In July 2023, Tom Hagan, American priest and founder of the charity organization ‘Hands Together’ reportedly arranged that four Cité Soleil gang leaders—namely, Gabriel Jean-Pierre (alias Ti-Gabriel), Mathias Saintil, Iscard Andrice (alias Iska) and Jimmy Chérizier (alias Barbecue)—collectively signed a truce document (in both Creole and English). Miami Herald, *With Help From American Priest, Four Haiti Gang Leaders Have Called a Truce. Can It Last?*, 16 July 2023, www.miamiherald.com/news/nation-world/world/americas/haiti/article277316038.html. In the document, the gang leaders pledged to “[...] promise our loving God to work hard to end violence, to bring peace to all people.” Haiti Libre, *Haiti - Cité Soleil : God at the Center of a Very Fragile «Truce»*, 17 July 2023, www.haitilibre.com/en/news-40033-haiti-cite-soleil-god-at-the-center-of-a-very-fragile-truce.html. “The two groups [G9 and G-Pep] agreed on a truce in late June 2023, which led to a shaky ceasefire, but neighborhoods remain under their control and reports of abuses continue to mount. Residents still struggle to send their children to school, and many can often only eat one meal every two or three days.” HRW, *“Living a Nightmare”: Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, p. 1, see also pp. 33-34. As of September 2023: “August [2023] saw a resurgence of violence in many Port-au-Prince metropolitan area [...] neighbourhoods. The mid-July truce between the G-9 and GPEP, the two main gang coalitions, appears to be holding. There were no reports of major clashes in Cité Soleil during August. However, gangs appear to be taking advantage of the lull to focus their efforts on expanding their control into areas not yet under their influence. This has led to extremely violent confrontations between gangs and local populations, especially in communities that have organised self-defence groups. In some neighbourhoods, such as Tabarre, there is growing tension with communities who are accusing displaced people currently in makeshift settlements of attracting gang members.” OCHA, *Haiti: Humanitarian Response Overview, Situation Report – August 2023*, 21 September 2023, <https://reliefweb.int/report/haiti/haiti-humanitarian-response-overview-situation-report-august-2023>, p. 1.

¹⁴⁰ On 23 September 2023, Jimmy “Barbecue” Chérizier, Johnson “Izo” André, Rénel “Ti Lapi” Destina, Wilson “Lanmò san jou” Joseph, and other gang leaders announced their support for a truce under the name Viv Ansanm (Live Together). Haiti Infos Pro, « *Viv Ansanm* » : *Des Bandits Promettent la Paix, Des Défenseurs de Droits Humains Alertent la Population*, 22 September 2023, <https://haitiinfospro.com/viv-ansanm-des-bandits-notoires-promettent-la-paix-des-defenseurs-de-droits-humains-alertent-la-population/>; Haiti Liberté, *Despite Peace Breaking Out in Haiti, Biden Still Calls for “UN-Backed” Invasion*, 20 September 2023, <https://haitiliberte.com/despite-peace-breaking-out-in-haiti-biden-still-calls-for-un-backed-invasion/>.

¹⁴¹ “The truce [...] broke down a few days later, when two Gpèp-affiliated gangs launched an offensive on the towns of Saut d’Eau and Mirebalais, north of the capital, attacking a hospital and burning down a police station. On the same day, G9 members murdered one of the leaders of their own coalition, allegedly for breaching Viv Ansanm’s principles by hijacking a freight truck passing through the area he controlled.” ICG, *Haiti’s Gangs: Can a Foreign Mission Break their Stranglehold?*, 5 January 2024, www.crisisgroup.org/latin-america-caribbean/haiti/b49-haitis-gangs-can-foreign-mission-break-their-stranglehold. See also, ACLED, *ACLED Regional Overview Latin America & the Caribbean: September 2023*, 6 October 2023, <https://reliefweb.int/report/haiti/acled-regional-overview-latin-america-caribbean-september-2023>. BINUH reported a 16% overall increase in violent incidents for the third quarter of 2023 (July to September), with 69% taking place in the West department. BINUH, *Human Rights Situation: Main Trends*, 27 October 2023, https://binuh.unmissions.org/sites/default/files/2023_q3_rapport_trimestriel_droits_humains_en.pdf, p. 3. See also, Rolling Stone, *Inside the World’s Most Dangerous Gang War*, 26 November 2023, www.rollingstone.com/culture/features/haiti-gang-violence-crisis-g9-g-pep-1234871794/; Haiti Infos Pro, « *Viv Ansanm* » : *Des Bandits Promettent la Paix, Des Défenseurs de Droits Humains Alertent la Population*, 22 September 2023, <https://haitiinfospro.com/viv-ansanm-des-bandits-notoires-promettent-la-paix-des-defenseurs-de-droits-humains-alertent-la-population/>; Haiti Liberté, *Despite Peace Breaking Out in Haiti, Biden Still Calls for “UN-Backed” Invasion*, 20 September 2023, <https://haitiliberte.com/despite-peace-breaking-out-in-haiti-biden-still-calls-for-un-backed-invasion/>.

¹⁴² “Diego Da Rin, with the International Crisis Group, noted that Barbecue in his speech referred to a coalition called Viv Ansanm, which means ‘living together’ in Haitian Creole. The coalition was created last year as part of a peace pact between Barbecue’s federation and another powerful gang called G-Pep and had as a main goal to bring down Henry’s administration. However, the coalition crumbled just days after it was announced, and Da Rin said it remains to be seen whether Barbecue truly has the support of other gang leaders.” AP, *Gunfire Paralyzes Haiti as Powerful Gang Leader Says He Will Try to Detain Police Chief, Ministers*, 1 March 2024, <https://apnews.com/article/haiti-gangs-violence-barbecue-police-prime-minister-c275da3b420f018a95099c9e6539e61f>.

¹⁴³ BINUH, *Criminal Violence Extends Beyond Port-Au-Prince: The Situation in Lower Artibonite from January 2022 to October 2023*, November 2023, www.ecoi.net/en/file/local/2101367/Haiti-report-criminal-violence-artibonite-2023-EN.pdf, p. 5. The spread of violence has had devastating humanitarian impacts. UNICEF, *Armed Violence Takes Root in Haiti’s “Rice Basket”*, 3 October 2023, www.unicef.org/press-releases/armed-violence-takes-root-haitis-rice-basket. See also, BINUH, *Human Rights Situation: Main Trends*, 27 October 2023, https://binuh.unmissions.org/sites/default/files/2023_q3_rapport_trimestriel_droits_humains_en.pdf, pp. 3-5.

¹⁴⁴ BINUH, *Criminal Violence Extends Beyond Port-Au-Prince: The Situation in Lower Artibonite from January 2022 to October 2023*, November 2023, www.ecoi.net/en/file/local/2101367/Haiti-report-criminal-violence-artibonite-2023-EN.pdf, pp. 5, 16.

¹⁴⁵ *Ibid.*, p. 5. “Between January 2022 and December 2023, almost 2,000 people, including at least 23 minors, were killed, kidnapped or injured by gangs in lower Artibonite. Gangs often erect and hide behind barricades on the sides of roads, opening fire on vehicles to stop them, then kidnap the survivors. During these attacks, women are often raped in broad daylight. [...] Gangs in the lower Artibonite communes have also continued to attack towns and urban centres, killing, injuring and kidnapping people in the streets and in their homes.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 15 January 2024, S/2024/62, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N24/001/85/PDF/N2400185.pdf>, para. 34.

Paix (North-West department).¹⁴⁶ Gangs frequently target areas that are considered strategically significant, for instance for political or economic reasons.¹⁴⁷ They are increasingly invading areas that were previously unaffected or considered to be relatively safe.¹⁴⁸

1) G9¹⁴⁹

The G9, also called G9 Fanmi e Alye (“G9 Family and Allies”), is a coalition of gangs that are led by ex-police officer Jimmy Chérizier, also known as “Barbecue”.¹⁵⁰ Jimmy “Barbecue” Chérizier announced the creation of the coalition of nine gangs in June 2020; the G9 has since expanded both in territory and in membership.¹⁵¹ Some sources report that the group has worked to create alliances with other criminal organizations and gangs under an umbrella sometimes called the G20.¹⁵²

¹⁴⁶ “With relatively lower crime rates, other departments are not spared from the influence of gangs. Some of the gangs based in Port-au-Prince have strategic operational branches that can be activated for criminal purposes. Criminal groups have also been reported in other areas of the country”. UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 50. See also, UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, para. 28; UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 17 January 2023, S/2023/41, www.ecoi.net/en/file/local/2086289/N2301674.pdf, paras 36, 39; ACLED, *Conflict Watchlist 2023 Haiti: Expanding Gang Activity Amid Persisting Political Instability*, 8 February 2023, <https://acleddata.com/conflict-watchlist-2023/haiti/>. “L’insécurité s’est installée progressivement dans les milieux ruraux les plus reculés et souvent coupés des zones urbaines en l’absence de routes praticables. Après le département de l’Artibonite et du Centre, les gangs commencent à étendre leur influence dans les départements du Grand sud. Dans la Grand-Anse, plusieurs organisations locales ont signalé le retour à Fond-Cochon, Jérémie, Dame Marie ou encore à Corail Roseaux d’hommes armés qui ont profité du vide sécuritaire créé par l’absence d’autorités policières pour s’installer. En toute impunité, ils rançonnent les paysans, volent leur bétail et braquent les habitants. Il en est de même dans les zones de Marbial et Seguin dans le Sud-est, ou encore dans les communes du Sud telle que les Anglais, Tiburon et Port-à-Piment.” OCHA, *Haiti: Besoins Humanitaires et Plan de Réponse 2024*, 19 January 2024, www.unocha.org/attachments/74e0e2a8-61d7-4221-a069-b4a3bc467580/Haiti_HNRP_2024_FR_version%20finale.pdf, p. 7. Between January 2023 and March 2024, ACLED recorded incidents of gang clashes in the North (including in Cap-Haïtien), North-East and North-West departments. ACLED, *Data Export Tool*, accessed 15 March 2024, <https://acleddata.com/data-export-tool/>.

¹⁴⁷ BINUH, *Human Rights Situation: Main Trends*, 27 October 2023, https://binuh.unmissions.org/sites/default/files/2023_q3_rapport_trimestriel_droits_humains_en.pdf, pp. 5-6; UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 8; HRW, “Living a Nightmare” Haiti Needs an Urgent Rights-Based Response to Escalating Crisis, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, pp. 4, 27-29, 33, 35; Miami Herald, *With Help From American Priest, Four Haiti Gang Leaders Have Called a Truce. Can it last?*, 16 July 2023, www.miamiherald.com/news/nation-world/world/americas/haiti/article277316038.html; Health Policy Watch, *Haitian Gangs Use Rape as Weapon of Terror – And There is Little Support for Survivors*, 30 June 2023, <https://healthpolicy-watch.news/haitian-gangs-use-rape-as-weapon-of-control/>.

¹⁴⁸ UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, para. 10; UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 14 April 2023, S/2023/274, www.ecoi.net/en/file/local/2091678/N2309343.pdf, paras 16, 39.

¹⁴⁹ For more detailed information on the gangs which make up the G9 and its allies, see UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, pp. 47-48.

¹⁵⁰ “The G9, which was reportedly formed at the instigation of former police officer Jimmy ‘Barbecue’ Chérizier – who is suspected of being implicated in the emblematic cases of Grand Ravine (2017), La Saline (2018) and Bel-Air (2019) – is notorious because of the diversity of its membership, its influence over vast swaths of territory in the Port-au-Prince metropolitan area and its narrative as a social movement fighting for better services and opportunities in poor neighbourhoods.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 25 September 2020, S/2020/944, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 15. “The G9 gang, formerly known as G9 Family and Allies, is an alliance of nine powerful gangs in Port-au-Prince: Delmas 6 Gang (led by Jimmy Chérizier); Baz Krache Dife; Baz Pilate; Nan Ti Bwa; Simon Pelé’s gang; Baz Nan Chabon; Waf Jérémie; Nan Boston; and the Belekou gang.” GI-TOC, *Gangs of Haiti: Expansion, Power and an Escalating Crisis*, October 2022, <https://globalinitiative.net/wp-content/uploads/2022/10/GITOC-Gangs-of-Haiti.pdf>, p. 16. See also, Harvard Law School, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, 22 April 2021, https://hrp.law.harvard.edu/wp-content/uploads/2022/10/Killing_With_Impunity-1.pdf, p. 9. The gang has over 1000 members, mostly “ex-police officers, ex-security agents and street children”. UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, p. 47.

¹⁵¹ As of June 2023, the G9 coalition had “reportedly grown to more than a dozen gangs.” The New Yorker, *Haiti Held Hostage*, 17 June 2023, www.newyorker.com/magazine/2023/07/24/haiti-held-hostage. The “formation on 10 June [2020] of a new alliance, the G9 an fanmi (G9), [initially comprised] nine gangs from Cité Soleil, La Saline and lower Delmas, but [...] has since expanded to 15 gangs spanning several neighbourhoods.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 25 September 2020, S/2020/944, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 15. The UN Panel of Experts reports that there are nine member gangs, and six affiliates, including Chen Mechan, Fort Dimanche, Gang de Tokyo, Chancerelles, Carrefour Drouillard and Terre Noire. UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, Annex 4.

¹⁵² “Eleven other criminal organizations in Port-au-Prince also maintain friendly relations with the G9. They provide support to Barbecue and other gang leaders when necessary. This union is sometimes referred to as the G20.” Insight Crime, *Jimmy Chérizier, alias ‘Barbecue’*, 20 October 2022, <https://insightcrime.org/haiti-organized-crime-news/jimmy-cherizier-alias-barbecue/>.

Reportedly, the G9 coalition previously had links to the administration of Jovenel Moïse and the Parti Haïtien Tèt Kale (PHTK).¹⁵³ In 2021, the US Department of the Treasury sanctioned Chérizier, along with two high-ranking government officials, for having planned and carried out attacks designed to repress political dissent, the most notable of which was the La Saline massacre where “at least 71 people [including children] were killed, over 400 houses were destroyed, and at least seven women were raped”.¹⁵⁴ Since the massacre the G9 has reportedly pursued its own aims, creating revenue streams, holding and taking territory and building political power.¹⁵⁵ The G9 reportedly maintains links to the police.¹⁵⁶

The gangs that make up the G9 coalition do not always act uniformly and have fought each other over territory.¹⁵⁷ The coalition controls territory in Port-au-Prince, as of October 2022 primarily in the

¹⁵³ “Formerly linked to since-assassinated Haitian President Jovenel Moïse and his ruling Haitian Tèt Kale Party (Parti Haïtien Tèt Kale – PHTK), for whom the G9 is alleged to have ensured votes and quelled social unrest in gang-controlled neighborhoods, the coalition now threatens to challenge the Haitian state itself, with Chérizier calling for a ‘revolution’ in June 2021.” Insight Crime, *G9 and Family*, 18 July 2022, <https://insightcrime.org/haiti-organized-crime-news/g9-family-profile/>. “A senior government official told InSight Crime that before Jovenel Moïse’s assassination, 50 percent of the G9’s funding came from government money, 30 percent from kidnappings and 20 percent from extortion. However, after the killing, government funding dropped by 30 percent.” Insight Crime, *Jimmy Chérizier, alias ‘Barbecue’*, 20 October 2022, <https://insightcrime.org/haiti-organized-crime-news/jimmy-cherizier-alias-barbecue/>. Chérizier “has been accused -- by the United Nations and other international organizations -- of participation in three massacres between 2018 and 2020. The bloodbaths, said to have been sponsored by high-ranking officials in the Moïse administration, left more than 200 people dead. Women were gang-raped, and entire neighborhoods were burned, displacing thousands.” AP, *In Haiti, the Difficult Relationship of Gangs and Business*, 27 October 2021, <https://apnews.com/article/business-caribbean-port-au-prince-haiti-only-on-ap-fc8acb709b09f75b7783e9fab45e830d>. “The G9 was formed at a time when Moïse was facing mass protests over the PetroCaribe scandal. Delmas 6 coordinated attacks with other gangs on neighbourhoods – many of which were opposition strongholds – in order to take over territory from residents and exert their control.” GI-TOC, *Gangs of Haiti: Expansion, Power and an Escalating Crisis*, October 2022, <https://globalinitiative.net/wp-content/uploads/2022/10/GITOC-Gangs-of-Haiti.pdf>, p. 16. See also, The New Yorker, *Haiti Held Hostage*, 17 June 2023, www.newyorker.com/magazine/2023/07/24/haiti-held-hostage.

¹⁵⁴ “These gangs, with the support of some Haitian politicians, repress political dissent in Port-au-Prince neighborhoods known to participate in anti-government demonstrations. In exchange for executing attacks designed to create instability and silence the Port-au-Prince population’s demands for improved living conditions, gangs receive money, political protection, and enough firearms to reportedly make them better armed than the Haitian National Police (HNP).” The two politicians sanctioned were Fednel Monchery, the Director General of the Ministry of the Interior and Local Authorities, who “supplied weapons and state vehicles”, and Joseph Pierre Richard Duplan, Moïse’s Departmental Delegate, who reportedly planned the attack and provide weapons. US Department of the Treasury, *Treasury Sanctions Serious Human Rights Abusers on International Human Rights Day*, 10 December 2020, <https://home.treasury.gov/news/press-releases/sm1208>. See also, Harvard Law School, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, 22 April 2021, https://hrp.law.harvard.edu/wp-content/uploads/2022/10/Killing_With_Impunity-1.pdf, p. 3.

¹⁵⁵ “The group was previously linked to the Moïse and Henry’s Haitian Tèt Kale Party (Parti Haïtien Tèt Kale – PHTK), acting as vigilante enforcers for the party. Barbecue cut ties with them after Moïse’s assassination, however, as the group has gained significant political capital in the areas it controls in Port-au-Prince.” Insight Crime, *Haiti*, 21 March 2023, <https://insightcrime.org/haiti-organized-crime-news/haiti/>. “On July 7, 2021, Barbecue and the G9 faced a turning point when their alleged political sponsor, President Jovenel Moïse, was assassinated [...]. [Barbecue] has since taken advantage of the power vacuum that has been left behind. [...] In October 2021, he forced acting Prime Minister Ariel Henry to flee from the scene of a ceremony, which Barbecue officiated surrounded by armed gunmen. [...] While Barbecue’s true political intentions are unknown, he now has significant power in the formal political system.” Insight Crime, *Jimmy Chérizier, alias ‘Barbecue’*, 20 October 2022, <https://insightcrime.org/haiti-organized-crime-news/jimmy-cherizier-alias-barbecue/>.

¹⁵⁶ Various sources report direct collusion or complicity of the police, in particular with the G9 gang and Jimmy “Barbecue” Chérizier. Some sources say that Chérizier has active-duty police officers working for him as part of his gang. Chérizier relies on his former status as a police officer and argues that the G9 is about providing security from gangs, one reason that he seems to have publicly supported and encouraged the vigilante justice movement (Bwa Kale) in Haiti. See HRW, *“Living a Nightmare”: Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, pp. 69-70; The New Yorker, *Haiti Held Hostage*, 17 June 2023, www.newyorker.com/magazine/2023/07/24/haiti-held-hostage; Insight Crime, *Jimmy Chérizier, alias ‘Barbecue’*, 20 October 2022, <https://insightcrime.org/haiti-organized-crime-news/jimmy-cherizier-alias-barbecue/>. In April 2022, in response to attacks by 400 Mawozo on Chen Mechan (a G9 affiliate) territory, “tanks of the PNH assigned to the Departmental Unit for the Maintenance of Order (UDMO) went to the site of the attack. They were transporting armed gang members belonging to the G-9 Fanmi e Alye, accompanied by their leader Jimmy CHERIZIER alias Barbecue, Mathias SAINTIL, Iscard ANDRICE, Dieulel DELET alias Ti Watson, all armed gang leaders”. RNDDH, *Violent Clashes Between Armed Gangs: RNDDH Demands Protection of the Haitian Population*, 10 May 2022, <https://web.rnddh.org/wp-content/uploads/2022/05/6-Rap-Plaine-du-Cul-de-Sac-10Mai2022-ENG.pdf>, para. 45. Another source reported that Chen Mechan and the police conducted a joint attack against 400 Mawozo and recaptured territory on 5 May 2022. Fondasyon Je Klere, *Situation de terreur en Haïti, les chiffres noirs du gouvernement d’Ariel HENRY*, 2 May 2022, www.haitilibre.com/docs/Rapport-FJKL-Situation-terreur-en-Haiti-avril-2023.pdf, para. 29. In an attack between 28 February to 5 March 2023 in Bel-Air, RNDDH reported that the G9 gang used three armored tanks that belong to the HNP. RNDDH, *The Reign of Prime Minister Ariel HENRY or the Fury of the Armed Gangs*, 9 May 2023, <https://web.rnddh.org/wp-content/uploads/2023/05/5-Rapport-Massacres-09Mai2023-VP-ENG.pdf>, para. 197.

¹⁵⁷ “Gangs within this coalition have maintained a loose alliance and have sometimes fought one another over turf. In some cases, the G9 leadership has served as a moderating force for its constituent members.” GI-TOC, *Gangs of Haiti: Expansion, Power and an Escalating Crisis*, October 2022, <https://globalinitiative.net/wp-content/uploads/2022/10/GITOC-Gangs-of-Haiti.pdf>, p. 16. In addition, when an allied gang leader did not follow Jimmy “Barbecue” Chérizier’s instructions in September 2023, G9 gang members killed the gang leader. ACLED, *Regional Overview: Latin America & the Caribbean September 2023*, 5 October 2023, <https://acleddata.com/2023/10/05/regional-overview-latin-america-the-caribbean-september-2023/>.

communes of Delmas, Pétiön-Ville and Carrefour.¹⁵⁸ The G9 affiliate gang called Chen Mechan has fought with G-Pep over territory in Tabarre and Croix-des-Bouquets.¹⁵⁹

One of the most prominent G9 members is the Baz Pilate gang, which was led by Ézéchiél Alexandre until his arrest in June 2022 and which is made up of former and current police officers.¹⁶⁰ As of October 2022, the gang controlled “a large part of the territory of Port-au-Prince, in particular the Champs de Mars, the administrative zone of the government, and the neighbourhood of Ti Bois, with an increasing influence in other large cities, particularly in the north.”¹⁶¹

According to BINUH, since its formation the G9 has fought primarily with G-Pep and its allies for control of certain neighbourhoods, such as Brooklyn, for political and economic reasons.¹⁶² In July 2022, Jimmy “Barbecue” Chérizier announced operations against the Brooklyn gang, part of G-Pep, due to its affiliation with the 400 Mawozo gang, which has led to a campaign of brutal violence against the civilian population and an ongoing blockade of the area.¹⁶³

As of June 2023, there was a “front line” of the conflict between gangs in Cité Soleil, marked by a cinder block wall.¹⁶⁴ Reportedly, women avoid crossing frontline areas, such as “Dèyè Mi” in Cité Soleil and a similar area in Martissant, because of the risk of sexual violence.¹⁶⁵ According to BINUH, infighting in

¹⁵⁸ GI-TOC, *Gangs of Haiti: Expansion, Power and an Escalating Crisis*, October 2022, <https://globalinitiative.net/wp-content/uploads/2022/10/GITOC-Gangs-of-Haiti.pdf>, p. 16.

¹⁵⁹ The 400 Mawozo began an attack in April 2022 in Michaud, Butte Boyer, Rue Mapou Prolong, and Maréçage, areas controlled by Chen Mechan. According to RNDDH, both sides attacked civilians, and “people have been murdered by bullets, others beheaded, some others, thrown in latrines and water wells. Women and girls have been raped. Corpses were meticulously chopped and taken in photos that circulated on social networks, with the aim of maintaining an unspeakable terror among the population in general and the community of the Plaine du Cul-de-Sac in particular.” The RNDDH also reported that G9 members arrived to back up the Chen Mechan gang, and then began house to house searches for informants for the 400 Mawozo. RNDDH, *Violent Clashes Between Armed Gangs: RNDDH Demands Protection of the Haitian Population*, 10 May 2022, <https://web.rnddh.org/wp-content/uploads/2022/05/6-Rap-Plaine-du-Cul-de-Sac-10Mai2022-ENG.pdf>, paras 47, 64, 66. See also, ACLED, *Haiti: Expanding Gang Activity Amid Persisting Political Instability*, 8 February 2023, <https://acleddata.com/conflict-watchlist-2023/haiti/>; Fondasyon Je Klere, *Situation de terreur en Haiti, les chiffres noirs du gouvernement d'Ariel HENRY*, 2 May 2022, www.haitilibre.com/docs/Rapport-FJKL-Situation-terreur-en-Haiti-avril-2023.pdf, paras 17-32.

¹⁶⁰ “Some current and former police officers actually have their own gang, called Baz Pilate. Rights campaigners say it controls part of the main street in downtown Port-au-Prince.” BBC, *Haiti: Inside the Capital City Taken Hostage by Brutal Gangs*, 5 December 2022, www.bbc.com/news/world-latin-america-63707429. “Composed of dismissed and serving police officers, many of its members come from specialized corps such as SWAT (special weapons and tactics) and CIMO. This gang [is] one of the most important members of the G9 coalition”. GI-TOC, *Gangs of Haiti: Expansion, Power and an Escalating Crisis*, October 2022, <https://globalinitiative.net/wp-content/uploads/2022/10/GITOC-Gangs-of-Haiti.pdf>, p. 18. See also, Haite Libre, *Haiti - FLASH : Arrest of the Fearsome Gang Leader «Baz Pilat»*, 28 June 2022, www.haitilibre.com/en/news-37018-haiti-flash-arrest-of-the-fearsome-gang-leader-baz-pilat.html. “Baz Pilate — One of Haiti’s most feared gangs. Its members have acquired expertise in drug trafficking, burglary, racketeering and assassinations. Many Baz Pilate members are former and serving police officers. They often have backgrounds in special security units, weapons training and tactics. Aligned with G9.” USA Today, *Haiti Spinning Out of Control on Every Metric from Gangs to Kidnappings, Migration to Murder*, 11 March 2023, <https://eu.usatoday.com/in-depth/news/world/2023/03/11/haiti-chaos-gangs-guns-violence-migration/11110664002/>.

¹⁶¹ GI-TOC, *Gangs of Haiti: Expansion, Power and an Escalating Crisis*, October 2022, <https://globalinitiative.net/wp-content/uploads/2022/10/GITOC-Gangs-of-Haiti.pdf>, p. 18.

¹⁶² “Since [its founding in 2020], the G-9 has regularly carried out violent acts to take control of neighborhoods under the influence of the Brooklyn gang and its allies, both to strengthen the electoral bases of its potential sponsors (among others, potential candidates for presidential, legislative, and communal elections) and to increase its illegal revenues.” BINUH, *The Population of Cité Soleil in the Grip of Gang Violence*, February 2023, www.ecoi.net/en/file/local/2086931/investigative-report-human-rights-abuses-committed-gangs-zone-brooklyn-july-december-2022.pdf, para. 22. “Brooklyn has for several years been strategically important for criminal group leaders and their backers, including political and economic actors: it is a significant electoral base with an estimated population of more than 100,000 people, and its location on the coast and proximity to ports means that controlling it brings economic benefits. The area has been controlled in recent years by the Gang of Brooklyn, part of the G-Pép federation led by Gabriel Jean-Pierre (“Gabriel”). The neighborhood is surrounded by areas controlled by other criminal groups that are all part of the G9 alliance and in conflict with the G-Pép”. HRW, *“Living a Nightmare”: Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, p. 28. See also, UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, paras 51-53.

¹⁶³ The attacks began with G9 members advancing “on foot, alley by alley, targeting the local population.” BINUH, *The Population of Cité Soleil in the Grip of Gang Violence*, February 2023, www.ecoi.net/en/file/local/2086931/investigative-report-human-rights-abuses-committed-gangs-zone-brooklyn-july-december-2022.pdf, paras 1-3, 26. “Brooklyn, on the outskirts of Haiti’s capital Port-au-Prince, has been mostly cut off from clean water, electricity, and health care since clashes between the G9 and a rival criminal group, G-Pép, began in July 2022. Despite the risks, residents have to leave the neighborhood in search of food and to meet other basic needs. The two groups agreed on a truce in late June 2023, which led to a shaky ceasefire, but neighborhoods remain under their control and reports of abuses continue to mount. Residents still struggle to send their children to school, and many can often only eat one meal every two or three days.” HRW, *“Living a Nightmare”: Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, p. 1, see also pp. 4, 29.

¹⁶⁴ The New Yorker, *Haiti Held Hostage*, 17 June 2023, www.newyorker.com/magazine/2023/07/24/haiti-held-hostage. In July 2022, when G9 began its attacks in Brooklyn, it used an excavator to demolish houses and constructed low sandbag walls. BINUH, *The Population of Cité Soleil in the Grip of Gang Violence*, February 2023, www.ecoi.net/en/file/local/2086931/investigative-report-human-rights-abuses-committed-gangs-zone-brooklyn-july-december-2022.pdf, para. 28. Gangs reportedly frequently set up barricades and moveable walls in contested areas. See UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, pp. 57-59.

¹⁶⁵ BINUH, *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, October 2022, www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf, paras 40-41. In March and April 2022, Brooklyn residents experienced a “month-and-a-half of extreme violence [...] [where gangs] routinely shot at, killed, and gang-raped [people] trying to go to the city center or return home. Most of the violence occurred at a place known as Dèyè Mi (Behind the Wall)”. HRW, *“Living a Nightmare”: Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, p. 4.

September and October 2023 weakened the G9 alliance, with some gangs leaving the coalition.¹⁶⁶ However, Jimmy “Barbecue” Chérizier reportedly played a major role in forming the alliance of gangs that launched a coordinated offensive against the Haitian government in March 2024.¹⁶⁷

2) G-Pep¹⁶⁸

G-Pep is led by Gabriel Jean-Pierre, known as “Gabriel” or “Ti Gabriel”.¹⁶⁹ G-Pep maintains a presence in Cité Soleil in Port-au-Prince, and previously obtained support from members of the political opposition to PHTK, the party of former President Moïse.¹⁷⁰ The coalition was created in response to the formation of the G9 coalition, and has since expanded beyond the boundaries of Cité Soleil.¹⁷¹

After the leader of the 400 Mawozo gang was extradited to the US in May 2022, the gang reportedly joined or became affiliated with the G-Pep coalition.¹⁷² The 400 Mawozo gang used to be the largest in Haiti and controls territory in eastern Croix-des-Bouquets and in Tabarre and Pétion-Ville in Port-au-Prince.¹⁷³ Clashes with G9-affiliated gangs have weakened 400 Mawozo and compromised their ability to hold some of their territory, notably the Thomazeau area.¹⁷⁴ While many gangs remain local, 400

¹⁶⁶ “Le 13 octobre, les affrontements entre les gangs de la coalition G-9 famille et alliés (ci-après, G-9) ont repris dans la zone de La Saline (centre-ville de Port-au-Prince). Ils avaient débuté fin septembre suite à des tensions autour de la répartition des sources de « revenus » provenant des détournements de camions. Au début du mois d’octobre, le chef du G-9, Jimmy Chérizier, a tenté d’éliminer le chef d’un gang allié, celui de Tokyo, qui avait contesté son autorité. Deux camps se sont alors opposés au sein de la coalition, d’un côté, les gangs de Carrefour Drouillard, Chen Mechan, Tokyo et Wharf Jérémie et de l’autre ceux de Belekou, Boston, Fort Dimanche, La Saline et le gang Delmas 6 de Chérizier. Les hostilités, qui ont duré quatre jours, ont affaibli le G-9, puisque les gangs du premier camp auraient quitté la coalition.” BINUH, *Rapport trimestriel sur la situation des droits de l’homme en Haiti*, 1 February 2024, https://binuh.unmissions.org/sites/default/files/rapport_trimestriel_sur_la_situation_des_droits_de_lhomme_en_haiti_oct_-_dec_2023.pdf, p. 4.

¹⁶⁷ See Section II.B.3.

¹⁶⁸ For more detailed information on the gangs which make up the G-Pep coalition and its allies, see UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, pp. 49-50.

¹⁶⁹ GI-TOC, *Gangs of Haiti: Expansion, Power and an Escalating Crisis*, October 2022, <https://globalinitiative.net/wp-content/uploads/2022/10/GITOC-Gangs-of-Haiti.pdf>, p. 18.

¹⁷⁰ “The G-PEP has a significant presence in the Port-au-Prince suburb of Cité Soleil and previously secured some backing from the political opposition to PHTK, including Réginald Boulos, a Haitian business magnate and former presidential candidate.” Insight Crime, *Haiti Gangs Embrace Political and Police Chaos*, 31 January 2023, <https://insightcrime.org/news/haiti-gangs-de-facto-authority-state-institutions-struggle-respond/>. “According to an in-depth investigation by InSight Crime in Haiti in 2021, former president Michel Martelly and his allies were connected to the G-PEP.” Insight Crime, *International Sanctions Seek to Weaken Haiti’s Patronage System Between Politicians, Gangs*, 24 November 2022, <https://insightcrime.org/news/international-sanctions-seek-to-weaken-haitis-patronage-system-between-politicians-gangs/>.

¹⁷¹ “The G9 was officially created in June 2020, when the heads of nine major Port-au-Prince gangs formed a coalition, with the aim of establishing armed supremacy. After extending an invitation to all of Cité Soleil’s gangs to join, they launched a coordinated attack on those who said no. The next month, Ti Gabriel, leader of the gang Nan Brooklyn, gathered all the refusers under the Gpèp banner. A two-party gang war on numerous fronts has thus superseded the old local rivalries, as the G9 and Gpèp vie for overall ascendancy. The Gpèp has gradually expanded into a broader alliance beyond Cité Soleil to resist the G9’s rise.” ICG, *New Gang Battle Lines Scar Haiti as Political Deadlock Persists*, 27 July 2022, www.ecoi.net/en/document/2076266.html.

¹⁷² Insight Crime, *Why Haiti’s Gang War Keeps On Getting Worse*, 20 May 2022, <https://insightcrime.org/news/why-haiti-gang-war-keeps-on-getting-worse/>.

¹⁷³ GI-TOC, *Gangs of Haiti: Expansion, Power and an Escalating Crisis*, October 2022, <https://globalinitiative.net/wp-content/uploads/2022/10/GITOC-Gangs-of-Haiti.pdf>, pp. 17-18. “The 400 Mawozo has quickly emerged as one of Haiti’s fastest-growing gangs, wielding control in Croix-des-Bouquets, on the outskirts of Port-au-Prince, and along the border with the Dominican Republic.” Insight Crime, *GameChangers 2021: Barbecue, Gangs and Political Power in Haiti*, 29 December 2021, <https://insightcrime.org/news/gamechangers-2021-barbecue-gangs-and-political-power-in-haiti/>. See also, Insight Crime, *400 Mawozo*, 23 March 2022, <https://insightcrime.org/haiti-organized-crime-news/400-mawozo/>. “The 400 Mawozo gang is led by Wilson JOSEPH aka Lanmò 100 Jou. Its territory extends throughout the district of Croix-des-Bouquets, except for the municipality of Cornillon. The 400 Mawozo also controls a part of the municipality of Tabarre - the other part of which is annexed to the territory of Chen Mechan - and a part of Pétion-Ville, alongside the gang leader Vitelhomme INNOCENT, an ally.” RNDDH, *Violent Clashes Between Armed Gangs: RNDDH Demands Protection of the Haitian Population*, 10 May 2022, <https://web.rnddh.org/wp-content/uploads/2022/05/6-Rap-Plaine-du-Cul-de-Sac-10Mai2022-ENG.pdf>, para. 29. See also, Le Nouvelliste, *Le gang « 400 Mawozo » est encore puissant à Croix-des-Bouquets, alerte Pierre Espérance*, 23 August 2022, <https://lenouvelliste.com/article/237733/le-gang-400-mawozo-est-encore-puissant-a-croix-des-bouquets-alerte-pierre-esperance>.

¹⁷⁴ The gang’s membership has fallen drastically and could be as low as 80 persons, down from 500. The gang was weakened by clashes with Chen Mechan and with the police, but also by clashes with Kraze Barye over a dispute about stolen money. UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 67, p. 50. On 4 October 2023, the 400 Mawozo gang burned down the police station in Thomazeau. BINUH, *Rapport trimestriel sur la situation des droits de l’homme en Haiti*, 1 February 2024, https://binuh.unmissions.org/sites/default/files/rapport_trimestriel_sur_la_situation_des_droits_de_lhomme_en_haiti_oct_-_dec_2023.pdf, p. 5.

Mawozo reportedly has branches, including in northern Haiti.¹⁷⁵ The gang is well-known for its kidnappings.¹⁷⁶

According to BINUH, the Canaan, Kraze Barye and Village-de-Dieu (5 Seconds) gangs are G-Pep members.¹⁷⁷ The 5 Seconds gang is based in Village-de-Dieu and controls territory in Martissant, including the southern entrance to Port-au-Prince.¹⁷⁸ In October 2022, the 5 Seconds gang and the Canaan gang invaded the area around Moulins d'Haïti, a flour mill, in order to control the northern entrance in Port-au-Prince.¹⁷⁹ The two gangs carried out attacks in November 2022 in Archaie and succeeded in taking control of Lafiteau (of strategic importance as it houses a port), Simonette, Titanyen, and Malingue.¹⁸⁰ On 27 August 2023, the Canaan gang killed at least seven people after firing on a group of around 100 people led by an evangelical pastor marching through their neighbourhood.¹⁸¹

The Kraze Barye gang, led by a man named Vitel'Homme Innocent, controls territory in Torcelle and Tabarre and has collaborated with 400 Mawozo.¹⁸² Throughout January and February 2023, Kraze Barye attacked police officers and stations in Fort-Jacques, Pétiion-Ville, Métivier and Pernier.¹⁸³ The gang has also carried out attacks during 2023 targeting former senators Évalière Beauplan and Carl

¹⁷⁵ "It has branches in Gros Morne, in the north of Haiti, and in the Dominican Republic." GI-TOC, *Gangs of Haiti: Expansion, Power and an Escalating Crisis*, October 2022, <https://globalinitiative.net/wp-content/uploads/2022/10/GITOC-Gangs-of-Haiti.pdf>, p. 18.

¹⁷⁶ "Up to 80 per cent of kidnappings in Haiti from June 2021 to September 2021 [were] attributed to the 400 Mawozo." GI-TOC, *Gangs of Haiti: Expansion, Power and an Escalating Crisis*, October 2022, <https://globalinitiative.net/wp-content/uploads/2022/10/GITOC-Gangs-of-Haiti.pdf>, p. 18. "The gang has become known for its use of targeted kidnappings, including that of several clergy members and 17 citizens of the United States and Canada in 2021." Insight Crime, *GameChangers 2021: Barbecue, Gangs and Political Power in Haiti*, 29 December 2021, <https://insightcrime.org/news/gamechangers-2021-barbecue-gangs-and-political-power-in-haiti/>. "The 400 Mawozo began using 'express kidnapping' on a major level in the country. Since about 2020, the gang has sent small groups of men on motorcycles, targeting people located on main roads or on public transportation. The victims are released after a few days after a small ransom is paid as this kidnapping model is based on scale and not high ransoms." Insight Crime, *400 Mawozo*, 23 March 2022, <https://insightcrime.org/haiti-organized-crime-news/400-mawozo/>. One estimate from December 2021 was that 400 Mawozo was making approximately USD 70,000 per week from kidnapping and extortion. The Counterterrorism Group, *The Rise of Kidnappings for Ransom in Haiti*, 13 December 2021, www.counterterrorismgroup.com/post/the-rise-of-kidnappings-for-ransom-in-haiti. See also, USAID, *Haiti Citizen Security Assessment (CSA) Final Report*, September 2022, https://pdf.usaid.gov/pdf_docs/PA0211RJ.pdf, pp. 1, 23.

¹⁷⁷ "In late April [2023], Canaan, Kraze Baryè and Village de Dieu gangs, all members of the G-Pèp coalition of gangs, coordinated simultaneous violent attacks against the populations of Source Matelas (Cabaret) and Meyotte (Pétiion Ville) to create panic, but also to divert police anti-gang operations that had been underway in other neighborhoods." BINUH, *Human Rights Situation: Main Trends*, 1 September 2023, https://binuh.unmissions.org/sites/default/files/human_rights_situation_in_haiti_quarterly_report_april_-_june_2023_0.pdf, p. 4. "G-Pèp [Brooklyn and Haut Belair] and its allies (5 Segond, Kraze Barye, Grand Ravine, Canaan and 400 Mawozo) have enhanced their cooperation, resulting in a significant increase in their fighting and criminal capabilities." UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 54.

¹⁷⁸ GI-TOC, *Gangs of Haiti: Expansion, Power and an Escalating Crisis*, October 2022, <https://globalinitiative.net/wp-content/uploads/2022/10/GITOC-Gangs-of-Haiti.pdf>, p. 18. "The 5 Seconds from the Village-de-Dieu neighborhood of Port-au-Prince, led by alias 'Izo', has proven particularly effective at gaining local power and influence. In 2022, the 5 Seconds gang attacked public infrastructure around Port-au-Prince, occupied the country's Supreme Court building for months, created choke points north and south of the capital to extort drivers, and controlled the sale of black market gasoline, which has become essential in Haiti." Insight Crime, *Haiti Gangs Embrace Political and Police Chaos*, 31 January 2023, <https://insightcrime.org/news/haiti-gangs-de-facto-authority-state-institutions-struggle-respond/>. The gang has also engaged in piracy and used maritime routes to provide support to other cells and allies. They may also be engaged in drug trafficking, in addition to kidnapping. UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 64.

¹⁷⁹ The members of the 5 Seconds gang crossed the bay in a speedboat. Insight Crime, *Highways and Mills: Haiti Gangs Battle for Control of Key Infrastructure*, 13 October 2022, <https://insightcrime.org/news/highways-mills-haiti-gangs-battle-control-key-infrastructure/>. See also, ACLED, *Regional Overview: Mexico, Central America, and the Caribbean 8-14 October 2022*, 20 October 2022, <https://acleddata.com/2022/10/20/regional-overview-mexico-central-america-and-the-caribbean-8-14-october-2022/>.

¹⁸⁰ ACLED, *Regional Overview: Mexico, Central America, and the Caribbean 5-11 November 2022*, 16 November 2022, <https://acleddata.com/2022/11/16/regional-overview-mexico-central-america-and-the-caribbean-5-11-november-2022/>.

¹⁸¹ The Guardian, *Haiti Violence: Gang Guns Down Churchgoers Protesting Against Criminals*, 27 August 2023, www.theguardian.com/world/2023/aug/27/haiti-violence-gang-opens-fire-on-church-led-group-protesting-against-criminals.

¹⁸² "The Kraze Barye gang operates in the Torcelle and Tabarre areas of Haiti. According to the indictment, [the leader, Vitel'homme Innocent] worked together with 400 Mawozo in the hostage taking [of 16 missionaries in October 2021]". US Department of Justice, *Criminal Charges Unsealed Against Haitian Gang Leaders for Kidnappings of U.S. Citizens*, 7 November 2022, www.justice.gov/usao-dc/pr/criminal-charges-unsealed-against-haitian-gang-leaders-kidnappings-us-citizens. On alleged links between Vitel'Homme and the HNP, see RNDH, *Chasing the Internally Displaced Persons: RNDH Condemns the Behavior of the Acting Director General of the PNH*, 26 July 2023, https://web.rndh.org/wp-content/uploads/2023/07/6-CP-Chasse-Refugies-de-Tabarre-26Juil2023.ENG_.pdf, paras 5-6.

¹⁸³ "Vitel'Homme has made a name for himself in recent months as the leader of the Kraze Baryè gang, orchestrating a string of attacks on police and residents of towns on the outskirts of Haiti's capital. [...] Kraze Baryè's attacks have marked an increase in gang activity outside of the crime-ridden capital city". Vitel'Homme has previously bragged of having connections to Ariel Henry and, in March 2023, the HNP named him as a suspect in the assassination of President Moïse. Insight Crime, *Haiti's Notorious Gang Leader, Vitel'Homme Innocent, Named in Presidential Killing*, 13 March 2023, <https://insightcrime.org/news/haiti-notorious-gang-leader-named-suspect-presidential-killing/>. See also, Haiti Libre, *The Sub-Police Station of Pernier Completely Destroyed by the Gang «Kraze Baryè»*, 30 January 2023, www.haitilibre.com/en/news-38729-haiti-flash-the-sub-police-station-of-pernier-completely-destroyed-by-the-gang-kraze-barye.html. "Vitel'Homme, a former political activist, [has] expanded his gang's ambit into the middle-class suburbs, where he looted guns and bulletproof vests from the police and burned down their stations." The New Yorker, *Haiti Held Hostage*, 17 June 2023, www.newyorker.com/magazine/2023/07/24/haiti-held-hostage.

Murat Cantave as well as the Jamaican consulate, and kidnapped two well-known journalists.¹⁸⁴ According to the Armed Conflict Location & Event Data Project (ACLED), attacks by Kraze Barye in Tabarre, near the US Embassy, and Pétion-Ville, drove an increase in civilian casualties in Haiti in July 2023, continuing into August.¹⁸⁵ As of September 2023, the gang had “become one of the most powerful gangs in the Port-au-Prince metropolitan area”.¹⁸⁶

The Grand Ravine, a G-Pep affiliate gang which grew out of a former vigilante organization, controls territory in Martissant and fought in 2021 over several neighbourhoods with Ti Bwa, a G9 member.¹⁸⁷ During July and August 2023, the Grand Ravine gang carried out attacks in Decayette, Carrefour-Feuilles and Savanne Pistache neighbourhoods.¹⁸⁸

3) Other (Non-Affiliated) Gangs

The Kokorat san Ras gang has been expanding its control and influence in the rural areas of Artibonite department, notably near Gonaïves, and regularly kidnaps people travelling on the roads.¹⁸⁹ Baz Gran Grif is another gang operating in Artibonite department, mostly in rural areas such as Liancourt and

¹⁸⁴ Centre for Economic and Policy Research (CEPR), *Haiti News Round-up: Calls for Foreign Intervention Continue*, 28 June 2023, <https://cepr.net/haiti-news-round-up-calls-for-foreign-intervention-continue/>. See also, ICG, *Haitians Turn to Mob Justice as the Gang Threat Fester*, 3 July 2023, www.ecoi.net/en/document/2094837.html; Committee to Protect Journalists (CPJ), *Haitian Television Station Owner Disappears Days after Brief Abduction of his Journalist Wife*, 22 June 2023, <https://cpj.org/2023/06/haitian-television-station-owner-disappears-days-after-brief-abduction-of-his-journalist-wife/>.

¹⁸⁵ “The Vitelhomme gang continued to target civilians with arson and direct attacks in several neighborhoods of Tabarre and Petionville communes in the Port-au-Prince metropolitan area. This activity drove a 35% increase in civilian fatalities in July across the country compared to the previous month. About a third of reported fatalities in July took place during targeted attacks on civilians in Petionville and Tabarre. [...] Thus far in 2023, ACLED records a fourfold increase in violent actions involving the Vitelhomme gang compared to the same period in 2022.” ACLED, *Regional Overview: Latin America & the Caribbean July 2023*, 4 August 2023, <https://acleddata.com/2023/08/04/regional-overview-latin-america-the-caribbean-july-2023/>. See also, ACLED, *Regional Overview: Latin America & the Caribbean August 2023*, 8 September 2023, <https://acleddata.com/2023/09/08/regional-overview-latin-america-the-caribbean-august-2023/>; RNDDH, *Chasing the Internally Displaced Persons: RNDDH Condemns the Behavior of the Acting Director General of the PNH*, 26 July 2023, https://web.mddh.org/wp-content/uploads/2023/07/6-CP-Chasse-Refugies-de-Tabarre-26Jul2023.ENG_.pdf, para. 2.

¹⁸⁶ “Taking advantage of the police focus on Village de Dieu in the aftermath of *Bwa Kale*, Vitelhomme Innocent, the leader of Kraze Barye (see annex 19), has intensified attacks against residents of the Pétion-Ville, Kenscoff, Tabarre, Croix-des-Bouquets and Delmas communes. Although facing the resistance of the many local self-defence groups in the area, he has continued to attack the police and the population, including through the spoliation of land and property, killings, looting, stealing and kidnapping of influential individuals. Many have fled the area [...]. Kraze Barye has become one of the most powerful gangs in the Port -au-Prince metropolitan area, with an increasing number of fighters and semi-automatic weapons.” The gang has an estimated 600 members. UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 66, p. 49. While brutal punishments carried out by Vitelhomme Innocent reportedly led to a number of gang members quitting in the last quarter of 2023, their ranks were quickly replenished by new recruits. BINUH, *Rapport trimestriel sur la situation des droits de l’homme en Haiti*, 1 February 2024, https://binuh.unmissions.org/sites/default/files/rapport_trimestriel_sur_la_situation_des_droits_de_lhomme_en_haiti_oct_-_dec_2023.pdf, p. 5.

¹⁸⁷ GI-TOC, *Gangs of Haiti: Expansion, Power and an Escalating Crisis*, October 2022, <https://globalinitiative.net/wp-content/uploads/2022/10/GITOC-Gangs-of-Haiti.pdf>, p. 18; Insight Crime, *Haiti’s Mighty G9 Gang Alliance Tries to Keep it Together*, 14 June 2021, <https://insightcrime.org/news/haitis-mighty-g9-gang-alliance-tries-keep-together/>. According to the UN Panel of Experts, Grand Ravine has approximately 300 members. UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, p. 49.

¹⁸⁸ “On the night of 14-15 August, a local municipal representative, his wife and child were shot and killed in their house in the Decayette neighbourhood of Port-au-Prince by alleged gang members. [...] These neighbourhoods, as well as the Savanne Pistache neighbourhood, had been targeted by the Grand Ravine gang since 25 July. The violence intensified between 11 and 15 August, with gang members killing or injuring some 28 people, and looting or setting on fire at least 50 homes.” OHCHR, *Haiti: Deaths and Injuries amid Gang Violence*, 18 August 2023, www.ohchr.org/en/press-briefing-notes/2023/08/haiti-deaths-and-injuries-amid-gang-violence. “The Grand-Ravine gang launched an offensive to take control of the Carrefour-Feuilles neighborhood in Port-au-Prince on 5 August, which triggered a spike in fatalities in the commune compared to the month prior. The incursion led to clashes with police forces and attacks against residents, with gang members destroying houses, raping women, and killing over 80 people.” ACLED, *Regional Overview: Latin America & the Caribbean August 2023*, 8 September 2023, <https://acleddata.com/2023/09/08/regional-overview-latin-america-the-caribbean-august-2023/>.

¹⁸⁹ Loop News, *Un autobus de Patrick coach line détourné à Tibwadôm*, 22 August 2023, <https://haiti.loopnews.com/content/un-autobus-du-capital-coach-line-ete-detourne-tibwadom>; Le Nouvelliste, *Gonaïves: le gang Kokorat san ras continue de kidnapper et de tuer*, 25 July 2023, <https://lenouvelliste.com/article/243584/gonaives-le-gang-kokorat-san-ras-continue-de-kidnapper-et-de-tuer>; Insight Crime, *Haiti’s Rural Gangs Threaten Food Production as Hunger Crisis Looms*, 27 February 2023, <https://insightcrime.org/news/haitis-rural-gangs-threaten-food-production-as-hunger-crisis-looms/>; Insight Crime, *The Rise of Haiti’s Violent Rural Gangs*, 3 August 2022, <https://insightcrime.org/news/rise-haiti-violent-rural-gangs/>. “La situation dans [Gonaïves] est devenue intenable en raison des activités incessantes du gang notoirement violent surnommé « kokorat san ras ». Les Gonaïviens sont confrontés quotidiennement à la menace imminente de ces bandits qui entravent la libre circulation de la population, semant la peur et le chaos”. Rezo Nodwes, *Gonaïves Debout: Un sit-in organisé pour revendiquer la sécurité de la population face aux gangs violents « kokorat sans ras »*, 26 July 2023, <https://reznodwes.com/?p=316264>. Both Kokorat San Ras and Baz Gran Grif may have links to G-Pep. UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 68, see also, pp. 61-62. “[...] the Kokorat San Ras group, which between 2018 and 2021 concentrated its activities in the Ti Bwadôm locality (commune of Gros Morne), gradually moved into the La Croix Périsse area (commune of Estère), from January 2022.” BINUH, *Criminal Violence Extends Beyond Port-Au-Prince: The Situation in Lower Artibonite from January 2022 to October 2023*, November 2023, www.ecoi.net/en/file/local/2101367/Haiti-report-criminal-violence-artibonite-2023-EN.pdf, p. 12.

Verettes, as well as Savien.¹⁹⁰ The gang has expanded its territory and reach, leading to a spike in reported killings in Artibonite between January and June 2023.¹⁹¹ Reportedly, the insecurity caused by these gangs affects food production and has exacerbated the food security crisis.¹⁹² A local gang known as the Jean Denis coalition fights Baz Gran Grif in the Jean Denis locality.¹⁹³

Other gangs active in Artibonite include the Ti Grif, Raboteau and Descachos.¹⁹⁴ Major gangs in Artibonite have formed alliances with each other and, reportedly, with G-Pep coalition members such as Village de Dieu and Canaan.¹⁹⁵ According to BINUH, these alliances “demonstrate a strategy by the G-Pèp coalition, at the instigation of the Village de Dieu gang leader, to extend its influence in the Artibonite region.”¹⁹⁶ In general, these gangs are well-armed.¹⁹⁷

4) *The Bwa Kale Vigilante Movement and the Zam Pale Anti-Vigilante Movement*

In April 2023, vigilante groups known as Bwa Kale began to strike back against gangs and suspected gang members.¹⁹⁸ The violence began on 24 April 2023, when a crowd of people killed thirteen individuals by stoning them and setting them on fire after the police stopped a minibus on suspicion of

¹⁹⁰ “Between 14 and 18 September, police forces killed at least 30 gangsters and civilians during operations targeting the Baz Gran Grif de Savien gang in Liancourt, Artibonite. The deadly clashes come amid growing violence perpetrated by Baz Gran Grif de Savien, which controls kidnappings, extortions, and other illegal activities in Liancourt and nearby areas in the Verettes commune. Thus far in 2023, the group’s violent activity, state forces operations, and attempts by self-defense groups to push back the gangs have contributed to more than a three times increase in political violence fatalities in the Artibonite compared to the same period in 2022.” ACLED, *Regional Overview: Latin America & the Caribbean September 2023*, 5 October 2023, <https://acleddata.com/2023/10/05/regional-overview-latin-america-the-caribbean-september-2023/>. See also, Le Nouvelliste, *30 présumés membres du gang Gran grif tués dans l’Artibonite*, 21 September 2023, <https://lenouvelliste.com/article/244530/30-presumes-membres-du-gang-gran-grif-tues-dans-lartibonite>; Le Nouvelliste, *Le gang Gran grif de Savien fait huit morts et plusieurs blessés à Verettes*, 10 February 2023, <https://lenouvelliste.com/article/240660/le-gang-gran-grif-de-savien-fait-huit-morts-et-plusieurs-blesses-a-verettes>. Baz Gran Grif is the largest gang in Artibonite, with an estimated 100 members, controlling territory and several major routes. UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, p. 62.

¹⁹¹ UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 49. See also, HRW, “Living a Nightmare”: *Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, pp. 17-18; Insight Crime, *Haiti’s Rural Gangs Threaten Food Production as Hunger Crisis Looms*, 27 February 2023, <https://insightcrime.org/news/haitis-rural-gangs-threaten-food-production-as-hunger-crisis-looms/>.

¹⁹² The gang violence has caused “the closure of multiple markets and abandonment of land, which affected food production and the distribution chain to Port-au-Prince and from there to the rest of the country. This has severely aggravated the food insecurity crisis that now affects almost half of Haiti’s population.” HRW, “Living a Nightmare”: *Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, p. 18. See also, UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 68; Insight Crime, *Haiti’s Rural Gangs Threaten Food Production as Hunger Crisis Looms*, 27 February 2023, <https://insightcrime.org/news/haitis-rural-gangs-threaten-food-production-as-hunger-crisis-looms/>.

¹⁹³ “To oppose Gran Grif, inhabitants of the Jean Denis locality created the Coalition des révolutionnaires pour sauver l’Artibonite (known as the Jean Denis coalition), which is considered a gang rather than a self-defence group” because of its tactics and since it attacks civilians. “Following the Gran Grif attack against the Liancourt police station in January 2023, in which six officers were killed, the police remains disrupted in the department, leading civilians to team up with the Jean Denis coalition, against Gran Grif [...]. Clashes between these two groups have been marked by atrocities.” UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, paras 49, 68.

¹⁹⁴ Ti Grif has about 20 members and is active in Palmiste and Moreau Dwèt. Descachos and Raboteau both have about 50 members and are active in Gonaïves. UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, p. 62.

¹⁹⁵ In particular, BINUH has documented links between the G-Pep gangs Canaan and Village-de-Dieu and the Artibonite gangs Gran Grif and Kokorat San Ras. BINUH, *Criminal Violence Extends Beyond Port-Au-Prince: The Situation in Lower Artibonite from January 2022 to October 2023*, November 2023, www.ecoi.net/en/file/local/2101367/Haiti-report-criminal-violence-artibonite-2023-EN.pdf, p. 16. “From Village-de-Dieu, Izo has the support of other gangs, such as Canaan, Gran Grif and Kokorat San Ras, to move drugs up to Port-de-Paix and out of the country.” UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 121.

¹⁹⁶ “Thanks to its control of the communes north of the capital and its links with criminal groups in Artibonite, the G-Pèp coalition has succeeded in isolating the main towns along the coast for over 80 kilometers, notably the northern part of Croix-des-Bouquets, Cabaret, Arcahaie, Montrouis and Saint Marc. At present, it is no longer possible to access these towns, or Gonaïves, by road.” BINUH, *Criminal Violence Extends Beyond Port-Au-Prince: The Situation in Lower Artibonite from January 2022 to October 2023*, November 2023, www.ecoi.net/en/file/local/2101367/Haiti-report-criminal-violence-artibonite-2023-EN.pdf, p. 16.

¹⁹⁷ “[...] at least five gangs (Descachos, Gran Grif, Kokorat San Ras, Raboteau and Ti Grif) have semi-automatic rifles”. Ibid., p. 13.

¹⁹⁸ “Bwa Kale – or ‘peeled wood’, in Haitian Creole – refers to the self-defence groups that have mushroomed to counter Haiti’s gangs. The name comes from an expression first used by demonstrators during the mass protests against interim Prime Minister Ariel Henry in 2022. It is now used to describe an uprising of people intent on preventing gangs from taking over their neighbourhoods.” ICG, *Haitians Turn to Mob Justice as the Gang Threat Festers*, 3 July 2023, www.ecoi.net/en/document/2094837.html. “In response to escalating violence, a civilian self-defence movement – known as ‘Bwa Kale’ – emerged in April [2023]. [...] Since late April the UN has documented more than 350 people lynched by local people and vigilante groups.” Global Centre for the Responsibility to Protect (GCR2P), *R2P Monitor*, 1 September 2023, https://reliefweb.int/attachments/9f79cf94-f481-4a5e-8ff4-8095ad1a0e84/GCR2P_Monitor_Sept2023_Final.pdf, p. 29. Additionally: “The trigger for this phenomenon was the popular mobilization that accompanied police operations leading to the dismantling of the Ti-Makak gang, which operated in Laboule, in the heights of Pétiou-Ville, Port-au-Prince.” UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 56.

gang activity.¹⁹⁹ These groups have since solidified into an anti-gang movement that is present across all 10 departments of Haiti.²⁰⁰ The movement is characterized by “extreme violence”.²⁰¹

The existence of the anti-gang movement helped to curb criminality in specific areas of Port-au-Prince and Pétion-Ville during 2023.²⁰² However, according to the Haitian NGO the Centre d’analyse et de recherche en droits de l’homme (CARDH), the movement was also co-opted for revenge attacks and to target family members of suspected gang affiliates.²⁰³ The individuals killed have not always been gang affiliates or members.²⁰⁴ Reportedly, individuals have been targeted “because they seemed unfamiliar to neighborhood residents or had tattoos or dreadlocks, or because their photos had been posted on social media.”²⁰⁵ As of September 2023, it was reported that the movement had increasingly

¹⁹⁹ There were fourteen persons in the minibus carrying weapons and ammunition. New York Times, *Vigilante Justice Rises in Haiti and Crime Plummets*, 3 June 2023, www.nytimes.com/2023/06/03/world/americas/haiti-crime-gangs-vigilantes.html; ICG, *Haitians Turn to Mob Justice as the Gang Threat Fester*, 3 July 2023, www.ecoi.net/en/document/2094837.html; France 24, *Fed Up with Gang Violence, Haitians Are Taking the Law into their Own Hands*, 16 May 2023, <https://observers.france24.com/en/tv-shows/the-observers/20230516-fed-up-with-gang-violence-haitians-are-taking-the-law-into-their-own-hands>. “This party didn’t have any long guns with them,” Louis-Henri Mars, director of the Haitian peacebuilding non-profit Lakou Lape, told CBC in May. “They only had pistols in their rucksacks, and when they were stopped, the police disarmed them. A crowd quickly gathered at the scene. The police felt the pressure, or they felt threatened by the crowd, and they basically released those guys to die,” Mars continued. “And the crowd stoned them and burned them to death, and this was the start of it.” Atlas News, *Seven Killed in Anti Gang Protest, Haiti*, 28 August 2023, <https://theatlansnews.co/conflict/2023/08/28/seven-killed-in-anti-gang-protest-haiti/>. According to HRW, one police officer stepped on a man’s back to keep him on the ground while the crowd stoned him. HRW, *“Living a Nightmare”: Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, p. 23. The individuals were allegedly members of Ti-Makak. UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 57.

²⁰⁰ UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, para. 29; UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 3 July 2023, S/2023/492, www.ecoi.net/en/file/local/2095017/N2318333.pdf, para. 11. Between April and June 2023, CARDH, a Haitian NGO, reported that 77.45% of Bwa Kale incidents had taken place in Port-au-Prince. CARDH, « *Bwa Kale* » : deuxième bilan et urgente obligation de protéger, 3 July 2023, https://cardh.org/wp-content/uploads/2023/07/CARDH_-_Bwa-Kale_2e%CC%80me-bilan_Urgente-obligation-de-protger_24-juin-2023.pdf, p. 2.

²⁰¹ “[...] including stoning, and burning of suspected gang members and alleged affiliates”. UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 3 July 2023, S/2023/492, www.ecoi.net/en/file/local/2095017/N2318333.pdf, para. 11. In September 2023, the UN independent expert on the human rights situation in Haiti reported to the Human Rights Council that he was “alarmed by the Bwa Kalé phenomenon whereby certain groups have formed allegedly to protect their neighbourhoods from gangs. In some instances, these groups have summarily executed people suspected of being gang members.” UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 10.

²⁰² “[...] areas affected by the “Bwa Kalé” movement, notably Pétion Ville and Port-au-Prince, saw a drop in kidnappings, [but] other neighborhoods continued to be affected by this criminal practice.” BINUH, *Human Rights Situation: Main Trends*, 1 September 2023, https://binuh.unmissions.org/sites/default/files/human_rights_situation_in_haiti_quarterly_report_april_-_june_2023_0.pdf, p. 5. “The result [of the vigilante movement]: a sharp drop in kidnappings and killings attributed to gangs in neighborhoods where people told The New York Times they had been afraid to leave their homes.” New York Times, *Vigilante Justice Rises in Haiti and Crime Plummets*, 3 June 2023, www.nytimes.com/2023/06/03/world/americas/haiti-crime-gangs-vigilantes.html. “Bwa Kale clearly had a negative impact on the [G-Pep]’s operational capacity. Moreover, in the aftermath of Bwa Kale, the recruitment of new members was inhibited by the fear of lynching, as well as police operations in the Village de Dieu neighbourhood, 5 Segond’s stronghold.” UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 62.

²⁰³ “Dans certains cas, le mouvement « Bwa Kale » aurait été utilisé à des fins revanchardes. S’alliant à des policiers et d’autres inconnus, des gens auraient utilisé ce mouvement pour régler des comptes avec des tiers par rapport à des conflits antérieurs de nature diverse. [...] Des personnes et familles auraient été exécutées et portées disparues parce qu’elles avaient des liens parentaux avec des présumés membres de gangs ou parce ces derniers auraient utilisé leur espace (restaurant, club...). Dans certains cas, des policiers semblent être complices ou passifs.” CARDH, « *Bwa Kale* » : deuxième bilan et urgente obligation de protéger, 3 July 2023, https://cardh.org/wp-content/uploads/2023/07/CARDH_-_Bwa-Kale_2e%CC%80me-bilan_Urgente-obligation-de-protger_24-juin-2023.pdf, p. 3.

²⁰⁴ “Under the so-called *Bwa Kale* movement, hundreds of alleged gang members and individuals mistakenly identified as gang members have been executed by members of the vigilante movement in horrific ways”. UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 20. For example, Louis-Henri Mars, executive director of Lakou Lape “cautioned that the wave of vigilante killings could potentially ensnare people who are not involved with gangs, or serve as a means for people to enact revenge for unrelated slights.” Aljazeera, *Haiti Vigilante Push ‘Symptomatic’ of State’s Failures: Advocates*, www.aljazeera.com/news/2023/6/1/haiti-vigilante-push-symptomatic-of-states-failures-advocates. “The outbreak of mob justice is worrisome, Haiti experts say, because it could easily be used to target people who have nothing to do with gangs, and could lead to an explosion of even worse violence if the gangs seek retribution.” New York Times, *Vigilante Justice Rises in Haiti and Crime Plummets*, 3 June 2023, www.nytimes.com/2023/06/03/world/americas/haiti-crime-gangs-vigilantes.html. “Individuals accused of petty crime or suspected association with gangs, continue to be lynched to death, or burned alive by members of the population or the so-called ‘self-defence brigades’ as part of the vigilante justice *Bwa Kale* movement.” OHCHR, *Deepening Violence in Haiti*, 10 October 2023, www.ohchr.org/en/statements-and-speeches/2023/10/deepening-violence-haiti.

²⁰⁵ HRW, *“Living a Nightmare”: Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, p. 23.

targeted and killed people suspected of committing common crimes.²⁰⁶ In some neighbourhoods, vigilantes continue to run checkpoints and verify identification before allowing entry into the area.²⁰⁷

The UN Security Council has described the number of killings attributed to the Bwa Kale movement as “extremely worrying”, noting the lynching of 133 alleged gang members and persons accused of having committed common crimes in the third quarter of 2023 alone.²⁰⁸ Between 24 April and 30 September 2023, the UN documented the killing of 388 individuals with alleged gang connections perpetrated by the Bwa Kale movement.²⁰⁹ Some of the killed individuals were taken from police custody before being “stoned or mutilated” or “burned alive in the streets while the police witnessed the scenes passively.”²¹⁰ These killings have also led to a proliferation of arms among civilians, as the vigilante groups appear to keep the weapons carried by gang members who are killed.²¹¹

In some areas of Port-au-Prince, inhabitants have formed self-defence groups, ostensibly to protect the population from gang-related violence; many of these have taken part in the Bwa Kale movement.²¹² However, as the BINUH noted in September 2023, “given the dynamics of these structures, ‘self-defence groups’ risk becoming new gangs.”²¹³ According to interviews conducted by Human Rights Watch (HRW), some of these groups ask the residents of neighbourhoods they protect for money or for supplies and accuse those who refuse of supporting gangs.²¹⁴

²⁰⁶ “While these murders, now mainly documented outside the capital, initially targeted gang members or suspected gang members, they are increasingly affecting individuals suspected of common crimes such as theft or rape. This phenomenon remains a cause for great concern, as it illustrates the weakness of the police and judicial authorities in protecting the population.” BINUH, *Human Rights Situation: Main Trends*, 27 October 2023, https://binuh.unmissions.org/sites/default/files/2023_q3_rapport_trimestriel_droits_humains_en.pdf, p. 4.

²⁰⁷ New York Times, *Vigilante Justice Rises in Haiti and Crime Plummet*, 3 June 2023, www.nytimes.com/2023/06/03/world/americas/haiti-crime-gangs-vigilantes.html. “Although Bwa Kale’s offensive lasted only a few months and gangs have resumed encroaching upon new territory, certain brigades remain active. They continue to block numerous roads in Port-au-Prince with their improvised barricades, mostly after sunset.” ICG, *Haiti’s Gangs: Can a Foreign Mission Break their Stranglehold?*, 5 January 2024, www.crisisgroup.org/latin-america-caribbean/haiti/b49-haitis-gangs-can-foreign-mission-break-their-stranglehold.

²⁰⁸ UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, para. 29. Self-defence groups reportedly increasingly attack individuals accused of common crimes, who are not necessarily gang members. BINUH, *Human Rights Situation: Main Trends*, 27 October 2023, https://binuh.unmissions.org/sites/default/files/2023_q3_rapport_trimestriel_droits_humains_en.pdf, p. 4. Between October and December 2023: “Lynchings committed as part of the ‘Bwa Kalé’ movement have left at least 76 people dead across the country.” BINUH, *Quarterly Report on the Human Rights Situation in Haiti*, 1 February 2024, https://binuh.unmissions.org/sites/default/files/quarterly_report_on_the_human_rights_situation_in_haiti_oct_-_dec_2023.pdf, p. 3.

²⁰⁹ Notably, this was double the number of alleged gang-members killed in police operations during the same time period. United Nations Integrated Office in Haiti (BINUH), *Human Rights Situation: Main Trends*, 1 September 2023, https://binuh.unmissions.org/sites/default/files/human_rights_situation_in_haiti_quarterly_report_april_-_june_2023_0.pdf, pp. 3-4.

²¹⁰ Ibid., p. 4. Of eight videotaped incidents verified by HRW in April and May 2023, three “of the attacks [...] took place within 15 meters of police stations.” HRW, *“Living a Nightmare”: Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, p. 24.

²¹¹ “From 24 to 27 April 2023, despite around 150 alleged gang members being killed, only five rifles and three pistols were seized by the police, together with some magazines and rounds of ammunition.” UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 59.

²¹² “Self-defence groups are made up of members of the community, municipal representatives and, in some cases, current or former police officers.” BINUH, *Human Rights Situation: Main Trends*, 1 September 2023, https://binuh.unmissions.org/sites/default/files/human_rights_situation_in_haiti_quarterly_report_april_-_june_2023_0.pdf, pp. 3-4. Haiti Libre, *The Neighborhood Self-Defense Brigades Are Multiplying and Worrying*, 3 April 2023, www.haitilibre.com/en/news-39212-haiti-flash-the-neighborhood-self-defense-brigades-are-multiplying-and-worrying.html. “Self-defence groups, already active in several neighbourhoods [reportedly, Croix-des-Bouquets, Tabarre, Pétiön-Ville, Grand Anse, Delmas, Port-au-Prince, Artibonite and Cabaret], have taken advantage of Bwa Kale to assert their power in their respective communities and extend their influence into other areas”. UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 58. For an explanation of the intersection between the Bwa Kale movement and traditions of self-defence groups and neighborhood brigades, see GI-TOC, *A Critical Moment: Haiti’s Gang Crisis and International Responses*, 12 February 2024, <https://globalinitiative.net/wp-content/uploads/2024/02/Romain-Le-Cour-Grandmaison-Ana-Paula-Oliveira-and-Matt-Herbert-A-critical-moment-Haitis-gang-crisis-and-international-responses-GI-TOC-February-2024.pdf>, p. 14.

²¹³ “‘Popular justice’ does not only violate human rights, but it also risks leading to a fragmentation of the capital into several small areas, hostile towards each other, with fault lines running between neighborhoods under the influence of different ‘self-defence groups’. Besides, given the dynamics of these structures, ‘self-defence groups’ risk becoming new gangs.” BINUH, *Human Rights Situation: Main Trends*, 1 September 2023, https://binuh.unmissions.org/sites/default/files/human_rights_situation_in_haiti_quarterly_report_april_-_june_2023_0.pdf, p. 4. See also, UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 60; UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 3 July 2023, S/2023/492, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, para. 11; ICG, *Haitians Turn to Mob Justice as the Gang Threat Fester*, 3 July 2023, [www.insightcrime.org/news/bwa-kale-vigilante-movement-challenging-haitis-gangs/](https://insightcrime.org/news/bwa-kale-vigilante-movement-challenging-haitis-gangs/); Insight Crime, *Haiti’s Anti-Gang Vigilantes May Pose Future Criminal Threat*, 9 May 2023, <https://insightcrime.org/news/bwa-kale-vigilante-movement-challenging-haitis-gangs/>.

²¹⁴ “An international humanitarian worker warned: ‘We’re talking about groups of up to 50 residents and they’ve started asking residents for money to protect them... It’s very dangerous because many innocent people are victims... and if people refuse or tell them that they are also violating human rights, they accuse [their critics] of defending the gangs and threaten them.’” HRW, *“Living a Nightmare”: Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, p. 25. See also, UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 58.

Gang members have targeted persons affiliated with or supporting the Bwa Kale movement.²¹⁵ In addition, gangs reportedly formed an anti-vigilante movement, named the “Zam Pale” movement.²¹⁶ Conversely, there have been cases of gangs openly supporting self-defence groups to fight against rival gangs.²¹⁷ For example, the G9 coalition leader, Jimmy “Barbecue” Chérizier, has expressed support for the Bwa Kale movement, and the gang has reportedly facilitated killings of suspected members of other gangs.²¹⁸ The UN Security Council warned in July 2023 of a “new and alarming cycle of violence that, if not urgently addressed, is likely to escalate through further mobilization, arming and recruitment, especially of young people”.²¹⁹

The use of vigilante justice in Haiti violates human rights, further entrenches the territorial nature of the violence and continues to undermine the legitimacy of the police.²²⁰

5) Fantom 509 (Phantom 509)

In 2020, a well-armed group of disgruntled current and former police officers began carrying out attacks, claiming initially to protect police officers’ interests.²²¹ However, the group, named Fantom 509 (also called Fantôme 509 or Phantom 509), became known for carrying out street violence, vandalism,

²¹⁵ “In Fort Jacques, in the south of Port-au-Prince, people have also been executed by gangs in revenge.” France 24, *Fed Up with Gang Violence, Haitians Are Taking the Law into their Own Hands*, 16 May 2023, <https://observers.france24.com/en/tv-shows/the-observers/20230516-fed-up-with-gang-violence-haitians-are-taking-the-law-into-their-own-hands>.

²¹⁶ UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 3 July 2023, S/2023/492, www.ecoi.net/en/file/local/2095017/N2318333.pdf, para. 11. “In early May, gang leaders began threatening the population with reprisals in videos posted on social networks. Izo, the leader of the ‘5 Seconds’ gang, declared that he was going to launch the ‘Zam Pale’ (‘let the weapons speak’) movement.” France 24, *Fed Up with Gang Violence, Haitians Are Taking the Law into their Own Hands*, 16 May 2023, <https://observers.france24.com/en/tv-shows/the-observers/20230516-fed-up-with-gang-violence-haitians-are-taking-the-law-into-their-own-hands>. However, “While retaliatory attacks did indeed take place, the Zam Pale did not reach the extent promised by G-Pép.” UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 62.

²¹⁷ “In addition, some self-defence groups have benefitted from gang support as a way of countering their rivals. The CASEC Belizaire brigade, in Croix-des-Bouquets, is supported by the Chyen Mechan gang in their fight against 400 Mawozo. As part of Bwa Kale, the inhabitants of Onaville also requested the help of the Chyen Mechan gang to expel Canaan gang members from the locality. It is important to note that gangs such as Base Platte and Ti Bois started off as self-defence groups.” UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 60. In villages across the Artibonite Valley, for instance, locals have formed a coalition with a gang leader known as Ti Mépris in fighting other armed groups (mainly Gran Grif, Kokorat San Ras and smaller groups) who were trying to gain control over the territory. Reportedly, these local self-defence actors allied with the gangs due to insufficient police presence in the rural areas. Some gangs reportedly also try to exploit self-defence movements to strengthen their power and influence, for example Jimmy Chérizier who openly stated his support for the Bwa Kale movement. ICG, *Haitians Turn to Mob Justice as the Gang Threat Fester*, 3 July 2023, www.ecoi.net/en/document/2094837.html.

²¹⁸ Between April and June 2023, BINUH noted that, among the 238 alleged gang members killed by vigilantes, “some killings [...] were encouraged, supported, or facilitated by high-ranking police officers and gang members belonging to the G-9 and allies.” BINUH, *Human Rights Situation: Main Trends*, 1 September 2023, https://binuh.unmissions.org/sites/default/files/human_rights_situation_in_haiti_quarterly_report_april_-_june_2023_0.pdf, p. 4. “On May 18th [2023], Flag Day in Haiti, Barbecue appeared before a crowd, wearing a T-shirt emblazoned with ‘Bwa Kale.’ He gave an impassioned speech saluting the heroes of independence, describing his alliance of gangs as an extension of their struggle. He also hailed Bwa Kale, though he warned its members to ‘avoid collateral damage.’ He assured the crowd, ‘If there is any collateral damage, that’s not us.’” The New Yorker, *Haiti Held Hostage*, 17 June 2023, www.newyorker.com/magazine/2023/07/24/haiti-held-hostage. See also, UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 60.

²¹⁹ UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 3 July 2023, S/2023/492, www.ecoi.net/en/file/local/2095017/N2318333.pdf, para. 11. “Many residents unaffiliated with Bwa Kale fear violent reprisal attacks by criminal groups and a further spiraling of the situation, particularly as members of criminal groups have formed their own new movement in retaliation, known as Zam Pale.” HRW, *“Living a Nightmare”: Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, p. 24.

²²⁰ “‘Popular justice’ does not only violate human rights, but it also risks leading to a fragmentation of the capital into several small areas, hostile towards each other, with fault lines running between neighborhoods under the influence of different ‘self-defense groups’. [...] The social normalization of lynchings by the population also compromises the role of an already weakened police institution that doesn’t have the capacity to restore and maintain public order.” In addition, there are indications that some of the lynchings have been co-opted by gangs: “While some killings appeared to be spontaneous, others were encouraged, supported, or facilitated by high-ranking police officers and gang members belonging to the G-9 and allies.” BINUH, *Human Rights Situation: Main Trends*, 1 September 2023, https://binuh.unmissions.org/sites/default/files/human_rights_situation_in_haiti_quarterly_report_april_-_june_2023_0.pdf, p. 4.

²²¹ OFPRA, *Haiti: Le groupe Fantom 509*, 8 November 2021, www.ofpra.gouv.fr/libraries/pdf.js/web/viewer.html?file=/sites/default/files/ofpra_flora/2109_hti_fantom_509_154051_web.pdf, p. 3; Insight Crime, *Disgruntled Police Sowing Further Unrest in Haiti*, 26 March 2021, <https://insightcrime.org/news/disgruntled-police-unrest-haiti/>; Quicote Center, *A “State of Emergency” Declared in Haiti*, 19 March 2021, <https://quicote.org/a-state-of-emergency-declared-in-haiti/>; Haiti Libre, *The Group «Fantôme 509» Sows Terror in the Capital*, 21 November 2020, www.haitilibre.com/en/news-32345-haiti-flash-the-group-fantome-509-sows-terror-in-the-capital.html; Haiti Libre, *New Violent Actions of the «Phantom 509» Group in the Capital*, 17 September 2020, www.haitilibre.com/en/news-31820-haiti-flash-new-violent-actions-of-the-phantom-509-group-in-the-capital.html; Haiti Libre, *Outburst of Violence of the «Police Officers» of the «Phantom 509» Group*, 15 September 2020, www.haitilibre.com/en/news-31803-haiti-flash-outburst-of-violence-of-the-police-officers-of-the-phantom-509-group.html; Haiti Libre, *The «Phantom 509» Group Issues an Ultimatum and Threatens*, 13 September 2020, www.haitilibre.com/en/news-31787-haiti-justice-the-phantom-509-group-issues-an-ultimatum-and-threatens.html; Haiti Libre, *The Group «Phantom 509» Target of the Justice*, 29 April 2020, www.haitilibre.com/en/news-30644-haiti-politic-the-group-phantom-509-target-of-the-justice.html; Haiti Libre, *Violent Demonstration of «Police Officers» of the Group «Phantom 509»*, 29 April 2020, www.haitilibre.com/en/news-30641-haiti-flash-violent-demonstration-of-police-officers-of-the-group-phantom-509.html.

attacking and killing police officers during protests and orchestrating jailbreaks to free officers accused of abuses.²²² On 22 March 2021, the director of the HNP referred to Fantom 509 as a “criminal group” and stated that all officers associated with the group would be fired, and prohibited from wearing police uniforms after their dismissal.²²³

On 26 January 2023, a group of persons who identified themselves as police and some of whom wore police uniforms blocked major roads, damaged the Prime Minister’s residence and attacked the international airport in response to the deaths of 15 police officers in only two weeks.²²⁴ Media reports attributed the attacks against the Prime Minister’s residence and the airport to Fantom 509.²²⁵

Between April and June 2023, BINUH documented 18 extrajudicial killings in Tabarre committed by masked individuals wearing police uniforms who subsequently disfigured and burnt the victims’ bodies to prevent identification.²²⁶

D. State Protection

In the context of the ongoing political and security crisis, many of Haiti’s institutions are either not functioning or are functioning at a significantly reduced capacity.²²⁷ State services and infrastructure are unavailable in many of the poorest areas.²²⁸

The HNP have suffered from heavy losses and attrition due to violence, emigration of police officers to other countries and desertion.²²⁹ While there were 14,295 police officers in Haiti as of July 2023, at

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- ²²² OFPRA, *Haiti: Le groupe Fantom 509*, 8 November 2021, www.ofpra.gouv.fr/libraries/pdf.js/web/viewer.html?file=/sites/default/files/ofpra_flora/2109_hti_fantom_509_154051_web.pdf, pp. 4-6; Haiti Libre, *The PNH Tracks the Members of Fantom 509 on the Run*, 15 October 2021, www.haitilibre.com/en/news-35000-haiti-insecurity-the-pnh-tracks-the-members-of-fantom-509-on-the-run.html; TeleSur, *Haitian Authorities Order Arrest of ‘Fantom 509’ Renegade Cops*, 24 March 2021, www.telesurenglish.net/news/Haitian-Authorities-Order-Arrest-of-Fantom-509-Renegade-Cops-20210324-0004.html; ACLED, *ACLED Regional Overview – Mexico, Central America, and the Caribbean (13-19 March 2021)*, 24 March 2021, <https://reliefweb.int/report/mexico/acled-regional-overview-mexico-central-america-and-caribbean-13-19-march-2021>; Haiti Libre, *Violence, Vandalism and Looting in Port-au-Prince*, 18 March 2021, www.haitilibre.com/en/news-33264-haiti-flash-violence-vandalism-and-looting-in-port-au-prince.html; Haiti Libre, *Police Officers Engage in Acts of Banditry*, 4 February 2021, www.haitilibre.com/en/news-32936-haiti-flash-police-officers-engage-in-acts-of-banditry.html.
- ²²³ He also referred to the group as “terrorist”. Le Nouvelliste, *Tous les « policiers identifiés à Fantom 509 » sont révoqués, affirme Léon Charles*, 23 March 2021, www.lenouvelliste.com/article/227592/tous-les-policiers-identifies-a-fantom-509-sont-revoques-affirme-leon-charles.
- ²²⁴ UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 14 April 2023, S/2023/274, www.ecoi.net/en/file/local/2091678/N2309343.pdf, para. 18; The Guardian, *Haitian Cops Are Poorly Paid and Outgunned – and Part of the Problem*, 2 February 2023, www.theguardian.com/world/2023/feb/02/haiti-cops-outgunned-gangs.
- ²²⁵ The Times, *Haiti Rebel Police Attack Airport and Prime Minister’s Villa*, 27 January 2023, www.thetimes.co.uk/article/haiti-rebel-police-attack-airport-and-prime-ministers-villa-kw08lrm0. The protests spread in the days following the attacks, leading Renata Segura, deputy director for Latin America and the Caribbean at ICG, to conclude that “Fantom 509 [was] very likely involved, but the protests [were] wider than that”. The Guardian, *Haitian Cops Are Poorly Paid and Outgunned – and Part of the Problem*, 2 February 2023, www.theguardian.com/world/2023/feb/02/haiti-cops-outgunned-gangs. See also, UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 167.
- ²²⁶ “According to the HRS investigation, these masked individuals wearing police uniforms committed these acts of violence, usually in broad daylight and sometimes in front of residents, following a methodical and precise modus operandi, before burning and disfiguring the bodies to prevent their identification. The HRS referred this information to the police authorities and ensured that it was followed up.” BINUH, *Human Rights Situation: Main Trends*, 1 September 2023, https://binuh.unmissions.org/sites/default/files/human_rights_situation_in_haiti_quarterly_report_april_-_june_2023_0.pdf, p. 8.
- ²²⁷ “There are no public sanitation services, there aren’t enough police and there’s hardly any healthcare infrastructure. Almost half of Haiti’s population is experiencing hunger, according to the latest report from the World Food Program. There are no trials: 85% of the prisoners haven’t gone through the courts, which are paralyzed. There isn’t even power: the country relies on generators that it obtains from a private company owned by one of Haiti’s elite families. Haiti has collapsed [...]. City Hall and the government ministries are located [in the Champ de Mars square]. All empty and unapproachable. The prime minister’s office is also here, which offers the most symbolic image: the occupant of the office hasn’t been able to enter for a long time. The only building in operation is the Bank of the Republic — the police keep it accessible to avert the total collapse of Haiti. From Monday to Friday, between 8 a.m. and 5 p.m., the agents form a corridor along Casernes street, to allow bank workers to reach the building.” El País, *Haiti, When a State Collapses*, 2 July 2023, <https://english.elpais.com/eps/2023-07-02/haiti-when-a-state-collapses.html>. See also, El País, *All the Institutions Are Collapsing. Haiti Is a Dying Country*, 14 February 2023, <https://english.elpais.com/international/2023-02-14/all-the-institutions-are-collapsing-haiti-is-a-dying-country.html>.
- ²²⁸ “During his visit, the expert met with several groups of young Haitians and civil society organizations working with the youth in marginalized areas. They all made the same observation: the State, which was already providing insufficient public services, especially in the most impoverished neighbourhoods, has now completely deserted these areas. They are no-man’s-lands, where public services and infrastructure are non-existent.” UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 12.
- ²²⁹ “Increased rates of attrition continue to hamper the expansion of the ranks of the national police. This is due primarily to the rising number of resignations by officers, as well as death, retirement and the abandonment of posts.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 3 July 2023, S/2023/492, www.ecoi.net/en/file/local/2095017/N2318333.pdf, para. 16. “Several analysts who study the Haitian National Police told the expert that a large number have applied to leave the country under the new United States parole programme.” UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 26.

most 10,000 were active, with an estimated 3,300 on duty at any given time.²³⁰ During 2023, 1,663 officers quit the police force.²³¹ In addition, staffing challenges are worse in specialized police units, such as border patrol, the Haitian Coast Guard and the anti-narcotics unit.²³² Salaries of police officers remain low and morale is poor.²³³ As the Panel of Experts notes, “[t]he national police faces considerable challenges in fulfilling its responsibilities, including inadequate equipment and training, as well as a shortage of personnel”.²³⁴ Some police capacity is reportedly misused, for example by police officers being reassigned from their core duties to the protection of senior government officials.²³⁵

Between January and September 2023, an estimated 40 police officers were killed, including 17 while off-duty, and another 55 were injured, including 12 while off-duty.²³⁶ Gangs continue to target police, including by attacking police stations and the police academy and by killing police officers.²³⁷ During 2023, 45 police facilities were subjected to multiple attacks by gangs, with “many rendered inoperable and burned to the ground”.²³⁸ The police also lack the resources necessary to respond to gang attacks, including functioning equipment and adequate weaponry.²³⁹ As a result of insecurity and insufficient resources, police presence is non-existent in many areas affected by gang violence.²⁴⁰ According to the UN Secretary-General, as of July 2023, “the national police can contain gang activities in some areas

²³⁰ UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 3 July 2023, S/2023/492, www.ecoi.net/en/file/local/2095017/N2318333.pdf, para. 17. “The precise number of police officers on active duty is difficult to ascertain with any degree of accuracy. As at 30 June 2023, official figures put the number of officers at 14,087; however, this includes the coastguard and fire service and does not reflect the significant number of officers who have recently abandoned their posts, left the country or are on detachment to close protection units. Taking this into consideration, the number of police officers available on 12-hour shifts nationwide is likely to be closer to around 4,000, which is exceptionally low in any context, but even more so in Haiti.” UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 24.

²³¹ The total number of police officers had fallen to 13,196 by 31 December 2023. UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 15 January 2024, S/2024/62, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N24/001/85/PDF/N2400185.pdf>, para. 15. See also, UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, para. 17.

²³² “Specialized police units face chronic staffing shortages. For example, the HNP’s border patrol (POLIFRONT) has just 294 officers [...] the Haitian Coast Guard (HCG) has just 181 officers and a single operational vessel [...] and the country’s anti-narcotics brigade (BLTS) has just 317 personnel and is severely under-resourced and over-stretched”. Additionally: “By way of comparison, the Dominican Republic fields 32,000 police officers, including an estimated 15,000 border patrol officials.” UNODC, *Haiti’s Criminal Markets: Mapping Trends in Firearms and Drug Trafficking*, 28 February 2023, www.unodc.org/documents/data-and-analysis/toc/Haiti_assessment_UNODC.pdf, pp. 8-9.

²³³ “Morale is low. Police are poorly paid and often paid late. The Haitian National Police has lost many officers in the fight against the gangs.” UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 26. “Like every institution in Haiti, the police force is highly infiltrated by criminal networks. Low-grade officers paid less than \$200 (£162) a month are easily bought off by warlords while senior government officials sometimes commandeer units to wage warfare on behalf of gangs.” The Guardian, *Haitian Cops Are Poorly Paid and Outgunned – and Part of the Problem*, 2 February 2023, www.theguardian.com/world/2023/feb/02/haiti-cops-outgunned-gangs.

²³⁴ UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 163. See also, UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, para. 17. “The national police remains overwhelmed by rampant gang violence.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 15 January 2024, S/2024/62, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N24/001/85/PDF/N2400185.pdf>, para. 16.

²³⁵ UNODC, *Haiti’s Criminal Markets: Mapping Trends in Firearms and Drug Trafficking*, 28 February 2023, www.unodc.org/documents/data-and-analysis/toc/Haiti_assessment_UNODC.pdf, p. 9.

²³⁶ UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, para. 17. See also, UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 3 July 2023, S/2023/492, www.ecoi.net/en/file/local/2095017/N2318333.pdf, para. 18. An additional 8 officers were killed and 20 injured by 31 December 2023, for a total of 48 police officers killed and another 75 injured during the year. UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 15 January 2024, S/2024/62, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N24/001/85/PDF/N2400185.pdf>, para. 15.

²³⁷ UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 3 July 2023, S/2023/492, www.ecoi.net/en/file/local/2095017/N2318333.pdf, paras 18-19. “In June, Savanne Pistache’s police station, in the Port-au-Prince commune, was riddled with bullets [...] by gang elements”. BINUH, *Human Rights Situation: Main Trends*, 1 September 2023, https://binuh.unmissions.org/sites/default/files/human_rights_situation_in_haiti_quarterly_report_april_-_june_2023_0.pdf, p. 6. “Gangs have attacked and destroyed numerous police stations across Haiti. For example, in late January 2023 in the town of Liancourt in the Artibonite Valley, six police officers were killed after a series of attacks by a local gang. More than 32 Haitian National Police officers have been killed so far in 2023.” UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 4.

²³⁸ UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 15 January 2024, S/2024/62, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N24/001/85/PDF/N2400185.pdf>, para. 15; UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, para. 17; UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 20.

²³⁹ In August 2020, during an attack in Bel-Air, individuals called the police. After two hours, the police reportedly stated that they could not respond because their vehicles did not have gasoline. RNDH, *Massacres in Bel-Air and Cité Soleil Under the Indifferent Gaze of State Authorities*, 20 May 2021, <https://web.rnddh.org/wp-content/uploads/2021/05/2-Rap-Bel-Air-Cite-Soleil-2021-20-Mai-2021-ENG.pdf>, para. 75, see also paras 76-80. “The police lack basic equipment, including vehicles, communications, weapons and even uniforms.” UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 26.

²⁴⁰ “In some neighborhoods — such as Martissant and Bel Air, very close to the downtown — the police haven’t been around in months. The residents live under gang rule.” El País, *Haiti, When a State Collapses*, 2 July 2023, <https://english.elpais.com/eps/2023-07-02/haiti-when-a-state-collapses.html>.

temporarily but cannot sustain police presence and consolidate these gains”.²⁴¹ Reportedly, many police officers maintain links with gangs and some active-duty police officers are also gang members or have assisted gangs.²⁴²

The proliferation of private security firms to protect businesses and wealthy Haitians has reportedly undercut the HNP, with these companies recruiting directly from HNP ranks and officers leaving the HNP for the higher pay of the private sector.²⁴³ Some estimate that the private security sector in Haiti may comprise as many as 75,000 to 90,000 persons, five times the number of police officers.²⁴⁴

The justice system processes very few cases, although the use of a quota system in July 2023 led to an increased number of cases processed.²⁴⁵ Judicial officials report feeling unsafe to travel to work, and some have neglected or left their posts due to insecurity; this has delayed and prevented trials from taking place.²⁴⁶ According to the UN Development Programme (UNDP), the justice system is “largely dysfunctional and unable to fulfil its mandate”, with only 2.9 per cent of Haitians expressing satisfaction

²⁴¹ UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 3 July 2023, S/2023/492, www.ecoi.net/en/file/local/2095017/N2318333.pdf, para. 18. “The police has limited budget, is grossly understaffed, is ill-equipped and ill-trained to tackle the complexity of the situation on the ground, and lacks the capacity to regain territory occupied by gangs”. UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 22. A national survey of 1,387 persons in August 2023 found that “56 per cent of respondents had little confidence in the capacity of the Haitian National Police to counter armed gang violence, 60 per cent doubted that the Haitian National Police alone could restore security and 68 per cent agreed that an international force was necessary”. UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, para. 8.

²⁴² “The police’s lack of effectiveness is compounded by members’ collusion with gangs: experts have estimated that about half of the total force has links to illegal armed groups.” ICG, *Haitians Turn to Mob Justice as the Gang Threat Festers*, 3 July 2023, www.ecoi.net/en/document/2094837.html. “[A] former senior police official told Human Rights Watch: ‘Police are underpaid, not well equipped, and they will easily join criminal activities in order to get more money... In every criminal group, you find two or three police officers. They use police cars to move around and conduct kidnappings.’” HRW, “*Living a Nightmare: Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*”, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, p. 71, see also pp. 69-70. See also, Just Security, *Haiti’s Police Protests Highlight Armed Gangs’ Ties to Government*, 2 February 2023, www.justsecurity.org/84990/haitis-police-protests-highlight-armed-gangs-ties-to-government/. “According to numerous interlocutors the expert interviewed, gangs have obtained weapons and vehicles from the police and some officers have been accused of providing information to gangs about upcoming police operations.” UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 27. “Many Haitians, including businesspeople, CSOs, and religious leaders, believe that the HNP are part of the violence problem due to their support for gangs. The assessment team found broad agreement among interviewees and FGD participants that the police were not to be trusted. A mayor told the assessment team that the population often could not differentiate between police and gangs, because they were so intertwined.” USAID, *Haiti Citizen Security Assessment (CSA) Final Report*, September 2022, https://pdf.usaid.gov/pdf_docs/PA0211RJ.pdf, p. 54. “Corruption in the police force is a widespread problem that not only involves rank-and-file officers but also reaches the upper echelons of the institution. Two sources in the Haitian police who spoke separately to Crisis Group said senior commanders managed at least once to stop an operation to capture a powerful gang leader, allegedly because of the gangster’s links to politicians or members of the force.” ICG, *Haiti’s Gangs: Can a Foreign Mission Break their Stranglehold?*, 5 January 2024, www.crisisgroup.org/latin-america-caribbean/haiti/b49-haitis-gangs-can-foreign-mission-break-their-stranglehold.

²⁴³ UNODC, *Haiti’s Criminal Markets: Mapping Trends in Firearms and Drug Trafficking*, 28 February 2023, www.unodc.org/documents/data-and-analysis/toc/Haiti_assessment_UNODC.pdf, p. 6. They have also contributed to illicit firearms trafficking and lack of arms controls. UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, paras 110-112.

²⁴⁴ UNODC, *Haiti’s Criminal Markets: Mapping Trends in Firearms and Drug Trafficking*, 28 February 2023, www.unodc.org/documents/data-and-analysis/toc/Haiti_assessment_UNODC.pdf, p. 7.

²⁴⁵ A strike between March and June 2023 halted the processing of cases, but there was a “significant increase” in cases processed by prosecutors in July 2023, and the Court of First Instance in Port-au-Prince also began hearings. UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, paras 24-25. “The expert’s interviews with judicial officials, lawyers and human rights experts revealed a highly dysfunctional justice system. Court clerks and magistrates have frequently gone on strike over wages and working conditions, contributing to the low numbers of cases processed in the courts. [...] Legal practitioners told the expert that many judges, prosecutors, court clerks and bailiffs failed to show up for work. Some do not possess the requisite job qualifications.” UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, paras 31, 33. See also, NPR, *Haiti’s Slain President Presided over the Collapse of Security in his Country*, 20 July 2021, www.npr.org/2021/07/20/1018275532/haitis-slain-president-presided-over-the-collapse-of-security-in-his-country.

²⁴⁶ UN Security Council, *Letter Dated 15 September 2023 from the Panel of Experts Established Pursuant to Security Council Resolution 2653 (2022) Addressed to the President of the Security Council*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 32; ACAPS, *Haiti: Humanitarian Impact of Gang Violence*, 2 June 2023, www.acaps.org/fileadmin/Data_Product/Main_media/20230602_acaps_briefing_note_haiti_humanitarian_impact_of_gang_violence.pdf, p. 10; US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html; HRW, *Haitians Being Returned to a Country in Chaos: Humanitarian, Security Crisis Makes Deportations Unsafe*, 24 March 2022, www.ecoi.net/en/document/2070056.html.

with the performance of judges in a recent survey.²⁴⁷ The system struggles to deal with corruption or gang-related cases.²⁴⁸ The overall conviction rate stands at only 3 per cent, and as of July 2023, 85 per cent of prisoners across the country were in pretrial detention or had not yet been charged in violation of constitutional requirements.²⁴⁹ As a result, prisoners routinely spend years in prison for relatively minor offenses.²⁵⁰ Others have been placed in detention in arbitrary mass arrests.²⁵¹

Prisons are overcrowded and prisoners live in inhuman and degrading conditions.²⁵² During 2022, the National Penitentiary held over 3,700 prisoners in cells intended to hold a maximum of 800 persons.²⁵³ As of 4 January 2024, there were 11,778 persons incarcerated in facilities meant to hold 3,900 persons.²⁵⁴ Some of the overcrowding has been attributed to the HNP practice of “arrimage”, “which involves the police arresting persons gathering in public on suspicion of belonging to a criminal group.”²⁵⁵

- ²⁴⁷ Even fewer Haitians (2.5%) were satisfied with the performance of prosecutors. UN Development Programme (UNDP), *Fact Sheet: Justice Programme*, February 2023, www.undp.org/sites/g/files/zskgk326/files/2023-04/undp-ht-ProgrammeJustice-Factsheet-042023-En.pdf, p. 1. As of June 2023, and despite some positive developments, the “justice system remained dysfunctional due to the persistence of longstanding challenges, notably corruption, political interference and recurrent strikes by judicial actors.” BINUH, *Human Rights Situation: Main Trends*, 1 September 2023, https://binuh.unmissions.org/sites/default/files/human_rights_situation_in_haiti_quarterly_report_april_-_june_2023_0.pdf, p. 6. See also, UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 31; UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 27. “A unified, strong perception of the justice system’s ineffectiveness came across in almost all of the assessment team’s relevant KIs, FGDs, and survey responses.” USAID, *Haiti Citizen Security Assessment (CSA) Final Report*, September 2022, https://pdf.usaid.gov/pdf_docs/PA0211RJ.pdf, p. 42. “Le système judiciaire est resté largement dysfonctionnel en raison de la violence généralisée et de la persistance de problèmes structurels, notamment les grèves récurrentes des acteurs de la justice.” BINUH, *Rapport trimestriel sur la situation des droits de l’homme en Haïti*, 1 February 2024, https://binuh.unmissions.org/sites/default/files/rapport_trimestriel_sur_la_situation_des_droits_de_l'homme_en_haiti_oct_-_dec_2023.pdf, p. 7.
- ²⁴⁸ “The processing of criminal cases related to corruption and gang-related crimes is a significant challenge. Most judges do not have the experience with such cases, there is only one forensic expert and the scientific police are not able to provide DNA testing. There are also no special Police-Justice task forces nor measures to protect judges, witnesses and victims.” UNDP, *Fact Sheet: Justice Programme*, February 2023, www.undp.org/sites/g/files/zskgk326/files/2023-04/undp-ht-ProgrammeJustice-Factsheet-042023-En.pdf, p. 1. “In addition, the situation has had a negative impact on the morale of other actors in the Haitian system, including the police, with many officers discouraged by the lack of successful prosecutions.” UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 33.
- ²⁴⁹ BINUH, *Human Rights Situation: Main Trends*, 1 September 2023, https://binuh.unmissions.org/sites/default/files/human_rights_situation_in_haiti_quarterly_report_april_-_june_2023_0.pdf; US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html; UNDP, *Fact Sheet: Justice Programme*, February 2023, www.undp.org/sites/g/files/zskgk326/files/2023-04/undp-ht-ProgrammeJustice-Factsheet-042023-En.pdf, p. 1. “As of August 2023, only 1,892 of the total 11,816 inmates in the country had actually been convicted of a crime.” The total number of inmates includes “288 women, 240 minor boys and 11 minor girls”. UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 27, footnote 7. See also, BINUH, *Human Rights Situation: Main Trends*, 27 October 2023, https://binuh.unmissions.org/sites/default/files/2023_q3_rapport_trimestriel_droits_humains_en.pdf, p. 7.
- ²⁵⁰ Washington Post, *He Was Sentenced to a Year in Prison. He Had Been Held More than Nine.*, 11 August 2023, www.washingtonpost.com/world/2023/08/11/haiti-prolonged-pretrial-detention/. “The expert interviewed detainees who were accused of petty theft, such as stealing a pair of shoes, a phone or cosmetics, yet who had been in prison for years awaiting trial.” UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 39.
- ²⁵¹ UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 40. “Human rights organizations reported police sometimes arrested large groups of persons attending protests or near crime scenes without attempting to ascertain who was committing a crime.” US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html.
- ²⁵² “Since the previous report [...] prison conditions have continued to deteriorate, marked by increased mortality rates, due in part to disruptions in the supply of medication and an increase in cases of tuberculosis and in HIV/AIDS-related complications. As at 5 October, 11,845 people (11,477 men, 368 women) were being held in Haitian prisons, of whom 83.25 per cent were in pretrial detention. The average cell occupation rate was 330 per cent”. UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, para. 22. See also, BINUH, *Human Rights Situation: Main Trends*, 1 September 2023, https://binuh.unmissions.org/sites/default/files/human_rights_situation_in_haiti_quarterly_report_april_-_june_2023_0.pdf, p. 6. “Prisoners in many prisons and detention centers, including the National Penitentiary in Port-au-Prince, did not have regular access to sanitary facilities and were required to relieve themselves in plastic bags that they had to purchase. Prisoners at the National Penitentiary and at Les Cayes had extremely limited opportunities to leave their cells.” US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html. In some prisons, detainees take turns sleeping because there’s not enough room for them to all lay down. The facilities lack proper sanitation and detainees have no access to healthcare. UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, paras 39-40. There are no prisons that meet international standards and prisons are “plagued by chronic shortages of food, clean water, and medical supplies, heightening the risk of severe outbreaks.” UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, p. 135.
- ²⁵³ US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html. As of October 2023, Les Cayes prison had a 777 per cent occupation rate. UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, para. 22. On 2 March 2024, gangs attacked the National Penitentiary and the Croix-des-Bouquets prisons, resulting in the escape of over 4,000 prisoners. Miami Herald, *Haiti’s National Penitentiary, Already the Target of Mass Prison Break by Gangs, Catches Fire*, 14 March 2024, www.miamiherald.com/news/nation-world/world/americas/haiti/article286680980.html.
- ²⁵⁴ UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 15 January 2024, S/2024/62, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N24/001/85/PDF/N2400185.pdf>, para. 20.
- ²⁵⁵ UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 40.

Prisoners do not receive sufficient food and are malnourished, sometimes going days without eating.²⁵⁶ Pregnant women have been kept in substandard conditions in police stations, detained with men, and not provided adequate medical care.²⁵⁷ An estimated 219 prisoners died during 2022, many from starvation, malnutrition or malnutrition-related diseases.²⁵⁸ Arrested gang members are reportedly often released or allowed to escape by corrupt prosecutors and judges.²⁵⁹ In other cases, gang members have continued to conduct gang activities in prison.²⁶⁰ Some young men are recruited into gangs while in prison.²⁶¹

Since 2021, gangs have attacked, occupied and “partially destroyed” the Palace of Justice in Port-au-Prince, which compromises the ability of judges, prosecutors and court staff to do their jobs and has likely resulted in the loss of essential files for criminal cases.²⁶² The Tribunal de Paix in Cité Soleil has

²⁵⁶ During 2022, the Directorate of Prison Administration reported that most prisoners were given one low-quality meal per day. A study by the University of Florida found that prisoners ate fewer than 500 calories a day and lacked critical vitamins. The government committed to provide two meals per day, due to an increase in starvation deaths. However, this may not reflect the reality on the ground, as prisons may lack food, supplies, or power to cook. See UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 38; AP, *Haitians Are Dying of Thirst and Starvation in Severely Overcrowded Jails*, 8 June 2023, <https://apnews.com/article/haiti-prisons-mistreatment-starvation-caribbean-78e79d96fddcfd2acef9cd426e5c17db>. “Detainees at the National Penitentiary told The [Washington] Post that some prison authorities are charging starving inmates for bread, water and ice.” Washington Post, *He Was Sentenced to a Year in Prison. He Had Been Held More than Nine...*, 11 August 2023, www.washingtonpost.com/world/2023/08/11/haiti-prolonged-pretrial-detention/. “On July 21 [2022], the director of the Saint Marc civil prison appealed to media, saying there was no food or water available for the 500 prisoners held there. In July [2022] a video of severely malnourished prisoners at the Les Cayes prison was widely circulated on social media and attracted widespread condemnation. On August 1 [2022], the FJKL reported prisoners at the National Penitentiary attempted a ‘mutiny’ on July 28 [2022] in protest of being deprived of food, water, or access to bathing facilities for four days.” US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html. A planned budget increase for 2024 of 87 per cent may “lead to a visible increase in the assistance provided to inmates.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 15 January 2024, S/2024/62, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N24/001/85/PDF/N2400185.pdf>, para. 20.

²⁵⁷ Reuters, *Haiti Rights Group Decries ‘Inhumane’ Conditions in Police Jails*, 1 June 2023, www.reuters.com/world/americas/haiti-rights-group-decries-inhumane-conditions-police-jails-2023-06-02/. In August 2023, the Inter-American Commission on Human Rights (IACHR), issued precautionary measures in favor of a woman who was detained at the Port-au-Prince Police Station when four months pregnant along with men in unsanitary conditions. Despite her complaints, she did not receive timely or adequate healthcare and her newborn died. The mother has not received any follow up medical or psychological care. IACHR, *Resolution 49/2023*, 29 August 2023, www.oas.org/en/iachr/decisions/mc/2023/res_49-23_mc_509-23_ht_en.pdf.

²⁵⁸ “The situation of Haitian detainees epitomizes the continued erosion of the rule of law. The year 2022 saw an increase in the number of deaths to 219, compared with 147 in 2021. The situation was further exacerbated by the cholera outbreak, which was allegedly linked to 42 deaths among the prison population during the reporting period.” UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 38. See also, AP, *Haitians Are Dying of Thirst and Starvation in Severely Overcrowded Jails*, 8 June 2023, <https://apnews.com/article/haiti-prisons-mistreatment-starvation-caribbean-78e79d96fddcfd2acef9cd426e5c17db>. Between 1 July and 5 October 2023, 75 prisoners died, most due to inadequate health care. UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, para. 22.

²⁵⁹ “Observers noted corruption at the prosecutor and investigative judge level led to gang members – some of whom may have committed trafficking crimes – being released immediately from prison when 80-85 percent of inmates were held for years in prolonged pre-trial detention.” US Department of State, *2023 Trafficking in Persons Report: Haiti*, 15 June 2023, www.ecoi.net/en/document/2093622.html. “One reason people take justice into their own hands is that they fear the justice system will not hold gang leaders accountable and that they will be released. That fear is well founded as the few gang leaders who have been arrested have conducted gang activities from prison; some have ‘escaped’ or have been released.” UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 31. See also, UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 28; USAID, *Haiti Citizen Security Assessment (CSA) Final Report*, September 2022, https://pdf.usaid.gov/pdf_docs/PA0211RJ.pdf, p. 42.

²⁶⁰ Reportedly, the founder of 400 Mawozo controlled his gang from inside the prison for several years prior to his extradition. “Indeed, having benefited from preferential treatment and the complacency of agents of the Directorate of the Penitentiary Administration (DAP), he had at his disposal smart mobile phones as well as large sums of money. This situation allowed him to coordinate his criminal activities, organize memorable parties in prison and bribe some unscrupulous DAP agents.” RNDDH, *Violent Clashes Between Armed Gangs: RNDDH Demands Protection of the Haitian Population*, 10 May 2022, <https://web.rnddh.org/wp-content/uploads/2022/05/6-Rap-Plaine-du-Cul-de-Sac-10Mai2022-ENG.pdf>, para. 34. “Gang members continued to experience special treatment in detention and were sometimes released without proper cause.” US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html.

²⁶¹ “In a February documentary that included interviews with several juvenile prisoners and gang members, the online news source *New Humanitarian* highlighted the large number of juveniles who developed gang alliances while in prison. Some of these juveniles were arrested because of their gang activity, but others became gang members while imprisoned.” US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html. See also, *The New Humanitarian*, *Stolen future: Haiti’s Gangs and its Children*, 14 February 2022, www.thenewhumanitarian.org/video/2022/2/14/Stolen-future-Haiti-gangs-children-film.

²⁶² UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 5; UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September

not been operational since July 2020 when armed gangs took control of the building.²⁶³ The courthouse in Gonaïves was set on fire in February 2022.²⁶⁴

According to HRW, between January and August 2023, there had been no prosecutions or convictions of anyone responsible for killings, kidnappings or sexual violence.²⁶⁵ The lack of capacity in both the police and the justice system contribute “directly to the rapid increase in violence, corruption, and the emergence of gangs”.²⁶⁶

Transparency International ranked Haiti 172nd out of 180 countries in its 2023 Corruption Perceptions Index.²⁶⁷ High-ranking politicians in Haiti have been “implicated in corruption, money laundering, arms smuggling, and drug trafficking to bolster their power and influence.”²⁶⁸ Members of the Haitian elite—including the President of the Haitian Senate, whose term expired in January 2023—have been sanctioned by the US and Canada for involvement in drug trafficking, corruption and collaborating with criminal gangs.²⁶⁹ Anti-corruption investigations in Haiti have found evidence of extensive corruption in the HNP, the lottery, public universities and local government administrations, as well as in the National Office for Migration, the Social Assistance Fund and the Ministry of Public Health and Population.²⁷⁰

Despite this, only one person has been convicted of corruption in the past 15 years.²⁷¹ However, several high-profile corruptions cases have been filed during 2023, including one where a judge ordered the

2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 29. “On June 10 [2022], a gang known as “5 Seconds” took control of Port-Au-Prince’s Palace of Justice [...] The Palace of Justice had been largely inoperative since 2018 due to security risks [...] ‘If officials went to the tribunal, they had to do it at their own risk, and dodging bullets,’ a member of the Superior Council of the Judiciary said.” HRW, *Haiti: Wave of Violence Deepens Crisis*, 22 July 2022, www.ecoi.net/en/document/2075951.html. “The Palais de Justice is in the middle of 5 Seconds territory and has been robbed by unidentified intruders several times this year alone. [...] From early 2018 to late 2020, the Palais de Justice was robbed or nearly robbed 23 times, including 17 occasions in which rooms containing sensitive files were burgled without signs of forced entry. Various civil society groups have therefore raised the possibility of police involvement in recent robberies.” Insight Crime, *Haiti Gang Has Occupied Supreme Court for Almost a Week*, 16 June 2022, <https://insightcrime.org/news/haiti-gang-has-occupied-supreme-court-for-almost-a-week/>. See also, HRW, “Living a Nightmare” Haiti Needs an Urgent Rights-Based Response to an Escalating Crisis, August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, p. 76; Freedom House, *Freedom in the World 2023: Haiti*, 6 July 2023, www.ecoi.net/en/document/2094365.html; US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html; UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 13 October 2022, S/2022/761, www.ecoi.net/en/file/local/2080457/N2263243.pdf, para. 30.

263 HRW, “Living a Nightmare” Haiti Needs an Urgent Rights-Based Response to an Escalating Crisis, August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, p. 76; OHCHR, *The Population of Cité Soleil in the Grip of Gang Violence: Investigative Report on Human Rights Abuses Committed by Gangs in the Zone of Brooklyn from July to December 2022*, February 2023, www.ecoi.net/en/file/local/2086931/investigative-report-human-rights-abuses-committed-gangs-zone-brooklyn-july-december-2022.pdf, para. 88.

264 UN Security Council, *Letter Dated 15 September 2023 from the Panel of Experts Established Pursuant to Security Council Resolution 2653 (2022) Addressed to the President of the Security Council*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 29.

265 “Based on available information, there have been no prosecutions or convictions of those responsible for killings, kidnappings, and sexual violence, or their supporters, since the start of 2023.” HRW, *Haiti: Surge in Violent Abuses*, 14 August 2023, www.ecoi.net/en/document/2095950.html.

266 “Any efforts to strengthen and support the police forces must therefore be accompanied by a system of justice able to address impunity and incarcerate perpetrators following a fair trial.” UNDP, *Fact Sheet: Justice Programme*, February 2023, www.undp.org/sites/g/files/zskgke326/files/2023-04/undp-ht-ProgrammeJustice-Factsheet-042023-En.pdf, p. 1. See also, UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, para. 36.

267 Transparency International, *Our Work in Haiti*, accessed 15 March 2024, www.transparency.org/en/countries/haiti. “In Venezuela (14), Haiti (17) and Nicaragua (19), the countries with the lowest scores, it is difficult to draw a line between public institutions and criminal activities.” Transparency International, *CPI 2022 for the Americas: Fertile Ground for Criminal Networks and Human Rights Abuses*, 31 January 2023, www.transparency.org/en/news/cpi-2022-americas-corruption-criminal-networks-human-rights-abuses. “In Haiti, decades of poor governance and corruption have contributed to the current crisis. More than 90 per cent of Haitian public officials are not in compliance with the national anti-corruption law.” UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 22.

268 Foreign Policy, *Haiti Is on the Brink of State Failure*, 17 February 2023, <https://foreignpolicy.com/2023/02/17/haiti-crisis-corruption-criminal-gangs-violence-humanitarian-assistance-state-failure-sanctions/>. The UN Panel of Experts noted in September 2023 that “institutional factors contributing to the weakening of the economy and to the instability of the country include” the embezzlement of public funds and corruption, tax evasion and links between “gangs, politicians and economic elites”. UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 43.

269 Foreign Policy, *Haiti Is on the Brink of State Failure*, 17 February 2023, <https://foreignpolicy.com/2023/02/17/haiti-crisis-corruption-criminal-gangs-violence-humanitarian-assistance-state-failure-sanctions/>. Joseph Lambert, the president of the Haitian Senate until his term expired in January 2023, and Youri Latortue, a former Haitian senator, were sanctioned in November 2022 by the US for “abus[ing] their official positions to traffic drugs and collaborat[ing] with criminal and gang networks to undermine the rule of law in Haiti”. US Department of the Treasury, *Treasury Sanctions Corrupt Haitian Politicians for Narcotics Trafficking*, 4 November 2022, <https://home.treasury.gov/news/press-releases/jy1080>. Gary Bodeau, the former President of the Haitian Chamber of Deputies, was sanctioned by the US in April 2023, for “extensive involvement in corruption”. US Department of the Treasury, *Treasury Sanctions Former President of Haiti’s Chamber of Deputies*, 5 April 2023, <https://home.treasury.gov/news/press-releases/jy1389>. See also, US Department of the Treasury, *U.S. Sanctions Additional Corrupt Haitian Politicians for Drug Trafficking*, 2 December 2022, <https://home.treasury.gov/news/press-releases/jy1137>.

270 UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 24.

271 UNDP, *Fact Sheet: Justice Programme*, February 2023, www.undp.org/sites/g/files/zskgke326/files/2023-04/undp-ht-ProgrammeJustice-Factsheet-042023-En.pdf, p. 1. “Since their creation in the early 2000s, two specialized governmental anti-corruption units – the Unité centrale de renseignements financiers and the Unité de lutte contre la corruption – have handed more than 140 cases over to the courts. One single individual has been convicted to date.” UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 30.

arrests of Youri Latortue and Joseph Lambert, former Senate presidents.²⁷² In May 2023, armed men shot 13 bullets into a car carrying a judge investigating corruption cases against the former heads of the General Customs Administration and the Social Assistance Fund.²⁷³

The General Inspectorate of the Haitian National Police (IGPNH) has opened investigations into police misconduct and violations of human rights, including 17 investigations involving 19 officers opened between April and June 2023.²⁷⁴ During that time, 15 investigations were concluded, 3 officers were dismissed, 15 were suspended and 3 cases were referred for criminal prosecution.²⁷⁵ A further 34 investigations were opened and 5 more were concluded between 1 July and 22 September 2023.²⁷⁶

While President Moïse ordered the reconstitution of the army during his tenure, there were only an estimated 500 persons in the army as of December 2022.²⁷⁷

E. Humanitarian Situation

Rising insecurity, natural hazard-related disasters and years of economic decline and inflation have driven humanitarian needs in Haiti to record levels, with an estimated 5.5 million persons in need of humanitarian assistance in 2024, nearly half of Haiti's population.²⁷⁸ An estimated 3 million of these are children.²⁷⁹ Despite rising needs, the humanitarian response plan for 2024 was only 2.8 per cent funded by March 2024.²⁸⁰

As of May 2023, it was estimated that at least 73 per cent of the population in Port-au-Prince had experienced a reduction in access to education, health care and food as a result of gang violence.²⁸¹ Similarly, in Artibonite department, at least 600,000 persons were in need of humanitarian assistance as a result of "an increase in insecurity and violence".²⁸²

²⁷² BINUH, *Human Rights Situation: Main Trends*, 1 September 2023, https://binuh.unmissions.org/sites/default/files/human_rights_situation_in_haiti_quarterly_report_april_-_june_2023_0.pdf, p. 6.

²⁷³ UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 46. "The extreme risk environment and lack of physical protection of judges inhibits judicial actors from conducting meaningful work and pushing for sensitive files to be prosecuted". UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 32.

²⁷⁴ BINUH, *Human Rights Situation: Main Trends*, 1 September 2023, https://binuh.unmissions.org/sites/default/files/human_rights_situation_in_haiti_quarterly_report_april_-_june_2023_0.pdf, p. 8.

²⁷⁵ UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 3 July 2023, S/2023/492, www.ecoi.net/en/file/local/2095017/N2318333.pdf, para. 43.

²⁷⁶ UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, para. 39.

²⁷⁷ UNODC, *Haiti's Criminal Markets: Mapping Trends in Firearms and Drug Trafficking*, 28 February 2023, www.unodc.org/documents/data-and-analysis/toc/Haiti_assessment_UNODC.pdf, p. 10.

²⁷⁸ OCHA, *Haiti: Besoins Humanitaires et Plan de Réponse 2024*, 19 January 2024, www.unocha.org/attachments/74e0e2a8-61d7-4221-a069-b4a3bc467580/Haiti_HNRP_2024_FR_version%20finale.pdf, pp. 5-6; UNICEF, *Haiti Humanitarian Situation Report No. 9*, 31 December 2023, www.unicef.org/media/150691/file/Haiti-Humanitarian-Situation-Report-30-November-2023.pdf, p. 2. This was an increase of 300,000 persons from 2023. OCHA, *Humanitarian Needs Overview Haiti: Executive summary*, 17 March 2023, <https://reliefweb.int/report/haiti/haiti-aperçu-des-besoins-humanitaires-2023-mars-2023-fren>, p. 3. See also, OCHA, *Aperçu des besoins humanitaires: Haïti*, 17 March 2023, https://fscluster.org/sites/default/files/documents/haiti_hno-2023_final.pdf, p. 3.

²⁷⁹ UNICEF, *Humanitarian Action for Children: Haiti*, 12 December 2023, www.unicef.org/media/149946/file/2024-HAC-Haiti.pdf, p. 1.

²⁸⁰ OCHA, *Financial Tracking Service: Haiti 2024*, accessed 12 March 2024, <https://fts.unocha.org/countries/96/summary/2024>. The 2023 humanitarian response plan had also been chronically underfunded: as of 11 March 2024, it had received 34.5% of the required funding. OCHA, *Financial Tracking Service: Haiti 2023*, accessed 12 March 2024, <https://fts.unocha.org/countries/96/summary/2023>.

²⁸¹ "(...) at least 73 per cent of the population of the metropolitan area of Port-au-Prince had been affected by gang violence and resulted in reduced access to basic services, especially protection, education, health care and food security." UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 3 July 2023, S/2023/492, www.ecoi.net/en/file/local/2095017/N2318333.pdf, para. 54. "La quasi-totalité des indicateurs humanitaires se sont détériorés sous l'effet principalement de la violence indiscriminée des gangs armés dont les zones d'influence ont continué de s'étendre et de s'affirmer au-delà de la Zone métropolitaine de Port-au-Prince." OCHA, *Haiti: Besoins Humanitaires et Plan de Réponse 2024*, 19 January 2024, www.unocha.org/attachments/74e0e2a8-61d7-4221-a069-b4a3bc467580/Haiti_HNRP_2024_FR_version%20finale.pdf, p. 12. "According to a collaborative access analysis conducted in November 2023, both women and men, as well as girls and boys, face significant barriers to gaining access to four critical services: justice, security, shelter and community latrines. These services are deemed unavailable, non-existent or inaccessible at all hours of the day and night owing to insecurity." UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 15 January 2024, S/2024/62, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N24/001/85/PDF/N2400185.pdf>, para. 68.

²⁸² UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 3 July 2023, S/2023/492, www.ecoi.net/en/file/local/2095017/N2318333.pdf, para. 54.

Haiti's economy has contracted for five consecutive years.²⁸³ Annual inflation for 2023 was projected to be 44.5 per cent.²⁸⁴ Remittances, which are estimated to make up almost a quarter of the country's GDP, declined during 2023.²⁸⁵ According to the World Bank, poverty levels in Haiti in 2023 have likely increased to 34 per cent of the population when measured against the international poverty line of USD 2.15 per day, or 63 per cent against the poverty line used for lower middle income countries of USD 3.65 per day.²⁸⁶

In this context, food insecurity has risen to unprecedented levels, with the Integrated Food Security Phase Classification (IPC) estimating that between August 2023 and June 2024, 44 per cent of the population, or 4.35 million people, will experience "high levels of acute food insecurity".²⁸⁷ High food prices and inflation mean that many people use negative coping strategies in relation to food

²⁸³ The Haitian economy saw a contraction of 1.7 per cent in 2019, 3.3 per cent in 2020, 2.4 per cent in 2021, 0.1 per cent in 2022 and 2.7 per cent in 2023. UN Department of Economic and Social Affairs (UN DESA), *World Economic Situation and Prospects 2023*, 25 January 2023, https://unctad.org/system/files/official-document/wesp2023_en.pdf, p. 129.

²⁸⁴ "The annual inflation rate in 2023 is forecast at a very high level of 44.5 percent, marking the eighth consecutive year of double-digit inflation, further diminishing the already weak purchasing power of households. [...] In April 2023, the gourde has lost 46 percent of its value against the US dollar compared to one year earlier." Food and Agriculture Organization (FAO), *GIEWS Country Brief: The Republic of Haiti*, 22 May 2023, www.fao.org/giews/countrybrief/country/HTI/pdf/HTI.pdf, p. 1. See also, Haiti Libre, *Haiti Economy: Falling Inflation Remains High at 20.9% (January 2024)*, 27 February 2024, www.haitilibre.com/en/news-41763-haiti-economy-falling-inflation-remains-high-at-209-january-2024.html; UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, para. 43.

²⁸⁵ "The dire economic situation was further exacerbated by a 6.6 per cent decline in remittances in the first nine months of the 2022/23 fiscal year (October 2022 to June 2023) compared with the same period last year. This is significant, given that remittances are estimated to represent some 25 per cent of GDP." UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 15 January 2024, S/2024/62, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N24/001/85/PDF/N2400185.pdf>, para. 54. See also, World Bank, *Personal Remittances, Received (% of GDP): Haiti*, accessed 15 March 2024, <https://data.worldbank.org/indicator/BX.TRF.PWKR.DT.GD.ZS?locations=HT>. "In the last 10 years, Haiti has turned into one of the most remittances dependent countries in the world." The Dialogue, *Do Remittances Have a Dark Side in Haiti?*, 9 December 2022, www.thedialogue.org/blogs/2022/12/do-remittances-have-a-dark-side-in-haiti/. See also, El Pais, *Haiti, When a State Collapses*, 2 July 2023, <https://english.elpais.com/eps/2023-07-02/haiti-when-a-state-collapses.html>.

²⁸⁶ World Bank, *The World Bank in Haiti*, accessed 15 March 2024, www.worldbank.org/en/country/haiti/overview. Only 2 per cent of Haitians spend over 10 USD per day. UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, para. 43. See also, World Bank, *Haiti's Untapped Potential: An Assessment of the Barriers to Gender Equality*, 14 July 2023, <https://thedocs.worldbank.org/en/doc/4b69af839b59351a5d7a245d71a57c13-0370012023/original/Full-report-Haiti-GA-EN.pdf>, p. 15. See also, Humanitarian Outcomes, *Humanitarian Access SCORE Report: Haiti*, 2 August 2023, www.humanitarianoutcomes.org/sites/default/files/publications/2023-07_-_score_haiti_0723_final.pdf, p. 5; Oxford Poverty & Human Development Initiative (OPHI) / UN Development Programme (UNDP), *Global Multidimensional Poverty Index 2023*, 11 July 2023, <https://hdr.undp.org/system/files/documents/hdp-document/2023mpireportenpdf.pdf>, p. 20. "[...] the most recent World Bank high-frequency phone survey, fielded in March 2023 and published in October 2023, indicated that two thirds of households had experienced a reduction in their income, explained in part by a deterioration in labour market conditions and a drop in remittances from abroad." UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 15 January 2024, S/2024/62, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N24/001/85/PDF/N2400185.pdf>, para. 61.

²⁸⁷ "Around 1.4 million people are classified in IPC Phase 4 (Emergency) and around 2.95 million people are in IPC Phase 3 (Crisis). No humanitarian food assistance has been confirmed for the projected period of March to June 2024, therefore, it is estimated that the number of people in Phase 3 will likely increase to 3.03 million (31 percent of the population) – bringing the total population in need of urgent action to 45 percent." Integrated Food Security Phase Classification (IPC), *Haiti: IPC Acute Food Insecurity Snapshot, August 2023 - June 2024*, 20 September 2023, www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Haiti_AcuteFoodInsec_Aug2023_June2024_Snapshot_English.pdf. "[...] the number of people facing acute food insecurity [...] [was] estimated at a record of 4.9 million (49 percent of the analysed population) in the March-June 2023 period, up from the 4.5 million in the same period in 2022. Food insecurity has been worsening since 2018, reflecting the sustained economic downturn, natural disasters and below-average agricultural production, compounded by surging gang violence." FAO, *GIEWS Country Brief: The Republic of Haiti*, 22 May 2023, www.fao.org/giews/countrybrief/country/HTI/pdf/HTI.pdf, p. 1. See also, UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, para. 46.

consumption.²⁸⁸ Almost one-fourth of children are chronically malnourished.²⁸⁹ Gangs have “weaponized hunger”²⁹⁰ and gang violence exacerbates food insecurity by causing internal displacement, disrupting markets and halting or reducing the movement of goods.²⁹¹ Despite the high level of needs, the World Food Programme (WFP) reduced emergency food assistance by 25 per cent in July 2023 compared to the previous month due to a funding shortfall.²⁹²

On 2 October 2022, the Haitian authorities announced that seven persons had died from cholera, declaring a new epidemic.²⁹³ By 3 January 2023, more than 20,000 cases had been reported in 9 of the 10 departments, with 63 per cent of cases and 51 per cent of deaths occurring in Port-au-Prince.²⁹⁴ Cases of cholera continue to be registered as of October 2023.²⁹⁵ Gang violence and insecurity in Port-au-Prince has complicated the response to cholera cases and facilitated the spread of the disease.²⁹⁶

²⁸⁸ “Soaring inflation and impossibly high prices continue to compound misery for Haitians, many of whom are unable to afford a basic meal. Haiti is among the ten countries worst-affected by food-price inflation, according to the World Bank. Eight out of ten people are currently reducing the size and number of main meals they consume.” World Food Programme (WFP), *Haiti Can’t Wait: People on the Brink as Hunger Levels Rise, Warns Food Security Report*, 24 March 2023, www.wfp.org/stories/haiti-cant-wait-people-brink-hunger-levels-rise-warns-food-security-report. “Insecurity is also contributing to the depreciation of the Haitian gourde, with the prices of staple foods—namely black beans, cooking oil, maize, and rice—more than doubling in April [2023] compared to the five-year average, according to the Famine Early Warning Systems Network (FEWS NET). [...] Households also reported spending up to 75 percent of their income on food, with some adopting negative coping mechanisms—such as child labor, dropping out of school, early and forced marriage, and skipping meals—to meet basic food needs”. USAID, *Haiti: Complex Emergency*, 15 June 2023, www.usaid.gov/sites/default/files/2023-06/2023-06-15_USAID-BHA_Haiti_Complex_Emergency_Fact_Sheet_5.pdf, p. 4. “Pour les quelque 7 millions de personnes qui vivent avec 2,41 dollars des États-Unis (USD) ou moins par jour, la vie est une lutte pour la sécurité et la dignité.” FAO / WFP, *Liens entre instabilité et insécurité alimentaire en Haïti*, 2023, www.fightfoodcrises.net/fileadmin/user_upload/fightfoodcrises/doc/resources/Haiti_FoodInsecurity_Conflict_FR.pdf, p. 1. See also, UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 42; Plan International, *Lack of Money Affects 65% of Farming Families in Haiti According to Study*, 11 January 2023, <https://plan-international.org/latin-america/news/2023/01/11/lack-of-money-affects-farming-families-in-haiti/>; Thomson Reuters Foundation, *The Inflation Diaries: A Third of Haitians Live in Extreme Poverty. As Prices of Staple Goods Spike, They Have Little Left to Cut*, 18 July 2022, <https://news.trust.org/item/20220714135735-aq0pn/>.

²⁸⁹ “Le nombre d’enfants souffrant d’émaciation sévère en 2023 a augmenté de 30% par rapport à 2022 avec plus de 115 600 cas en 2023, contre 87 500 en 2022. Près d’un enfant sur quatre souffre de malnutrition chronique qui entraîne des conséquences physiques durables.” OCHA, *Haiti: Besoins Humanitaires et Plan de Réponse 2024*, 19 January 2024, www.unocha.org/attachments/74e0e2a8-61d7-4221-a069-b4a3bc467580/Haiti_HNRP_2024_FR_version%20finale.pdf, p. 11. See also, WFP, *Haiti: Country Brief*, 20 September 2023, <https://docs.wfp.org/api/documents/WFP-0000152486/download/>, p. 1; Save the Children, *Almost Half of Haiti’s Children Face Acute Hunger as Economic and Security Crisis Worsens Post-Earthquake*, 11 April 2023, www.savethechildren.net/news/almost-half-haiti-s-children-face-acute-hunger-economic-and-security-crisis-worsens-post. “[...] the latest SMART nutritional survey [...] revealed alarming levels of wasting across the country where more than 100,000 children under the age of five are in urgent need of treatment for severe wasting (also known as severe acute malnutrition). The situation is particularly concerning in the Port-au-Prince metropolitan area and the Artibonite department.” UNICEF, *The EU Humanitarian Aid Provided 2.5 Million Euros to Combat Child Malnutrition in Haiti*, 11 October 2023, www.unicef.org/haiti/communiqués-de-presse/eu-humanitarian-aid-provided-25-million-euros-combat-child-malnutrition-haiti. See also, UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 3 July 2023, S/2023/492, www.ecoi.net/en/file/local/2095017/N2318333.pdf, para. 57. In Artibonite department, only 4 out of 10 health facilities “provide adequate care for acute malnutrition”. UNICEF, *Artibonite, Haiti: Snapshot*, 5 October 2023, www.unicef.org/haiti/media/3851/file/Snapshot%20Artibonite-Haiti,%20Octobre%202023.pdf.

²⁹⁰ “Gangs have also weaponized hunger as a tactic to weaken rivals in their territories.” UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, p. 143.

²⁹¹ IPC, *Haiti: IPC Acute Food Insecurity Snapshot, August 2023 - June 2024*, 20 September 2023, www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Haiti_AcuteFoodInsec_Aug2023_June2024_Snapshot_English.pdf; USAID, *Haiti: Complex Emergency*, 15 June 2023, www.usaid.gov/sites/default/files/2023-06/2023-06-15_USAID-BHA_Haiti_Complex_Emergency_Fact_Sheet_5.pdf, p. 4.

²⁹² WFP, *Funding Cuts Force WFP to Slash Food Assistance as One-in-Two Haitians Go Hungry*, 17 July 2023, www.wfp.org/news/funding-cuts-force-wfp-slash-food-assistance-one-two-haitians-go-hungry. See also, WFP, *WFP Scrambles to Respond to Hunger Crisis in Haiti amid Funding Crunch as Country Teeters on the Brink*, 12 March 2024, www.wfp.org/news/wfp-scrumbles-respond-hunger-crisis-haiti-amid-funding-crunch-country-teeters-brink-0; UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, para. 51.

²⁹³ Doctors of the World, *Emergency in Haiti: Cholera Outbreak*, 20 October 2022, <https://reliefweb.int/report/haiti/emergency-haiti-cholera-outbreak>.

²⁹⁴ Centers for Disease Control and Prevention (CDC), *Cholera Outbreak: Haiti, September 2022–January 2023*, 13 January 2023, <http://dx.doi.org/10.15585/mmwr.mm7202a1>.

²⁹⁵ By 10 January 2024, local media reported there had been over 78,989 cases, with at least 1,161 deaths, although noting that the data is partial, due to lack of access to gang-controlled areas, and only based on cases tested. *iciHaiti*, *Cholera: Daily Bulletin #436*, 22 January 2024, www.ichaiti.com/en/news-41493-ichaiti-cholera-daily-bulletin-436.html. “[...] as of the end of November, cholera persists across departments, with a significant number of cases in the southern department. Nationwide, there are over 74,900 suspected cases, 4,336 of which were confirmed (an increase of 256 from the previous month) – almost half are in children – and over 1,100 associated community and institutional deaths.” UNICEF, *Humanitarian Situation Report No. 9*, 30 November 2023, www.unicef.org/media/150691/file/Haiti-Humanitarian-Situation-Report-30-November-2023.pdf, p. 2. See also, UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, para. 54. Artibonite department has been particularly affected. See UNICEF, *Responding to the Surge in Cholera Cases in Northern Haiti’s Artibonite Department*, 6 October 2023, www.unicef.org/haiti/recits/responding-surge-cholera-cases-northern-haitis-artibonite-department; UNICEF, *Artibonite, Haiti: Snapshot*, 5 October 2023, www.unicef.org/haiti/media/3851/file/Snapshot%20Artibonite-Haiti,%20Octobre%202023.pdf.

²⁹⁶ CDC, *Cholera Outbreak: Haiti, September 2022–January 2023*, 13 January 2023, <http://dx.doi.org/10.15585/mmwr.mm7202a1>; Pan American Health Organisation (PAHO) / World Health Organisation (WHO), *Cholera Outbreak in Haiti: Situation Report #1*, 13 October 2022, www.paho.org/en/documents/cholera-outbreak-haiti-2022-situation-report-1, pp. 1-2.

Across Haiti, an estimated 3.3 million persons do not have access to clean water.²⁹⁷ Sixty-one per cent of rural households and 33 per cent of urban households do not have access to improved latrines or practise open defecation.²⁹⁸

In general, access to healthcare remains challenging for many Haitians due to long distances to hospitals or clinics, costs of treatment, violence and displacement.²⁹⁹ An estimated 42 per cent of Haitians have to travel over 10 kilometres to the nearest healthcare provider.³⁰⁰ Many hospitals and clinics lack basic and essential supplies, equipment, medication or qualified staff, and are struggling with rapidly rising costs.³⁰¹ Maternal and infant death rates are the highest in the Western Hemisphere and vaccination rates have decreased.³⁰² The UN Office for the Coordination of Humanitarian Affairs (OCHA) reported in April 2023 that the utilization of healthcare by Haitians had declined “significantly” over the previous three years, “correlated with difficulties in accessing care”.³⁰³ Healthcare workers have been targeted by gangs for kidnappings for ransom, and 48 per cent of hospitals in Port-au-Prince are in areas controlled by gangs.³⁰⁴ During 2022, 2023 and into 2024, multiple health facilities in Port-

²⁹⁷ UNICEF, *Humanitarian Action for Children: Haiti*, May 2023, www.unicef.org/media/142336/file/2023-HAC-Haiti-revised-May.pdf, p. 2. “45% de la population n’a pas accès à de l’eau potable, 61% aux installations sanitaires de base et 32% aux services d’hygiène de base.” OCHA, *Haiti: Besoins Humanitaires et Plan de Réponse 2024*, 19 January 2024, www.unocha.org/attachments/74e0e2a8-61d7-4221-a069-b4a3bc467580/Haiti_HNRP_2024_FR_version%20finale.pdf, p. 11. “These percentages are higher in urban slums. In Cité Soleil, for example, 55 per cent of people do not have access to clean water (Coordination Nationale de la Sécurité Alimentaire 2022).” Adelphi et al., *Roots for Peace: Uncovering Climate Security Challenges in Haiti and What to Do about Them*, October 2023, https://weatheringrisk.org/sites/default/files/document/Roots_for_peace_uncovering_climate_security_challenges_in_Haiti_3.pdf, p. 17.

²⁹⁸ “Il ressort également de la MSNA que 61% des ménages n’ont pas accès à des latrines améliorées ou pratiquent la défécation à l’air libre en milieu rural contre 33% des ménages en milieu urbain.” OCHA, *Aperçu des besoins humanitaires: Haiti*, 17 March 2023, https://fscluster.org/sites/default/files/documents/haiti_hno-2023_final.pdf, p. 39.

²⁹⁹ UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 3 July 2023, S/2023/492, www.ecoi.net/en/file/local/2095017/N2318333.pdf, paras 58-59; World Bank, *Strengthening Access to Quality Healthcare in Haiti*, 6 April 2023, www.worldbank.org/en/news/feature/2023/04/06/access-to-quality-healthcare-in-haiti; Management Sciences for Health, *Haiti Approves Health Plan to Expand Access*, 10 February 2023, <https://msh.org/story/haiti-approves-health-plan-to-expand-access/>.

³⁰⁰ “Only 10% of the population lives less than 1 kilometer from a health facility, while 42% of Haitians must travel more than 10 kilometers to reach the closest facility. These long distances prevent many individuals from seeking the medical care they need.” Management Sciences for Health, *Haiti Approves Health Plan to Expand Access*, 10 February 2023, <https://msh.org/story/haiti-approves-health-plan-to-expand-access/>. “According to Dr. Alex Larsen, Haitian Minister of Public Health and Population (MSPP), the country’s 1,007 health facilities do not cover the entire territory, with at least 122 (21 percent) of the 571 communal sections not having any [...]. According to the MSNA, one Haitian out of four takes more than an hour by regular transport (mainly by motorbike and on foot) to reach a health centre [...]. This proportion reaches 44 percent in rural areas and more than half of the inhabitants in the departments of Sud-Est and Grand’Anse.” OCHA, *Haiti: Humanitarian Note, Issue 2: The Impact of Violence on Access to Health Care*, 23 April 2023, <https://reliefweb.int/report/haiti/haiti-humanitarian-note-series-new-paradigm-issue-2-impact-violence-access-health-care-23-april-2023>, p. 1.

³⁰¹ “The health facilities (public and private) that are still open are struggling to remain so in the face of the departure of qualified staff, the lack of equipment and inputs, and the explosion of operational costs linked to the increase in fuel prices, particularly during the numerous shortages. [...] The situation is causing health facilities to close some services and to focus on emergency care. Some hospitals are even asking patients coming in for surgery to provide or pay for fuel. In early April, an MSPP representative reported that hospitals in Artibonite are reducing their services, that staff have not been paid and that childbirths are being carried out using cellphone lights.” OCHA, *Haiti: Humanitarian Note, Issue 2: The Impact of Violence on Access to Health Care*, 23 April 2023, <https://reliefweb.int/report/haiti/haiti-humanitarian-note-series-new-paradigm-issue-2-impact-violence-access-health-care-23-april-2023>, p. 2, see also p. 3. See also, OCHA, *Haiti: Besoins Humanitaires et Plan de Réponse 2024*, 19 January 2024, www.unocha.org/attachments/74e0e2a8-61d7-4221-a069-b4a3bc467580/Haiti_HNRP_2024_FR_version%20finale.pdf, p. 7; UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, para. 53; El País, *Reborn from the Rubble of Haiti*, 31 August 2023, <https://english.elpais.com/international/2023-08-31/reborn-from-the-rubble-of-haiti.html>.

³⁰² “Maternal and infant mortality remain unacceptably high, at 529 maternal deaths per 100,000 live births and 59 child deaths per 1,000 live births, and routine vaccination coverage has regressed by 4.2 % points since 2017. An estimated 1 million children and 315,000 pregnant women and adolescent girls require emergency primary health care.” UNICEF, *Haiti: Country Office Annual Report 2022*, 7 March 2023, www.unicef.org/media/135966/file/Haiti-2022-COAR.pdf, p. 2. “Maternal and neonatal mortality remain high. The rates have not improved in the past decade, a sign of the continued gaps in maternal and children health care. Across Haiti, 94 out of 100 children will survive to the age of 5, but only 78 percent of 15-year-olds will survive until the age of 60, a sign of the high burden of communicable and noncommunicable diseases, as well as the continued gaps in maternal and child health care.” World Bank, *Strengthening Access to Quality Healthcare in Haiti*, 6 April 2023, www.worldbank.org/en/news/feature/2023/04/06/access-to-quality-healthcare-in-haiti. See also, El País, *Reborn from the Rubble of Haiti*, 31 August 2023, <https://english.elpais.com/international/2023-08-31/reborn-from-the-rubble-of-haiti.html>.

³⁰³ OCHA, *Haiti: Humanitarian Note, Issue 2: The Impact of Violence on Access to Health Care*, 23 April 2023, <https://reliefweb.int/report/haiti/haiti-humanitarian-note-series-new-paradigm-issue-2-impact-violence-access-health-care-23-april-2023>, pp. 2-3.

³⁰⁴ *Ibid.*, pp. 1-3. See also, UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, pp. 149-50; and see also Section III.A.9.

au-Prince and Artibonite have been forced to close or suspend operations due to insecurity.³⁰⁵ As of March 2024, the healthcare system in Port-au-Prince was “basically nonexistent”, with healthcare facilities and supplies being looted and many hospitals across the country unable to function due to shortages of electricity, fuel and medical supplies.³⁰⁶

Violence continues to prevent children from accessing education.³⁰⁷ Over 500,000 children “living in gang-controlled neighbourhoods struggle to have access to education”.³⁰⁸ During 2022 and 2023, gangs have attacked schools and occupied school buildings.³⁰⁹ In Artibonite department, an estimated 280 schools are impacted by the crisis and 104 have been closed due to insecurity, with another 178 operating sporadically.³¹⁰ Across Haiti, 25 per cent of schools remained closed as of February 2023.³¹¹ Even for the schools that have remained open, especially in Artibonite and West departments, many

³⁰⁵ See New York Times, *With Haiti in Chaos, a Humanitarian Crisis Is Rapidly Unfolding*, 9 March 2024, www.nytimes.com/2024/03/09/world/americas/haiti-gangs-political-uprising-ariel-henry-humanitarian-crisis.html; UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, p. 145; MSF, *MSF Fully Reopens Tabarre Hospital Following Armed Intrusion*, 29 August 2023, www.msf.org/haiti-msf-fully-reopens-tabarre-hospital-following-armed-intrusion; Aljazeera, *MSF Halts Work at Haitian Hospital after Armed Men Remove Patient*, 7 July 2023, www.aljazeera.com/news/2023/7/7/msf-halts-work-at-haitian-hospital-after-armed-men-remove-patient; OCHA, *Haiti: Humanitarian Note, Issue 2: The Impact of Violence on Access to Health Care*, 23 April 2023, <https://reliefweb.int/report/haiti/haiti-humanitarian-note-series-new-paradigm-issue-2-impact-violence-access-health-care-23-april-2023>, p. 2; MSF, *Haiti: Clashes Force Temporary Closure of MSF Hospital*, 8 March 2023, www.doctorswithoutborders.org/latest/haiti-clashes-force-temporary-closure-msf-hospital. In January 2023, MSF suspended operations at a hospital in Carrefour after armed men dragged a patient out of the hospital and executed him. MSF, *MSF Forced to Suspend Activities in Haiti Hospital after Armed Men Kill Patient*, 27 January 2023, www.msf.org/haiti-msf-forced-suspend-activities-after-armed-men-kill-patient.

³⁰⁶ The Guardian, *Haiti Healthcare System on Verge of Collapse as Gang Warfare Rages On*, 17 March 2024, www.theguardian.com/global-development/2024/mar/17/haiti-healthcare-system-collapse-gang-warfare. “There are only two functional surgical operating facilities available in the capital. Six out of 10 hospitals across the country are unable to function due to electricity, fuel and medical supply shortages.” CNN, *UN Maternity Aid Looted in Port-au-Prince as Haiti Crisis Deepens*, 17 March 2024, <https://edition.cnn.com/2024/03/17/americas/haiti-unicef-child-aid-looted-intl-hnk/index.html>. On 16 March 2024, “one of UNICEF’s 17 containers was looted at Port-au-Prince’s main port. The looted container held essential items for maternal, neonatal, and child survival, including resuscitators and related equipment, as well as critical supplies for early childhood development and education, water equipment, and others. [...] In Port-au-Prince, hospitals have been vandalized and forced to close due to safety concerns. There are only two functional surgical operating facilities available, posing significant challenges for providing surgical care to the population, including those wounded in the crossfire.” UNICEF, *Critical Supplies for Children Looted at the Armed-Group-Controlled Main Port of Port-au-Prince*, 16 March 2024, www.unicef.org/haiti/en/press-releases/critical-supplies-children-looted-armed-group-controlled-main-port-port-au-prince.

³⁰⁷ “L’extension et l’intensification des violences des gangs continuent de restreindre l’accès des écoliers et des enseignants aux infrastructures scolaires. Dans la zone métropolitaine de Port-au-Prince, 204 écoles étaient non fonctionnelles empêchant plus de 55 000 élèves de retourner dans les écoles (dont 47 écoles occupées par les gangs, huit occupées par des déplacés). Dans l’Artibonite, le pillage au mois de septembre de 28 écoles a empêché la rentrée scolaire, contraignant 15 000 élèves et 800 enseignants à rester à leur domicile.” OCHA, *Aperçu des besoins humanitaires: Haiti*, 17 March 2023, https://fscluster.org/sites/default/files/documents/haiti_hno-2023_final.pdf, p. 40.

³⁰⁸ UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 14 April 2023, S/2023/274, www.ecoi.net/en/file/local/2091678/N2309343.pdf, p. 61. At least 12,000 children are displaced, including 11,085 who are attending school. UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, para. 56.

³⁰⁹ “Many schools have closed, and at least 11 schools in Port-au-Prince are currently being used as bases by gangs for launching attacks or detaining victims of kidnapping. While the use of school buildings as fortifications or bases for launching attacks is sporadic, some school buildings have been occupied since 2021. [...] Moreover, attacks against schools are becoming more prevalent. In the first four months of the 2022/23 school year, of the schools assessed, 76 were occupied, 54 of which were occupied by armed gangs and 22 by displaced persons.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 14 April 2023, S/2023/274, www.ecoi.net/en/file/local/2091678/N2309343.pdf, p. 61. “In June 2022, 60% of schools assessed by UNICEF in the areas of Cité Soleil, Croix-des-Bouquets, Delmas, Ganthier, Port-au-Prince, Pétiön-Ville, and Tabarre had been vandalised, destroyed, or occupied by gangs or they have been used as shelters by IDPs, thus impeding the right to education of children and adolescents. Out of 976 schools, 239 suffered significant operational disruptions, with 54 of them being entirely closed down.” UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, p. 137.

³¹⁰ UNICEF, *Artibonite, Haiti: Snapshot*, 5 October 2023, www.unicef.org/haiti/media/3851/file/Snapshot%20Artibonite-Haiti,%20Octobre%202023.pdf. As of January 2024, OCHA reported that there were 402 schools closed in Artibonite. OCHA, *Haiti: Besoins Humanitaires et Plan de Réponse 2024*, 19 January 2024, www.unocha.org/attachments/74e0e2a8-61d7-4221-a069-b4a3bc467580/Haiti_HNRP_2024_FR_version%20finale.pdf, p. 7.

³¹¹ “In the first six days of February alone, 30 schools were shuttered as a result of escalating violence in urban areas, while over 1 in 4 schools has remained closed since October last year.” Due to insecurity, only 10 per cent of schools had succeeded in opening in time for the school year in October 2022. UNICEF, *Haiti: Armed Violence Against Schools Increases Nine-Fold in One Year*, 9 February 2023, www.unicef.org/press-releases/haiti-armed-violence-against-schools-increases-nine-fold-one-year-unicef. See also, UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, pp. 137-138; Education International, *Haiti: Society and Education Communities in the Grip of Chaos*, 16 February 2023, www.ei-ie.org/en/item/27297:haiti-society-and-education-communities-in-the-grip-of-chaos.

have experienced frequent disruptions due to insecurity and resulting displacement.³¹² Many families have trouble affording school fees as only 20 per cent of schools are public and 80 per cent are private, fee-based institutions.³¹³

While many humanitarian indicators are lowest in the West and Artibonite departments, many areas of Haiti suffer from dire humanitarian conditions.³¹⁴ For example, in the North region, the population faces crisis levels of food insecurity compounded by cholera, a lack of fuel and insecurity.³¹⁵

1) Humanitarian Access and Freedom of Movement

High levels of violence prevent humanitarian actors from accessing areas of Port-au-Prince and, because of violence along major roads and gang control of access points, areas in the south and north of the country.³¹⁶ Humanitarian access is also restricted by gangs who control entrance into neighbourhoods and movement along major highways in Haiti.³¹⁷ Gangs have hijacked trucks carrying aid supplies and have confiscated or looted humanitarian goods.³¹⁸ Gang violence and kidnapping on

³¹² "The 2022-2023 school year, which ended in July 2023, saw many disruptions due to escalating violence, especially in the departments of Artibonite and Ouest, leading to the closure of some schools and the displacement of families, forcing children to drop out of school. For those fortunate enough to be in school, coverage of the annual curriculum was not guaranteed." OCHA, *Haiti: Humanitarian Response Overview Situation Report*, 21 September 2023, <https://reliefweb.int/report/haiti/haiti-humanitarian-response-overview-situation-report-august-2023>, p. 4. See also, Education International, *Haiti: Society and Education Communities in the Grip of Chaos*, 16 February 2023, www.ei-ie.org/en/item/27297:haiti-society-and-education-communities-in-the-grip-of-chaos; UNICEF, *Haiti: Armed Violence Against Schools Increases Nine-Fold in One Year*, 9 February 2023, www.unicef.org/press-releases/haiti-armed-violence-against-schools-increases-nine-fold-one-year-unicef; Haiti Libre, *20% of Haitian Children under 11 Do Not Go to School*, 8 September 2022, www.haitilibre.com/en/news-37595-haiti-education-20-of-haitian-children-under-11-do-not-go-to-school.html. "Selon le Ministère de l'Éducation Nationale et de la Formation Professionnelle d'Haïti (MENFP), l'insécurité dans les départements de l'Artibonite et de l'Ouest a entraîné la fermeture de 755 écoles dont 402 dans l'Artibonite et 353 dans l'Ouest, sur les 7 402 écoles que comptent les deux départements. En parallèle, 139 écoles (dont 108 dans l'Artibonite et 31 dans l'Ouest) étaient occupées par des groupes armés (23 écoles) et des personnes déplacées internes (116 écoles)." OCHA, *Haiti: Besoins Humanitaires et Plan de Réponse 2024*, 19 January 2024, www.unocha.org/attachments/74e0e2a8-61d7-4221-a069-b4a3bc467580/Haiti_HNRP_2024_FR_version%20finale.pdf, p. 39.

³¹³ Public spending on education has declined in previous years. OCHA, *Aperçu des besoins humanitaires: Haïti*, 17 March 2023, https://fscluster.org/sites/default/files/documents/haiti_hno-2023_final.pdf, pp. 32-35, 40. "With less than 20% of the state budget over the last four fiscal years, public intervention in this sector only covers around 15% of education provision. This is in complete contradiction to the principle enshrined in all of Haiti's constitutions that education is a responsibility of the state and local authorities." Education International, *Haiti: Society and Education Communities in the Grip of Chaos*, 16 February 2023, www.ei-ie.org/en/item/27297:haiti-society-and-education-communities-in-the-grip-of-chaos. "Approximately 81 per cent of households in the metropolitan area of Port-au-Prince and 46 per cent in Artibonite Department have indicated that the cost of education is too high." UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 3 July 2023, S/2023/492, www.ecoi.net/en/file/local/2095017/N2318333.pdf, para. 55. See also, HRW, "Living a Nightmare": *Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, p. 51; Thomson Reuters Foundation, *The Inflation Diaries: A Third of Haitians Live in Extreme Poverty. As Prices of Staple Goods Spike, They Have Little Left to Cut*, 18 July 2022, <https://news.trust.org/item/20220714135735-aq0pn/>.

³¹⁴ See, for example, the maps showing critical needs for WASH, education, protection, child protection and GBV in: OCHA, *Haiti: Besoins Humanitaires et Plan de Réponse 2024*, 19 January 2024, www.unocha.org/attachments/74e0e2a8-61d7-4221-a069-b4a3bc467580/Haiti_HNRP_2024_FR_version%20finale.pdf, pp. 37, 39, 45, 47, 49.

³¹⁵ FEWS NET, *L'insécurité et les faibles récoltes d'automne augmentent les prix, provoquant une insécurité alimentaire généralisée de Crise (IPC Phase 3) en Haïti*, 30 December 2023, <https://fews.net/fr/latin-america-and-caribbean/haiti/mise-jour-sur-la-securite-alimentaire/decembre-2023>.

³¹⁶ OCHA, *Haiti: Besoins Humanitaires et Plan de Réponse 2024*, 19 January 2024, www.unocha.org/attachments/74e0e2a8-61d7-4221-a069-b4a3bc467580/Haiti_HNRP_2024_FR_version%20finale.pdf, p. 27; OCHA, *Haiti: Impact of the Deteriorating Security Situation on Humanitarian Access*, 8 July 2022, <https://reliefweb.int/report/haiti/haiti-impact-deteriorating-security-situation-humanitarian-access-background-note-8-july-2022>, p. 2. See also, Humanitarian Outcomes, *Humanitarian Access SCORE Report: Haiti*, 2 August 2023, www.humanitarianoutcomes.org/sites/default/files/publications/2023-07_-_score_haiti_0723_final.pdf, p. 7.

³¹⁷ UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 14 April 2023, S/2023/274, www.ecoi.net/en/file/local/2091678/N2309343.pdf, para. 65. "Nearly every person interviewed for this report mentioned the fact that the two main roads connecting the capital to rest of the country (north and south) were controlled by gangs creating major impediments to aid." Humanitarian Outcomes, *Humanitarian Access SCORE Report: Haiti*, 2 August 2023, www.humanitarianoutcomes.org/sites/default/files/publications/2023-07_-_score_haiti_0723_final.pdf, p. 7, see also pp. 10-12. See also, BBC, *Haiti: Where Aid Delivery Depends on Talking to 300 Gangs*, 12 October 2023, www.bbc.com/news/world-latin-america-67064819; OCHA, *Haiti: Fuel Crisis and Social Unrest: Impact on the Humanitarian Situation*, 29 September 2022, <https://reliefweb.int/report/haiti/haiti-fuel-crisis-and-social-unrest-impact-humanitarian-situation-29-september-2022>. Gangs tightly control the entrance and exit to neighborhoods they control. See GI-TOC, *A Critical Moment: Haiti's Gang Crisis and International Responses*, 12 February 2024, <https://globalinitiative.net/wp-content/uploads/2024/02/Romain-Le-Cour-Grandmaison-Ana-Paula-Oliveira-and-Matt-Herbert-A-critical-moment-Haitis-gang-crisis-and-international-responses-GI-TOC-February-2024.pdf>, p. 13.

³¹⁸ "Haitians have little or no access to basic necessities, as armed gangs have blocked essential transport routes and looted humanitarian supplies." GCR2P, *Haiti*, 31 August 2023, www.globalr2p.org/countries/haiti/. See also, UNICEF, *Critical Supplies for Children Looted at the Armed-Group-Controlled Main Port of Port-au-Prince*, 16 March 2024, www.unicef.org/haiti/en/press-releases/critical-supplies-children-looted-armed-group-controlled-main-port-port-au-prince; OCHA, *Haiti: Fuel Crisis and Social Unrest: Impact on the Humanitarian Situation*, 29 September 2022, <https://reliefweb.int/report/haiti/haiti-fuel-crisis-and-social-unrest-impact-humanitarian-situation-29-september-2022>; AP, *Haitians Return to Quake-Damaged Churches, Gangs Offer Aid*, 22 August 2021, <https://apnews.com/article/caribbean-haiti-earthquakes-39ece235608d0d5e88e304946abbd881>. "Warehouses used by the UN country teams, including the International Organisation for Migration (IOM), the UN Children's Fund (UNICEF), the UN Development Programme (UNDP) and the WFP, as well as warehouses and facilities run by NGOs, have been attacked and looted." Adelphi et al., *Roots for Peace: Uncovering Climate Security Challenges in Haiti and What to Do about Them*, October 2023, https://weatheringrisk.org/sites/default/files/document/Roots_for_peace_uncovering_climate_security_challenges_in_Haiti_3.pdf, p. 18. Gangs use access to aid and basic services such as water and electricity to generate revenue by charging or "taxing" the population. UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, p. 84, see also para. 156.

the roads has driven up food prices and the cost of transporting goods.³¹⁹ Gangs also regularly interfere with major points of access such as ports and airports, targeting port employees, charging “taxes” and hijacking commercial trucks, which disrupts supply chains for humanitarian actors.³²⁰ The provision of humanitarian aid is dependent upon access to fuel, power and water, resources heavily affected by gang violence.³²¹ Humanitarian access has deteriorated during 2023.³²² Between 1 January 2020 and 14 February 2024, Insecurity Insight documented 22 cases of aid workers killed, injured, kidnapped or arrested.³²³

The outbreak of violence across Port-au-Prince in March 2024 has severely constrained the ability of humanitarian actors to access populations in need.³²⁴ Healthcare providers face shortages of medicines and supplies.³²⁵ The largest provider of drinking water in Haiti stopped making deliveries, and many persons face severe shortages of food and water.³²⁶ WFP warned in March 2024 that Haiti faced “a

³¹⁹ “La violence des gangs continue d’alimenter les dysfonctionnements dans la chaîne d’approvisionnement des marchés. Cela restreint non seulement le flux de marchandises, mais aussi accroît les coûts de transaction en raison des droits de passage illégaux, de plus en plus importants, imposés par les gangs qui contrôlent la plupart des axes routiers, en particulier les routes nationales reliant Port-au-Prince au nord (RN1), au Sud (RN2) et au Centre (RN3). Cela a un impact sur l’approvisionnement des marchés et les prix des produits de base dans l’ensemble du pays.” FEWS NET, *L’insécurité et les faibles récoltes d’automne augmentent les prix, provoquant une insécurité alimentaire généralisée de Crise (IPC Phase 3) en Haïti*, 30 December 2023, <https://fewsn.net/fr/latin-america-and-caribbean/haïti/mise-jour-sur-la-securite-alimentaire/decembre-2023>.

³²⁰ OCHA, *Haiti: Impact of the Deteriorating Security Situation on Humanitarian Access*, 8 July 2022, <https://reliefweb.int/report/haïti/haïti-impact-deteriorating-security-situation-humanitarian-access-background-note-8-july-2022>, pp. 2-3. In July 2023, BINUH noted that: “Significant changes in the operating context shaped by the rapidly deteriorating security situation have affected areas across the mission, including logistical, communication, supply chain and human resource operations, substantially increasing the volume and complexity of support work and challenging the ability of the mission to deliver. With increasing levels of political uncertainty and gang violence, as well as frequent disruptions to basic services and supply chains, the outsourcing of many support services is no longer a viable option.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 3 July 2023, S/2023/492, www.ecoi.net/en/file/local/2095017/N2318333.pdf, para. 67. See also, OCHA, *Haiti: Fuel Crisis and Social Unrest: Impact on the Humanitarian Situation*, 29 September 2022, <https://reliefweb.int/report/haïti/haïti-fuel-crisis-and-social-unrest-impact-humanitarian-situation-29-september-2022>. “As users of the road system, humanitarian workers face extortion from gangs. For instance, gangs operating between Tabarre and Carrefour demanded 50,000 HTG at Martissant and an additional 25,000 HTG at Fontamara, summing up to 75,000 HTG for any vehicle, including aid workers. To bypass the illegal toll, a NGO, used the WFP barge for support.” UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, p. 84.

³²¹ “With the country mired in crisis, it is virtually impossible to get hold of regular supplies of water or fuel, or to access healthcare services because of the violence.” International Committee of the Red Cross (ICRC), *Though Haiti Has Dire Security Needs, It Cannot Overshadow People’s Humanitarian Needs*, 22 August 2023, www.icrc.org/en/document/though-haiti-has-dire-security-needs-it-cannot-overshadow-peoples-humanitarian-needs. For example, the blockade of the fuel terminal at Varreux port severely hampered the provision of humanitarian aid. During the blockade, OCHA recorded restrictions on movement by humanitarian staff, unstable and inconsistent access to supplies and electricity and the looting of humanitarian warehouses and stockpiles. OCHA, *Haiti: Fuel Crisis and Social Unrest: Impact on the Humanitarian Situation*, 29 September 2022, <https://reliefweb.int/report/haïti/haïti-fuel-crisis-and-social-unrest-impact-humanitarian-situation-29-september-2022>. See also, Health Cluster, *Haiti Health Cluster: Navigating a Multifaceted Humanitarian Crisis*, 5 September 2023, <https://healthcluster.who.int/newsroom/news/item/05-09-2023-haiti-health-cluster-navigating-a-multifaceted-humanitarian-crisis>; UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 17 January 2023, S/2023/41, www.ecoi.net/en/file/local/2086289/N2301674.pdf, paras 61-62; Insight Crime, *Fuel, Water, International Aid: Haiti’s Gangs Weaponize Essential Services*, 4 November 2021, <https://insightcrime.org/news/fuel-water-international-aid-haiti-gangs-weaponize-essential-services/>.

³²² “The second quarter of 2023 was marked by an upward trend in the number of municipalities with humanitarian access constraints, which increased costs for humanitarian operations exponentially. Major constraints include armed gangs, restrictions of movement of the population to access humanitarian goods and services, direct interference in the implementation of humanitarian operations and the degraded state of roads. In Port-au-Prince, 7 of 15 areas assisted are facing severe constraints to humanitarian access, compared with 2 in the first quarter of 2023. [...] 60 per cent of communes in the Artibonite Department ha[ve] severe humanitarian access constraints compared with 40 per cent in the first quarter of 2023. Communes where access constraints are the most severe host 45 per cent of the 22,000 internally displaced persons identified by IOM.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, para. 52.

³²³ This data is available for export on the Humanitarian Data Exchange. See Humanitarian Data Exchange, *Global Aid Worker KIKa (Killed, Injured, Kidnapped or Arrested) Data*, accessed 15 March 2024, <https://data.humdata.org/dataset/sind-aid-worker-kka-dataset>.

³²⁴ “[...] the safe passages for civilians to access hospitals, homes, schools, water, food, and other essential services is increasingly restricted. The Haitian population is caught in the crossfire; spaces for children have been transformed into battlegrounds; critical social services are on the brink of collapse; the country’s ports and airport are compromised; and the humanitarian response that millions of children and civilians rely on as a lifeline of last resort has been crippled.” UNICEF, *Escalating Violence in Haiti*, 7 March 2024, www.unicef.ch/en/current/statements/2024-03-07/escalating-violence-haiti. See also, Plan International, *Humanitarian Crisis Deepens in Haiti Calling for Immediate Aid to Displaced People and Children at Risk*, 14 March 2024, <https://reliefweb.int/report/haïti/humanitarian-crisis-deepens-haiti-calling-immediate-aid-displaced-people-and-children-risk>.

³²⁵ “Humanitarian organizations are deeply concerned about the impact of the violence on hospitals, health centres and schools in Port-au-Prince and some other towns. Many health facilities are closed or have drastically reduced their operations due to a worrying shortage of medicines and the absence of medical staff—to date, only one major facility in Port-au-Prince is operational; hundreds of schools are closed or operating irregularly.” OCHA, *Thousands of Civilians in Port-au-Prince Trapped by Recent Violence*, 6 March 2024, www.unocha.org/publications/report/haïti/thousands-civilians-port-au-prince-trapped-recent-violence. “Roadblocks and insecurity make transporting those wounded by ambulance or using mobile clinics impossible, while those hospitals that are still functioning are running out of medical supplies.” The New Humanitarian, *What’s Happening in Haiti, and What’s the Humanitarian Backdrop?*, 6 March 2024, www.thenewhumanitarian.org/news/2024/03/06/haïti-round-up-humanitarian-backdrop. See also, OCHA, *Haiti Emergency Situation: Report No. 6*, 13 March 2024, www.unocha.org/attachments/62b018e4-009e-49f1-a423-07ac82a5dc4f/Humanitarian%20Developments%20in%20Port-au-Prince%20.pdf, pp. 1-2.

³²⁶ WFP, *WFP Scrambles to Respond to Hunger Crisis in Haiti amid Funding Crunch as Country Teeters on the Brink*, 12 March 2024, www.wfp.org/news/wfp-scrambles-respond-hunger-crisis-haiti-amid-funding-crunch-country-teeters-brink-0; AP, *Violence Is Battering Haiti’s Fragile Economy and Causing Food and Water Shortages*, 10 March 2024, <https://apnews.com/article/haïti-violence-gangs-food-economy-092a20f037b48a8e1837a4e6424cf571>; OHCHR, *Haiti: Türk Says Situation “Untenable”, Urges Swift and Decisive Action*, 6 March 2024, www.ohchr.org/en/press-releases/2024/03/haïti-turk-says-situation-untenable-urges-swift-and-decisive-action.

devastating hunger crisis, with humanitarian operations at risk of grinding to a halt, as rampant insecurity limits access to communities”.³²⁷ Between 1 January and 13 March 2024, there were over 400 incidents of constrained humanitarian access across the country.³²⁸

Generally, even where humanitarian aid is available, populations in gang-controlled areas may not be able to reach it due to violence or movement constraints imposed by gangs.³²⁹ In Artibonite, many victims of gang crimes are unable to seek humanitarian assistance due to, among other reasons, “lack of financial means to travel and access difficulties linked to the presence of gangs on the roads.”³³⁰ Freedom of movement for civilians between neighbourhood and cities across Haiti has been constrained by gangs and criminal groups controlling major transport routes and access points.³³¹ Reportedly, a person cannot leave Port-au-Prince without traversing gang-controlled territory or checkpoints, being forced to pay an illegal toll or otherwise facing violence.³³² Kidnapping of persons on public transport, including by means of firing upon the vehicle until it stops, is on the rise both to the South and North of Port-au-Prince.³³³ Many people lack the means or ability to travel, or are prevented from doing so by insecurity.³³⁴

2) Fuel Crisis

Haiti is highly dependent on petroleum imports through two terminals in Port-au-Prince which provide up to 86 per cent of its energy.³³⁵ Fuel is essential for the economy, State services, and water and electricity provision.³³⁶ Since 2018, rising fuel prices and threatened reductions of fuel subsidies, which cost the government an estimated 4 per cent of its GDP, have sparked widespread protests against the

³²⁷ WFP, *WFP Scrambles to Respond to Hunger Crisis in Haiti amid Funding Crunch as Country Teeters on the Brink*, 12 March 2024, www.wfp.org/news/wfp-scrumbles-respond-hunger-crisis-haiti-amid-funding-crunch-country-teeters-brink-0.

³²⁸ OCHA, *Haiti Emergency Situation: Report No. 6*, 13 March 2024, www.unocha.org/attachments/62b018e4-009e-49f1-a423-07ac82a5dc4f/Humanitarian%20Developments%20in%20Port-au-Prince%20.pdf, p. 2.

³²⁹ Gangs “exercise control over food distribution in Haiti by imposing restrictions on mobility, including access to markets, fuel, medicine, food, and international humanitarian assistance.” Georgetown Journal of International Affairs, *Criminal Power in Haiti and Hunger as an Instrument of Governance*, 8 February 2023, <https://gija.georgetown.edu/2023/02/08/criminal-power-in-haiti-and-hunger-as-an-instrument-of-governance/>. “Local population’s access is also hampered. At least 1 to 1.5 million people trapped in gang-controlled areas struggle to access basic services such as health and education. Neighbourhoods in conflict zones are often the most vulnerable, which poses a dilemma when providing life-saving assistance to these hard-to-reach areas, especially when security incidents during humanitarian activities are on the rise.” OCHA, *Haiti: Impact of the Deteriorating Security Situation on Humanitarian Access*, 8 July 2022, <https://reliefweb.int/report/haiti/haiti-impact-deteriorating-security-situation-humanitarian-access-background-note-8-july-2022>, p. 2. “Access to education, food, water, sanitation, and healthcare services has been severely limited by gang activity. In areas affected by gang violence, economic activities are periodically - if not permanently - paralyzed.” BINUH, *Remarks of Special Representative Maria Isabel Salvador to the Security Council Open Briefing on Haiti*, 6 July 2023, <https://binuh.unmissions.org/en/remarks-special-representative-maria-isabel-salvador-security-council-open-briefing-haiti-6-july>.

³³⁰ BINUH, *Criminal Violence Extends Beyond Port-Au-Prince: The Situation in Lower Artibonite from January 2022 to October 2023*, November 2023, www.ecoi.net/en/file/local/2101367/Haiti-report-criminal-violence-artibonite-2023-EN.pdf, pp. 30-31.

³³¹ UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 15 January 2024, S/2024/62, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N24/001/85/PDF/N2400185.pdf>, para. 36. “[...] the metropolitan area of Port-au-Prince (see annex 1.2) is under siege by armed gangs whose shifting alliances and fighting numbers are in continuous flux, as are the urban areas under their control. This violent encroachment stymies freedom of movement along all four main access roads (see annex 1.2) in and out of the capital, where, at best, armed gangs demand payment to allow passage based on the perceived value of the vehicle used and the goods transported. Often, travellers are harassed, beaten, raped, kidnapped or killed.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, para. 57.

³³² According to one transport union member interviewed by ICG: “You can no longer get in or out of the capital without paying the gangs [...]. This is how the year 2023 ends.” ICG, *Haiti’s Gangs: Can a Foreign Mission Break their Stranglehold?*, 5 January 2024, www.crisisgroup.org/latin-america-caribbean/haiti/b49-haitis-gangs-can-foreign-mission-break-their-stranglehold.

³³³ UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 15 January 2024, S/2024/62, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N24/001/85/PDF/N2400185.pdf>, para. 32. See also, BINUH, *Criminal Violence Extends Beyond Port-Au-Prince: The Situation in Lower Artibonite from January 2022 to October 2023*, November 2023, www.ecoi.net/en/file/local/2101367/Haiti-report-criminal-violence-artibonite-2023-EN.pdf, pp. 18-19. “The highway linking Carrefour Joffe and Port-de-Paix is a real threat to the lives of travelers, who can also be robbed and raped. Transporters lose the goods they transport and even their trucks.” Prensa Latina, *Kidnappings Make Headlines Again in Haiti*, 23 January 2024, www.plenglish.com/news/2024/01/23/kidnappings-make-headlines-again-in-haiti/.

³³⁴ For example, the International Federation of Red Cross and Red Crescent Societies (IFRC) noted in October 2023 that “patients and medical staff find themselves without means of transport and in the grip of insecurity”. In addition: “Access to health services, for both caregivers and patients, remains extremely difficult, as some doctors in the capital can testify, declaring that patients, in addition to being ill, face great challenges in getting to treatment centers and accessing care. They are limited by the price of care and the cost of transport, which continues to rise.” IFRC, *Haiti Operation Update: Earthquake and Cholera*, 31 October 2023, <https://reliefweb.int/attachments/28f9505e-8843-4877-8f5f-695bc16d0e63/MDRHT018ou6.pdf>, pp. 2, 10. One mother from Port-au-Prince told HRW: “We want to leave the area, but we don’t have the means to live elsewhere.” HRW, *“Living a Nightmare”: Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, p. 31.

³³⁵ CBC News, *How Oil Drives the Gang War that Brought Haiti to Its Knees*, 18 October 2022, www.cbc.ca/news/politics/fuel-oil-haiti-gangs-1.6619551; OCHA, *Haiti: Fuel Crisis and Social Unrest: Impact on the Humanitarian Situation*, 29 September 2022, <https://reliefweb.int/report/haiti/haiti-fuel-crisis-and-social-unrest-impact-humanitarian-situation-29-september-2022>.

³³⁶ “Most of Haiti’s imported fuel is used in thermal generating plants. The rest goes either to the transportation sector or to the generators (most of them fuelled by diesel) that are hooked up to almost every Haitian business, grocery store, hospital and clinic. Without that fuel, Haiti’s grid shuts down. So do the trucks that deliver food to supermarkets, the generators that refrigerate that food during the frequent power outages, and the factories and businesses that pay the wages that buy the food.” CBC News, *How Oil Drives the Gang War that Brought Haiti to Its Knees*, 18 October 2022, www.cbc.ca/news/politics/fuel-oil-haiti-gangs-1.6619551.

government.³³⁷ In October and November 2021, the G9 gang attacked trucks leaving the Varreux fuel terminal, the largest in Haiti and blocked the roads leading to the port.³³⁸

In September 2022, the government ended fuel subsidies pursuant to loan agreements with the International Monetary Fund (IMF), and the prices of gasoline rose immediately (128 per cent), as did the prices of kerosene (89 per cent)³³⁹ and diesel (90 per cent).³⁴⁰ On 18 September 2022, the G9 gang took control of the Varreux fuel terminal in response to the rising prices.³⁴¹

The G9 siege had significant impacts on the economy and on humanitarian assistance, with businesses, schools, markets and banks closing, public transportation halted, severe reductions in healthcare availability and provision and the looting of humanitarian supplies.³⁴² An estimated 3 out of 4 hospitals were not able to provide regular health care services given their dependence on generators.³⁴³ The Haitian economy “temporarily ground to a halt and humanitarian agencies lost access to some areas”.³⁴⁴ The siege of the fuel terminal exacerbated a fuel shortage which had begun in August 2022, and which had already resulted in the restriction of basic services and affected healthcare services across the country.³⁴⁵ The fuel shortage had “enormous” impacts on people’s daily lives and exacerbated mounting food prices in the context of rising food insecurity.³⁴⁶

On 5 November 2022, the government regained control of the Varreux terminal.³⁴⁷ By January 2023, the fuel terminal was “partially operational”.³⁴⁸ However, gangs continue to attack and hijack fuel trucks

³³⁷ CRS, *Haiti: Recent Developments and U.S. Policy*, 18 September 2023, <https://crsreports.congress.gov/product/pdf/R/R47394>, p. 6; CBC News, *How Oil Drives the Gang War that Brought Haiti to Its Knees*, 18 October 2022, www.cbc.ca/news/politics/fuel-oil-haiti-gangs-1.6619551; BBC, *Haiti Fuel Protesters’ Anger Turns on President Moïse*, 9 July 2018, www.bbc.com/news/world-latin-america-44764921.

³³⁸ Insight Crime, *Fuel, Water, International Aid: Haiti’s Gangs Weaponize Essential Services*, 4 November 2021, <https://insightcrime.org/news/fuel-water-international-aid-haiti-gangs-weaponize-essential-services/>.

³³⁹ “Only about 12 per cent of rural households have electricity at home. For many of them, kerosene is the main fuel and the only source of light after the sun goes down.” CBC News, *How Oil Drives the Gang War that Brought Haiti to Its Knees*, 18 October 2022, www.cbc.ca/news/politics/fuel-oil-haiti-gangs-1.6619551.

³⁴⁰ Le Nouvelliste, *Haiti jongle avec les catastrophes*, 7 October 2022, <https://lenouvelliste.com/article/238408/haiti-jongle-avec-les-catastrophes>. “[I]n September 2022, when Prime Minister Henry lifted the fuel subsidies, causing a spike in food prices, protests erupted in several cities across Haiti – from Port-au-Prince to the usually tranquil cities of Gonaïves in the north and Jérémie in the southwest – demonstrating widespread popular dissatisfaction with the government.” Adelphi et al., *Roots for Peace: Uncovering Climate Security Challenges in Haiti and What to Do about Them*, October 2023, https://weatheringrisk.org/sites/default/files/document/Roots_for_peace_uncovering_climate_security_challenges_in_Haiti_3.pdf, p. 14.

³⁴¹ UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 17 January 2023, S/2023/41, www.ecoi.net/en/file/local/2086289/N2301674.pdf, para. 16. See also, BBC, *Police Take Control of Haiti Fuel Terminal*, 4 November 2022, www.bbc.com/news/world-latin-america-63509654. As of 18 October 2022, ships had stopped bringing in fuel as the containers at the terminal were full and the gang would not let trucks out. This exacerbated the growing fuel crisis. CBC News, *How Oil Drives the Gang War that Brought Haiti to Its Knees*, 18 October 2022, www.cbc.ca/news/politics/fuel-oil-haiti-gangs-1.6619551. In 2021, G9 gangs had disrupted fuel supply by blocking major roads leading to the terminals and abducting truck drivers. While the owner of the Varreux fuel terminal said that Jimmy “Barbecue” Chérizier had demanded 500,000 USD per month to stop the blockade, Chérizier denied this and said his price was Ariel Henry’s resignation. The government negotiated access with G9 in mid-November 2021. Recurrent fuel blockades are used by gangs to undermine State authority and stability. See Insight Crime, *A Faustian Bargain: The Cost of Restoring Haiti’s Fuel Supply*, 18 November 2021, <https://insightcrime.org/news/a-faustian-bargain-the-cost-of-restoring-haitis-fuel-supply/>; Insight Crime, *Fuel, Water, International Aid: Haiti’s Gangs Weaponize Essential Services*, 4 November 2021, <https://insightcrime.org/news/fuel-water-international-aid-haiti-gangs-weaponize-essential-services/>.

³⁴² UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 17 January 2023, S/2023/41, www.ecoi.net/en/file/local/2086289/N2301674.pdf, paras 16, 34. See also, ACLED, *Haiti: Expanding Gang Activity Amid Persisting Political Instability*, 8 February 2023, <https://acleddata.com/conflict-watchlist-2023/haiti/>; OCHA, *Haiti: Fuel Crisis and Social Unrest: Impact on the Humanitarian Situation*, 29 September 2022, <https://reliefweb.int/report/haiti/haiti-fuel-crisis-and-social-unrest-impact-humanitarian-situation-29-september-2022>.

³⁴³ “The health system has been brought to its knees in Haiti following the gang blockade of the country’s principal fuel terminal in the capital Port-au-Prince, which began last month. Around three-quarters of major hospitals across the country, which rely on diesel generators for electricity, report being unable to provide regular services. Fuel shortages also mean there are now only three ambulances functioning in Port-au-Prince – with close to none running across the rest of the country.” UN Population Fund (UNFPA), *Women and Girls among Those Most Impacted by Haiti’s Multiple Crises*, 13 October 2022, www.unfpa.org/press/women-and-girls-among-those-most-impacted-haiti-s-multiple-crises.

³⁴⁴ CRS, *Haiti: Recent Developments and U.S. Policy*, 18 September 2023, <https://crsreports.congress.gov/product/pdf/R/R47394>, p. 6.

³⁴⁵ “According to the latest information available, the fuel crisis triggered in late August [2022] by the latest movement of mass protests, still ongoing at the time of publication, had caused 50% of the main hospitals across the country to cease delivering emergency healthcare services as usual, and 60% of internal medicine, pediatric, surgery and obstetric services had also been severely disturbed nationwide” BINUH, *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, October 2022, www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf, para. 11. See also, OCHA, *Haiti: Fuel Crisis and Social Unrest: Impact on the Humanitarian Situation*, 29 September 2022, <https://reliefweb.int/report/haiti/haiti-fuel-crisis-and-social-unrest-impact-humanitarian-situation-29-september-2022>.

³⁴⁶ FEWS NET, *Socio-Political Instability, Inflation and Fuel Shortages Contribute to Emergency (IPC Phase 4) Food Insecurity in Cité Soleil*, 2 October 2022, <https://fews.net/latin-america-and-caribbean/haiti/food-security-outlook/october-2022>.

³⁴⁷ UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 17 January 2023, S/2023/41, www.ecoi.net/en/file/local/2086289/N2301674.pdf, para. 17. See also, Insight Crime, *From Negotiations to Sanctions, a Busy Time for Crime in Haiti*, 11 November 2022, <https://insightcrime.org/news/fuel-terminal-reopens-sanctions-target-haitian-politicians-gang-leaders/>.

³⁴⁸ UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 17 January 2023, S/2023/41, www.ecoi.net/en/file/local/2086289/N2301674.pdf, para. 18.

and disrupt the oil supply chain, which impacts fuel prices and exacerbates shortages of basic goods and services.³⁴⁹

3) Land Conflicts and Land Grabbing

An estimated 80 per cent of land in Haiti is owned by people lacking formal title documents.³⁵⁰ As a result, conflicts over land arise often and powerful actors have used unlawful means to engage in land grabbing.³⁵¹ For example, in 2020 a group of powerful politicians and economic actors reportedly destroyed fencing, displaced a group of women working on a farm which had been granted to a women's organization by the government and ultimately confiscated the land via a government-approved earmarking for corporate use.³⁵² Land grabbing in general disproportionately affects women, as well as rural small-scale farmers.³⁵³ Additionally, because land disputes and land grabbing often result in corporate use of the land for exports rather than local use for consumption, they exacerbate food insecurity while also worsening environmental degradation.³⁵⁴ The UN Secretary-General warned that land disputes were intensifying as of January 2024, pointing to an incident in November 2023 where an estimated 50 people were killed.³⁵⁵

³⁴⁹ "The presence of gangs near the Varreux terminal and major north-south routes poses a significant threat to the oil supply chain, resulting in an average daily loss of 45,000 liters. This situation has a significant impact on fuel prices and exacerbates shortages of essential goods such as water and telecommunications services." Health Cluster, *Haiti Health Cluster: Navigating a Multifaceted Humanitarian Crisis*, 5 September 2023, <https://healthcluster.who.int/newsroom/news/item/05-09-2023-haiti-health-cluster-navigating-a-multifaceted-humanitarian-crisis>. "On the economic front, gang activity at the Varreux terminal and on the main roads to the south and north is jeopardising the oil supply chain. [...] On average, the oil industry is losing two trucks a day." OCHA, *Haiti: Humanitarian Response Overview Situation Report*, 14 August 2023, <https://reliefweb.int/report/haiti/haiti-humanitarian-response-overview-situation-report-july-2023>, p. 1. "[...] on 20 July 2023, the Association of Petroleum Professionals (APPE) sought the government's intervention to forestall the disruption of the access to the terminal by gang members who were taxing 15 gallons per truck entering the terminal, and 200,000 Gourdes for those departing the terminal." UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, p. 84.

³⁵⁰ Adelphi et al., *Roots for Peace: Uncovering Climate Security Challenges in Haiti and What to Do about Them*, October 2023, https://weatheringrisk.org/sites/default/files/document/Roots_for_peace_uncovering_climate_security_challenges_in_Haiti_3.pdf, p. 21.

³⁵¹ Ibid., p. 39; Ayibo Post, *Large-Scale Land Theft Operation in the Northeast*, 30 June 2022, <https://ayibopost.com/large-scale-land-theft-operation-in-the-northeast/>; Global Justice Clinic (GJC) et al., *Submission on Violence Against Women and Girls in the Context of the Climate Crisis*, 6 April 2022, <https://chrgj.org/2022/04/06/violence-against-women-and-climate-vulnerability/>, pp. 2, 6.

³⁵² The government had granted *Solidarite Fanm Ayisyèn* (SOFA) a right to use the land for a farm school that trained women in sustainable farming. A local official informed the organization that the land had been transferred in 2020 and violently drove them off the land. The organization filed a criminal complaint but no action was taken. In 2021, President Moïse granted a powerful businessman the right to use the land to grow stevia and other crops. GJC et al., *Submission on Violence Against Women and Girls in the Context of the Climate Crisis*, 6 April 2022, <https://chrgj.org/2022/04/06/violence-against-women-and-climate-vulnerability/>, pp. 6-8. See also, Open Global Rights, *Land Grabs in Haiti Sow Climate Vulnerability and Violence Against Women*, 9 August 22, www.openglobalrights.org/land-grabs-in-haiti-sow-climate-vulnerability-and-violence-against-women/.

³⁵³ Ayibo Post, *Large-Scale Land Theft Operation in the Northeast*, 30 June 2022, <https://ayibopost.com/large-scale-land-theft-operation-in-the-northeast/>; GJC et al., *Submission on Violence Against Women and Girls in the Context of the Climate Crisis*, 6 April 2022, <https://chrgj.org/2022/04/06/violence-against-women-and-climate-vulnerability/>, pp. 1-2. "Disputes over land inheritance are common across the country often arising between a widow and her late husband's family. Without the knowledge of how to protect her land rights, a woman can find herself at risk of eviction." Habitat for Humanity, *Empowering Families Through Land Rights Education in Haiti*, 11 July 2022, <https://habitatihaiti.org/empowering-families-land-rights-education-haiti/>.

³⁵⁴ GJC et al., *Submission on Violence Against Women and Girls in the Context of the Climate Crisis*, 6 April 2022, <https://chrgj.org/2022/04/06/violence-against-women-and-climate-vulnerability/>, pp. 10-11.

³⁵⁵ "Though prevalent for decades amid weakened police capacity and widespread impunity, these violent disputes appear to have intensified over the past year. On 15 November, in a particularly gruesome incident, 50 people were killed with machetes and shot when residents from one locality of Archaie commune (West Department) attacked residents in a nearby locality, accusing the latter of stealing their land. After the executions, the attackers set fire to more than 60 houses, destroyed farmers' crops and killed more than 200 livestock. Such forms of community violence erode the social fabric and can escalate into extreme violence and destruction, in particular as gang elements have been involved in the incidents." UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 15 January 2024, S/2024/62, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N24/001/85/PDF/N2400185.pdf>, para. 38.

F. Impacts of Natural Hazard-Related Disasters and Climate Change

Haiti is considered “the most vulnerable country in Latin America and the Caribbean to climate change.”³⁵⁶ The country has experienced multiple natural hazard-related disasters³⁵⁷ with severe impacts on the population and faces further environmental degradation, which is likely to increase vulnerability to severe weather events.³⁵⁸ In July 2023, the UN Security Council noted that “disasters, including hurricanes, earthquakes and floods, and other weather events associated with the adverse effects of climate change, among other factors, can adversely impact food security, water scarcity and the humanitarian situation in Haiti, and may aggravate any existing instability”.³⁵⁹

More than 96 per cent of the population is reported to be exposed to natural hazards, and over 80 per cent are reportedly not prepared to deal with natural hazard-related disasters.³⁶⁰ Haitians are experiencing “rising temperatures, declining rainfall, the expansion of hot days, more intense hurricanes, and rising sea levels that threaten to compound coastal erosion and flooding [...] all set to intensify over the next 30 years”.³⁶¹ Migration from rural and coastal areas to urban areas is increasing due to reduced rainfall, less water, rising sea levels and flooding.³⁶² In addition to climate-related factors, vulnerability to natural hazards has been exacerbated by poor management and overexploitation and extraction of resources.³⁶³

³⁵⁶ Adelphi et al., *Roots for Peace: Uncovering Climate Security Challenges in Haiti and What to Do about Them*, October 2023, https://weatherrisk.org/sites/default/files/document/Roots_for_peace_uncovering_climate_security_challenges_in_Haiti_3.pdf, p. 9. Haiti ranks 146 out of 185 countries in terms of vulnerability and 185 out of 192 countries in terms of readiness, with an overall ranking of 169 out of 185 countries in the Notre Dame Global Adaptation Initiative Index (ND-GAIN), available at <https://gain.nd.edu/our-work/country-index/rankings/> (scores for 2021). See also, The New Humanitarian, *Why International Support for Haiti Must Include Climate Security*, 3 August 2023, www.thenewhumanitarian.org/opinion/2023/08/03/why-international-support-haiti-must-include-climate-security; GJC et al., *Submission*, 28 November 2022, www.ohchr.org/sites/default/files/documents/issues/climatechange/cfi-hrc-53-session/submissions/2022-11-28/Global-Justice-Clinic-1.pdf, p. 3.

³⁵⁷ A disaster is defined as a “serious disruption of the functioning of a community or a society at any scale due to hazardous events interacting with conditions of exposure, vulnerability and capacity, leading to one or more of the following: human, material, economic and environmental losses and impacts.” The effect of the disaster can be immediate and localized, but is often widespread and could last for a long period of time. The effect may test or exceed the capacity of a community or society to cope using its own resources, and therefore may require assistance from external sources, which could include neighbouring jurisdictions, or those at the national or international levels. UN Office for Disaster Risk Reduction (UNDRR), *Sendai Framework Terminology on Disaster Risk Reduction*, n.d., www.undrr.org/terminology/disaster.

³⁵⁸ Adelphi et al., *Roots for Peace: Uncovering Climate Security Challenges in Haiti and What to Do about Them*, October 2023, https://weatherrisk.org/sites/default/files/document/Roots_for_peace_uncovering_climate_security_challenges_in_Haiti_3.pdf, p. 9. “Flooding, hurricanes, and sea level rise will lead to significant loss of life and injury, affecting major cities nestled along the coast, including Port-au-Prince and Cap-Haitien. Impoverished bidonvil slum communities are often seaside, and already suffer significant climate and weather-related harms.” GJC et al., *Submission*, 28 November 2022, www.ohchr.org/sites/default/files/documents/issues/climatechange/cfi-hrc-53-session/submissions/2022-11-28/Global-Justice-Clinic-1.pdf, pp. 3-4.

³⁵⁹ UN Security Council, *Resolution 2692 (2023)*, 14 July 2023, S/RES/2692 (2023), https://binuh.unmissions.org/sites/default/files/res_2692_2023_e_1.pdf, p. 2.

³⁶⁰ “Haiti remains one of the most vulnerable countries worldwide to natural hazards, mainly hurricanes, floods, and earthquakes. More than 96 percent of the population is exposed to these types of shocks.” World Bank, *Haiti: Overview*, accessed 15 March 2024, www.worldbank.org/en/country/haiti/overview. “An estimated 23 percent of respondents reside in households threatened by one to two hazards, while 68 percent reside in households facing three or more hazards. Heat waves, cyclones, extreme rainfall, and droughts are the hazards most reported by households.” World Bank Blogs, *A Look into Poverty and Disaster Preparedness in Haiti*, 10 August 2023, <https://blogs.worldbank.org/latinamerica/poverty-and-disaster-preparedness-haiti>.

³⁶¹ Adelphi et al., *Roots for Peace: Uncovering Climate Security Challenges in Haiti and What to Do about Them*, October 2023, https://weatherrisk.org/sites/default/files/document/Roots_for_peace_uncovering_climate_security_challenges_in_Haiti_3.pdf, p. 9.

³⁶² “Reduced rainfall and water scarcity – consequences of climate change – are causing people to leave rural areas, while disasters and rising sea levels are pushing people away from coastal areas”. However, there also appears to be migration from urban to rural areas, mainly women fleeing the violence of the slums. Adelphi et al., *Roots for Peace: Uncovering Climate Security Challenges in Haiti and What to Do about Them*, October 2023, https://weatherrisk.org/sites/default/files/document/Roots_for_peace_uncovering_climate_security_challenges_in_Haiti_3.pdf, pp. 23, 44. See also, GJC et al., *Submission*, 28 November 2022, www.ohchr.org/sites/default/files/documents/issues/climatechange/cfi-hrc-53-session/submissions/2022-11-28/Global-Justice-Clinic-1.pdf, p. 6.

³⁶³ Adelphi et al., *Roots for Peace: Uncovering Climate Security Challenges in Haiti and What to Do about Them*, October 2023, https://weatherrisk.org/sites/default/files/document/Roots_for_peace_uncovering_climate_security_challenges_in_Haiti_3.pdf, p. 27. “The impact of extreme weather is magnified by a history of poor natural resource management and overexploitation – rooted in the policies of the country’s colonial past. Deforestation and unmaintained drainage infrastructure add to the devastation of climate-related storms.” The New Humanitarian, *Why International Support for Haiti Must Include Climate Security*, 3 August 2023, www.thenewhumanitarian.org/opinion/2023/08/03/why-international-support-haiti-must-include-climate-security.

Natural hazard-related disasters disproportionately affect vulnerable groups such as persons living in poverty, women, persons with disabilities and rural peasants.³⁶⁴ Flooding, in particular, affects persons who live in slums and in poor areas that are often located on flood plains.³⁶⁵ In June 2023, flooding and landslides affected an estimated 39,458 households in West, North-West and North-East departments.³⁶⁶ Between 2000 and 2022, Haiti accounted for 60 per cent of deaths due to storms and hurricanes in the Latin American and Caribbean region.³⁶⁷

The country is also prone to high-magnitude earthquakes; in 2010, a 7.0 magnitude earthquake killed an estimated 230,000 people, injured a further 100,000 persons, cost 1.5 million persons their homes.³⁶⁸ A 7.2 magnitude earthquake on 14 August 2021 killed an estimated 2,200 persons, mainly in the southern region, and destroyed 54,000 houses and damaged 83,770 other buildings, including schools, health facilities and public buildings.³⁶⁹ Gang violence and insecurity prevented humanitarian aid and support from reaching persons affected by the August 2021 earthquake.³⁷⁰ Reconstruction after both earthquakes, and future disaster preparation, has been insufficient.³⁷¹

In general, the government lacks the ability to adequately respond to natural hazards.³⁷² Early warning systems have been established but are not functional.³⁷³ Corruption has siphoned off money meant to provide for disaster response or direct aid for disaster-hit communities.³⁷⁴ The 2010 earthquake was “exacerbated by the extreme vulnerability of the population and the lack of preparedness and response capacity at the national level.”³⁷⁵ Poor governance exacerbates the adverse effects of natural hazards;

- ³⁶⁴ “The climate crisis is already affecting the full spectrum of human rights. Contributing organizations underscore that the most marginalized – including peyzan (peasant farmers), rural women, and poor urban communities – are experiencing the worst impacts.” GJC et al., *Submission*, 28 November 2022, www.ohchr.org/sites/default/files/documents/issues/climatechange/cfi-hrc-53-session/submissions/2022-11-28/Global-Justice-Clinic-1.pdf, p. 3. See also, Green Climate Fund, *Enhanced Climate Resilience in the Trois-Rivières region of Haiti Through Integrated Flood Management*, 7 June 2023, www.undp.org/sites/g/files/zskgke326/files/2023-06/Annex%2008-UNDP-5996-GCF%20Haiti-GAAP_cleared%207June2023.pdf, p. 7, and pp. 8-9; GJC et al., *Submission on Violence Against Women and Girls in the Context of the Climate Crisis*, 6 April 2022, <https://chrgj.org/2022/04/06/violence-against-women-and-climate-vulnerability/>, pp. 3-4. “Women, young people and people with disabilities are more likely to be affected by disasters, since they are more likely to be dependent on others to meet their needs, are disproportionately poorer and have limited influence on decisions relating to the allocation of resources”. Adelphi et al., *Roots for Peace: Uncovering Climate Security Challenges in Haiti and What to Do about Them*, October 2023, https://weatheringrisk.org/sites/default/files/document/Roots_for_peace_uncovering_climate_security_challenges_in_Haiti_3.pdf, p. 40. According to a survey conducted by the World Bank: “The poorest households suffer more than their wealthier counterparts. [...] For example, while 25 percent of individuals in the bottom 40 percent of consumption reported living in a household exposed to earthquakes, this was lower at 17 percent for the top 60 percent. This was also true for other threats like floods, landslides, high swells, and wildfires.” World Bank Blogs, *A Look into Poverty and Disaster Preparedness in Haiti*, 10 August 2023, <https://blogs.worldbank.org/latinamerica/poverty-and-disaster-preparedness-haiti>.
- ³⁶⁵ Adelphi et al., *Roots for Peace: Uncovering Climate Security Challenges in Haiti and What to Do about Them*, October 2023, https://weatheringrisk.org/sites/default/files/document/Roots_for_peace_uncovering_climate_security_challenges_in_Haiti_3.pdf, p. 35.
- ³⁶⁶ “[...] provisional figures for the storms now show 39,458 households affected, 3,586 people evacuated, 51 deaths, 140 people injured, 31,591 homes flooded and 2,445 homes destroyed or damaged.” OCHA, *Haiti: Severe Climate Events – Flash Update #2*, 6 June 2023, <https://reliefweb.int/report/haiti/haiti-severe-climate-events-flash-update-2-6-june-2023>, p. 1.
- ³⁶⁷ In relation to earthquakes: “Haiti alone accounts for 98 per cent of deaths, 89 per cent of injuries, 30 per cent of people affected and 17 per cent of total damage in the entire region for this period (2000-2022).” UNDRR, *Overview of Disasters in Latin America and the Caribbean 2000-2022*, 2023, www.undrr.org/media/89900, p. 19.
- ³⁶⁸ Adelphi et al., *Roots for Peace: Uncovering Climate Security Challenges in Haiti and What to Do about Them*, October 2023, https://weatheringrisk.org/sites/default/files/document/Roots_for_peace_uncovering_climate_security_challenges_in_Haiti_3.pdf, p. 34.
- ³⁶⁹ World Bank, *The World Bank in Haiti*, accessed 15 March 2024, www.worldbank.org/en/country/haiti/overview; OCHA, *Haiti: Impact of the Deteriorating Security Situation on Humanitarian Access*, 8 July 2022, <https://reliefweb.int/report/haiti/haiti-impact-deteriorating-security-situation-humanitarian-access-background-note-8-july-2022>, p. 1. See also, Adelphi et al., *Roots for Peace: Uncovering Climate Security Challenges in Haiti and What to Do about Them*, October 2023, https://weatheringrisk.org/sites/default/files/document/Roots_for_peace_uncovering_climate_security_challenges_in_Haiti_3.pdf, p. 34.
- ³⁷⁰ Aljazeera, *Earthquake Aid flowing after Haiti Gang Truce Opens Up Highway*, 25 August 2021, www.aljazeera.com/news/2021/8/25/haiti-gang-truce-opens-up-road-to-earthquake-aid.
- ³⁷¹ The Guardian, *Haiti’s Earthquake Has Compounded Years of Corruption and Political Crisis*, 26 August 2021, www.theguardian.com/world/commentisfree/2021/aug/26/haiti-earthquake-corruption-political-crisis.
- ³⁷² Adelphi et al., *Roots for Peace: Uncovering Climate Security Challenges in Haiti and What to Do about Them*, October 2023, https://weatheringrisk.org/sites/default/files/document/Roots_for_peace_uncovering_climate_security_challenges_in_Haiti_3.pdf, pp. 38, 53-56. “Haiti remains one of the most vulnerable countries to natural disasters – mainly hurricanes, floods and earthquakes. The effects of climate change are expected to increase their frequency and, while some progress has been made, the country still lacks adequate preparedness and resilience building mechanisms.” FAO, *Haiti: Humanitarian Response Plan 2023*, 2 March 2023, www.fao.org/3/cc4664en/cc4664en.pdf, p. 2. See also, Carleton University, *2023 Haiti Fragility Brief*, 15 January 2023, <https://carleton.ca/cifp/wp-content/uploads/Haiti-Fragility-Brief-2023.pdf>, p. 11; The New Humanitarian, *In Haiti, Disaster Risks Linger as Another Earthquake Anniversary Passes*, 12 January 2022, www.thenewhumanitarian.org/analysis/2022/1/12/have-the-lessons-of-haiti-2010-earthquake-been-learned.
- ³⁷³ Adelphi et al., *Roots for Peace: Uncovering Climate Security Challenges in Haiti and What to Do about Them*, October 2023, https://weatheringrisk.org/sites/default/files/document/Roots_for_peace_uncovering_climate_security_challenges_in_Haiti_3.pdf, p. 38. See also, World Bank Blogs, *A Look into Poverty and Disaster Preparedness in Haiti*, 10 August 2023, <https://blogs.worldbank.org/latinamerica/poverty-and-disaster-preparedness-haiti>.
- ³⁷⁴ A significant amount of money disappeared to corruption during the post-2010 earthquake recovery. See CSIS, *Good Governance and Corruption in the Caribbean: The Haitian Challenge*, 6 October 2020, www.csis.org/analysis/good-governance-and-corruption-caribbean-haitian-challenge. See also, Rest of World, *Tech Was Supposed to Revolutionize Aid in Haiti. Then Reality Set In*, 27 March 2023, <https://restofworld.org/2023/haiti-aid-fintech-roadblocks/>.
- ³⁷⁵ UNDRR, *Overview of Disasters in Latin America and the Caribbean 2000-2022*, 2023, www.undrr.org/media/89900, p. 25.

for example, in Haiti building codes are not enforced and many slums and rural areas have dwellings that would not survive flooding or an earthquake.³⁷⁶

Natural hazard-related disasters and poor State responses have driven and aggravated conflict and violence in the country.³⁷⁷ In October 2022, Adelphi Research produced a study on climate change in Haiti in collaboration with the UN Environment Programme (UNEP), UNDP, the Ministry of Environment, and the Groupe sur la Sécurité Climatique en Haïti, which identified five “climate security pathways” that “affect food systems, livelihoods, and community relations and social cohesion in Haiti, compounding insecurity and violence”.³⁷⁸ First, natural hazard-related disasters directly affect Haitians and undermine already weak governance structures. Second, climate change has adverse impacts on the availability of natural resources and on the livelihoods of people relying on them, thus increasing competition between farmers, fishermen and other occupations. Third, migration linked at least in part to climate-related factors undermines social cohesion. Fourth, livelihoods are disappearing and are less available for youth, who are also at risk of experiencing violence or abuse. Fifth, institutional fragility and widespread violence exacerbate the current crisis and prevent efforts to address climate factors or access foreign aid.³⁷⁹

Persons fleeing Haiti may identify the adverse effects of climate change or natural hazards as contributing factors in applying for international protection. In the context of Haiti, the adverse effects of climate change and natural hazards have undermined the State³⁸⁰ and helped to create a security and political vacuum that has been filled by gangs and other non-State armed actors. This has led to escalating violations of human rights and severe violence targeting Haitians across the socio-economic spectrum, especially in urban centres but also in rural areas of the country.

Therefore, UNHCR urges decision-makers to take into account the adverse effects of climate change and natural hazards in Haiti—particularly how they interact with ongoing conflict, violence and State breakdown—when examining claims for international protection.³⁸¹ The adverse effects of climate change and natural hazards may also contribute to circumstances disturbing public order³⁸² and should be taken into account for the purposes of determining refugee status under UNHCR’s broader mandate criteria or under the regional refugee instruments, such as the

³⁷⁶ The New Humanitarian, *In Haiti, Disaster Risks Linger as Another Earthquake Anniversary Passes*, 12 January 2022, www.thenewhumanitarian.org/analysis/2022/1/12/have-the-lessons-of-Haiti-2010-earthquake-been-learned.

³⁷⁷ Vigilante groups are reportedly “more active during periods of political instability or after natural disasters in response to the perceived inability of state security forces to protect civilians [...]”. Ultimately, the impact of disasters and the inability of state institutions to manage disasters will lead to continued dissatisfaction among the population likely fuelling more instability and violence.” Adelphi et al., *Roots for Peace: Uncovering Climate Security Challenges in Haiti and What to Do about Them*, October 2023, https://weatherrisk.org/sites/default/files/document/Roots_for_peace_uncovering_climate_security_challenges_in_Haiti_3.pdf, p. 40.

³⁷⁸ Adelphi et al., *Roots for Peace: Uncovering Climate Security Challenges in Haiti and What to Do about Them*, October 2023, https://weatherrisk.org/sites/default/files/document/Roots_for_peace_uncovering_climate_security_challenges_in_Haiti_3.pdf, p. 37.

³⁷⁹ Ibid.

³⁸⁰ The adverse effects of climate change and natural hazards have affected the ability of the Haitian State to provide State services, including disaster relief and the ability to protect public order by means of effective police force. In 2011, this was noted by the Federal Court of Canada and the Immigration and Refugee Board (IRB) of Canada in the context of women and girls. Both the Court and the IRB noted that women and girls were more vulnerable to gender-based violence post-earthquake and that they had less access to State services or protection. See UNHCR, *Amicus Brief of the Office of the United Nations High Commissioner for Refugees to the Inter-American Court of Human Rights regarding the Request for an Advisory Opinion on the Climate Emergency and Human Rights from the Republic of Colombia and the Republic of Chile*, 18 December 2023, www.refworld.org/docid/6581814f4.html, p. 107; *Josile v. Canada (Citizenship and Immigration)*, 2011 FC 39 (CanLII), <https://canlii.ca/t/2fdk8>, para. 38; X (Re), 2011 CanLII 26575, VA9-00035, (CA IRB), <https://canlii.ca/t/fldv>.

³⁸¹ For further guidance on how the adverse effects of climate change and disasters should be considered in the context of determining eligibility for refugee status under Article 1A(2) of the 1951 Convention, see UNHCR, *Legal Considerations Regarding Claims for International Protection Made in the Context of the Adverse Effects of Climate Change and Disasters*, 1 October 2020, www.refworld.org/docid/5f75f2734.html, para. 6. “Ultimately, both immediate and long-term consequences of climate change and disasters may exacerbate risks of human rights violations that could amount to persecution and compel people to leave their country of origin to seek international protection. [...] When assessing the risk of being persecuted in the context of climate change or disasters, it is important to understand that impacts of climate change may emerge suddenly or gradually; overlap temporally and geographically; vary in intensity, magnitude and frequency; and persist over time.” UNHCR, *Amicus Brief of the Office of the United Nations High Commissioner for Refugees to the Inter-American Court of Human Rights regarding the Request for an Advisory Opinion on the Climate Emergency and Human Rights from the Republic of Colombia and the Republic of Chile*, 18 December 2023, www.refworld.org/docid/6581814f4.html, paras 31, 38.

³⁸² “While the Cartagena Declaration does not provide a legal definition for the concept of ‘disturbing public order,’ in UNHCR’s view, the broad scope of the language can encompass climate or environmental disasters. [...] In practice, the expanded definition in the Cartagena Declaration has been applied to a number of Haitians impacted by the 2010 Haitian earthquake ‘based on the consequences of the disaster, such as heightened political instability and insecurity’ by some countries in the region, namely, Ecuador, Panama, Colombia, Peru and Mexico.” UNHCR, *Amicus Brief of the Office of the United Nations High Commissioner for Refugees to the Inter-American Court of Human Rights regarding the Request for an Advisory Opinion on the Climate Emergency and Human Rights from the Republic of Colombia and the Republic of Chile*, 18 December 2023, www.refworld.org/docid/6581814f4.html, paras 50, 56. See also, UNHCR, *Legal Considerations Regarding Claims for International Protection Made in the Context of the Adverse Effects of Climate Change and Disasters*, 1 October 2020, www.refworld.org/docid/5f75f2734.html, paras 15-16.

Cartagena Declaration and the 1969 OAU Convention, or eligibility for forms of complementary protection.

G. Displacement

1) Violence-related Displacement

According to the International Organization for Migration (IOM), almost 200,000 persons were displaced by violence in West, Centre and Artibonite departments by November 2023.³⁸³ An estimated 93 per cent of displacement in Haiti has been caused by violence and insecurity.³⁸⁴ Overall, there has been a significant increase in displacement due to violence in 2021, 2022, 2023 and into 2024.³⁸⁵ On 9 March 2024, IOM announced that 15,000 persons had been displaced within one week due to “successive waves of violence” in Port-au-Prince and that levels of displacement had risen overall by 15 per cent since the beginning of the year.³⁸⁶

Many of those displaced are living in “inadequate and precarious spontaneous settlements and collective centres”, with some sleeping in the open air or in school classrooms.³⁸⁷ IOM has noted that fewer internally displaced persons (IDPs) appear to be living with host families and that more IDPs are now settling in informal sites in Port-au-Prince.³⁸⁸ Surveys conducted of IDPs in sites in Port-au-Prince revealed that most were trying to move out of the capital city due to violence.³⁸⁹

According to the Panel of Experts, IDPs experience “difficult living conditions” with “very limited access to clean water, food, health care and sanitation services”, while the government does not allow the

³⁸³ OCHA, *Haiti: Besoins Humanitaires et Plan de Réponse 2024*, 19 January 2024, www.unocha.org/attachments/74e0e2a8-61d7-4221-a069-b4a3bc467580/Haiti_HNRP_2024_FR_version%20finale.pdf, p. 8. According to data collected during the October-November 2023 Displacement Tracking Matrix (DTM) in round number 5, 99 per cent of the 146,584 IDPs documented in the West department had been displaced by violence. International Organization for Migration (IOM), *Assessment of the Displacement Situation in the Western District (Round 5)*, 20 November 2023, <https://dtm.iom.int/reports/haiti-dash-board-displacement-situation-west-district-round-5-12-october-10-november-2023>, p. 6. “Generalized violence is the main driver of displacement [...]. Although the highest concentration of displaced individuals lives in the Metropolitan Area of Port-au-Prince, other regions are starting to experience pressure.” IOM, *Displaced Haitians Face Greater Risks in Improvised Sites*, 16 August 2023, www.iom.int/news/displaced-haitians-face-greater-risks-improvised-sites. In total, there were an estimated 313,901 persons displaced in Haiti as of January 2024, 94 per cent of them originating from the Western region and 59 per cent of whom were displaced during 2023. IOM, *Haiti: Displacement Situation in the Districts of West, South-East, South, Nippes, Grande Anse, Centre and Artibonite*, 16 January 2024, <https://dtm.iom.int/reports/haiti-internal-displacement-situation-haiti-west-south-south-east-artibonite-grande-anse>, p. 1.

³⁸⁴ IOM, *Haiti Response Overview: Situation Report*, 19 December 2023, https://haiti.iom.int/sites/g/files/tmzbd11091/files/documents/2023-12/haiti_external-sitrep-november_2023.pdf, p. 1..

³⁸⁵ “In June 2022, the International Organization for Migration (IOM) had recorded 25,000 internally displaced persons; a year later, that number had risen to 194,624.” UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 153. According to OCHA, the number of displaced persons due to violence in the Port-au-Prince region “doubled between 2021 and 2022 from 68,000 to more than 155,000 people.” OCHA, *Haiti Humanitarian Response Plan: At a Glance*, 13 April 2023, <https://reliefweb.int/report/haiti/haiti-humanitarian-response-plan-2023-glance-april-2023-enht>, p. 6. The IOM data is available at <https://dtm.iom.int/haiti>.

³⁸⁶ “IOM’s latest displacement tracking reveals that 15,000 people have been displaced within just one week, all of them having already experienced displacement. Ten displacement sites have been entirely emptied [...]. Across Haiti, 362,000 people are currently internally displaced, some of them several times over increase household vulnerability. This is 15 per cent more since the beginning of the year.” IOM, *Waves of Violence Storm Port-au-Prince in Haiti Further Displacing Thousands*, 9 March 2024, www.iom.int/news/waves-violence-storm-port-au-prince-haiti-further-displacing-thousands.

³⁸⁷ IOM, *As Displacement Soars, Haiti Requires USD 21 Million for Emergency Shelter, Protection Services*, 10 October 2023, www.iom.int/news/displacement-soars-haiti-requires-usd-21-million-emergency-shelter-protection-services. “In the Metropolitan Area of Port-au-Prince, 61% of IDPs [97,750 persons] reside in spontaneous sites, exposed to several protection, health and other risks.” IOM, *Haiti: Displacement Situation in Sites of the Metropolitan Area of Port-au-Prince*, 3 March 2024, <https://dtm.iom.int/reports/haiti-displacement-situation-sites-metropolitan-area-port-au-prince-03-march-2024>. “Following intensified clashes in the Cnaan, Bel-Air, Carrefour Feuilles, Savane Pistache and Solino neighbourhoods of Port-au-Prince and Croix-des-Bouquets, 20,719 people were displaced between 5 and 8 September, taking refuge at 26 informal sites. Four of these sites are located in open-air areas where dire living conditions have been exacerbated by heavy rains; 1 site has been set up in a hospital; and 20 have been set up in schools, hampering their reopening for the start of the school year on 11 September.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, para. 50. See also, UNICEF, *Haiti: Humanitarian Situation Report No. 6*, 28 September 2023, www.unicef.org/media/145681/file/Haiti-Humanitarian-SitRep-August-2023.pdf, p. 1.

³⁸⁸ IOM, *Haiti: Testimonies from Internally Displaced Persons (IDPs)*, 27 September 2023, <https://dtm.iom.int/reports/haiti-testimonies-idps-mapap-july-2023>, p. 5. “[...] the proportion of IDPs in sites continues to increase, compared to that in host families: during round 3, of the total IDPs 38% were in sites; this percentage increased to 45% during round 4 and now to 58% during round 5.” IOM, *Assessment of the Displacement Situation in the Western District (Round 5)*, 20 November 2023, <https://dtm.iom.int/reports/haiti-dash-board-displacement-situation-west-district-round-5-12-october-10-november-2023>, p. 1. See also, OCHA, *Haiti: Besoins Humanitaires et Plan de Réponse 2024*, 19 January 2024, www.unocha.org/attachments/74e0e2a8-61d7-4221-a069-b4a3bc467580/Haiti_HNRP_2024_FR_version%20finale.pdf, pp. 9, 29-30; IOM, *Internal Displacement Situation in Haiti: Districts of West, Center and Artibonite*, 14 July 2023, <https://dtm.iom.int/reports/haiti-internal-displacement-situation-west-center-and-artibonite-june-2023>.

³⁸⁹ IOM, *Haiti: Testimonies from Internally Displaced Persons (IDPs)*, 27 September 2023, <https://dtm.iom.int/reports/haiti-testimonies-idps-mapap-july-2023>, p. 6.

establishment of IDP camps nor does it provide aid to IDPs.³⁹⁰ The lack of sanitation or systems for waste disposal in settlements increases potential health risks such as the spread of communicable diseases, including cholera.³⁹¹ IDPs in informal sites also face discrimination by local communities.³⁹² Women and girls in IDP sites are at risk of gender-based violence.³⁹³ In March 2024, IOM noted the psychological toll of successive displacements, poor living conditions and violence, leading to an “alarming rise in suicidal tendencies among the displaced populations”.³⁹⁴

Conflict and violence also continue to force Haitians to flee the country; as of mid-2023, there were a recorded 116,463 Haitian refugees and 195,425 Haitian asylum-seekers, compared to 25,649 refugees and 80,225 asylum-seekers respectively by the end of 2022.³⁹⁵

2) Natural Hazard-related Displacement

As noted above, Haiti is prone to natural hazards, and several of these have caused mass displacements, including the 7.0 magnitude earthquake in 2010 which displaced an estimated 1.5 million persons.³⁹⁶ The 7.2 magnitude earthquake in August 2021 displaced an estimated 220,000 persons and destroyed around 54,000 homes.³⁹⁷ During 2022, around 15,000 persons were displaced due to disasters, including 11,000 due to flooding and 3,600 due to a small earthquake.³⁹⁸ In June 2023, flooding after torrential rains displaced 13,400 individuals in West, South-East, North-West, Plateau Central and Nippes departments.³⁹⁹

3) Returnees

An estimated 154,333 Haitians were forcibly repatriated from the Dominican Republic in 2022.⁴⁰⁰ According to OCHA, “[c]onditions of repatriation were extremely harsh, with little respect for human

³⁹⁰ “The fact that the Government of Haiti neither allows internally displaced persons camps nor provides assistance constitutes in itself a human rights violation.” UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 153.

³⁹¹ IOM, *Haiti: Testimonies from Internally Displaced Persons (IDPs)*, 27 September 2023, <https://dtm.iom.int/reports/haiti-testimonies-idps-mapap-july-2023>, p. 8. “The conditions in improvised sites are extremely dire. More than half of them don’t have latrines, and where they exist, they fall far below basic hygiene standards – a particularly concerning situation given Haiti’s recurrent cholera outbreaks.” IOM, *Displaced Haitians Face Greater Risks in Improvised Sites*, 16 August 2023, www.iom.int/news/displaced-haitians-face-greater-risks-improvised-sites. “Les conditions de vie des Haïtiennes et Haïtiens sur les 73 sites spontanés de [Port-au-Prince] se dégradent rapidement [...] Il s’agit d’espaces ouverts (places, parcs), d’églises, de gymnases, de centres de santé, d’écoles temporairement vidées durant l’été pendant les vacances scolaires qui ne peuvent maintenant plus recevoir d’élèves. [...] les déplacés ont un accès extrêmement limité à l’eau potable, et aux services d’hygiène et d’assainissement. Plus de 65% des sites présentent des signes de défécation à l’air libre”. OCHA, *Haiti: Besoins Humanitaires et Plan de Réponse 2024*, 19 January 2024, www.unocha.org/attachments/74e0e2a8-61d7-4221-a069-b4a3bc467580/Haiti_HNRP_2024_FR_version%20finale.pdf, p. 9.

³⁹² IOM, *Haiti: Testimonies from Internally Displaced Persons (IDPs)*, 27 September 2023, <https://dtm.iom.int/reports/haiti-testimonies-idps-mapap-july-2023>, p. 8.

³⁹³ According to the IOM Mission Chief in Haiti: “Displacement severely risks the health, food and economic security of people, exposes them to gender-based violence, and puts pressure on local infrastructure and social cohesion within host communities”. IOM, *As Displacement Soars, Haiti Requires USD 21 Million for Emergency Shelter, Protection Services*, 10 October 2023, www.iom.int/news/displacement-soars-haiti-requires-usd-21-million-emergency-shelter-protection-services. In improvised IDP sites, displaced persons “are exposed to additional risks, including communal violence, sexual and gender-based violence, discrimination, and outright abuse.” IOM, *Displaced Haitians Face Greater Risks in Improvised Sites*, 16 August 2023, www.iom.int/news/displaced-haitians-face-greater-risks-improvised-sites.

³⁹⁴ IOM, *Waves of Violence Storm Port-au-Prince in Haiti Further Displacing Thousands*, 9 March 2024, www.iom.int/news/waves-violence-storm-port-au-prince-haiti-further-displacing-thousands.

³⁹⁵ UNHCR, *Refugee Data Finder*, accessed 15 January 2024, www.unhcr.org/refugee-statistics/. “At the regional level, the protracted instability and violence in Haiti have contributed to a significant, and increasing, exodus of Haitian nationals in dangerous cross-border journeys. In 2022, 9 per cent of the total recorded number of people attempting the crossing of the Darién Gap between Panama and Colombia were Haitian nationals, amounting to 22,435 people. From January to August 2023, this number increased to 37,193 people, or 14 per cent of the total flow.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, para. 20.

³⁹⁶ Internal Displacement Monitoring Centre (IDMC), *Behind the Numbers: The Shadow of 2010’s Earthquake Still Looms Large in Haiti*, January 2020, www.internal-displacement.org/expert-opinion/behind-the-numbers-the-shadow-of-2010s-earthquake-still-looms-large-in-haiti. Displacement due to natural hazard-related disasters spiked again in 2016 when Hurricane Matthew swept across Haiti. See IDMC, *Country Profile: Haiti*, accessed 13 October 2023, www.internal-displacement.org/countries/haiti#internal-displacement; USAID, *Caribbean Hurricane Matthew: Fact Sheet #5*, 13 October 2016, www.usaid.gov/fact-sheet/caribbean-hurricane-matthew-fact-sheet-5.

³⁹⁷ IDMC, *2022 Global Report on Internal Displacement*, May 2022, www.internal-displacement.org/sites/default/files/publications/documents/IDMC_GRID_2022_LR.pdf, pp. 79-80.

³⁹⁸ IDMC, *Global Internal Displacement Database*, accessed on 19 March 2024, www.internal-displacement.org/database/displacement-data.

³⁹⁹ IFRC, *DREF Operational Update: Haiti Floods*, 20 October 2023, <https://reliefweb.int/report/haiti/haiti-floods-june-2023-dref-operational-update-appeal-mdrh020>, pp. 2-4.

⁴⁰⁰ This was a substantial increase from 2021: “According to data from the International Organization for Migration (IOM), by July 2022, the number of returnees by air and sea exceeded the overall number for 2021.” OCHA, *Haiti Humanitarian Response Plan: At a Glance*, 13 April 2023, <https://reliefweb.int/report/haiti/haiti-humanitarian-response-plan-2023-glance-april-2023-enht>, p. 4. “The number of deportations [from the Dominican Republic] soared last year, sending more than 113,490 people to Haiti. That figure is already on pace to double this year, according to the Dominican government’s migration data.” New York Times, *They’ve Been Stateless for 10 Years. Now Many Are Facing Deportation.*, 6 October 2023, www.nytimes.com/2023/10/06/world/americas/haiti-dominican-republic-deportation.html.

rights.”⁴⁰¹ Another 22,444 Haitians were returned via air and sea in 2022 from the United States, Cuba and the Bahamas.⁴⁰² During 2023, an estimated 214,518 persons were returned to Haiti, 96.19 per cent of them from the Dominican Republic.⁴⁰³ In at least two incidents, Jamaican authorities deported groups of Haitians who arrived by boat without letting them apply for asylum.⁴⁰⁴ As of March 2024, despite rapidly deteriorating humanitarian conditions and elevated levels of violence, countries continued to return persons to Haiti.⁴⁰⁵ In general, returnees arrive in Haiti with significant humanitarian needs, including for medical care, food, clothing and temporary lodging.⁴⁰⁶

Some adults who were repatriated from the Dominican Republic held valid documentation.⁴⁰⁷ Reportedly, detention incidents also affected person wrongfully perceived to be Haitians in an irregular situation.⁴⁰⁸ There are reports of Haitian women being arrested, detained and deported while seeking medical care for pregnancy or post-partum healthcare.⁴⁰⁹

There have been reports of Haitian police demanding payments from relatives of Haitians who were deported from the US and detained upon their arrival in Haiti, in order to secure their release from detention.⁴¹⁰

⁴⁰¹ OCHA, *Haiti Humanitarian Response Plan: At a Glance*, 13 April 2023, <https://reliefweb.int/report/haiti/haiti-humanitarian-response-plan-2023-glance-april-2023-enht>, p. 4. “In the first half of 2023, more than 73,000 people were forcibly returned to Haiti, often in abusive conditions, mostly from the Dominican Republic and other countries, despite the high levels of risk to their lives and physical integrity.” HRW, “*Living a Nightmare*”: *Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, p. 3. “The Dominican Republic, with which Haiti shares the Caribbean island of Hispaniola, is building a 13-foot-high fence along nearly half of the 250-mile frontier and sending tens of thousands of Haitians back home. They have included hundreds of pregnant women and unaccompanied minors, advocates say, in apparent violation of international conventions and bilateral agreements.” Washington Post, *Dominican Republic Sending Children, Pregnant Migrants Back to Haiti*, 16 March 2023, www.washingtonpost.com/world/2023/03/16/haiti-dominican-republic-migrant-crackdown/.

⁴⁰² IOM, *Statistiques sur les personnes retournées de force en Haiti depuis 2021*, accessed 12 January 2023, <https://dtm.iom.int/node/23491>. The US has continued to deport Haitians, which has been criticized by human rights observers. See HRW, *Letter from Over 70 Organizations Calling for Suspension of Deportation Flights to Haiti*, 26 September 2023, www.hrw.org/news/2023/09/26/letter-over-70-organizations-calling-suspension-deportation-flights-haiti; Miami Herald, *U.S. Defends Deportations to Haiti Before Inter-American Commission on Human Rights*, 10 March 2023, www.miamiherald.com/news/nation-world/world/americas/haiti/article272942400.html.

⁴⁰³ UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, p. 121.

⁴⁰⁴ Caribbean Life, *Jamaica Repatriates 35 Haitian Boat People*, 17 October 2023, www.caribbeanlife.com/jamaica-repatriates-35-haitian-boat-people/; Global Voices, *Jamaican Government Swiftly Returns a Boat Full of Haitians, as Caribbean Officials Express Disappointment after Latest Talks*, 14 September 2023, <https://globalvoices.org/2023/09/14/jamaican-government-swiftly-returns-a-boat-full-of-haitians-as-caribbean-officials-express-disappointment-after-latest-talks/>. An earlier group which landed in Jamaica in July 2023 was apprehended by the government and fined for illegal entry, until international and local pressure resulted in the government permitting them to apply for asylum. However, their asylum claims were denied in February 2024. Village Voice, *Jamaica Rejects Asylum for 37 Haitians, Freedom Imaginaries to Appeal*, 1 March 2024, <https://villagevoicenews.com/2024/03/01/jamaica-rejects-asylum-for-37-haitians-freedom-imaginaries-to-appeal/>; Migration Policy Institute, *Addressing the Next Displacement Crisis in the Making in the Americas*, October 2023, www.migrationpolicy.org/news/haiti-next-displacement-crisis-americas.

⁴⁰⁵ BBC, *Fear and Chaos await Haitian Migrants Forced Back over Border*, 14 March 2024, www.bbc.com/news/world-latin-america-68562140; US Coast Guard, *Coast Guard Repatriates 65 Migrants to Haiti*, 12 March 2024, www.news.uscg.mil/Press-Releases/Article/3704408/coast-guard-repatriates-65-migrants-to-haiti/; Aljazeera, *Al Jazeera Films Haitians Being Deported Back across Border into Chaos*, 10 March 2024, www.aljazeera.com/program/newsfeed/2024/3/10/al-jazeera-films-haitians-being-deported-back-across-border-into-chaos.

⁴⁰⁶ “Les personnes expulsées arrivent généralement dans des situations extrêmement vulnérables, sans document, sans argent et ayant des besoins humanitaires importants en soins médicaux, le soutien psychosocial, la nourriture, les vêtements et un hébergement temporaire, et une assistance pour leur réintégration.” OCHA, *Haiti: Besoins Humanitaires et Plan de Réponse 2024*, 19 January 2024, www.unocha.org/attachments/74e0e2a8-61d7-4221-a069-b4a3bc467580/Haiti_HNRP_2024_FR_version%20finale.pdf, p. 52.

⁴⁰⁷ OCHA, *Haiti Humanitarian Response Plan: At a Glance*, 13 April 2023, <https://reliefweb.int/report/haiti/haiti-humanitarian-response-plan-2023-glance-april-2023-enht>, p. 4. Reportedly, others who have been deported are actually Dominican Republic nationals who lack identity documents or who were born to Haitian parents. See New York Times, *They’ve Been Stateless for 10 Years. Now Many Are Facing Deportation.*, 6 October 2023, www.nytimes.com/2023/10/06/world/americas/haiti-dominican-republic-deportation.html.

⁴⁰⁸ “Humanitarian workers told Human Rights Watch that Dominican authorities routinely round up people who they suspect are Haitian nationals solely on the basis of their race or darker skin. They are then taken to the border and placed in cages on the back of trucks in sweltering heat as they await processing, with little or no access to food and water, before being sent back to Haiti, where they face dire humanitarian and rights challenges.” HRW, “*Living a Nightmare*”: *Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, pp. 55-56. See also, OHCHR, *Haiti: UN Expert William O’Neill Concludes Official Visit*, 28 June 2023, www.ohchr.org/en/statements/2023/06/haiti-un-expert-william-oneill-concludes-official-visit; Washington Post, *Dominican Republic Sending Children, Pregnant Migrants Back to Haiti*, 16 March 2023, www.washingtonpost.com/world/2023/03/16/haiti-dominican-republic-migrant-crackdown/.

⁴⁰⁹ OHCHR, *Dominican Republic: UN Experts Condemn Detention and Deportation of Pregnant and Postpartum Haitian Women*, 12 September 2023, www.ohchr.org/en/press-releases/2023/09/dominican-republic-un-experts-condemn-detention-and-deportation-pregnant-and.

⁴¹⁰ “Recently, the Haitian government has been increasingly detaining criminal deportees from the United States upon arrival in Haiti. Haitian police have demanded thousands of dollars from prisoners’ families for their release”. Insight Crime, *Haitian Prisoners Face Starvation and Death*, 19 September 2022, <https://insightcrime.org/news/haitian-prisoners-face-starvation-death/>. Both deportees and human rights organizations have expressed concerns that deportees may be targeted by gangs for kidnapping, based on their presumed access to financial resources through their relatives. North Jersey, *‘Prison is Death’: NJ Deportees Freed From Haitian Jail After Suffering Deplorable Conditions*, 27 October 2022, <https://eu.northjersey.com/story/news/2022/10/27/haiti-prison-free-patrick-julney-nj-billy-balisage/69593500007/>. See also, HRW, *Haitians Being Returned to a Country in Chaos; Humanitarian, Security Crisis Makes Deportations Unsafe*, 24 March 2022, www.ecoi.net/en/document/2070056.html. Deportees from the US, especially those with a criminal record, are detained in inhuman and sometimes life-threatening conditions. The Nation, *The Pipeline Funneling US Deportees to Haitian Prison*, 14 November 2022, www.thenation.com/article/society/deportation-haiti-prison-conditions/.

In November 2022, UNHCR called on states to suspend the forced return of all Haitians to their country.⁴¹¹ In June 2023, after concluding a visit to Haiti, the UN Independent Expert on the situation of human rights in Haiti stated that “relentless violence and systematic human rights violations in Haiti do not currently allow for the safe, dignified, and sustainable return of Haitians to the country”.⁴¹²

III. Assessment of International Protection Needs

A. Refugee Status under the 1951 Convention

This Section outlines a number of risk profiles for asylum-seekers from Haiti, based on UNHCR's legal assessment of available country of origin information at the time of writing, as referred to in [Chapter II](#) above. UNHCR considers that asylum-seekers from Haiti falling within one or more of these risk profiles may be in need of international refugee protection under Article 1A of the 1951 Convention,⁴¹³ depending on the circumstances of the individual case. There is a certain degree of overlap between some of the profiles, and the particular circumstances of an individual asylum-seeker may mean that two or more profiles may be applicable to the applicant. Depending on the specific circumstances of the case, family members or other members of the households of individuals with these profiles may also be in need of international protection on the basis of their association with individuals at risk.

Not all persons falling within the risk profiles outlined in this Section will necessarily be found to be a refugee under the 1951 Convention. Conversely, the risk profiles listed here are not exhaustive. Hence, a claim should not automatically be considered as without merit simply because it does not fall within any of the profiles identified here. Where applications for international protection by asylum-seekers who have fled Haiti are considered on an individual basis, they should be assessed carefully in accordance with established fair and efficient refugee status determination procedures. The evidence presented by the applicant must be taken into account, as well as reliable and up-to-date information about the situation in Haiti.

While past persecution is not a requirement for recognizing an applicant as a refugee, particular consideration should be given to any past persecution to which applicants for refugee status may have been subjected.⁴¹⁴

In light of the context of widespread human rights violations observed in Haiti, the applicability of the exclusion clauses may need to be considered in certain cases.

1) *Political Activists and (Perceived) Opponents of the Government*

Leaders of the political opposition “are subject to threats and abductions, and protests organized by opposition parties are regularly met with repressive force by authorities.”⁴¹⁵ The government is reported to try to co-opt political opponents by offering them government positions or through corruption; opponents who refuse to be silenced may face intimidation, imprisonment or murder.⁴¹⁶ Following the murder of President Moïse in July 2021, the authorities were accused of exploiting the criminal investigation into the murder to clamp down on the political opposition, with investigative judges and

⁴¹¹ UNHCR, *UNHCR Calls on States to Refrain from Forced Returns of Haitians*, 3 November 2022, www.unhcr.org/news/news-releases/unhcr-calls-states-refrain-forced-returns-haitians.

⁴¹² OHCHR, *Haiti: UN Expert William O'Neill Concludes Official Visit*, 28 June 2023, www.ohchr.org/en/statements/2023/06/haiti-un-expert-william-oneill-concludes-official-visit.

⁴¹³ UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, UN Treaty Series, Vol. 189, p. 137, www.refworld.org/docid/3be01b964.html.

⁴¹⁴ “Apart from the situations of the type referred to in the preceding paragraph, an applicant for refugee status must normally show good reason why he individually fears persecution. It may be assumed that a person has well-founded fear of being persecuted if he has already been the victim of persecution for one of the reasons enumerated in the 1951 Convention. However, the word ‘fear’ refers not only to persons who have actually been persecuted, but also to those who wish to avoid a situation entailing the risk of persecution.” UNHCR, *Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees*, April 2019, www.refworld.org/policy/legalguidance/unhcr/2019/en/123881, para. 45.

⁴¹⁵ Freedom House, *Freedom in the World 2023: Haiti*, 6 July 2023, www.ecoi.net/en/document/2094365.html.

⁴¹⁶ Canada: Immigration and Refugee Board (IRB), *Haiti: The Situation of Political Parties and the Treatment of Political Opponents, Including by Criminal Groups (2021–January 2023)*, 16 February 2023, www.ecoi.net/en/document/2088004.html.

clerks stating that they had come under pressure to "alter records or remove certain names" in their reports.⁴¹⁷

In addition, as noted in [Chapter II.B](#), political actors, including at high levels of the government, are reported to use gangs to attack and repress their political opponents with impunity, including through the use of threats, abductions and killings.⁴¹⁸ In October 2022, Eric Jean Baptiste, a former presidential candidate and leader of the Rally of Progressive National Democrats (RDNP) was shot to death in the Laboule 12 area in Port-au-Prince, while in August 2022, Yvon Buissereth, a former senator, was killed in the same area and his body set on fire; his murder has been attributed to the Ti Makak gang.⁴¹⁹ In October 2022, a well-known political activist, Jean Denis Joseph, who had participated in protests against the government, was found murdered in Pétiön-Ville.⁴²⁰

In October 2022, five political activists belonging to Baz 47, a group that campaigns for the opposition political party Platfòm Pitit Desalin "were apprehended by individuals wearing police uniform[s]" while protesting in the streets; they were subsequently killed and their bodies were dumped in the Tabare 43 area.⁴²¹ On 30 June 2021, political activist Antoinette Duclair and journalist Diego Charles were shot dead after armed individuals opened fire in the Delmas 32 area in Port-au-Prince; following an investigation, two police officers were arrested.⁴²²

The police have reportedly used excessive force against political protests, with 34 protestors, journalists and bystanders being killed by the police in the three-month period to 17 January 2023.⁴²³ In October

⁴¹⁷ Reuters, *Analysis: As Haiti Investigation Stalls, U.S. Probes President's Killing*, 20 January 2020, www.reuters.com/world/americas/haiti-investigation-stalls-us-probes-presidents-killing-2022-01-20/. "Among those who have been threatened are two judges and two clerks investigating the killing of former President Moïse. They received calls telling them to implicate certain people in the assassination or they would themselves be killed, a judicial official said. None have received police protection, justice officials told Human Rights Watch. At least one of the four reported the threats to the chief prosecutor and police in writing in July 2021, but justice officials with knowledge of the case said in December that they were unaware of any action by the police. One of the judges has left the country." HRW, *Haitians Being Returned to a Country in Chaos; Humanitarian, Security Crisis Makes Deportations Unsafe*, 24 March 2022, www.ecoi.net/en/document/2070056.html. See also, Washington Post, *In Haiti, a Clouded Assassination Probe Prompts Fears of Political Crackdowns*, www.washingtonpost.com/world/2021/08/07/haiti-assassination-moise-arrests/.

⁴¹⁸ "As such, armed gangs will often leverage their use of violence to suppress political opposition, influence elections, and secure economic outcomes, and in return will receive financial support, ammunition, and impunity for their crimes." Australian Institute of International Affairs, *Haiti's Fight for Political and Human Survival*, 27 April 2023, www.internationalaffairs.org.au/australianoutlook/haitis-fight-for-political-and-human-survival/. See also, Freedom House, *Freedom in the World 2023: Haiti*, 6 July 2023, www.ecoi.net/en/document/2094365.html; IRB, *Haiti: The Situation of Political Parties and the Treatment of Political Opponents, Including by Criminal Groups (2021–January 2023)*, 16 February 2023, www.ecoi.net/en/document/2088004.html; Atlas News, *Gang War in Port-au-Prince*, 27 January 2023, <https://theatlansnews.co/conflict/2023/01/27/gang-war-in-port-au-prince/>; Carleton University, *2023 Haiti Fragility Brief*, 15 January 2023, <https://reliefweb.int/attachments/6c4f65c5-b453-47ef-987a-0dac6fce16c7/Haiti-Fragility-Brief-2023.pdf>, p. 11; OHCHR, *Haiti: International Community Must Act Now to Avert Tragedy - Türk*, 3 November 2022, www.ecoi.net/en/document/2081539.html; ICG, *New Gang Battle Lines Scar Haiti as Political Deadlock Persists*, 27 July 2022, www.ecoi.net/en/document/2076266.html; The New Humanitarian, *Can Haiti's Gangs Help Build a Better Future for the Country?*, 14 February 2022, www.thenewhumanitarian.org/news-feature/2022/2/14/can-haiti-gangs-help-build-better-future-country.

⁴¹⁹ Reuters, *High-Profile Haitian Politician Killed in Apparent Gang Attack, Reports Say*, 29 October 2022, www.reuters.com/world/high-profile-haitian-politician-killed-apparent-gang-attack-reports-2022-10-29/; AP, *Political Leader, Lottery Owner Fatally Shot in Haiti*, 29 October 2022, <https://apnews.com/article/caribbean-port-au-prince-haiti-assassinations-dadcf6c5b0fdb2768b5e34b564ec3635>. See also: Carleton University, *2023 Haiti Fragility Brief*, 15 January 2023, <https://reliefweb.int/attachments/6c4f65c5-b453-47ef-987a-0dac6fce16c7/Haiti-Fragility-Brief-2023.pdf>, p. 3.

⁴²⁰ Rezo Nödwsès, *Le militant politique anti-gouvernemental, Jean Denis Joseph, assassiné à Pétiön-Ville*, 21 October 2022, <https://reznodwes.com/?p=294029>.

⁴²¹ The five victims were Paul Ezekial, Enock Merisier, James Mondesir, Andy Moriseau, and Dieupuisant Orestil. Atlas News, *Gang War in Port-au-Prince*, 27 January 2023, <https://theatlansnews.co/conflict/2023/01/27/gang-war-in-port-au-prince/>; UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 17 January 2023, S/2023/41, www.ecoi.net/en/file/local/2086289/N2301674.pdf, para. 41; Gazette Haiti, *Les cadavres de 5 membres de «Baz 47» arrêtés samedi découverts ce lundi à Tabarre*, 31 October 2022, www.gazettehaiti.com/node/8929. See also, IRB, *Haiti: The Situation of Political Parties and the Treatment of Political Opponents, Including by Criminal Groups (2021–January 2023)*, 16 February 2023, www.ecoi.net/en/document/2088004.html; Atlas News, *Gang War in Port-au-Prince*, 27 January 2023, <https://theatlansnews.co/conflict/2023/01/27/gang-war-in-port-au-prince/>; Endijèn Enfo, *Une cérémonie symbolique en mémoire des militants victime d'assassinat de la « Baz 47 »*, 27 November 2022, <https://endijeninfo.com/une-ceremonie-symbolique-en-memoire-des-militants-victime-dassassinat-de-la-baz-47/>; Gazette Haiti, *Les cadavres de 5 membres de «Baz 47» arrêtés samedi découverts ce lundi à Tabarre*, 31 October 2022, www.gazettehaiti.com/node/8929.

⁴²² Duclair had received threats prior to her death and her family were subjected to threats and intimidation following her murder. Amnesty International, *Urgent Action: Justice for Activists, Protect Relatives*, 4 August 2021, www.ecoi.net/en/file/local/2057504/AMR3645502021ENGLISH.pdf, p. 1. See also, UN General Assembly, *National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21 – Haiti*, 4 January 2022, A/HRC/WG.6/40/HTI/1, www.ecoi.net/en/file/local/2070799/G2200128.pdf, para. 53.

⁴²³ "Excessive force used by police while attempting to restore order during protests reportedly resulted in the killing of 34 protesters, journalists and bystanders." UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 17 January 2023, S/2023/41, www.ecoi.net/en/file/local/2086289/N2301674.pdf, para. 41. "University associations and student groups that protest government actions are often met with police violence." Freedom House, *Freedom in the World: Haiti 2022*, 24 February 2022, www.ecoi.net/en/document/2074646.html. See also, Freedom House, *Freedom in the World 2023: Haiti*, 2023, www.ecoi.net/en/document/2094365.html. For additional information on police response to the Petrocaribe protests from 2018 to 2021, see [Section II.A.1](#).

2022, police opened fire on protestors in the North and South departments, injuring several individuals.⁴²⁴ Police officers who use violence against protestors are rarely brought to justice.⁴²⁵

In recent years, the director of RNDDH, Pierre Espérance, has been the target of several alleged conspiracies involving high-level politicians to kill him.⁴²⁶ The RNDDH office was attacked in 2018 and 2020.⁴²⁷ These incidents were reported to the police, reportedly without follow-up.⁴²⁸

In 2023, a State prosecutor in Nippes department threatened to arrest a human rights defender after she had criticized him when he was filmed shooting and killing a suspected gang member.⁴²⁹ In 2020 members of staff of Haiti's national human rights institution, the Office for the Protection of Citizens (OPC), received threats, including death threats, after the OPC announced an administrative sanction against a government official.⁴³⁰

UNHCR considers that political activists and persons perceived as opposing the government may be in need of international refugee protection on the basis of a well-founded fear of persecution for reasons of their (imputed) political opinion.

2) Persons (Perceived to be) Opposing Gangs

In general, persons who oppose or who are perceived to oppose gangs, including church leaders, political leaders, activists and others who are openly hostile to gangs, are violently targeted by gang members with impunity.⁴³¹

⁴²⁴ ACLED, *Regional Overview: Mexico, Central America, and the Caribbean 15-21 October 2022*, 27 October 2022, <https://acleddata.com/2022/10/27/regional-overview-mexico-central-america-and-the-caribbean-15-21-october-2022/>.

⁴²⁵ Freedom House, *Freedom in the World 2023: Haiti*, 6 July 2023, www.ecoi.net/en/document/2094365.html.

⁴²⁶ "These planned attacks would be linked to the multiple denunciations of RNDDH, particularly concerning the massacres and armed attacks in the poor neighborhoods, and more recently, to the position of RNDDH on the assassination of President Jovenel Moïse." Conspirators reportedly included Jimmy "Barbecue" Chérizier as well as the former Haitian President, Michel Joseph Martelly. International Federation for Human Rights, *Haiti: Planning of the Assassination of Pierre Espérance, Executive Director of RNDDH*, 15 April 2022, www.fidh.org/en/region/americas/haiti/haiti-planning-of-the-assassination-of-pierre-espérance-executive. See also, Freedom House, *Freedom in the World 2023: Haiti*, 6 July 2023, www.ecoi.net/en/document/2094365.html; HRW, *World Report 2023: Haiti*, 12 January 2023, www.ecoi.net/en/document/2085455.html; International Federation for Human Rights, *Appel urgent – L'observatoire*, 9 May 2019, https://web.rnddh.org/wp-content/uploads/2019/05/1-Obs-FIDH-Menaces-Pierre-Espérance_Haiti-08Mai2019.pdf, p. 1.

⁴²⁷ "Previously, in May 2020, the RNDDH office in Port-au-Prince was the object of an armed attack by unidentified individuals, which did not cause any victims. In April 2018, the organisation's office had already been riddled with bullets by unidentified individuals who had, in addition, made death threats against Pierre Espérance. On April 23, 2019, a meeting to plan the assassination of Mr. Espérance was held at the Ministry of the Interior and Territorial Collectivities in the presence of the Minister himself and Jimmy Chérizier alias Barbecue, whose men had carried out intimidating reconnaissance around the RNDDH office. Numerous complaints regarding these attacks and acts of intimidation have been filed with the police authorities, but have never been followed up." International Federation for Human Rights, *Haiti: Planning of the Assassination of Pierre Espérance, Executive Director of RNDDH*, 15 April 2022, www.fidh.org/en/region/americas/haiti/haiti-planning-of-the-assassination-of-pierre-espérance-executive. See also, International Federation for Human Rights, *Appel urgent – L'observatoire*, 9 May 2019, https://web.rnddh.org/wp-content/uploads/2019/05/1-Obs-FIDH-Menaces-Pierre-Espérance_Haiti-08Mai2019.pdf, p. 1.

⁴²⁸ International Federation for Human Rights, *Haiti: Planning of the Assassination of Pierre Espérance, Executive Director of RNDDH*, 15 April 2022, www.fidh.org/en/region/americas/haiti/haiti-planning-of-the-assassination-of-pierre-espérance-executive.

⁴²⁹ UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/G2318474.pdf, para. 33; The New Yorker, *Haiti Held Hostage*, 17 July 2023, www.newyorker.com/magazine/2023/07/24/haiti-held-hostage.

⁴³⁰ IACHR, *Annual Report 2020, Chapter IV.A: Human Rights Development in the Region*, 2021, www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4A-en.pdf, para. 431; Vant Bèf Info, *Jérémie/Insécurité: L'Office de la Protection du Citoyen préoccupé pour la sécurité de son personnel*, 5 July 2020, <https://vantbefinfo.com/jeremie-insecurite-office-de-la-protection-du-citoyen-preoccupe-pour-la-securite-de-son-personnel/>.

⁴³¹ See, for example, the following sub-profiles, as well as Section III.A.4 ("Journalists and Media Workers") and Section III.A.5 ("Women and Girls"). See also, IRB, *Haiti: The Situation of Political Parties and the Treatment of Political Opponents, Including by Criminal Groups (2021–January 2023)*, 16 February 2023, www.ecoi.net/en/document/2088004.html.

a) Persons Living in Gang-Controlled Areas or Areas Targeted by Gangs for Territorial Control

Gangs target civilians in areas they control, in areas controlled by rival gangs or in areas into which they seek to expand their territory.⁴³² Gangs use violence to terrorize the population and ensure obedience by killing and injuring civilians who are perceived to oppose them.⁴³³ As the UN Security Council notes, “[i]ncreasingly, local populations are no longer collateral victims of armed clashes but are directly targeted by gangs [who] deliberately kill, injure and commit acts of sexual violence during coordinated attacks to expand territorial control in the country’s capital.”⁴³⁴

Gangs frequently target persons to punish them, for instance for questioning their authority or for (alleged) affiliations with opponents such as rival gangs or the police.⁴³⁵ Gangs reportedly are targeting civilians with increasing frequency and brutality, injuring, sexually violating, kidnapping and killing civilians, sometimes burning persons alive or burning the bodies of persons they have killed in public.⁴³⁶ There have been reports of gangs filming acts of cannibalism to intimidate members of rival gangs and

⁴³² Between 1 January and 30 September 2023, OHCHR recorded “5,599 cases of gang related violence, including 3,156 killings, 1,159 injuries, and 1,284 kidnappings, a sharp increase compared to the same period last year”. OHCHR, *Deepening Violence in Haiti*, 10 October 2023, www.ohchr.org/en/statements-and-speeches/2023/10/deepening-violence-haiti. “With 2,161 people killed, injured, and kidnapped, the third quarter of 2023 saw a 16% increase in victims of criminal groups, compared with the previous quarter (April - June 2023) [...] During the third quarter of 2023, at least 1,576 people were killed or injured as a result of gang violence. Many were victims of large-scale attacks, notably by gangs belonging to the G-Pèp coalition, in neighborhoods such as Carrefour Feuilles (Port-au-Prince), Meyer (Croix-des-Bouquets), and Carradeux (Tabarre).” BINUH, *Human Rights Situation: Main Trends*, 27 October 2023, https://binuh.unmissions.org/sites/default/files/2023_q3_rapport_trimestriel_droits_humains_en.pdf, pp. 3-4. In 2022 ACLED recorded the highest levels of violence in Haiti recorded since 2018. The number of deaths more than doubled compared to the previous year, mainly due to increasing territorial wars between gangs, which have put civilians at significant risk. ACLED reported that “inter-gang clashes and gang targeting of civilians accounted for 74% of reported political violence fatalities in 2022.” ACLED, *Conflict Watchlist 2023, Haiti: Expanding Gang Activity Amid Persisting Political Instability*, 8 February 2023, <https://acleddata.com/conflict-watchlist-2023/haiti/>.

⁴³³ “In Tabarre, Port-au-Prince and Croix-des-Bouquets (West Department), as well as in Saut d’Eau (Centre Department), a gang coalition launched brutal attacks against the population to extend their control and subdue populations perceived to be resistant to their influence. Entire families, including children, were executed inside their homes, while other victims were burned alive in the streets. In Port-au-Prince and Cité Soleil, human rights abuses as a result of clashes between gangs continued to be reported.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, para. 28, see also paras 27, 30. See also, UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 147, see also paras 148-154; UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 3 July 2023, S/2023/492, www.ecoi.net/en/file/local/2095017/N2318333.pdf, para. 31; BINUH, *Human Rights Situation: Main Trends*, 9 May 2023, www.ohchr.org/sites/default/files/documents/countries/haiti/Haiti-Human-rights-quarterly-report-Q1-2023-EN.pdf, p. 3; UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 14 April 2023, S/2023/274, www.ecoi.net/en/file/local/2091678/N2309343.pdf, para. 27; UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 17 January 2023, S/2023/41, www.ecoi.net/en/file/local/2086289/N2301674.pdf, paras 36-38.

⁴³⁴ UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 13 October 2022, S/2022/761, www.ecoi.net/en/file/local/2080457/N2263243.pdf, para. 38.

⁴³⁵ In August 2023, gang members opened fire on a march led by an evangelical pastor in Source-Matelas, killing at least seven persons. The march was organized to protest gang activity. *The Guardian, Haiti Violence: Gang Guns Down Churchgoers Protesting Against Criminals*, 27 August 2023, www.theguardian.com/world/2023/aug/27/haiti-violence-gang-opens-fire-on-church-led-group-protesting-against-criminals. According to the US Department of State, “[r]eports emerged of rapes, injuries, retaliatory killings, killings of children, and mutilation of human remains. From July 7-17 [2022], multiday battles between two other rival gangs killed between 150 and 300 persons [...]. Reportedly, Belekou gang members distributed machetes to neighborhood residents on July 10 and encouraged them to seek revenge for family members and friends who had been killed. Human rights sources documented retaliatory killings and mutilation of human remains.” US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html. “At least 19 residents were executed by the [Brooklyn gang] leader [from July to December 2022] on suspicion of belonging to rival gangs, or after being accused of committing abuses against the local population. Others were killed for directly or indirectly challenging his authority. For example, in late October 2022, three young men who were in a hospital courtyard in Brooklyn were shot and killed by the Brooklyn gang leader because they had been discussing the possibility of a military intervention to reduce gang-related insecurity and restore order in the capital.” BINUH, *The Population of Cité Soleil in the Grip of Gang Violence*, February 2023, www.ecoi.net/en/file/local/2086931/investigative-report-human-rights-abuses-committed-gangs-zone-brooklyn-july-december-2022.pdf, para. 47. On 30 November 2022, several civilians reportedly saw armed men of a newly emerging gang try to gain control over their neighbourhood in Port-au-Prince and alerted the police. In response, these gang members carried out a retaliatory attack that same night, killing at least 11 people and burning some of them alive. BBC, *Haiti: Inside the Capital City Taken Hostage by Brutal Gangs*, 5 December 2022, www.bbc.com/news/world-latin-america-63707429. See also, BINUH and OHCHR, *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, October 2022, www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf, paras 46-47.

⁴³⁶ “Residents of gang-controlled neighbourhoods have continued to be victims of extreme violence, including killing, injury, burning, kidnapping, disappearance and restriction on movement. Rape against women and girls is pervasive. There are frequent reports of the destruction or looting of houses, and thousands of people have been displaced.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 3 July 2023, S/2023/492, www.ecoi.net/en/file/local/2095017/N2318333.pdf, para. 10. “As they seek to expand, these gang coalitions increasingly target civilians, punishing those suspected of collaborating with rival groups and instilling fear among residents through kidnapping, extortion and illegal road tolls. Armed groups have been looting and torching houses, mutilating and murdering people, and burning bodies in plain sight.” ICG, *Haitians Turn to Mob Justice as the Gang Threat Festers*, 3 July 2023, www.ecoi.net/en/document/2094837.html. In 2023, the Canaan gang reportedly killed a woman accused of being a police informant and cut her body into pieces. UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, p. 53.

members of the security forces.⁴³⁷ Gangs have continued to use snipers to kill residents of areas controlled by rival gangs in Cité Soleil.⁴³⁸

Gangs deliberately deprive populations in specific neighbourhoods from access to water, food, healthcare and emergency services to weaken their rivals and coerce the population into confronting and removing rival gangs from these areas.⁴³⁹

Gangs regularly commit grave acts of sexual violence to punish and to assert power over persons living in areas under their control and in areas targeted for territorial expansion, as well as during clashes with other gangs.⁴⁴⁰ Sexual violence predominantly impacts women and girls, but boys and men have been violated as well.⁴⁴¹ Victims have been told by abusers that they are being punished for living in an area under the control of a rival gang.⁴⁴² Gang members often violate victims in public and/or circulate photos

⁴³⁷ According to the US Department of State, “[a]rmed groups filmed acts of decapitation, butchery, and cannibalism that were then circulated on social media to terrorize members of the law enforcement community as well as members of rival gangs.” US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html.

⁴³⁸ “In the metropolitan area of Port-au-Prince, gangs continued to target residents living in areas under rival gang control. For example, in Cité Soleil, at least 288 men, women and children were killed or injured [176 killed and 112 injured] by sniper fire when they tried to access or exit their neighborhoods.” BINUH, *Human Rights Situation: Main Trends*, 1 September 2023, https://binuh.unmissions.org/sites/default/files/human_rights_situation_in_haiti_quarterly_report_april_-_june_2023_0.pdf, p. 3. See also, *Section II.B.2*.

⁴³⁹ “In July 2022, conflicts between G-Pép and G9 in Cité Soleil’s Brooklyn area led to numerous deaths and displacements. G9 deliberately blockaded access to the Brooklyn area, preventing movements of inhabitants and cutting off supply chains of basic commodities, including food and water. Sniper-style attacks further escalated the situation, resulting in malnutrition, disease outbreaks and disruptions to basic services.” UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 143. “Gangs blocked access roads in Cité Soleil, impeding ambulances and medical personnel, including from humanitarian organizations, from reaching the area, thus limiting capacity to treat and evacuate the wounded. As a result, many victims died because they could not be reached. In addition, gangs, especially those belonging to the downtown Port-au-Prince coalition, blocked the main roads connecting the Brooklyn neighbourhood of Cité Soleil with the rest of the capital, both to prevent the local population from accessing local markets and to stop goods from entering the area: a deliberate attempt to cause food insecurity and limit access to water in pursuit of territory appears to have been committed, with a view to coercing the local population to confront a rival coalition controlling the area where they lived, to help to remove the rival gangs from the territory.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 13 October 2022, S/2022/761, www.ecoi.net/en/file/local/2080457/N2263243.pdf, para. 41. See also, BINUH, *The Population of Cité Soleil in the Grip of Gang Violence*, February 2023, www.ecoi.net/en/file/local/2086931/investigative-report-human-rights-abuses-committed-gangs-zone-brooklyn-july-december-2022.pdf, paras 63-79.

⁴⁴⁰ “For example, between 11 August and 14 September [2023], at least five women living in the Carrefour-Feuilles neighborhood were raped inside their homes. One was killed and her body burned after being raped. A similar modus operandi has been documented in the Artibonite department. On 4 August [2023], during an attack by the Gran Grif gang against the population of Liancourt, three minor girls were raped in their homes.” BINUH, *Human Rights Situation: Main Trends*, 27 October 2023, https://binuh.unmissions.org/sites/default/files/2023_q3_rapport_trimestriel_droits_humains_en.pdf, p. 5. See also, UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 15 January 2024, S/2024/62, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N24/001/85/PDF/N2400185.pdf>, para. 35; UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 132 (a); BINUH and OHCHR, *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, October 2022, www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf, paras 32-53. “Gangs continued to use sexual violence, notably collective rape and mutilation, to spread fear and punish populations under the control of rivals. [...] While gangs use sexual violence as a weapon against populations living under the control of rival gangs, they also commit similar acts against women and girls living in neighborhoods under their influence.” BINUH, *Human Rights Situation: Main Trends*, 1 September 2023, https://binuh.unmissions.org/sites/default/files/human_rights_situation_in_haiti_quarterly_report_april_-_june_2023_0.pdf, p. 5. “Sexual violence, including gang rape, continues to be used by criminal groups to terrorize, control, and ‘punish’ women and girls who live in areas controlled by rival criminal groups. [...] In Cité Soleil, some criminal groups, including members of the G9 alliance, gang-rape women and girls living in neighborhoods controlled by the G-Pép federation to instill fear, as part of their effort to gain control of the area. Other groups use sexual violence as a form of control to demonstrate that they are the new authority in areas where they previously had no presence, and still others use it as punishment for residents who oppose their presence in the neighborhoods.” HRW, *“Living a Nightmare”: Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, pp. 19-20.

⁴⁴¹ UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, paras 129-30; UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, S/2022/481, 13 June 2022, www.ecoi.net/en/file/local/2074533/N2237155.pdf, para. 36; BINUH and OHCHR, *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, October 2022, www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf, para. 5, see also paras 35-38.

⁴⁴² “Women, girls and boys of all ages, as well as to a lesser extent men, have been victims of ruthless sexual crimes. Children as young as 10 and elderly women were subjected to collective rapes for hours in front of their parents or children by more than half a dozen armed elements during attacks against their neighborhoods. Viewed as enemies for their real or perceived support to rival gangs, or for the simple fact of living in the same areas as those rival gangs, some of these victims were mutilated and executed after being raped.” BINUH and OHCHR, *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, October 2022, www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf, para. 5. “Several survivors recounted their assailants explicitly said the survivors were being raped as ‘punishment’ or to be ‘hurt’ for living in areas under G-9 control. All survivors recounted being severely beaten and collectively raped; several survivors stated armed gang members executed the survivors’ husbands and partners in front of them before raping the survivor.” US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html. See also, BINUH, *The Population of Cité Soleil in the Grip of Gang Violence*, February 2023, www.ecoi.net/en/file/local/2086931/investigative-report-human-rights-abuses-committed-gangs-zone-brooklyn-july-december-2022.pdf, para. 50; The New Humanitarian, *Surge in Use of Rape Against Women and Rivals by Haiti Gangs*, 14 November 2022, www.thenewhumanitarian.org/investigation/2022/11/14/Haiti-gang-violence-women-gender-based-violence-war-humanitarian-needs.

or recordings of the acts to humiliate them and to spread fear among other persons living in the area.⁴⁴³ Incidents of sexual violence are likely underreported due to a fear of punishment or retaliation, also because State authorities have reportedly demonstrated a weak response to sexual violence committed by gang members.⁴⁴⁴ Reportedly, partners, relatives and persons affiliated with gang members have also been subjected to sexual violence by rival gangs.⁴⁴⁵

Gangs also coerce and forcibly recruit children to join or work for them, with many children being unable to resist such recruitment or leave the gangs due to a fear of retaliation against them or their families.⁴⁴⁶

b) Supporters of Self-Defence Groups or the Bwa Kale Movement

As noted in Section II.C.4, attacks against gang members by vigilante and self-defence groups have increased during 2023 as part of the Bwa Kale movement.⁴⁴⁷ In retaliation, gangs have actively and increasingly targeted members of self-defence movements, also by forming the opposing Zam Pale movement.⁴⁴⁸ With the increase and geographical expansion of self-defence groups in Haiti, gangs have increasingly attacked areas with (suspected) self-defence activities and killed persons (allegedly) affiliated with self-defence groups, as well as their family members.⁴⁴⁹ On 19 April 2023, gang members attacked a neighbourhood in Source-Matelas and killed an estimated 100 civilians to punish them for organizing a self-defence group.⁴⁵⁰

⁴⁴³ “As recounted by several victims and eyewitnesses, the brutality with which gang elements committed these acts of sexual violence points to a clear intention to inflict severe pain and to punish those considered to be supportive of the rival group or who simply live in the area under the control of the latter.” BINUH and OHCHR, *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, October 2022, www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf, paras 28, 33-34.

⁴⁴⁴ UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 13 June 2022, S/2022/481, www.ecoi.net/en/file/local/2074533/N2237155.pdf, para. 36. See also, Health Policy Watch, *Haitian Gangs Use Rape as Weapon of Terror – And There is Little Support for Survivors*, 30 June 2023, <https://healthpolicy-watch.news/haitian-gangs-use-rape-as-weapon-of-control/>; The Guardian, *‘Women’s Bodies Weaponized’: Haiti Gangs Use Rape in Spiraling Violence*, 14 November 2022, www.theguardian.com/world/2022/nov/14/haiti-gangs-violence-women-rape. “Sexual violence remains severely underreported owing to community stigma, limited police resources and the threat of retaliation by perpetrators. Even when such incidents are reported, prosecution rarely follows.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 15 January 2024, S/2024/62, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N24/001/85/PDF/N2400185.pdf>, para. 35.

⁴⁴⁵ BINUH and OHCHR, *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, October 2022, www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf, para. 34. For instance, the RNDDH reports that in April 2022, the 400 Mawozo gang attacked seventeen young women accused of being part of the so-called Koko Fè group, allegedly affiliated with the rival Chen Mechan gang. Some of the women were reportedly raped, and all seventeen were murdered before being thrown into water wells and latrines. RNDDH, *Carnage at la Plaine du Cul-de-Sac: The Survivors Demand the Support of the Authorities*, 27 June 2022, <https://web.rnddh.org/wp-content/uploads/2022/07/8-Rap-2-Plaine-du-Cul-de-Sac-26Jun2022-VS-ENG.pdf>, para. 134.

⁴⁴⁶ On forced recruitment of children, see Section III.A.6.b.

⁴⁴⁷ OHCHR, *Deepening Violence in Haiti*, 10 October 2023, www.ohchr.org/en/statements-and-speeches/2023/10/deepening-violence-haiti.

⁴⁴⁸ In May 2023, gang leaders began threatening the population with retaliation in videos posted on social networks. Johnson André (alias Izo), who leads the 5 Seconds gang, declared the launch of the Zam Pale (‘Let the Weapons Speak’) movement. France 24, *Fed Up With Gang Violence, Haitians Are Taking the Law Into Their Own Hands*, 16 May 2023, <https://observers.france24.com/en/tv-shows/the-observers/20230516-fed-up-with-gang-violence-haitians-are-taking-the-law-into-their-own-hands>. See also, UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, paras 61-62; ICG, *Haitians Turn to Mob Justice as the Gang Threat Festers*, 3 July 2023, www.ecoi.net/en/document/2094837.html.

⁴⁴⁹ On 14 August 2023, five men and two women from the same family were reportedly burned alive when their home in Carrefour-Feuilles was set on fire by the Grand Ravine gang because they supported a local self-defence group. Haiti Libre, *Haiti - Insecurity : Dead, Injured Kidnappings the Daily Hell of Haitians*, 21 August 2023, www.haitilibre.com/en/news-40308-haiti-insecurity-dead-injured-kidnappings-the-daily-hell-of-haitians.html. On the same day, members of the Grand Ravine gang shot a local municipal representative, his wife and child in their house in the Decayette neighbourhood of Port-au-Prince. The family was also said to have been killed in retaliation because the representative allegedly supported a local self-defence group. The Grand Ravine gang had been targeting the Decayette and Savanne Pistache neighbourhoods since July 2023, with intensifying violence between 11 and 15 August, when they reportedly killed or injured 28 people (including two police officers associated with the self-defence movement) and looted or burned at least 50 homes. OHCHR, *Haiti: Deaths and Injuries Amid Gang Violence*, 18 August 2023, www.ohchr.org/en/press-briefing-notes/2023/08/haiti-deaths-and-injuries-amid-gang-violence. In April 2023, members of the G-Pep coalition (from the Canaan, Kraze Baryè and Village de Dieu gangs) carried out coordinated violent attacks in Source Matelas (Cabaret) and Meyotte (Pétion-Ville) to create panic and to divert anti-gang operations of the police. The attackers shot residents who were trying to flee in their homes and on the streets. Reportedly, at least 31 persons were targeted specifically for belonging to a local self-defence group in Source Matelas. BINUH, *Human Rights Situation: Main Trends*, 1 September 2023, https://binuh.unmissions.org/sites/default/files/human_rights_situation_in_haiti_quarterly_report_april_-_june_2023_0.pdf, pp. 3-4. “Civilians have already been targeted because of their support for self-defence groups.” GCR2P, *R2P Monitor (Issue 66)*, 1 September 2023, https://reliefweb.int/attachments/9f79cf94-f481-4a5e-8ff4-8095ad1a0e84/GCR2P_Monitor_Sept2023_Final.pdf, p. 30.

⁴⁵⁰ ICG, *Haitians Turn to Mob Justice as the Gang Threat Festers*, 3 July 2023, www.ecoi.net/en/document/2094837.html.

c) Police Officers

According to the RNDDH, “agents of the National Police of Haiti (PNH), abandoned by the state authorities, seem to be the privileged target of armed gangs”.⁴⁵¹ Gangs in Haiti frequently target police officers in violent attacks, including kidnappings and killings.⁴⁵² There have also been incidents in which gangs have targeted the relatives of police officers in attacks.⁴⁵³ Gangs also frequently attack police stations for the purposes of extortion or looting, or to expand their control.⁴⁵⁴

Targeted killings of police officers by gangs have led to protests by police officers and the wider population, to which gangs have responded with further violence.⁴⁵⁵ Gang violence and the targeting of police officers have led to a significant spike in resignations and post abandonment.⁴⁵⁶

d) Human Rights Defenders

Human rights defenders, NGOs and civil society organizations, especially those reporting on human rights abuses committed by gangs, are targeted by gangs with threats, violent attacks and

⁴⁵¹ RNDDH, *RNDDH Position on the Serial Murders of PNH Officers*, 26 January 2023, <https://web.mddh.org/wp-content/uploads/2023/01/2-RapM-PNH-Insecurite-26Jan2023-ENG.pdf>, para. 2. Based on consultations with Défenseurs plus, the IRB Canada lists police officers and their family members among those more frequently targeted by gang violence. IRB, *Haiti: Security Situation and Criminality, Including Major Criminal Groups and How They Are Organized, Activities and Areas of Influence, Including Outside Port-au-Prince (August 2022–January 2023)*, 12 June 2023, www.ecoi.net/en/document/2095446.html.

⁴⁵² At least 54 police officers were reportedly killed by gangs in 2022 alone. The Guardian, *Haitian Cops are Poorly Paid and Outgunned – and Part of the Problem*, 2 February 2023, www.theguardian.com/world/2023/feb/02/haiti-cops-outgunned-gangs. “From 1 January to 30 September, 40 police officers were killed (23 on-duty; 17 off-duty), and 55 were wounded (43 on-duty; 12 off-duty).” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, para. 17. In January 2023 alone, eighteen police officers were targeted in violent attacks by gangs. Of these, fourteen were murdered, two were shot in raids against them by gunmen, and another two were reported missing. Reportedly, incidents have increased following the assassination of president Moïse in 2021, with 78 police officers, an average of five per month, killed between 20 July 2021 and 26 January 2023. RNDDH, *RNDDH Position on the Serial Murders of PNH Officers*, 26 January 2023, <https://web.mddh.org/wp-content/uploads/2023/01/2-RapM-PNH-Insecurite-26Jan2023-ENG.pdf>, paras 3, 5. According to the US Department of State, the HNP has been increasingly targeted by gangs following the formation of the G9 alliance. US Department of State, *2021 Country Reports on Human Rights Practices: Haiti*, 12 April 2022, www.ecoi.net/en/document/2071140.html. See also, Haiti Libre, *Haiti - FLASH : 18 Police Officers Victims of Armed Gangs in 16 Days*, 27 January 2023, www.haitilibre.com/en/news-38710-haiti-flash-18-police-officers-victims-of-armed-gangs-in-16-days.html.

⁴⁵³ Haiti Libre, *The Family of an Police Officer Kidnapped*, 29 September 2022, www.haitilibre.com/en/news-37766-haiti-news-zapping.html. During an offensive by the Canaan gang in January and February 2023 in Croix-des-Bouquets, residents reported that gang members were looking for police officers and their relatives. One resident stated that two homes belonging to police officers and their families were set on fire. HRW, *Living a Nightmare: Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, pp. 41, 43-44.

⁴⁵⁴ As of October 2023, “412 police buildings, 45, including corrections facilities, were non-operational, under the direct control of armed gangs or had been subjected to repeated attacks.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, para. 17. See also, UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 15 January 2024, S/2024/62, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N24/001/85/PDF/N2400185.pdf>, paras 14-16; UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 4. “Gangs impose tariffs on their territory with impunity, including the extortion of police stations, and have been reported freely using police-owned equipment such as armored vehicles.” Carleton University, *2023 Haiti Fragility Brief*, 15 January 2023, <https://carleton.ca/cif/wp-content/uploads/Haiti-Fragility-Brief-2023.pdf>, p. 4.

⁴⁵⁵ In January 2023, former police officers in Port-au-Prince (allegedly members of the Fantom 509 group) protested the serial killing of police officers by gangs. More than a hundred protestors allegedly obstructed main roads, fired guns into the air, and forcefully entered the capital's airport and the prime minister's residence. Gangs had reportedly killed 12 police officers in the area over a period of five days and circulated footage of the attacks on social media – for instance depictions of nude and bleeding bodies of six men lying on the ground with their guns placed on their chests, or a video of two masked individuals smoking cigarettes using the dismembered hands and feet of the deceased men. BINUH, *Human Rights Situation: Main Trends*, 9 May 2023, <https://reliefweb.int/report/haiti/human-rights-situation-main-trends-quarterly-report-january-march-2023>, p. 4; CBS News, *Haitian Gangs' Gruesome Murders of Police Spark Protests as Calls Mount for U.S., Canada to Intervene*, 27 January 2023, www.cbsnews.com/news/haiti-news-airport-protest-ariel-henry-gangs-murder-police/. “Civil unrest erupted between 25 January and 3 February [2023] in Port-au-Prince (West Department), Gonaïves (Artibonite Department), Les Cayes (South Department) and Cap-Haïtien (North Department) after 11 police officers were killed in two separate incidents involving armed gangs, on 20 January in Pétienville (West Department) and on 25 January in Liancourt (Artibonite Department). A number of protestors instigated violent demonstrations, often accompanied by gunfire, roadblocks and burning barricades. The demonstrations brought much of the country to a standstill, leading to the closure of businesses and schools.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 14 April 2023, S/2023/274, www.ecoi.net/en/file/local/2091678/N2309343.pdf, para. 18.

⁴⁵⁶ “Efforts to maintain the size and capacity of the national police are undermined by delays in the recruitment of new cadets and a substantial rise in police attrition, caused by resignations and post abandonment (with many officers leaving the country), dismissals, retirements and fatalities in the line of duty. During the first half of 2023, the national police lost 774 officers (77 of them women) – a staggering loss compared with an average attrition of around 400 police officers per year in the past.” UN Security Council, *Letter Dated 14 August 2023 from the Secretary-General Addressed to the President of the Security Council*, 15 August 2023, S/2023/596, <https://undocs.org/en/S/2023/596>, p. 3. “Although records show more than 14,000 Haitian police, only 3,300 are on public safety duty, according to the UN. Many police stations have been abandoned after being torched and looted by gangs. Dozens of police officers have also been violently killed or kidnapped by gang members, while more than 3,000 have left the force since 2021.” The New Humanitarian, *Haiti Gangs: Who Might Intervene, and Will it Do More Harm Than Good?*, 29 August 2023, www.thenewhumanitarian.org/analysis/2023/08/29/haiti-gangs-who-might-intervene-and-will-it-do-more-harm-good. “[T]hose with knowledge of the inner-workings of the beleaguered institution say that the job of neutralizing gangs is reserved for the specialized units of the force, and they don't even number 1,000 officers. [...] Pierre Esperance, another human rights advocate, said police sources have informed him that the number of defections is closer to 900. The number includes many skilled officers assigned to the anti-drug trafficking unit and the judicial police bureau who had U.S. and Canadian visas.” Miami Herald, *Almost 800 Cops in Haiti Have Left the Force in What the U.N. Calls a 'Staggering Loss'*, 2 September 2023, www.miamiherald.com/news/nation-world/world/americas/haiti/article278879309.html.

kidnappings.⁴⁵⁷ In the six-month period from September 2021 to February 2022, at least four human rights defenders were intimidated, threatened or kidnapped.⁴⁵⁸ Violence against human rights defenders has rarely been prosecuted or investigated.⁴⁵⁹

In light of the foregoing, UNHCR considers that persons perceived as opposing the gangs are likely to be in need of international refugee protection on the basis of a well-founded fear of persecution for reasons of their (imputed) political opinion or their membership of a particular social group, combined with a general inability of the State to provide protection from such persecution. In particular:

- a) Individuals originating from areas controlled by gangs or where gangs exert substantial influence, or areas into which gangs seek to expand, are likely to be in need of international refugee protection on the basis of a well-founded fear of persecution for reasons of their (imputed) political opinion⁴⁶⁰ or their membership of a particular social group, combined with a general inability of the State to provide protection from such persecution.
- b) Police officers deployed to areas controlled by gangs are likely to be in need of international refugee protection on the basis of a well-founded fear of persecution for reasons of their (imputed) political opinion or their membership of a particular social group, combined with a general inability of the State to provide protection from such persecution. It may be necessary to examine police officers' involvement in acts that would give rise to exclusion from international refugee protection. Family members of police officers may also be in need of international refugee protection on the basis of a well-founded fear of persecution for reasons of their (imputed) political opinion or their membership of a particular social group, combined with a general inability of the State to provide protection from such persecution.
- c) Human Rights defenders are likely to be in need of international refugee protection on the basis of a well-founded fear of persecution for reasons of their (imputed) political opinion, combined with a general inability of the State to provide protection from such persecution.

In addition, depending on the individual circumstances of the case, members of self-defence groups or the Bwa Kale movement may have a well-founded fear of persecution for reasons of their (imputed) political opinion or their membership of a particular social group. It will be necessary to examine carefully any involvement in acts that may give rise to exclusion from international refugee protection. Family members of members of self-defence groups or the Bwa Kale movement may be in need of international refugee protection on the basis of a well-founded fear of persecution for reasons of their (imputed) political opinion or their membership of a particular social group, combined with a general inability of the State to provide protection from such persecution.

⁴⁵⁷ UN Security Council, *Letter Dated 15 September 2023 from the Panel of Experts Established Pursuant to Security Council Resolution 2653 (2022) Addressed to the President of the Security Council*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, p. 135; Freedom House, *Freedom in the World 2023: Haiti*, 6 July 2023, www.ecoi.net/en/document/2094365.html; Amnesty International, *The State of the World's Human Rights: Haiti 2022*, 27 March 2023, www.ecoi.net/en/document/2089528.html; HRW, *World Report 2023: Haiti*, 12 January 2023, www.ecoi.net/en/document/2085455.html; UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 13 June 2022, S/2022/481, www.ecoi.net/en/file/local/2074533/N2237155.pdf, para. 35.

⁴⁵⁸ UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 15 February 2022, S/2022/117, www.ecoi.net/en/file/local/2068390/S_2022_117_E.pdf, para. 33.

⁴⁵⁹ HRW, *"Living a Nightmare" Haiti Needs an Urgent Rights-Based Response to an Escalating Crisis*, August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, p. 76; IRB, *Haiti: The Situation of Political Parties and the Treatment of Political Opponents, Including by Criminal Groups (2021–January 2023)*, 16 February 2023, www.ecoi.net/en/document/2088004.html; UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 15 February 2022, S/2022/117, www.ecoi.net/en/file/local/2068390/S_2022_117_E.pdf, para. 33.

⁴⁶⁰ UNHCR, *Guidance Note on Refugee Claims Relating to Victims of Organized Gangs*, 31 March 2010, www.refworld.org/docid/4bb21fa02.html, paras 45-51.

3) Judges, Prosecutors, and Lawyers Involved in the Fight Against Corruption and Crime

Judges and prosecutors face attacks, kidnapping, threats and intimidation, particularly those working on cases dealing with corruption allegations and cases involving high-profile, powerful actors.⁴⁶¹ In May 2023, a judge investigating high-profile corruption cases survived an assassination attempt in which armed individuals fired bullets at his vehicle.⁴⁶² Gangs frequently target judges, prosecutors, and lawyers, especially those working in courts located in gang-controlled areas.⁴⁶³ In April 2022, lawyers' unions protested against a lack of protection from authorities for justice workers.⁴⁶⁴

In February 2022, seven members of the Port-au-Prince Bar Association were kidnapped, and one lawyer was killed.⁴⁶⁵ A magistrate judge and a judge working on a case involving gang leaders received death threats in 2021.⁴⁶⁶ In August 2020, the President of the Port-au-Prince Bar Association was assassinated; as of September 2023, the perpetrators had yet to be brought to justice.⁴⁶⁷ Judges working on the assassination of President Moïse have faced threats of violence, leading to some judges resigning from the case; judicial officials did not receive police protection.⁴⁶⁸

UNHCR considers that certain judges, prosecutors, and lawyers, particularly those working on cases involving allegations of corruption and cases involving powerful, high-profile actors, are likely to be in need of international refugee protection on the basis of a well-founded fear of persecution for reasons of their (imputed) political opinion or their membership of a particular social group.

- ⁴⁶¹ "Judges themselves reported a fear of ruling against powerful interests due to concern for job security and personal safety." US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html. "A member of the Superior Council of Justice said powerful economic interests that employ and finance armed gangs instruct them to threaten justice officials, to block investigations." HRW, *Haitians Being Returned to a Country in Chaos; Humanitarian, Security Crisis Makes Deportations Unsafe*, 24 March 2022, www.ecoi.net/en/document/2070056.html. See also, UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 46; UN Security Council, *Letter Dated 15 September 2023 from the Panel of Experts Established Pursuant to Security Council Resolution 2653 (2022) Addressed to the President of the Security Council*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 32; UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 13 June 2022, S/2022/481, www.ecoi.net/en/file/local/2074533/N2237155.pdf, paras. 35, 38.
- ⁴⁶² OHCHR, *UN Expert Concerned about Attack Against Haitian Judge Wilner Morin*, 3 August 2023, www.ecoi.net/en/document/2095651.html; UN Human Rights Council, *Press Statement by UN Human Rights Expert on Haiti William O'Neill*, 5 July 2023, <https://reliefweb.int/report/haiti/press-statement-un-human-rights-expert-haiti-william-oneill>. "Insecurity and threats have been impeding the work of many judges across the country, in particular those who are prosecuting key cases related to powerful political and economic actors. [...] The extreme risk environment and lack of physical protection of judges inhibits judicial actors from conducting meaningful work and pushing for sensitive files to be prosecuted". UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 32.
- ⁴⁶³ "In Haiti, threatened judges have two options: to leave the country or continue with the investigation and have themselves killed for it," a member of the Superior Council of Justice, the body that manages the justice system, told Human Rights Watch. Some judges have not gone to their offices in six months for fear of kidnappings and stray bullets, several judicial sources said. "They have literally abandoned their posts, because courts are located in red zones and there is no way to protect them," a judicial authority said." HRW, *Haitians Being Returned to a Country in Chaos; Humanitarian, Security Crisis Makes Deportations Unsafe*, 24 March 2022, www.ecoi.net/en/document/2070056.html. "Gangs have unleashed a wave of violence against judges and lawyers, resulting in many courts stopping the holding of hearings or trials. The courthouse is located near a gang-dominated slum, and gangs target lawyers who go there with kidnapping or murder." ACAPS, *Haiti: Humanitarian Impact of Gang Violence*, 2 June 2023, www.acaps.org/fileadmin/Data_Product/Main_media/20230602_acaps_briefing_note_haiti_humanitarian_impact_of_gang_violence.pdf, p. 10. "During the judicial year 2021-2022 [...] [a]t least ten (10) lawyers and two (2) magistrates were kidnapped and held for ransom, shot, and murdered. [...] In the 2021-2022 judicial year, at least six (6) judicial spaces were attacked." RNDH, *Dysfunction of the Judicial and Penal Systems: RNDH Calls for Respect for Rights to a Judicial Guarantee*, 11 November 2022, <https://web.rnddh.org/wp-content/uploads/2022/11/12-Rap-Justice-Prisons-11Nov2022-ENG.pdf>, paras 1, 3, 60, see also paras 61-70.
- ⁴⁶⁴ UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 13 June 2022, S/2022/481, www.ecoi.net/en/file/local/2074533/N2237155.pdf, para. 27.
- ⁴⁶⁵ France 24, *Lawyers Fed Up of Paralyzed Judicial System in Haiti*, 9 April 2022, www.france24.com/en/live-news/20220409-lawyers-fed-up-with-paralyzed-judicial-system-in-haiti.
- ⁴⁶⁶ "In northwestern Artibonite, the leader of the gang 'kokorat san ras,' nicknamed 'General Meyer,' threatened to kill a judge conducting an investigation involving several gang leaders. The gang has already killed two informants, one of whom was the judge's cousin." Insecurity Insight, *Haiti Situation Report: Gang-Related Political Violence and Kidnappings*, January 2022, <https://reliefweb.int/sites/reliefweb.int/files/resources/Haiti-Vigil-Insight-Gang-related-political-violence-and-kidnappings-January-2022.pdf>, p. 2. See also, Haiti Libre, *Haiti - FLASH : Judge Louima Louidor Next Target of «General Meyer»*, 28 December 2021, www.haitilibre.com/en/news-35583-haiti-flash-judge-louima-louidor-next-target-of-general-meyer.html; UN General Assembly, *Summary of Stakeholders' Submissions on Haiti: Report of the Office of the United Nations High Commissioner for Human Rights*, 22 November 2021, A/HRC/WG.6, 40/HTI/3, www.ecoi.net/en/file/local/2065974/A_HRC_WG_6_40_HTI_3_E.pdf, para. 15.
- ⁴⁶⁷ UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 41; VOA, *Killing of Port-au-Prince Bar Association Chief Roils Haiti*, 11 September 2020, www.voanews.com/a/americas_killing-port-au-prince-bar-association-chief-roils-haiti/6195778.html.
- ⁴⁶⁸ Freedom House, *Freedom in the World 2023: Haiti*, 6 July 2023, www.ecoi.net/en/document/2094365.html; US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html; HRW, *World Report 2023: Haiti*, 12 January 2023, www.ecoi.net/en/document/2085455.html; HRW, *Haitians Being Returned to a Country in Chaos; Humanitarian, Security Crisis Makes Deportations Unsafe*, 24 March 2022, www.ecoi.net/en/document/2070056.html.

4) Journalists and Media Workers

The 1987 Constitution protects freedom of expression and freedom of the press.⁴⁶⁹ However, journalists are regularly targeted for threats and violence by both State and non-State actors.⁴⁷⁰ Haiti was the second deadliest country in the world for journalists in 2022, with at least seven journalists killed and multiple others kidnapped, most in Port-au-Prince and the surrounding area.⁴⁷¹ Between January and April 2023, at least four killings of journalists were reported.⁴⁷²

Gangs in Haiti have increasingly threatened, attacked, kidnapped and killed journalists covering gang violence and civil unrest since the assassination of President Jovenel Moïse in 2021.⁴⁷³ For example, in January 2022, suspected gang members shot and burned to death journalists Wilguens Louissaint and Amady John Wesley, who had been travelling to Laboule in Port-au-Prince to report on escalating tensions.⁴⁷⁴ In September 2022, gang members fired on a group of journalists covering violence in Cité Soleil, killing two journalists whose bodies were reportedly subsequently burnt.⁴⁷⁵ In October 2022, gunmen ambushed Roberson Alphonse, a journalist, in what the Ministry of Culture and Communication

⁴⁶⁹ The Constitution states that journalists should not be subjected to censorship nor forced to reveal their sources, and only allows for “authorization or censorship” in times of war. Republic of Haiti, *Constitution de la République d’Haïti*, 1987, www.refworld.org/docid/3ae6b5490.html, Article 28.

⁴⁷⁰ Freedom House, *Freedom in the World: Haiti*, 6 July 2023, www.ecoi.net/en/document/2094365.html. “[...] le RSLE reçoit régulièrement des informations sur la persistance d’attaques et de menaces contre les travailleurs de la presse en Haïti. Selon l’information reçue par le Rapporteur, entre 2019 et 2021, plusieurs attaques ont été enregistrées contre les journalistes, lesquelles attaquent proviendraient tant des sphères gouvernementales que de groupes armés”. IACHR, *Situation des Droits Humains en Haïti*, 30 August 2022, www.oas.org/fr/cidh/rapports/pays/2022_Informe_Haiti_FR.pdf, para. 12. See also, VOA, *Vulnerable to Attack, Haitian Journalists Flee*, 8 September 2023, www.voanews.com/a/vulnerable-to-attack-haitian-journalists-flee/7260369.html; CPJ, *Reporters in Haiti Flee Gang Violence Surge in Capital’s Carrefour Feuilles Neighborhood*, 6 September 2023, <https://cpj.org/2023/09/reporters-in-haiti-flee-gang-violence-surge-in-capitals-carrefour-feuilles-neighborhood/>. The Panel of Experts expressed concern in September 2023 over “[v]iolations against journalists and human rights defenders”, noting “the increasing attacks on journalists (six kidnapped and three killed so far this year) and human rights advocates.” UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, p. 135.

⁴⁷¹ Inter-American Press Association (IAPA), *A Journalist Was Attacked while Covering a Protest in the Haitian Capital*, 11 August 2023, <https://en.sipiapa.org/notas/1216066-a-journalist-was-attacked-while-covering-protest-in-the-haitian-capital>; International Federation of Journalists (IFJ), *2022 Killed List*, 7 February 2023, www.ifj.org/fileadmin/user_upload/IFJ_2022_Killed_List.pdf, pp. 14-16; University of Oxford, *The Most Dangerous Place to Be a Journalist Is Not an Active War Zone but Latin America*, 17 January 2023, <https://reutersinstitute.politics.ox.ac.uk/news/most-dangerous-place-be-journalist-not-active-war-zone-latin-america>; International Press Institute (IPI), *66 Journalists Killed in 2022 amid Decline in Press Safety*, 29 December 2022, <https://ipi.media/66-journalists-killed-in-2022-amid-decline-in-press-safety/>.

⁴⁷² The Guardian, *Two More Journalists Killed in Haiti as Gang Violence Continues to Rage*, 28 April 2023, www.theguardian.com/world/2023/apr/28/journalists-killed-haiti.

⁴⁷³ “CPJ has documented an uptick in the number of journalists who have been attacked or abducted in Haiti amid the political chaos and violence following the July 2021 assassination of President Jovenel Moïse.” CPJ, *Haitian Radio Journalist’s Home Destroyed in Arson Attack*, 31 August 2023, <https://cpj.org/2023/08/haitian-radio-journalists-home-destroyed-in-arson-attack/>. See also, Freedom House, *Freedom in the World: Haiti*, 6 July 2023, www.ecoi.net/en/document/2094365.html; CPJ, *Deadly Year for Journalists as Killings Rose Sharply in 2022*, 24 January 2023, <https://cpj.org/reports/2023/01/deadly-year-for-journalists-as-killings-rose-sharply-in-2022/>; GI-TOC, *Gangs of Haiti: Expansion, Power and an Escalating Crisis*, October 2022, <https://globalinitiative.net/wp-content/uploads/2022/10/GITOC-Gangs-of-Haiti.pdf>, p. 13. During 2022: “[J]ournalists stated they received threats related to their coverage of gang activities.” US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html. Gangs have also targeted property belonging to media organizations. For example, on 31 January 2022, members of a gang fired at the offices of Radio Tele Zenith, a media outlet that had previously received threats for its reporting. ACLED, *Data Export Tool*, accessed 30 August 2023, <https://acleddata.com/data-export-tool/>. In July 2023, “the independent broadcaster Radio Antarcique was burned down in an apparent gang attack.” VOA, *Haitian Journalists at Risk from Arson, Kidnapping, Attack*, 31 July 2023, www.voanews.com/a/haitian-journalists-at-risk-from-arson-kidnapping-attack/7205433.html.

⁴⁷⁴ IACHR, *Situation des Droits Humains en Haïti*, 30 August 2022, https://reliefweb.int/attachments/c0d024c7-51df-44ba-8c3d-2490c6ee3259/2022_Informe_Haiti_FR.pdf, para. 173. See also, IPI, *Haiti: Two Journalists Burned Alive by Gang Members*, 7 January 2022, <https://ipi.media/haiti-two-journalists-burned-alive-by-gang-members/>; CPJ, *Two Haitian Journalists Killed while Reporting on Gang Violence in Port-au-Prince*, 7 January 2022, <https://cpj.org/2022/01/two-haitian-journalists-killed-while-reporting-on-gang-violence-in-port-au-prince/>. According to the statement released by John Wesley Amady’s employer: “En effet, John Wesley Amady a été sauvagement abattu, puis brûlé vif, ce jeudi 6 janvier 2022 à Boule 12, par des bandits armés”. Radio Ecoute FM, *Communiqué de presse*, 7 January 2022, www.facebook.com/radioecoutefm/photos/a.140576060146281/1014961392707739/.

⁴⁷⁵ “Latigue and Charles had traveled to the neighborhood with five other journalists, who survived the attack, to interview the parents of a girl, age 17, killed by armed groups on September 10. There were no allegations of government involvement.” US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.state.gov/reports/2022-country-reports-on-human-rights-practices/haiti/. See also, The Guardian, *No One Will Protect Us’: How Haiti Has Become Deadly for Journalists*, 12 December 2022, www.theguardian.com/world/2022/dec/12/haiti-journalist-deaths-police-violence.

later called an “assassination attempt”.⁴⁷⁶ Gangs have continued to kill, kidnap and attack journalists in 2023.⁴⁷⁷

Additionally, police have confiscated and broken equipment and physically assaulted journalists particularly in the context of ongoing protests.⁴⁷⁸ According to Louis-Henri Mars, the director of the non-profit organization Lakou Lapè, police have attempted to stop media coverage of demonstrations to “cut off the oxygen to protests and clear people off the street”.⁴⁷⁹ On several occasions, journalists covering protests have been killed or harmed due to the excessive use of force by police.⁴⁸⁰ For example, photojournalist Maximilien Lazard was killed, and two other journalists were injured when police fired into the crowd of a textile worker protest in February 2022 from a passing police vehicle.⁴⁸¹ In October 2022, journalist Romelson Vilcin died after being hit in the head with a tear gas canister during a

⁴⁷⁶ “Le Ministère de la Culture et de la Communication a appris avec effroi la nouvelle de la tentative d’assassinat perpétrée tôt ce mardi 25 octobre 2022, à Delmas 40B, contre la personne du journaliste de carrière, M. Roberson Alphonse, alors qu’il se rendait sur son lieu de travail à Magik9.” Haiti: Ministère de la Communication, *Note de Presse*, 25 October 2022, <https://communication.gouv.ht/2022/10/note-de-presse-6/>. See also, Le Nouvelliste, *Roberson Alphonse échappe à une tentative d’assassinat, émotions et réactions*, 26 October 2022, <https://lenouvelliste.com/article/238679/roberson-alfonse-echappe-a-une-tentative-dassassinat-emotions-et-reactions>; CPJ, *Haitian Journalist Roberson Alphonse Survives Shooting Attack in Port-au-Prince, Missing Radio Host Found Dead in Les Cayes*, 26 October 2022, <https://cpj.org/2022/10/haitian-journalist-roberson-alfonse-survives-shooting-attack-in-port-au-prince-missing-radio-host-found-dead-in-les-cayes/>; Le P’tit Journal Haiti, *Cayes-Nécrologie: Découverte du Corps Inerte du Journaliste Garry TESS*, 26 October 2022, <https://leptitjournalhaiti.com/cayes-necrologie-decouverte-du-corps-inerte-du-journaliste-garry-tess/>.

⁴⁷⁷ IAPA, *Gang Violence Directly Affects a Dozen Journalists in Haiti*, 7 September 2023, <https://en.sipiapa.org/notas/1216097-gang-violence-directly-affects-dozen-journalists-in-haiti>; VOA, *Haitian Journalists at Risk from Arson, Kidnapping, Attack*, 31 July 2023, www.voanews.com/a/haitian-journalists-at-risk-from-arson-kidnapping-attack/7205433.html; IAPA, *A Journalist Was Attacked while Covering a Protest in the Haitian Capital*, 11 August 2023, <https://en.sipiapa.org/notas/1216066-a-journalist-was-attacked-while-covering-protest-in-the-haitian-capital>; UNESCO, *Director-General Condemns Killing of Journalist Ricot Jean in Haiti*, 2 May 2023, www.unesco.org/en/articles/director-general-condemns-killing-journalist-ricot-jean-haiti; CPJ, *Radio Journalist Dumesky Kersaint Shot and Killed in Haiti*, 27 April 2023, <https://cpj.org/2023/04/radio-journalist-dumesky-kersaint-shot-and-killed-in-haiti/>. A rash of kidnappings occurred in the first six months of 2023, including multiple journalists. However, it was not always clear if the kidnappings were in retaliation for their reporting. A ransom was frequently demanded from relatives. CPJ, *Haitian Radio Reporter Blondine Tanis Kidnapped amid Wave of Abductions*, 26 July 2023, <https://cpj.org/2023/07/haitian-radio-reporter-blondine-tanis-kidnapped-amid-wave-of-abductions/>. In July 2023, a former politician and the owner of a prominent television channel was kidnapped, shortly after his wife had also been abducted and released. He was freed two months later. Le Nouvelliste, *Libération de Pierre Louis Opont après deux mois de séquestration*, 28 August 2023, <https://lenouvelliste.com/article/244132/liberation-de-pierre-louis-opont-apres-deux-mois-de-sequestration>.

⁴⁷⁸ “On July 20, reporters Daniel Lamartinière, from the Vant Bèf info portal, and Jameson Jean Baptiste, from JB Média, were beaten by a police officer while covering a demonstration in the Haitian capital against the government of current Prime Minister Ariel Henry.” IAPA, *A Journalist Was Attacked while Covering a Protest in the Haitian Capital*, 11 August 2023, <https://en.sipiapa.org/notas/1216066-a-journalist-was-attacked-while-covering-protest-in-the-haitian-capital>. See also, The Guardian, *‘No One Will Protect Us’: How Haiti Has Become Deadly for Journalists*, 12 December 2022, www.theguardian.com/world/2022/dec/12/haiti-journalist-deaths-police-violence. “Police violence against journalists has become frequent as Henry’s government – with little military force or constitutional legitimacy – has lost control to the heavily armed gangs. [...] Attacking journalists has become a ‘tragically common’ tactic under Henry to silence criticism and quell discontent, Mérancourt said.” The Guardian, *‘No One Will Protect Us’: How Haiti Has Become Deadly for Journalists*, 12 December 2022, www.theguardian.com/world/2022/dec/12/haiti-journalist-deaths-police-violence.

⁴⁷⁹ The Guardian, *‘No One Will Protect Us’: How Haiti Has Become Deadly for Journalists*, 12 December 2022, www.theguardian.com/world/2022/dec/12/haiti-journalist-deaths-police-violence.

⁴⁸⁰ “Protests remained volatile, dangerous environments for journalism, and [during 2022] two journalists – Maxiben Lazare and Romelson Vilcin – were killed during protests.” US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html. See also, Freedom House, *Freedom in the World: Haiti*, 6 July 2023, www.ecoi.net/en/document/2094365.html; UN Security Council, *UN Integrated Office in Haiti: Report of the Secretary-General*, 17 January 2023, S/2023/41, www.ecoi.net/en/file/local/2086289/N2301674.pdf, para. 41; The Guardian, *‘No One Will Protect Us’: How Haiti Has Become Deadly for Journalists*, 12 December 2022, www.theguardian.com/world/2022/dec/12/haiti-journalist-deaths-police-violence. “[Journalist Daniel Lamartinière] suffered injuries to one eye in February 2022 after police officers fired tear gas, lethal bullets, and rubber bullets when the march he was about to cover ‘had not even started’.” IAPA, *A Journalist Was Attacked while Covering a Protest in the Haitian Capital*, 11 August 2023, <https://en.sipiapa.org/notas/1216066-a-journalist-was-attacked-while-covering-protest-in-the-haitian-capital>.

⁴⁸¹ Witnesses attributed the actions to the police, with several sources saying that the shots came from a police vehicle. CPJ, *Maximilien Lazard*, accessed 19 September 2023, <https://cpj.org/data/people/maximilien-lazard/>; CIVICUS, *Protests over Labour Rights, Insecurity and Political Crisis in Haiti*, 4 April 2022, <https://monitor.civicus.org/explore/protests-over-labour-rights-insecurity-and-political-crisis-haiti/>; Reuters, *Haiti Police Open Fire on Demonstrators, One Journalist Killed*, 24 February 2022, www.reuters.com/world/americas/haiti-police-open-fire-demonstrators-one-journalist-killed-2022-02-23/. “On February 21, while covering a textile workers’ protest, photojournalist Maxiben Lazare was killed when men in uniforms drove past the protest and fired into the crowd. Two other journalists and a factory worker were injured. The HNP inspector general opened an investigation into the incident, but at year’s end, there was no resolution to the investigation, and the perpetrator(s) had yet to be identified.” US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html. “Lazard was reporting on a demonstration in the capital Port-au-Prince, where hundreds of Haitians gathered to call for a higher minimum wage than the government approved earlier that week. A passing police vehicle fired at protesters and hit Lazard, who succumbed to his wounds at a hospital later that day.” IPI, *Maximilien Lazard, Haiti*, 23 February 2022, <https://ipi.media/deaths/lazarre-maxihen-haiti/>.

protest by at least twelve journalists over the detention of journalist Robest Dimanche at the Delmas 33 police station in Port-au-Prince.⁴⁸²

Impunity for crimes committed against journalists is widespread.⁴⁸³ Investigations mostly result in little or no progress towards prosecutions.⁴⁸⁴ According to the head of the Latin America bureau for Reporters Without Borders (RSF), the “almost total impunity for murders and disappearances of journalists in Haiti is behind this vicious cycle [of violence] afflicting the media”.⁴⁸⁵ Many journalists self-censor for fear of being targeted by gangs or by the authorities, including on topics only tangentially related to gang-violence or civil unrest.⁴⁸⁶ In 2021, one journalist in Port-au-Prince explained that he avoided wearing press credentials in his neighbourhood or reporting on violence in his area due to the risk of retaliation.⁴⁸⁷

In light of the foregoing, UNHCR considers that journalists who report on gangs, including gang violence and insecurity, or who report critically on the government are likely to be in need of international refugee protection on the basis of a well-founded fear of persecution for reasons of their (imputed) political opinion or their membership of a particular social group. Other journalists and media workers may be in need of international refugee protection on the basis of a well-founded fear of persecution for reasons of their (imputed) political opinion, depending on the circumstances of the case. When the persecutor is a non-State actor, UNHCR considers there is a general inability of the State to provide protection from such persecution.

⁴⁸² “On October 30, a group of at least a dozen journalists, including Vilcin, gathered outside the Delmas 33 police substation in the capital, Port-au-Prince, to call for the release of detained journalist Robest Dimanche, according to news reports. CPJ was not able to immediately determine whether Vilcin was among other journalists who were documenting the protest or if he was participating in the demonstration. Members of the Haitian National Police beat and fired tear gas at the protesters as they tried to enter the station, and a canister hit Vilcin in the head and killed him [...]. At least five other journalists were injured during the police response to the protest, and police confiscated equipment from several journalists”. CPJ, *Haitian Journalist Romelson Vilcin Killed During Demonstration at Police Station*, 11 November 2022, <https://cpj.org/2022/11/haitian-journalist-romelson-vilcin-killed-during-demonstration-at-police-station/>. See also, Civicus, *Haitian Journalists Faced with Spiralling Violence*, 29 December 2022, <https://monitor.civicus.org/explore/haitian-journalists-faced-spiralling-violence/>. Robest Dimanche stated after his release that the police had mistreated him, and that one officer had suggested executing him in Cité Soleil. Le Nouvelliste, *Mort de Romelson Vilcin: des journalistes dénoncent la brutalité policière*, 31 October 2022, <https://lenouvelliste.com/article/238772/mort-de-romelson-vilcin-des-journalistes-dennoncent-la-brutalite-policiere>.

⁴⁸³ Freedom House, *Freedom in the World: Haiti*, 6 July 2023, <https://freedomhouse.org/country/haiti/freedom-world/2023>. “The United Nations has described the judicial system of the country as suffering from ‘grave structural weaknesses’. [Raoul Junior Lorfils, a journalist in Port-au-Prince] describes Haiti’s justice system as ‘almost non-existent,’ which exacerbates the issue of impunity. ‘One of the main reasons journalists continue to be killed in the country is because those who are behind these actions don’t fear anything from the justice system’”. University of Oxford, *The Most Dangerous Place to Be a Journalist Is Not an Active War Zone but Latin America*, 17 January 2023, <https://reutersinstitute.politics.ox.ac.uk/news/most-dangerous-place-be-journalist-not-active-war-zone-latin-america>.

⁴⁸⁴ According to civil society groups and the Port-au-Prince Ombudsman’s office, “there has been little or no progress on investigations or prosecutions in most cases of large-scale killings and other serious human rights abuses by criminal groups in recent years, including [...] journalists.” HRW, *“Living a Nightmare” Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*, 1 September 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, p. 76. See also, University of Oxford, *The Most Dangerous Place to Be a Journalist Is Not an Active War Zone but Latin America*, 17 January 2023, <https://reutersinstitute.politics.ox.ac.uk/news/most-dangerous-place-be-journalist-not-active-war-zone-latin-america>; France 24, *Haitian Journalist, Activist Killed in Suspected Revenge Attacks in Haiti*, 1 July 2021, www.france24.com/en/americas/20210701-haitian-journalist-activist-killed-in-suspected-revenge-attacks-in-haiti.

⁴⁸⁵ Reporters Without Borders (RSF), *Two Haitian Journalists Murdered while Reporting in Port-au-Prince*, 15 September 2022, <https://rsf.org/en/two-haitian-journalists-murdered-while-reporting-port-au-prince>.

⁴⁸⁶ “[S]ome journalists resorted to self-censorship to avoid being publicly targeted by political or gang leaders.” US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html. See also, IACHR, *Situation des Droits Humains en Haïti*, 30 August 2022, https://reliefweb.int/attachments/c0d024c7-51df-44ba-8c3d-2490c6ee3259/2022_Informe_Haiti_FR.pdf, para. 12. “[J]ournalists are afraid to cover certain issues, which leaves a gap in coverage as fewer voices are willing to put their lives at risk to report. This has resulted in fewer investigative journalists in the country, which ultimately undermines the fabric of democracy and press freedom”. University of Oxford, *The Most Dangerous Place to Be a Journalist Is Not an Active War Zone but Latin America*, 17 January 2023, <https://reutersinstitute.politics.ox.ac.uk/news/most-dangerous-place-be-journalist-not-active-war-zone-latin-america>. “Lethal violence against journalists [...] creates an atmosphere of intimidation and self-censorship that, in the case of Haiti, can limit the democratic dialogue necessary to seek solutions to social, economic, political and human rights problems.” IACHR, *SRFOE Condemns the Murder of Journalists Romelo Vilsaint, Garry Tess and Fritz Dorilas, and the Attack Against Journalist Roberson Alphonse in Haiti, and Calls on the State to Clarify the Facts*, 10 November 2022, www.oas.org/en/iachr/expression/showarticle.asp?IID=1&artID=1264. “The tentacles of insecurity also reach journalists who do not report on insecurity-related issues or political news. Pierre, the editor of Symbiose, an online platform, says he has been evolving in the cultural sector since 2018. He has not covered any nightlife activity since the rise in insecurity in the Haitian capital. This decision was taken ‘in agreement with the platform’s management’.” Ayibo Post, *Insecurity Coupled with Impunity Forces Haitian Journalists to Hide Sensitive Information*, 16 March 2021, <https://ayibopost.com/insecurity-coupled-with-impunity-forces-haitian-journalists-to-hide-sensitive-information/>.

⁴⁸⁷ Ayibo Post, *Insecurity Coupled with Impunity Forces Haitian Journalists to Hide Sensitive Information*, 16 March 2021, <https://ayibopost.com/insecurity-coupled-with-impunity-forces-haitian-journalists-to-hide-sensitive-information/>.

5) Women and Girls

Haiti is a State party to the Convention on the Elimination of All Forms of Discrimination against Women.⁴⁸⁸ The Haitian Constitution provides a quota of 30 per cent for women's involvement in all levels of society and particularly in political participation.⁴⁸⁹ Neither domestic violence nor spousal rape are criminalized in Haiti.⁴⁹⁰

Gender roles remain markedly traditional in Haiti and the culture remains male-dominated, which can drive violence against women.⁴⁹¹ Sexual harassment of women is reportedly common in both schools and workplaces.⁴⁹² Women experience discrimination and lower economic, social and political participation.⁴⁹³ An estimated 27.6 per cent of girls and young women (ages 15-24) are not in school or employed in rural areas (compared to 14.9 per cent of boys and young men) and 42.8 per cent in urban areas (compared to 22.6 per cent of boys and young men), reflecting a lack of "participation in the labor market and society".⁴⁹⁴ Additionally, despite some improvements in recent years, girls continue to face barriers to access to education, including poverty, menstruation-related absenteeism due to lack of safe or sanitary spaces and early pregnancy.⁴⁹⁵ Girls in areas where gangs control territory or exert influence have less access to education.⁴⁹⁶

Women, especially in rural areas, lack access to reproductive healthcare, and Haiti continues to have the highest maternal and infant mortality rates in the Western hemisphere.⁴⁹⁷ In general, women and girls have limited access to healthcare due to "[poor] access to facilities, particularly in rural areas, inadequate provision of healthcare services, and a perceived lack of demand for local healthcare services by Haitians due to ongoing insecurity and unrest and mistrust of the healthcare system".⁴⁹⁸

⁴⁸⁸ UN Treaty Body Database, *Haiti*, accessed 15 March 2024, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=74&Lang=EN.

⁴⁸⁹ "Le principe du quota d'au moins trente pour cent (30%) de femmes est reconnu à tous les niveaux de la vie nationale, notamment dans les services publics." Republic of Haiti, *Constitution de la République d'Haiti*, 1987, www.refworld.org/docid/3ae6b5490.html, Art. 17.1. "Women did not enjoy the same social and economic status as men, despite the constitutional requirement 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." US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html.

⁴⁹⁰ US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html.

⁴⁹¹ Partners in Health, *Addressing Gender-Based Violence in Haiti*, 12 May 2023, www.pih.org/article/addressing-gender-based-violence-haiti. "Sexual and gender-based violence in Haiti is part of a systemic structure of patriarchy and inequality. It is manifested through women's limited access to education, economic opportunities and participation in the system of government and rooted in cultural norms and a history of male dominance." UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, *SI/2023/674*, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 129.

⁴⁹² "The law does not specifically prohibit sexual harassment, although the labor code states men and women have the same rights and obligations. Observers indicated sexual harassment occurred frequently." US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html. See also, World Bank, *Haiti's Untapped Potential: An Assessment of the Barriers to Gender Equality*, 25 May 2023, <https://thedocs.worldbank.org/en/doc/4b69af839b59351a5d7a245d71a57c13-0370012023/original/Full-report-Haiti-GA-EN.pdf>, p. 12.

⁴⁹³ World Bank, *Haiti's Untapped Potential: An Assessment of the Barriers to Gender Equality*, 25 May 2023, <https://thedocs.worldbank.org/en/doc/4b69af839b59351a5d7a245d71a57c13-0370012023/original/Full-report-Haiti-GA-EN.pdf>, pp. 10-11; US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html.

⁴⁹⁴ World Bank Blogs, *The Key to Ending Gender Inequality in Haiti Is Youth Empowerment*, 30 August 2023, <https://blogs.worldbank.org/latinamerica/ending-gender-inequality-haiti-youth-empowerment>. In Cité Soleil, GI-TOC found rates of unemployment among women and girls to be as high as 70 per cent, with unemployment or lack of income correlated to rates of GBV. GI-TOC, *Gang Control and Security Vacuums: Assessing Gender-Based Violence in Cité Soleil, Haiti*, May 2023, <https://globalinitiative.net/wp-content/uploads/2023/05/Gang-control-and-security-vacuums.-Assessing-gender-based-violence-in-Cité-Soleil-Haiti.-May2023.v2.pdf>, p. 14.

⁴⁹⁵ World Bank Blogs, *The Key to Ending Gender Inequality in Haiti Is Youth Empowerment*, 30 August 2023, <https://blogs.worldbank.org/latinamerica/ending-gender-inequality-haiti-youth-empowerment>. See also, Rupe, E.R., et al., *Menstrual Health among Adolescents and Young Adults in Rural Haiti*, 19 *Reproductive Health* (20 December 2022), <https://reproductive-health-journal.biomedcentral.com/articles/10.1186/s12978-022-01533-4>.

⁴⁹⁶ BINUH and OHCHR, *The Population of Cité Soleil in the Grip of Gang Violence*, February 2023, www.ecoi.net/en/file/local/2086931/investigative-report-human-rights-abuses-committed-gangs-zone-brooklyn-july-december-2022.pdf, paras 92, 94. Girls with less access to education in Cité Soleil also experience higher rates of GBV. GI-TOC, *Gang Control and Security Vacuums: Assessing Gender-Based Violence in Cité Soleil, Haiti*, May 2023, <https://globalinitiative.net/wp-content/uploads/2023/05/Gang-control-and-security-vacuums.-Assessing-gender-based-violence-in-Cité-Soleil-Haiti.-May2023.v2.pdf>, p. 13.

⁴⁹⁷ "Access to voluntary family planning, reproductive health, prenatal, neonatal, and maternity care remains a pressing concern in Haiti, as the country continues to exhibit the highest rates of maternal and infant mortality in the Western Hemisphere amid the reemergence of cholera in 2022." USAID, *Report to Congress on Access to Maternal Care in Haiti*, 2023, www.usaid.gov/sites/default/files/2023-03/LAC-2%20Access%20to%20Maternal%20Care%20in%20Haiti.pdf, p. 1. "With a lifetime risk of maternal death of 1 in 67 (in 2017), women in Haiti have the second-highest maternal mortality rate of any country in the world outside of Sub-Saharan Africa (only women in Afghanistan experience a higher rate)." World Bank, *Haiti's Untapped Potential: An Assessment of the Barriers to Gender Equality*, 25 May 2023, <https://thedocs.worldbank.org/en/doc/4b69af839b59351a5d7a245d71a57c13-0370012023/original/Full-report-Haiti-GA-EN.pdf>, p. 10.

⁴⁹⁸ USAID, *Report to Congress on Access to Maternal Care in Haiti*, 2023, www.usaid.gov/sites/default/files/2023-03/LAC-2%20Access%20to%20Maternal%20Care%20in%20Haiti.pdf, p. 1.

According to a local NGO, virginity “tests” are still performed on women in Haiti, in violation of their human rights.⁴⁹⁹

Gender-based violence (GBV) is reported to be on the rise in Haiti, driven by factors such as insecurity and rising poverty rates.⁵⁰⁰ Women and girls are also at risk of GBV after natural hazard-related disasters and in disaster-related displacement.⁵⁰¹ Overall, an estimated 29 per cent of women aged 20 to 45 experience physical violence at least once, 45 per cent of the time from an intimate partner.⁵⁰² According to Partners in Health, in the Centre Plateau and Artibonite regions between May 2022 and 2023, “2 in 10 women experienced physical violence; 3 in 10 suffered sexual violence; and 4 in 10 experienced intimate partner violence”.⁵⁰³ At least 30 per cent of women in Haiti aged 15 to 30 have experienced sexual abuse or violence.⁵⁰⁴

In a survey of 591 women and girls by GI-TOC in December 2022 in the highly gang-affected neighbourhood of Cité Soleil, 80 per cent of women reported that they had experienced some form of GBV, with a third of cases perpetrated by a stranger.⁵⁰⁵ Generally, “areas with less gang conflict registered fewer cases of GBV overall”.⁵⁰⁶ In Port-au-Prince and Artibonite, where gangs control and exert influence over large portions of the territory, sexual violence and rape, in particular collective rape, are used as weapons against women and girls.⁵⁰⁷

⁴⁹⁹ US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html. See also, UN, “Virginity Testing”: A Human Rights Violation, with No Scientific Basis – UN, 17 October 2018, <https://news.un.org/en/story/2018/10/1023401>.

⁵⁰⁰ Partners in Health, *Addressing Gender-Based Violence in Haiti*, 12 May 2023, www.pih.org/article/addressing-gender-based-violence-haiti. “Women and girls in Haiti are facing a rising tide of gender-based violence (GBV) triggered by the country’s ongoing political crisis, deteriorating security, rising poverty and Covid-19 restrictions.” Action Aid, *Meet the Women on the Frontlines of the Covid-19 Crisis and Rising Gender-Based Violence in Haiti*, 5 March 2021, <https://actonaid.org/stories/2021/meet-women-frontlines-covid-19-crisis-and-rising-gender-based-violence-haiti>. “[...] a breakdown in public safety across Port-au-Prince is a risk factor associated with increasing levels of GBV and reduces the ability to respond in an effective way.” GI-TOC, *Gang Control and Security Vacuums: Assessing Gender-Based Violence in Cité Soleil, Haiti*, May 2023, <https://globalinitiative.net/wp-content/uploads/2023/05/Gang-control-and-security-vacuums.-Assessing-gender-based-violence-in-Cité-Soleil-Haiti.-May2023.v2.pdf>, p. 3. “In the first five months of 2023, [MSF] assisted 1,005 survivors of sexual violence in Port-au-Prince – almost twice the number they registered during the same period of 2022. Michele Trainiti, MSF’s head of mission in Haiti, told The New Humanitarian that the profile of perpetrators has changed. While victims used to be predominantly assaulted by someone from their family or intimate circle, now only 20% of the perpetrators belong to that category.” Yet these numbers are still likely vastly underreported given how many survivors do not report crimes nor seek medical attention. The New Humanitarian, *‘We Can’t Find Support’: Three Women’s Stories of Repeated Rape by Haitian Gangs*, 27 June 2023, www.thenewhumanitarian.org/news-feature/2023/06/27/we-cant-find-support-three-womens-stories-repeated-rape-haitian-gangs.

⁵⁰¹ World Bank Blogs, *Women’s and Girls’ Vulnerability to Gender-Based Violence in the Aftermath of Disasters*, 26 May 2023, <https://blogs.worldbank.org/latinamerica/women-girls-gender-based-violence-aftermath-disasters-haiti>.

⁵⁰² World Bank Blogs, *How to Promote Gender-Based Violence Prevention and Services in Haiti?*, 2 March 2023, <https://blogs.worldbank.org/latinamerica/how-promote-gender-based-violence-prevention-and-services-haiti>. See also, UN Women, *Global Database on Violence against Women: Haiti*, accessed 6 November 2023, <https://evaw-global-database.unwomen.org/en/countries/americas/haiti?typeofmeasure=5690bd8cdc8946cb904effa996f8d84f#3>. “Women’s rights groups, HNP leadership, and human rights organizations reported domestic violence against women remained commonplace.” US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html.

⁵⁰³ “That’s likely an undercount.” Partners in Health, *Addressing Gender-Based Violence in Haiti*, 12 May 2023, www.pih.org/article/addressing-gender-based-violence-haiti.

⁵⁰⁴ UN, *Healing Haiti in the Face of an Increase in Sexual Violence*, 27 November 2022, <https://news.un.org/en/story/2022/11/1131042>.

⁵⁰⁵ GI-TOC, *Gang Control and Security Vacuums: Assessing Gender-Based Violence in Cité Soleil, Haiti*, May 2023, <https://globalinitiative.net/wp-content/uploads/2023/05/Gang-control-and-security-vacuums.-Assessing-gender-based-violence-in-Cité-Soleil-Haiti.-May2023.v2.pdf>, p. 3.

⁵⁰⁶ “In trying to assess violence committed by unknown assailants (as opposed to known assailants who were family or friends), the data was grouped to include multiple listed perpetrators for analysis – namely, strangers, gang members, bandits and kidnappers. Approximately 33 per cent of those who experienced a form of GBV reported an aggressor who was one of these types of perpetrators. [...] Fifty per cent of reported acts of GBV carried out by this group of perpetrators occurred in 2022, including 33 reports of rape and six reports of human trafficking. It is likely that this high percentage correlates with elevated levels of gang violence in the neighbourhoods of Cité Soleil in that year, and the use of sexual violence and rape by gangs as an act of collective violence against communities.” GI-TOC, *Gang Control and Security Vacuums: Assessing Gender-Based Violence in Cité Soleil, Haiti*, May 2023, <https://globalinitiative.net/wp-content/uploads/2023/05/Gang-control-and-security-vacuums.-Assessing-gender-based-violence-in-Cité-Soleil-Haiti.-May2023.v2.pdf>, pp. 9, 11.

⁵⁰⁷ “Sexual violence continues to be used by gangs as a weapon against the population of the Port-au-Prince metropolitan area and Artibonite.” BINUH, *Human Rights Situation: Main Trends*, 27 October 2023, https://binuh.unmissions.org/sites/default/files/2023_q3_rapport_trimestriel_droits_humains_en.pdf, p. 3. See also, BINUH, *Rapport trimestriel sur la situation des droits de l’homme en Haiti*, 1 February 2024, https://binuh.unmissions.org/sites/default/files/rapport_trimestriel_sur_la_situation_des_droits_de_lhomme_en_haiti_oct_-_dec_2023.pdf, p. 6; BINUH, *Human Rights Situation: Main Trends*, 1 September 2023, https://binuh.unmissions.org/sites/default/files/human_rights_situation_in_haiti_quarterly_report_april_-_june_2023_0.pdf, p. 3; UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 3 July 2023, S/2023/492, www.ecoi.net/en/file/local/2095017/N2318333.pdf, paras 10, 34; GI-TOC, *Gang Control and Security Vacuums: Assessing Gender-Based Violence in Cité Soleil, Haiti*, May 2023, <https://globalinitiative.net/wp-content/uploads/2023/05/Gang-control-and-security-vacuums.-Assessing-gender-based-violence-in-Cité-Soleil-Haiti.-May2023.v2.pdf>, p. 9. “The use of sexual and gender-based violence is pervasive among most gangs in Haiti; it is not merely the result of isolated incidents by rogue members, but appears to be a consistent tactic”. UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 132(c)(ii).

Gangs use sexual violence to punish persons for living under the control of rival gangs,⁵⁰⁸ to force families to pay ransom demands,⁵⁰⁹ as a way to spread fear and enforce control and to expand territory (see also [Section III.A.2](#)).⁵¹⁰ According to BINUH, “[e]very attack on neighborhoods motivated by territorial expansion is accompanied by sexual abuse.”⁵¹¹ In April 2023 alone, at least 49 women were collectively raped, seven of whom were killed afterwards, while trying to leave or enter the Brooklyn neighbourhood in Cité Soleil.⁵¹² In areas controlled by gangs, women and girls are forced into sexual relationships with gang members or enter into such relationships as a survival tactic for protection.⁵¹³ Reportedly, declining sexual advances from a gang member can result in “rape, killing and arson attacks against the victims and their families.”⁵¹⁴

There is widespread stigma concerning sexual assault and violence.⁵¹⁵ Judges, prosecutors and medical staff often blame victims for the abuse or violence they have experienced.⁵¹⁶ Many survivors do not report abuses or violence due to “social pressure, fear of retaliation, and a lack of logistical and

⁵⁰⁸ “On several occasions, perpetrators collectively raped women, girls and boys in front of their relatives after having invaded their homes or after having taken them to public spaces with the deliberate intention to inflict as much humiliation and fear as possible.” BINUH and OHCHR, *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, October 2022, www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf, para. 33. See also, BINUH, *Human Rights Situation: Main Trends*, 1 September 2023, https://binuh.unmissions.org/sites/default/files/human_rights_situation_in_haiti_quarterly_report_april_-_june_2023_0.pdf, p. 5; HRW, “*Living a Nightmare*”: *Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, p. 20. See [Section III.A.2.a](#).

⁵⁰⁹ UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 132(a); BINUH and OHCHR, *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, October 2022, www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf, paras 43-44.

⁵¹⁰ UN News, *Haiti: ‘Unimaginable Violence’ Against Women, Children, Reports UNICEF*, 7 August 2023, <https://news.un.org/en/story/2023/08/1139487>; BINUH and OHCHR, *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, October 2022, www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf, paras 3, 5, 7, 32-39. See also, HRW, “*Living a Nightmare*”: *Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, pp. 19-21.

⁵¹¹ BINUH, *Human Rights Situation: Main Trends*, 27 October 2023, https://binuh.unmissions.org/sites/default/files/2023_q3_rapport_trimestriel_droits_humains_en.pdf, p. 5. See also, HRW, “*Living a Nightmare*”: *Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, pp. 18-22.

⁵¹² UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 3 July 2023, S/2023/492, www.ecoi.net/en/file/local/2095017/N2318333.pdf, para. 34. See also, BINUH and OHCHR, *The Population of Cité Soleil in the Grip of Gang Violence*, February 2023, www.ecoi.net/en/file/local/2086931/investigative-report-human-rights-abuses-committed-gangs-zone-brooklyn-july-december-2022.pdf, paras 49-51.

⁵¹³ “[...] the team collected accounts of women and girls being coerced into becoming ‘sexual partners’ of armed elements in most gang strongholds [...] in gang-controlled areas, where poverty and unemployment prevail, women and girls may also be encouraged by their own families or friends to enter into ‘relationships’ with armed elements [...] [which] provide the girls and their families with an access to in-kind benefits, such as food and drinking water, and other material gains, as well as a sort of ‘protection’ from potential abuses committed by other individuals. For instance, engaging in this kind of relationships is perceived as a mechanism to reduce the likelihood of being raped by other members of the gang. [...] Of particular concern, however, is the fact that sexual solicitations of gang members or requests for ‘protection’ in exchange for sexual favors are rarely considered as a form of sexual violence by victims, their families and their communities, despite the obvious presence of coercion.” BINUH and OHCHR, *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, October 2022, www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf, paras 48-49. “Some [women and girls] are forced into exploitative sexual relations with gang members and face a brutal death if they refuse.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 15 January 2024, S/2024/62, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N24/001/85/PDF/N2400185.pdf>, para. 35.

⁵¹⁴ BINUH and OHCHR, *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, October 2022, www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf, para. 49. During 2022: “Armed members of the Brooklyn gang also used sexual violence to exploit young women and girls living in their neighborhood. Some of them were held and sexually abused for several weeks because they refused to enter into a relationship with these members.” BINUH and OHCHR, *The Population of Cité Soleil in the Grip of Gang Violence*, February 2023, www.ecoi.net/en/file/local/2086931/investigative-report-human-rights-abuses-committed-gangs-zone-brooklyn-july-december-2022.pdf, para. 52.

⁵¹⁵ UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 131; Partners in Health, *Addressing Gender-Based Violence in Haiti*, 12 May 2023, www.pih.org/article/addressing-gender-based-violence-haiti; BINUH and OHCHR, *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, October 2022, www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf, paras 72, 74, 83, 85.

⁵¹⁶ Partners in Health, *Addressing Gender-Based Violence in Haiti*, 12 May 2023, www.pih.org/article/addressing-gender-based-violence-haiti; BINUH and OHCHR, *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, October 2022, www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf, para. 75, see also para. 85.

financial resources”.⁵¹⁷ The GI-TOC survey in December 2022 found that only 12 per cent of survivors in Cité Soleil had filed a complaint with the authorities.⁵¹⁸ As a result, rape and sexual violence is likely more prevalent and pervasive than has been documented.⁵¹⁹

Even where survivors seek medical care or report sexual violence, fear of retaliation and stigmatization, as well as a lack of resources, often prevent survivors from pursuing necessary follow-up treatment.⁵²⁰ Medical facilities in Haiti are not equipped to deal with survivors of sexual violence and often do not have rape kits, which increases the risk of disease transmission, including HIV.⁵²¹ Services for survivors of GBV in Port-au-Prince are generally “insufficient”, while in Artibonite they are “almost non-existent”, despite increasing reports of gang-related sexual violence.⁵²²

⁵¹⁷ US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html. “Fear of stigmatisation or reprisals, as well as the lack of police presence in some neighbourhoods and shortcomings in the judicial system, often prevent victims from obtaining justice.” OCHA, *Haiti Humanitarian Response Plan: At a Glance*, 13 April 2023, <https://reliefweb.int/report/haiti/haiti-humanitarian-response-plan-2023-glance-april-2023-enht>, p. 3. “Fear of reprisals, especially if the victims are accused of informing rival groups or the police, has also been a major impediment for victims to seek medical care outside their neighborhoods.” BINUH and OHCHR, *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, October 2022, www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf, para. 67. “When the perpetrator was a stranger, most women and girls reported it would put them in danger from the gangs, including risk of death; that they did not trust the local authorities, fearing retaliation; that they did not know where or how to report; or they felt in general that there was no state presence. As one respondent put it, ‘There is no justice in Haiti.’” GI-TOC, *Gang Control and Security Vacuums: Assessing Gender-Based Violence in Cité Soleil, Haiti*, May 2023, <https://globalinitiative.net/wp-content/uploads/2023/05/Gang-control-and-security-vacuums.-Assessing-gender-based-violence-in-Cité-Soleil-Haiti.-May2023.v2.pdf>, p. 15. See also, BINUH and OHCHR, *The Population of Cité Soleil in the Grip of Gang Violence*, February 2023, www.ecoi.net/en/file/local/2086931/investigative-report-human-rights-abuses-committed-gangs-zone-brooklyn-july-december-2022.pdf, para. 54.

⁵¹⁸ “A small group from those who reported to authorities stated whether they were satisfied with the authorities’ decision following their complaint, with slightly more saying that they were satisfied with the response (54 per cent) than those expressing disappointment (36 per cent).” GI-TOC, *Gang Control and Security Vacuums: Assessing Gender-Based Violence in Cité Soleil, Haiti*, May 2023, <https://globalinitiative.net/wp-content/uploads/2023/05/Gang-control-and-security-vacuums.-Assessing-gender-based-violence-in-Cité-Soleil-Haiti.-May2023.v2.pdf>, pp. 15-16. “Crimes related to sexual and gender-based violence remain largely underreported owing to stigma, fear of retaliation and limited access to essential services. The prevailing lack of rule of law and rampant impunity further exacerbate the issue [...]. Accurate data on rape incidents are elusive owing to significant underreporting and varied data collection methods by different organizations.” UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 131.

⁵¹⁹ UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 131. “However, underreporting is significant, and no state or nonstate entity keeps track of the total number of cases.” HRW, *Living a Nightmare: Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, p. 21. According to Michele Trainiti, MSF’s head of mission in Haiti, the “trend is increasing, but we don’t have access everywhere in Haiti, and the patients also have challenges in accessing our services [...]. Our data has to be taken only as the tip of the iceberg; it does not reflect the extent of the needs, which are way higher.” The New Humanitarian, *‘We Can’t Find Support’: Three Women’s Stories of Repeated Rape by Haitian Gangs*, 27 June 2023, www.thenewhumanitarian.org/news-feature/2023/06/27/we-cant-find-support-three-womens-stories-repeated-rape-haitian-gangs.

⁵²⁰ “The team was also informed that insecurity, fear of stigmatization and/or lack of money to pay for transportation prevent many survivors from returning to healthcare centers after their initial visit to complete their treatments or for follow-up care. In most cases, health service providers do not have the means either to trace patients for follow-up care.” BINUH and OHCHR, *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, October 2022, www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf, para. 72, see also para. 67. “[...] many survivors do not receive support or care due to the lack of facilities nearby and prohibitive transportation costs.” OCHA, *Haiti Humanitarian Response Plan: At a Glance*, 13 April 2023, <https://reliefweb.int/report/haiti/haiti-humanitarian-response-plan-2023-glance-april-2023-enht>, p. 3.

⁵²¹ “Overall, the Haitian health system is ill-prepared and poorly equipped to respond to the basic health needs of its population, let alone to provide specialized medical care for victims of sexual violence. This is particularly evident in cases involving severe and traumatic injuries from collective vaginal and anal rapes. In addition, due to gang-related violence, victims generally do not have access to available post-rape treatment kits which must be administered within a window period of 72 hours after the aggression, which exposes them to a higher risk of contracting HIV or sexually transmitted diseases and to unwanted pregnancies.” BINUH and OHCHR, *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, October 2022, www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf, para. 10. Even where medicines may be available to prevent HIV or sexual disease transmission, many survivors cannot make it to a healthcare facility within the 72-hour window. The New Humanitarian, *‘We Can’t Find Support’: Three Women’s Stories of Repeated Rape by Haitian Gangs*, 27 June 2023, www.thenewhumanitarian.org/news-feature/2023/06/27/we-cant-find-support-three-womens-stories-repeated-rape-haitian-gangs.

⁵²² “The HRS continued working closely with Haitian civil society organizations, international NGOs and UN agencies to refer survivors of sexual violence to available medical, psychological and socio-economic services. Unfortunately, these services are largely insufficient in the Port-au-Prince metropolitan area, and are almost non-existent in the Artibonite department, where gangs are increasingly resorting to this type of violence to terrorize the population, despite the authorities’ firm commitment to improving them.” BINUH, *Human Rights Situation: Main Trends*, 1 September 2023, https://binuh.unmissions.org/sites/default/files/human_rights_situation_in_haiti_quarterly_report_april_-_june_2023_0.pdf, p. 5. “When asked if respondents knew where to go for psycho-social assistance, 92 per cent responded no, just under 7 per cent responded yes and the rest preferred not to say. Roughly 80 per cent responded that there were no mental health support services for women and girls who were victims of GBV in their community, while 18 per cent responded they didn’t know if there were services, and just 2 per cent responded that there were services.” GI-TOC, *Gang Control and Security Vacuums: Assessing Gender-Based Violence in Cité Soleil, Haiti*, May 2023, <https://globalinitiative.net/wp-content/uploads/2023/05/Gang-control-and-security-vacuums.-Assessing-gender-based-violence-in-Cité-Soleil-Haiti.-May2023.v2.pdf>, p. 17. See also, BINUH, *Rapport trimestriel sur la situation des droits de l’homme en Haiti*, 1 February 2024, https://binuh.unmissions.org/sites/default/files/rapport_trimestriel_sur_la_situation_des_droits_de_lhomme_en_haiti_oct_-_dec_2023.pdf, p. 6.

The Panel of Experts stated in September 2023 that “despite the high number of victims [of gender-based violence], no prosecutions and no convictions have made in the past two years”.⁵²³ In rural areas, it is reported that survivors are pressured by families, communities and even the prosecutors to come to informal settlements with perpetrators.⁵²⁴ In September 2022, the Inter-American Commission on Human Rights (IACHR) granted precautionary measures for a women’s rights defender who had received death threats and harassment from her family and from others in connection with three complaints she had filed against a sexual abuser; none of the complaints led to an investigation.⁵²⁵

Depending on the particular circumstances of the case, UNHCR considers that women and girls of certain profiles may be in need of international refugee protection on the basis of a well-founded fear of persecution for reasons of their membership of a particular social group, and/or their (imputed) political opinion,⁵²⁶ or on the basis of other Convention grounds. This applies in particular to women and girls who have survived or are at risk of gender-based violence, including women and girls who live in areas controlled by gangs or where gangs exert substantial influence or into which gangs seek to expand.

6) Children

Children may fall within a number of the other risk profiles contained in these guidelines. Children continue to face violations of their rights, including kidnappings, targeted killings and indiscriminate violence, attacks on schools, forced recruitment, rampant sexual violence and severe levels of humanitarian needs.⁵²⁷

According to the UN Secretary-General, activities by gangs have had a “catastrophic impact on the human rights of children”.⁵²⁸ Many children, and in particular those who live in gang-controlled territories or who have been displaced, have been traumatized and have witnessed brutal violence.⁵²⁹ Between July and September 2023, at least 36 children, some as young as 8, were killed in gang violence, most while in their own neighbourhoods.⁵³⁰ The Panel of Experts concluded in September 2023 that gangs are committing the six grave violations against children in Haiti.⁵³¹ In June 2023, the UN Secretary-General announced in his annual report on Children and Armed Conflict that Haiti would be added “as a situation of concern” due to “the gravity and number of violations reported [...] between September

⁵²³ UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 31. “According to the information received during the assessment, impunity for sexual violence crimes remains the norm. Rule of law institutions are not only under-resourced and under-staffed, but they are affected by lack of independence and corruption. Their representatives are also subjected to intimidation and reprisals by gang elements.” BINUH and OHCHR, *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, October 2022, www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf, para. 80.

⁵²⁴ US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html.

⁵²⁵ IACHR, *Resolution 43/2022*, 30 August 2022, www.oas.org/en/iachr/decisions/mc/2022/res_43-22_mc_433-22_ht_en.pdf, paras. 27-32.

⁵²⁶ UNHCR, *Guidelines on International Protection No. 1: Gender-Related Persecution Within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees*, 7 May 2002, HCR/GIP/02/01, www.refworld.org/docid/3d36f1c64.html, and UNHCR, *Guidelines on International Protection No. 2: "Membership of a Particular Social Group" Within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees*, 7 May 2002, HCR/GIP/02/02, www.refworld.org/docid/3d36f23f4.html.

⁵²⁷ UN, *Haiti: Children Facing Triple Threat of Insecurity, Malnutrition, Disease*, 4 October 2023, <https://news.un.org/en/story/2023/10/1141897>; UNICEF, *Nearly 3 Million Children Need Support in Haiti – Highest Number on Record.*, 15 June 2023, www.unicef.org/haiti/en/press-releases/nearly-3-million-children-need-support-haiti-highest-number-record.

⁵²⁸ UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 14 April 2023, S/2023/274, www.ecoi.net/en/file/local/2091678/N2309343.pdf, para. 38.

⁵²⁹ A survey conducted by the government and UNICEF found that “44 per cent of children surveyed were traumatized as a result of gang violence, which included incessant detonations, house fires, witnessing the murder of a loved one and, above all, walking across dead bodies.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, para. 56. An estimated 1 million children live in “areas controlled or under the influence of armed groups”. Save the Children, *More than One Million Children Trapped as Gang Violence Rages in Haiti*, 14 March 2024, www.savethechildren.net/news/more-one-million-children-trapped-gang-violence-rages-haiti.

⁵³⁰ BINUH, *Human Rights Situation: Main Trends*, 27 October 2023, https://binuh.unmissions.org/sites/default/files/2023_q3_rapport_trimestriel_droits_humains_en.pdf, p. 5.

⁵³¹ “On the basis of evidence collected by the Panel, it is possible to conclude that the six grave violations against children’s rights are being committed in Haiti: the killing and maiming of children; the recruitment or use of children as gang members; sexual violence against children; the abduction of children; attacks against schools or hospitals (see annex 36); and the denial of humanitarian access for children. These severe breaches pose a substantial threat to the future of Haiti”. UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, paras 139-140.

2022 and March 2023 (recruitment and use, killing and maiming, rape and other forms of sexual violence, attacks on schools and hospitals, abduction, and denial of humanitarian access)".⁵³²

Children in Haiti are heavily affected by deteriorating humanitarian conditions, with almost 3 million children in need of humanitarian assistance.⁵³³ Rising food insecurity means that severe wasting is affecting an estimated 115,000 children and almost 25 per cent of children are chronically malnourished.⁵³⁴ In addition, cholera disproportionately affects children who are exposed to unsanitary conditions, with an estimated 40 per cent of cases between October 2022 and January 2023 occurring in children under 15.⁵³⁵

a) Survivors and Those at Risk of Violence Against Children, including Gender-Based Violence

An estimated 25 per cent of girls and 20 per cent of boys have been sexually abused in Port-au-Prince.⁵³⁶ Children have suffered horrific sexual violence at the hands of gang members.⁵³⁷ During 2022 and 2023, the UN has verified cases of rape and sexual violence against children as young as 10 years old.⁵³⁸ Girls who live in gang-controlled areas or who have been displaced are particularly vulnerable to rape, including collective rape, and sexual assault.⁵³⁹ In addition, girls who have been kidnapped for ransom or as part of collective abductions have been subjected to sexual violence.⁵⁴⁰ Survivors of sexual violence and gender-based violence face stigma from their communities and sometimes their

⁵³² UN Security Council, *Children and Armed Conflict: Report of the Secretary-General*, S/2023/363, www.ecoi.net/en/file/local/2095409/N2314496.pdf, para. 349.

⁵³³ Despite dire needs, "half of those in need of assistance aren't getting it, because of insecurity and insufficient humanitarian funding". UNICEF USA, *UNICEF: Children in Haiti Need More Help Now*, 26 October 2023, www.unicefusa.org/stories/unicef-children-haiti-need-more-help-now. See also, UN, *Haiti: Children Facing Triple Threat of Insecurity, Malnutrition, Disease*, 4 October 2023, <https://news.un.org/en/story/2023/10/1141897>; UNICEF, *Nearly 3 Million Children Need Support in Haiti – Highest Number on Record.*, 15 June 2023, www.unicef.org/haiti/en/press-releases/nearly-3-million-children-need-support-haiti-highest-number-record.

⁵³⁴ *UNICEF: Children in Haiti Need More Help Now*, 26 October 2023, www.unicefusa.org/stories/unicef-children-haiti-need-more-help-now; UN, *Haiti: Children Facing Triple Threat of Insecurity, Malnutrition, Disease*, 4 October 2023, <https://news.un.org/en/story/2023/10/1141897>.

⁵³⁵ UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 17 January 2023, S/2023/41, www.ecoi.net/en/file/local/2086289/N2301674.pdf, para. 63.

⁵³⁶ OHCHR, *Immediate Action Needed to Save Children's Lives in Haiti amid Triple Threat of Cholera, Malnutrition and Violence*, UN Child Rights Committee Warns, 1 November 2022, www.ohchr.org/en/statements/2022/11/immediate-action-needed-save-childrens-lives-haiti-amid-triple-threat-cholera.

⁵³⁷ "Children as young as 10, the vast majority of whom are girls, have been subjected to collective rape for hours in front of their parents amid the explosion of gang violence." OHCHR, *Immediate Action Needed to Save Children's Lives in Haiti amid Triple Threat of Cholera, Malnutrition and Violence*, UN Child Rights Committee Warns, 1 November 2022, www.ohchr.org/en/statements/2022/11/immediate-action-needed-save-childrens-lives-haiti-amid-triple-threat-cholera. See also, BINUH and OHCHR, *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, October 2022, www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf, paras 32, 36, 41, 43, 51.

⁵³⁸ "This is a worrisome trend: between July and December 2022, OHCHR documented 57 gang rapes of women and girls, as well as kidnappings and sexual exploitation." UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 14 April 2023, S/2023/274, www.ecoi.net/en/file/local/2091678/N2309343.pdf, para. 43. "Les femmes et les filles haïtiennes paient un lourd tribut à ce déferlement de violence. Les cas de viol ont connu une augmentation de 49% de janvier à octobre 2023 par rapport à 2022 à la même période." OCHA, *Haiti: Besoins Humanitaires et Plan de Réponse* 2024, 19 January 2024, www.unocha.org/attachments/74e0e2a8-61d7-4221-a069-b4a3bc467580/Haiti_HNRP_2024_FR_version%20finale.pdf, p. 6.

⁵³⁹ "Children displaced by gang violence in the metropolitan Port-au-Prince area were vulnerable to gender-based violence and less likely to access education." US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html. See also, BINUH and OHCHR, *The Population of Cité Soleil in the Grip of Gang Violence*, February 2023, www.ecoi.net/en/file/local/2086931/investigative-report-human-rights-abuses-committed-gangs-zone-brooklyn-july-december-2022.pdf, paras 37, 49; BINUH and OHCHR, *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, October 2022, www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf, para. 51.

⁵⁴⁰ BINUH, *Human Rights Situation: Main Trends*, 27 October 2023, https://binuh.unmissions.org/sites/default/files/2023_q3_rapport_trimestriel_droits_humains_en.pdf, p. 5. See also, UNICEF, *Beyond Terror: Taina's Journey in a Tormented Haiti*, 18 August 2023, www.unicef.org/haiti/en/stories/tainas-journey-tormented-haiti; BINUH and OHCHR, *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, October 2022, www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf, paras 43-44.

families, and access to services or shelter for survivors is limited.⁵⁴¹ Perpetrators are not arrested or convicted and impunity is the norm.⁵⁴²

b) Children at Risk of Forced Recruitment by Gangs

Gangs “recruit children as young as age 10 and subject them to sexual exploitation, pornography, and forced criminal activity”.⁵⁴³ Children are offered food or money in exchange for joining gangs, where they may serve as lookouts or as combatants.⁵⁴⁴ Gang members also threaten the children or their families if they refuse to join.⁵⁴⁵ Out-of-school children and street children are reportedly at a higher risk of recruitment.⁵⁴⁶ A survey conducted by local organizations found that 13 per cent of children in Croix-des-Bouquets and Port-au-Prince had been directly or indirectly solicited for recruitment by a gang.⁵⁴⁷

⁵⁴¹ Partners in Health, *Addressing Gender-Based Violence in Haiti*, 12 May 2023, www.pih.org/article/addressing-gender-based-violence-haiti. In September 2023: “UNICEF has also agreed with a national NGO to create 48 places in a supplementary safe space for women/girl survivors of GBV. This is a huge step forward as limited service providers are available.” UNICEF, *Haiti: Humanitarian Situation Report No. 7*, 25 October 2023, <https://reliefweb.int/report/haiti/unicef-haiti-humanitarian-situation-report-no-7-30-september-2023>, p. 5. See also, GI-TOC, *Gang Control and Security Vacuums: Assessing Gender-Based Violence in Cité Soleil, Haiti*, May 2023, <https://globalinitiative.net/wp-content/uploads/2023/05/Gang-control-and-security-vacuums.-Assessing-gender-based-violence-in-Cité-Soleil-Haiti.-May2023.v2.pdf>, pp. 15-17; BINUH and OHCHR, *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, October 2022, www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf, para. 74.

⁵⁴² “The underreporting of cases to the police, coupled with the inefficiencies of the justice system, have resulted in widespread impunity for sexual violence perpetrated by gangs.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 14 April 2023, S/2023/274, www.ecoi.net/en/file/local/2091678/N2309343.pdf, para. 44. See also, UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 131.

⁵⁴³ US Department of Labor, *2022 Findings on the Worst Forms of Child Labor: Haiti*, September 2023, www.ecoi.net/en/document/2098518.html. “More than 500,000 children live in gang-controlled neighbourhoods where they are recruited by gangs. While numbers are difficult to assess, OHCHR in Haiti estimates that between 30 and 50 per cent of gang members are minors who are often coerced into joining gangs because they fear reprisals for their family or themselves.” UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 49. In April, a video circulated on social media of an 11-year-old boy holding an automatic rifle and declaring himself part of Izo’s gang. RHI News, *Enrôlement de garçons dans des groupes de gangs à Port-au-Prince*, 27 April 2022, www.rhinews.com/actualites/enrôlement-de-garçons-dans-des-groupes-de-gangs-a-port-au-prince-2/. See also, Aljazeera, *UN Raises Concern over Haitian Gangs’ Recruitment of Children*, 4 May 2022, www.aljazeera.com/news/2022/5/4/un-raises-concern-over-haitian-gangs-recruitment-of-children. “The recruitment of children into gangs and their involvement in kidnapping, robbery and other criminal activities continues to be of concern.” BINUH, *Human Rights Situation: Main Trends*, 1 September 2023, https://binuh.unmissions.org/sites/default/files/human_rights_situation_in_haiti_quarterly_report_april_-_june_2023_0.pdf, p. 3.

⁵⁴⁴ The UN Security Council notes, “[t]he recruitment of children into armed gangs remains a critical concern. During the reporting period, testimonies were recorded from 10 male children associated with gangs, aged 15 to 17. The boys described in detail their role as lookouts, or ‘antennas’, as they are locally known, to facilitate kidnappings and robberies. The lack of economic and social opportunities for children and youth, including limited access to schools and high levels of food insecurity among children, are factors that are exploited by gangs, who offer these children regular access to food and money in exchange for their ‘work’ as a gang member. Several child gang members have indicated a desire to leave the gangs but are prevented from doing so for fear of retaliation from both their home communities and the gangs. Children who have tried to leave gangs have been sought out and executed by gang members.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, para. 33. See also, US Department of Labor, *2021 Findings on the Worst Forms of Child Labor: Haiti*, 28 September 2022, www.ecoi.net/en/document/2082724.html. Reportedly, more and more children are being armed and used as combatants. Insight Crime, *Haiti Gangs Recruiting, Arming More Children*, 3 June 2022, <https://insightcrime.org/news/haiti-gangs-recruiting-arming-more-children/>. “[...] qualitative evidence shows that children are victims of the most serious and heinous crimes, including sexual violence and recruitment into the ranks of gangs. The gangs use children as street informants and errand runners, as well as during combat to transport ammunition and load weapons, even having them commit attacks themselves.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 14 April 2023, S/2023/274, www.ecoi.net/en/file/local/2091678/N2309343.pdf, para. 38. “[...] ten boys associated with gangs, aged between 15 and 17, were interviewed. They described in detail their role as informers or ‘antennae’, as they are known locally, in facilitating kidnappings and robberies.” BINUH, *Human Rights Situation: Main Trends*, 27 October 2023, https://binuh.unmissions.org/sites/default/files/2023_q3_rapport_trimestriel_droits_humains_en.pdf, p. 5.

⁵⁴⁵ UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 13 October 2022, S/2022/761, www.ecoi.net/en/file/local/2080457/N2263243.pdf, para. 44. “While numbers are difficult to assess, OHCHR in Haiti estimates that between 30 and 50 per cent of gang members are minors who are often coerced into joining gangs because they fear reprisals for their family or themselves.” UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 49. See also, UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 13 October 2022, S/2022/761, <https://binuh.unmissions.org/sites/default/files/s-2022-761.pdf>, para. 44; UN, *Haitian Children at Mercy of Armed Gangs as Schools Close*, 3 July 2022, <https://news.un.org/en/story/2022/07/1121352>.

⁵⁴⁶ UNICEF, *From the Classroom to the Armed Gang: Steve’s Shattered Dream*, 14 June 2022, www.unicef.org/haiti/en/stories/classroom-armed-gang-steves-shattered-dream. “Homeless minors are disappearing from streets and shelters as armed groups recruit them with offers of money and security. One shelter near the National Palace was down to nearly 10 percent capacity, having been targeted by the Ti Lapli, Bougoy and 100 Jours gangs.” Insight Crime, *Haiti Gangs Recruiting, Arming More Children*, 3 June 2022, <https://insightcrime.org/news/haiti-gangs-recruiting-arming-more-children/>.

⁵⁴⁷ UNICEF, *From the Classroom to the Armed Gang: Steve’s Shattered Dream*, 14 June 2022, www.unicef.org/haiti/en/stories/classroom-armed-gang-steves-shattered-dream. Reportedly, most gangs do not use repressive tactics as children join for safety, food shelter and a place to belong. Hotspots include “the battleground districts of Martissant and Croix-des-Bouquets”. Insight Crime, *Haiti Gangs Recruiting, Arming More Children*, 3 June 2022, <https://insightcrime.org/news/haiti-gangs-recruiting-arming-more-children/>. In Port-au-Prince and Cité Soleil, “gangs continue to recruit children and vulnerable young people into their ranks.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 15 January 2024, S/2024/62, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N24/001/85/PDF/N2400185.pdf>, para. 31, see also para. 37.

The gangs which most commonly recruit children include the G-Pep members 5 Seconds, Brooklyn, Kraze Barye and Grand Ravine, along with G9 member Terre Noire.⁵⁴⁸ After being recruited, children are often unable to leave the gang due to fear of retaliation against them or their families.⁵⁴⁹ Children who have attempted to leave gangs have been “sought out and executed by gang members.”⁵⁵⁰ Gangs have killed children after accusing them of informing for a rival gang.⁵⁵¹

c) Children at Risk of Child Labour

Child labour is widespread, with an estimated one third of children aged 5-14 years working.⁵⁵² Children work in agriculture, construction, as vendors, and some children beg in the streets.⁵⁵³ Out-of-school children are often engaged in child labour.⁵⁵⁴ Food insecurity also drives child labour as a negative coping strategy.⁵⁵⁵

Children are also engaged as domestic servants in a cultural practice known as *restavek*, which amounts to human trafficking.⁵⁵⁶

d) Children at Risk of Child Marriage

The legal age of marriage is 18 for boys and 15 for girls;⁵⁵⁷ however, fifteen per cent of girls and two per cent of boys are married or in a union before their 18th birthday; two per cent of girls are married or in a union before their 15th birthday.⁵⁵⁸ Economic hardship, including in the wake of natural hazard-related disasters, is one of the drivers of child marriage;⁵⁵⁹ families may also resort to child marriage to protect girls from violence.⁵⁶⁰ Girls with a disability are reported to be at higher risk of child marriage.⁵⁶¹

⁵⁴⁸ UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 141.

⁵⁴⁹ UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, para. 33. According to one 15-year-old gang recruit acting as a lookout: “They told me they’ll kill me if I don’t want to stay with them.” UNICEF, *From the Classroom to the Armed Gang: Steve’s Shattered Dream*, 14 June 2022, www.unicef.org/haiti/en/stories/classroom-armed-gang-steves-shattered-dream. “Several children said they wanted to leave the gangs but were prevented from doing so for fear of reprisals from gang leaders and their communities.” BINUH, *Human Rights Situation: Main Trends*, 27 October 2023, https://binuh.unmissions.org/sites/default/files/2023_q3_rapport_trimestriel_droits_humains_en.pdf, p. 5.

⁵⁵⁰ UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, para. 33. See also, BINUH, *Human Rights Situation: Main Trends*, 27 October 2023, https://binuh.unmissions.org/sites/default/files/2023_q3_rapport_trimestriel_droits_humains_en.pdf, p. 5.

⁵⁵¹ OHCHR, *Haiti: Bachelet Deeply Disturbed by Human Rights Impact of Deteriorating Security Situation in Port-au-Prince*, 17 May 2022, www.ohchr.org/en/press-releases/2022/05/haiti-bachelet-deeply-disturbed-human-rights-impact-deteriorating-security.

⁵⁵² The prevalence of child labour in Haiti is difficult to determine. The US Department of Labor relies on a rate of 34.4 per cent based on ILO analysis of government data from 2012. US Department of Labor, *2022 Findings on the Worst Forms of Child Labor: Haiti*, September 2023, www.ecoi.net/en/document/2098518.html. During 2022: “The government did not report or publish data on child work, child labor, or the worst forms of child labor.” US Department of State, *2023 Trafficking in Persons Report: Haiti*, 15 June 2023, www.ecoi.net/en/document/2093622.html.

⁵⁵³ US Department of Labor, *2022 Findings on the Worst Forms of Child Labor: Haiti*, September 2023, www.ecoi.net/en/document/2098518.html. “Modest agricultural production, political instability, high unemployment, absence of social safety nets and protections, and extreme poverty have contributed to the exploitation of children in Haiti, particularly as child labour”. UNU, *Financial Needs and Vulnerability to Modern Slavery and Human Trafficking in Haiti*, April 2023, http://collections.unu.edu/eserv/UNU:9098/Financial_Needs_and_Vulnerability_in_Haiti_FINAL.pdf, p. 15.

⁵⁵⁴ “In addition, estimates show that approximately 10 percent of students drop out of school before grade six and 40 percent before the end of grade nine, making these children more vulnerable to child labor, including its worst forms.” US Department of Labor, *2022 Findings on the Worst Forms of Child Labor: Haiti*, September 2023, www.ecoi.net/en/document/2098518.html.

⁵⁵⁵ “Some coping mechanisms for the high cost of food include skipping meals, early and forced marriages, dropping out of school, and child labour.” ACAPS, *Haiti: Humanitarian Impact of Gang Violence*, 2 June 2023, www.acaps.org/fileadmin/Data_Product/Main_media/20230602_acaps_briefing_note_haiti_humanitarian_impact_of_gang_violence.pdf, p. 9.

“Children are also often forced into commercial or transactional sex to fund basic needs such as school-related expenses.” US Department of Labor, *2022 Findings on the Worst Forms of Child Labor: Haiti*, September 2023, www.ecoi.net/en/document/2098518.html.

⁵⁵⁶ See Section III.A.8.

⁵⁵⁷ “The legal age of marriage is 18 for men and 15 for women. Early and forced marriage were not widespread customs. Legal marriage was uncommon, and many couples chose to live together in long-term relationships known as *plasaj*. The government does not formally recognize *plasaj*, although children born to those couples may be recognized as the legal children of both parents.” US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html.

⁵⁵⁸ Girls not Brides, *Haiti*, accessed 15 March 2024, www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/haiti/; UN Women, *Global Database on Violence against Women: Haiti*, accessed 6 November 2023, <https://evaw-global-database.unwomen.org/en/countries/americas/haiti?typeofmeasure=5690bd8cdc8946cb904effa996f8d84f#3>; US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html.

⁵⁵⁹ Girls not Brides, *Haiti Earthquake Puts Girls and Adolescents at Further Risk During a Turbulent Year*, 19 August 2021, www.girlsnotbrides.org/articles/haiti-earthquake-puts-girls-and-adolescents-at-further-risk-during-a-turbulent-year/.

⁵⁶⁰ Girls not Brides, *Haiti*, accessed 15 March 2024, www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/haiti/.

⁵⁶¹ News Wise, *Women with a Disability are More Likely to Experience Child Marriage than Women Without a Disability*, 11 October 2023, www.newswise.com/articles/women-with-disabilities-face-higher-child-marriage-risks-compared-to-those-without-disabilities.

e) Children at Risk of Systematic Denial of Access to Education

Both insecurity and lasting damage from natural hazard-related disasters have affected children's access to education.⁵⁶² In the south, many schools destroyed by the August 2021 earthquake have not been rebuilt, depriving many children of their education.⁵⁶³ In Port-au-Prince and in Artibonite, schools have closed due to insecurity, damage and use by gangs or criminal groups.⁵⁶⁴ Persons displaced by violence also shelter in schools and classrooms.⁵⁶⁵ In February 2023, the UN Children's Fund (UNICEF) reported that there had been a nine-fold increase of attacks on schools in the first four months of the academic year (October 2022 to February 2023) compared to a year earlier.⁵⁶⁶ Gangs and armed groups steal educational supplies and equipment as well as food from school buildings.⁵⁶⁷

In October 2023, over 60 students and teachers had to be rescued from their school in La Saline after violent confrontations between gangs had trapped them inside for three days without access to adequate food or water.⁵⁶⁸ Children living in gang-controlled areas are often deprived of access to education.⁵⁶⁹ An assessment conducted by UNICEF in June 2022 in Cité Soleil, Croix-des-Bouquets, Delmas, Ganthier, Port-au-Prince, Pétion-Ville, and Tabarre found that 60 per cent of schools "had been vandalised, destroyed, or occupied by gangs or [...] used as shelters by IDPs, thus impeding the right to education of children and adolescents."⁵⁷⁰

Depending on the particular circumstances of the case, UNHCR considers that children who live in areas controlled by gangs or where gangs exert substantial influence, or areas into which gangs seek to expand, are likely to be in need of international refugee protection on the basis of a well-founded fear of persecution at the hands of non-State actors for reasons of their membership of a particular social group, their (imputed) political opinion, or other relevant Convention grounds, combined with a general inability of the State to provide protection from such persecution.

UNHCR considers that children originating from other parts of the country may be in need of international protection on the basis of a well-founded fear of persecution at the hands of non-State actors for reasons of their membership of a particular social group, their (imputed) political opinion, or other relevant Convention grounds, combined with a general inability of the State to provide protection from such persecution. This includes in particular children at risk of child labour and children at risk of child marriage.

Asylum claims made by children including any examination of exclusion considerations for children who were gang members, need to be assessed carefully and in accordance with the UNHCR Guidelines on child asylum claims.⁵⁷¹

⁵⁶² UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, p. 137.

⁵⁶³ As of August 2022, the majority of the 1,250 schools destroyed by the earthquake had not been rebuilt. UNICEF, *One Year after Devastating Earthquake, more than 250,000 Children in Southwest Haiti Do Not Have Access to Adequate Schools – UNICEF*, 17 August 2022, www.unicef.org/lac/en/press-releases/one-year-after-devastating-earthquake-more-250%2C000-children-do-not-have-access-to-adequate-schools-in-haiti.

⁵⁶⁴ "In the Artibonite Department (Gonaïves), the Departmental Education Directorate reported that 280 schools (21 per cent) had been affected by gang violence and had not been operational since the 2022/23 academic year. To date, 30 of these schools have been destroyed and 16 have been badly looted." UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, para. 55.

⁵⁶⁵ "At least 25 public and private schools, or 225 classrooms, are occupied by families expelled from their homes by gang violence in the metropolitan area of Port-au-Prince". UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 13 October 2022, S/2022/761, www.ecoi.net/en/file/local/2080457/N2263243.pdf, para. 55. See also, UNICEF, *Haiti: Humanitarian Situation Report No. 6*, 28 September 2023, www.unicef.org/media/145681/file/Haiti-Humanitarian-SitRep-August-2023.pdf, p. 1; Prensa Latina, *Warnings on the Impact of Violence on the Restart of Classes in Haiti*, 30 August 2023, www.plenglish.com/news/2023/08/30/warnings-on-the-impact-of-violence-on-the-restart-of-classes-in-haiti/.

⁵⁶⁶ UNICEF, *Haiti: Armed Violence Against Schools Increases Nine-Fold in One Year*, 9 February 2023, www.unicef.org/press-releases/haiti-armed-violence-against-schools-increases-nine-fold-one-year-unicef. "As in previous months, children were not spared the violence of criminal groups. [...] School buildings and orphanages were also targeted." BINUH, *Human Rights Situation: Main Trends*, 27 October 2023, https://binuh.unmissions.org/sites/default/files/2023_q3_rapport_trimestriel_droits_humains_en.pdf, p. 5.

⁵⁶⁷ UN, *Haiti: UNICEF Reports Nine-Fold Increase in Violence Targeting Schools*, 9 February 2023, <https://news.un.org/en/story/2023/02/1133352>.

⁵⁶⁸ UNICEF, *Children Trapped Amid Gang Violence Find Safety and Security*, 16 October 2023, www.unicef.org/haiti/en/stories/children-trapped-amid-gang-violence-find-safety-and-security.

⁵⁶⁹ UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 14 April 2023, S/2023/274, www.ecoi.net/en/file/local/2091678/N2309343.pdf, para. 61.

⁵⁷⁰ UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, p. 137.

⁵⁷¹ UNHCR, *Guidelines on International Protection No. 8*, www.refworld.org/docid/4b2f46d2.html.

7) Individuals with Diverse Sexual Orientations, Gender Identities, and/or Gender Expressions (SOGIE)

According to the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), the Haitian legislative framework provides no affirmative protections for persons with diverse sexual orientations and/or gender identities (SOGIE).⁵⁷² Consensual same-sex relations are not currently criminalized under Haitian law.⁵⁷³ Several draft laws from 2017 would negatively affect the rights of individuals with diverse SOGIE, but they were either amended or were never fully passed or implemented.⁵⁷⁴ In 2020, a re-write of the penal code contained provisions criminalizing the refusal to perform same-sex weddings and elevated penalties for crimes targeting individuals for reason of their diverse SOGIE, but its entry into force has been postponed until June 2024.⁵⁷⁵ Reportedly, public decency laws are used disproportionately against individuals with diverse SOGIE.⁵⁷⁶ Transgender persons face difficulties in changing the gender marker on their identity documents and they report harassment from the police when their documents are checked.⁵⁷⁷

There are a variety of terms used in Haiti for individuals with diverse SOGIE, which reflect a cultural understanding of sexual and gender identities that focuses first and foremost on gender expression and (deviations from) expected gender roles.⁵⁷⁸ Reportedly, these terms—including *Masisi*, *Madivin*, *Makomer*, and *Mix*—describe social behaviour as well as sexual practices.⁵⁷⁹ Societal attitudes in Haiti are generally hostile towards individuals with diverse SOGIE and homophobia and transphobia are

⁵⁷² International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), *ILGA Database: Haiti*, accessed 15 March 2024, <https://database.ilga.org/haiti-lgbti>; ILGA, *State-Sponsored Homophobia 2019*, March 2019, https://ilga.org/downloads/ILGA_State_Sponsored_Homophobia_2019.pdf, p. 530

⁵⁷³ ILGA, *ILGA Database: Haiti*, accessed 15 March 2024, <https://database.ilga.org/haiti-lgbti>; Equaldex, *Haiti*, accessed 15 March 2024, www.equaldex.com/region/haiti.

⁵⁷⁴ The Senate adopted a bill in June 2017 entitled *La proposition de loi sur la réputation et les bonne vie et mœurs* ('Bill on Reputation and Assessment of Good and Moral Conduct'), which would have prohibited the issuance of a *certificat de bonne conduite* ('certificate of good conduct'), which is often required for job applications and admission to university, to "persons who are determined to be of sexual indecency". While the bill originally included homosexuality as indecency, it was later changed to (homosexual or heterosexual) sexual acts committed in public. Another bill would have prohibited same-sex marriage. INURED, *Republic of Haiti: Country of Origin Information Paper*, August 2017, www.inured.org/uploads/2/5/2/6/25266591/unchr_coi_haiti_final_redacted_report_inured.pdf, p. 45. The draft law prohibiting same-sex marriage would have also criminalized public demonstrations or "proselytizing" in support of homosexuality. ILGA, *ILGA Database: Haiti*, accessed 15 March 2024, <https://database.ilga.org/haiti-lgbti>; NBC News, *Haiti May Ban Gay Marriage, Public Support for LGBTQ Rights*, 8 August 2017, www.nbcnews.com/feature/nbc-out/haiti-may-ban-gay-marriage-public-support-lgbtq-rights-n790791.

⁵⁷⁵ Prensas Latina, *Entry into Force of Haiti's New Penal Code Postponed*, 23 June 2022, www.plenglish.com/news/2022/06/23/entry-into-force-of-haitis-new-penal-code-postponed/; VOA, *In Haiti, More LGBT-friendly Penal Code Prompts Outcry from Pulpit*, 23 July 2020, www.voanews.com/a/americas_haiti-more-lgbt-friendly-penal-code-prompts-outcry-pulpit/6193297.html. "The pending penal code provides some protections based on sexual orientation by, for example, imposing higher penalties for crimes motivated by a victim's real or perceived sexual orientation." HRW, *World Report 2023: Haiti*, 12 January 2023, www.ecoi.net/en/document/2085455.html.

⁵⁷⁶ US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html.

⁵⁷⁷ "For instance, a trans woman like Semi can't change her identity documents to make her gender change official, leading to problematic situations such as police detention, violent aggressions, and unemployment." UNDP, *Building Safe Spaces for Trans People in Haiti*, 11 April 2022, www.undp.org/latin-america/stories/building-safe-spaces-trans-people-haiti. "Transgender individuals reported they were able to change their gender and names on identification documents, but several individuals reported meeting resistance from employees at government agencies when they attempted to obtain forms of identification." US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html. The Inter-American Court of Human Rights has held that States must take positive steps to fully recognize individuals' gender identity and associated rights. IACTHR, *Gender Identity, and Equality and Non-Discrimination with Regard to Same-Sex Couples. State Obligations in Relation to Change of Name, Gender Identity, and Rights Deriving from a Relationship Between Same-Sex Couples (Interpretation and Scope of Articles 1(1), 3, 7, 11(2), 13, 17, 18 and 24, in Relation to Article 1, of the American Convention on Human Rights)*. Advisory Opinion OC-24/17 of 24 November 2017. Series A No. 24, www.corteidh.or.cr/docs/opiniones/seriea_24_eng.pdf.

⁵⁷⁸ "The 'LGBT' notion does not correspond to the Haitian reality. The majority of persons who self-identify as not subscribing to the identity norm are *Masisi*, *Madivin*, *Makomer*, or *Mix*." Kouraj, *From LGBT to M Community*, undated, www.kouraj.org/from-lgbt-to-m-community. See also, Hétéroclite, *À Haiti, l'association Kouraj connaît le poids des mots*, 1 June 2015, www.heteroclite.org/2015/06/haiti-homosexualite-association-kouraj-22347.

⁵⁷⁹ For example, in Haitian Creole, the derogatory term *masisi* is reportedly used to refer to any man whose behaviour is perceived as feminine—either in his social life or his sexual life. The term *madivin* refers to a woman who engages in same-sex relations, even if the woman in question may self-identify as heterosexual in terms of the gender-conforming role she occupies in society. The term *mix* refers to an individual who engages in sexual acts with individuals of either sex. The term *makomer* refers to an individual who was assigned a male sex at birth but who has a female gender identity; no specific term exists to refer to an individual who was assigned a female sex at birth but who has a male gender identity. These identities are collectively referred to as "the M community". Kouraj, *From LGBT to M Community*, undated, www.kouraj.org/from-lgbt-to-m-community. Currently, many activists appear to use the term LGBTQIA+ in Haiti. See Erasing 76 Crimes, *How Are LGBT Haitians Coping with Political Instability and Violence?*, 15 December 2022, <https://76crimes.com/2022/12/15/how-are-lgbt-haitians-coping-with-political-instability-and-violence/>; Haitian Times, *Quiet as It's Kept, our Haitian 3Ls Support the LGBTQIA+*, 30 June 2022, <https://haitiantimes.com/2022/06/30/quiet-as-its-kept-our-haitian-3ls-support-the-lgbtqia-essay/>; Consortium for Elections and Political Process Strengthening (CEPPS), *Global Pride Spotlight: KOURAJ*, 15 June 2021, <https://cepps.org/story/kouraj/>.

pervasive at all levels of society.⁵⁸⁰ Public discourse about individuals with diverse SOGIE tends to be negative, with many conservative Christian groups and religious leaders opposing their acceptance in Haitian society.⁵⁸¹

Following the 2010 earthquake, the negative societal attitudes against expressions with diverse SOGIE reportedly became further entrenched, with individuals with diverse SOGIE being widely blamed for the earthquake.⁵⁸² In September 2016, organizers of the *Massimadi* SOGIE film festival cancelled the event due to threats of violence—including threats of arson and death threats—and the subsequent prohibition of the event by Port-au-Prince Capital Commissioner Jean Danton Leger.⁵⁸³ A survey conducted in 2017 by the Haitian government, with support from UNAIDS and the U.S. Centers for Disease Control and Prevention (CDC), found that “90 percent [of respondents to the survey] rejected the idea of equal rights for LGBT people and 75 percent said Haiti should ban gays and lesbians from entering the country.”⁵⁸⁴ In 2019, the advocacy organization Kouraj noted that the negative societal attitudes to individuals with diverse SOGIE are perpetuated by the lack of engagement from State authorities with the lived reality of this population group, despite high levels of violence against them.⁵⁸⁵

Individuals with diverse SOGIE face discrimination, stigma and rejection from their families and their communities and may be forced to leave their homes.⁵⁸⁶ They may be unable to access aid and face

⁵⁸⁰ “[...] many individuals and groups were openly hostile towards LGBTQI+ persons. [...] A 2017 study of public opinions on stigma and discrimination towards vulnerable groups showed that 71 percent of the individuals surveyed responded ‘hate’ was the most appropriate term to express their attitude toward LGBTQI+ persons, and 90 percent of the adult population rejected the idea of equal rights for sexual minorities.” US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html. “The main obstacle to the political participation of LGBTQI+ people in Haiti is that they are constantly discriminated against and stigmatized. Every day, they suffer homophobic acts because of their sexual orientation and/or gender identity. Homophobia is present in all aspects of life [...]. This discrimination and stigma are exacerbated by ongoing socio-political crises and a lack of respect for the rule of law.” CEPPS, *Global Pride Spotlight: KOURAJ*, 15 June 2021, <https://cepps.org/story/kouraj/>.

⁵⁸¹ Outright International, *Haiti*, accessed 15 March 2024, <https://outrightinternational.org/our-work/americas/haiti>; UN, *Faces of Recovery: Blaming the LGBT Community for Natural Disasters*, 25 January 2022, <https://haiti.un.org/en/169475-faces-recovery-blaming-lgbt-community-natural-disasters>. “Some politicians, social leaders, and organizations actively opposed the social integration of LGBTQI+ persons or any discussion of their rights.” US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html. See also, Haitian Times, *Stuck Between Church, State and Family – LGBTQI People in Haiti*, 6 October 2020, <https://haitiantimes.com/2020/10/06/stuck-between-church-state-and-family-lgbtqi-people-in-haiti/>; VOA, *In Haiti, More LGBT-friendly Penal Code Prompts Outcry from Pulpit*, 23 July 2020, www.voanews.com/a/americas_haiti-more-lgbt-friendly-penal-code-prompts-outcry-pulpit/6193297.html. In the past, public figures and the media have conflated homosexuality with pedophilia. Panos Caribbean, *La problématique de la communauté LGBT en Haïti à travers le prisme des médias*, June 2017, http://panoscaribbean.org/images/documents/documentshaiti/La_problematique_de_la_communaute_LGBT_en_Haiti_V4_COMPLETE_PREVIE_W.pdf, p. 10.

⁵⁸² UNAIDS, *A Model for Serving Key Populations from Haiti*, 16 August 2021, www.unaids.org/en/resources/presscentre/featurestories/2022/august/20220816_a-model-for-serving-key-populations-from-haiti. “Attitudes to LGBTI people have become increasingly hostile since the 12 January 2010 earthquake, when a number of religious groups providing aid to Haiti claimed homosexuality had led to the natural disaster.” Amnesty International, *Homophobia Still Tolerated by Governments around the World*, 16 May 2014, www.refworld.org/docid/537b32974.html. See also, PRI, *Why It's Gotten Harder for LGBT People in Haiti Since the Earthquake*, 6 February 2018, www.pri.org/stories/2018-02-06/why-its-gotten-harder-lgbt-people-haiti-earthquake. “Pendant les discussions du texte, des sénateurs ont versé dans une homophobie décomplexée. “Il faut empêcher la dépravation de la jeunesse. Il faut empêcher l’abomination dans ce pays”, a ainsi lancé à la télévision Carl Murat Cantave, fervent défenseur du texte, qui n’a pas hésité à faire un lien entre l’homosexualité et les catastrophes naturelles qui ravagent régulièrement l’île, en se référant au mythe biblique de Sodome et Gomorrhe. Certains de ses collègues ont suivi, comme Jean-Rigaud Bélizaire, qui a dit vouloir éviter l’homosexualité envahissante” ou encore Walnique Pierre, se revendiquant pour justifier son vote ‘homme de Dieu, croyant.’” Marianne, *Haïti: le Sénat vote une loi instaurant une homophobie d’Etat*, 3 August 2017, www.marianne.net/societe/lgbt-haiti-le-senat-interdit-le-mariage-gay-et-valide-l-homophobie-d-etat.

⁵⁸³ CBS News, *LGBT Festival Cancelled in Haiti amid Threats to Organizers*, 27 September 2016, www.cbsnews.com/news/massimadi-lgbt-festival-cancelled-in-haiti-amid-threats-to-organizers/; BBC, *Haiti LGBT Festival Cancelled Due to Threats*, 28 September 2016, www.bbc.com/news/world-latin-america-37491818; International Business Times, *Organisers Cancel Afro-Caribbean LGBTQ Festival in Haiti amid Threats*, 28 September 2016, www.ibtimes.co.uk/organisers-cancel-haitis-afro-caribbean-lgbtq-festival-amid-threats-1583659; Out Magazine, *LGBT Festival Canceled in Haiti After Threats of Violence*, 29 September 2016, www.out.com/news-opinion/2016/9/29/lgbt-festival-cancelled-haiti-after-threats-violence; Washington Blade, *Haitian Government Orders Cancellation of LGBT Festival*, 29 September 2016, www.washingtonblade.com/2016/09/29/haitian-government-orders-cancellation-lgbt-festival/; and US Department of State, *2016 Country Reports on Human Rights Practices: Haiti*, 3 March 2017, www.state.gov/wp-content/uploads/2019/01/Haiti-1.pdf.

⁵⁸⁴ VOA, *In Haiti, Slight Progress for LGBT Rights Seen as Victory*, 14 August 2018, www.voanews.com/americas/haiti-slight-progress-lgbt-rights-seen-victory.

⁵⁸⁵ “[...] les autorités ne se penchent sur les réalités des LGBTIQ d’où l’homophobie progresse à grand pas puisque la violence est immense.” Kouraj, *Un rapport sur la situation des LGBTI en Haïti*, 9 September 2019, www.kouraj.org/single-post/2019/09/09/UN-RAPPORT-SUR-LA-SITUATION-DES-LGBTI-EN-HAITI.

⁵⁸⁶ “Expulsion from schools, death threats and street harassment remain among the problems [transgender persons] face on daily basis. An ordinary walk in town can easily result into crowds mocking or calling them ‘masisi’ (an insult in creole that is interchangeably used against LGBT people). This, added to recurrent hate speech from some conservative and religious sectors, drives many children to abandon their education at an early age and has negative effects on their mental health.” UNDP, *Building Safe Spaces for Trans People in Haiti*, 11 April 2022, www.undp.org/latin-america/stories/building-safe-spaces-trans-people-haiti. See also, Outright International, *Haiti*, accessed 15 March 2024, <https://outrightinternational.org/our-work/americas/haiti>; Freedom House, *Freedom in the World: Haiti*, 6 July 2023, www.ecoi.net/en/document/2094365.html; Haitian Times, *Rapper Kanis Comes Out, Highlighting Haitian Community’s Evolving Attitudes*, 16 February 2023, <https://haitiantimes.com/2023/02/16/rapper-kanis-comes-out-highlighting-haitian-communitys-evolving-attitudes/>; Dévieux, J.G., et al., *Patterns of Sexual and HIV-Related Stigma among Men Who Have Sex with Men and Women Living with HIV in Haiti*, 12(1) Scientific Reports (7 May 2022), www.ncbi.nlm.nih.gov/pmc/articles/PMC9079062/.

public hostility from others.⁵⁸⁷ Due to their sexual orientation, gender identity, or gender expression, they may face obstacles accessing education, employment or healthcare.⁵⁸⁸ There are an estimated 28 organizations that work with individuals with diverse SOGIE in Haiti, but according to activists it can still be unsafe to speak publicly about the rights of individuals with diverse SOGIE.⁵⁸⁹ Reportedly, individuals with diverse SOGIE find greater acceptance in the Voodoo religion than in Haitian churches.⁵⁹⁰

Individuals with diverse SOGIE are at particular risk of violence in the context of gang violence and State collapse.⁵⁹¹ In April and May 2022, Kay Trans Haiti documented two killings of transgender persons and three attempted killings of individuals with diverse SOGIE in the context of violent clashes, all of whom had “previously received threats from gang members”.⁵⁹² Two employees of Kouraj were attacked in July 2022 in a “violent and transphobic attack” at their home.⁵⁹³ Individuals with diverse SOGIE have been targeted by gangs for sexual violence.⁵⁹⁴ According to BINUH, gangs have “singled out” individuals for sexual violence on the basis of “their actual or perceived sexual orientation and gender identity”, and they have subjected women with diverse SOGIE to “corrective rape”.⁵⁹⁵

There is at least one shelter for transgender youth, in Port-au-Prince, which can house 10 individuals.⁵⁹⁶ Transgender persons who are forced out by their families and are homeless are exposed to a risk of sexual violence and increased HIV risks, yet may face discrimination or rejection when seeking medical treatment.⁵⁹⁷ Reportedly, some transgender persons are forced to engage in sex work in order to survive.⁵⁹⁸ After the August 2021 earthquake, several transgender persons were denied medical treatment at Les Cayes hospital.⁵⁹⁹

⁵⁸⁷ The Lily, *For Young Trans Haitians, There Are Few Lifelines when Disaster Strikes. One Shelter Offers a Rare Safe Haven.*, 25 August 2021, www.thelily.com/for-young-trans-haitians-there-are-few-lifelines-when-disaster-strikes-one-shelter-offers-a-rare-safe-haven/.

⁵⁸⁸ “Lesbian, gay, bisexual and transgender (LGBT) people in Haiti face profound prejudice. Discrimination often undermines life chances. Education and employment opportunities erode. Even accessing healthcare can be difficult.” UNAIDS, *A Model for Serving Key Populations from Haiti*, 16 August 2021, www.unaids.org/en/resources/presscentre/featurestories/2022/august/20220816_a-model-for-serving-key-populations-from-haiti.

⁵⁸⁹ This relatively large number was recently criticized by an activist from FACSDIS (Women in Action Against Sexual Stigma and Discrimination), who argued that there have been no “substantial improvements for the communities”; noting also that many organizations focus exclusively on men or transgender women. Erasing 76 Crimes, *Haiti Commentary: The LGBT+ Movement Becomes a Business for Pushy Cisgender Men*, 9 May 2023, <https://76crimes.com/2023/05/09/haiti-commentary-the-lgbt-movement-becomes-a-business-for-pushy-cisgender-men/>. See also, Erasing 76 Crimes, *Haitian LGBT Movement Ignores Women, Lesbian Activist Says*, 5 June 2023, <https://76crimes.com/2023/06/05/haitian-lgbt-movement-ignores-women-lesbian-activist-says/>. However, this perspective was criticized by several other activists. Erasing 76 Crimes, *‘Every Day Here, We Risk our Lives’ — Haitian LGBTI Activist Richecarde Val*, 12 May 2023, <https://76crimes.com/2023/05/12/every-day-here-we-risk-our-lives-haitian-lgbti-activist-richecarde-val/>. “There are no laws that prevent activists from speaking out in favor of LGBTQI+ rights or holding Pride events, but activists stated they often believed it was unsafe to do so. Activists condemned a ‘culture of intolerance’ fueled by religious leaders and some politicians, who often used channels or other media sources to incite violence against LGBTQI+ individuals.” US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html.

⁵⁹⁰ Dévieux, J.G., et al., *Patterns of Sexual and HIV-Related Stigma among Men Who Have Sex with Men and Women Living with HIV in Haiti*, 12(1) Scientific Reports (7 May 2022), www.ncbi.nlm.nih.gov/pmc/articles/PMC9079062/.

⁵⁹¹ HRW, *World Report 2023: Haiti*, 12 January 2023, www.ecoi.net/en/document/2085455.html. See also, Erasing 76 Crimes, *‘Probably More LGBT+ People Are Murdered in Haiti than Anywhere Else’*, 19 February 2024, <https://76crimes.com/2024/02/19/probably-more-lgbt-people-are-murdered-in-haiti-than-anywhere-else/>; Erasing 76 Crimes, *‘Every Day Here, We Risk our Lives’ — Haitian LGBTI Activist Richecarde Val*, 12 May 2023, <https://76crimes.com/2023/05/12/every-day-here-we-risk-our-lives-haitian-lgbti-activist-richecarde-val/>.

⁵⁹² US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html.

⁵⁹³ Ibid.

⁵⁹⁴ UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 13 October 2022, S/2022/761, www.ecoi.net/en/file/local/2080457/N2263243.pdf, para. 42. “The Panel obtained information that persons from the lesbian, gay, bisexual, transgender, queer and intersex community have also been attacked.” UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 130.

⁵⁹⁵ “During its investigation, the team also documented dozens of cases of LGBTI+ men and women who had been sexually attacked by gang members between January and June 2022. While sexual violence affecting LGBTI+ persons is largely underreported due to stigma, the investigation showed that they are often targeted by gang members during armed confrontations. Some victims detailed how they were singled out on account of their actual or perceived sexual orientation and gender identity by gang elements. LGBTI+ female victims also recounted to the team that gang members had subjected them to ‘corrective rapes’ in order to ‘cure’ their ‘homosexuality’”. The investigation also noted that survivors of sexual violence, including LGBT persons, had been questioned by skeptical medical workers who “questioned whether the sexual assault had not been consensual”. BINUH, *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, October 2022, www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf, paras 38, 75.

⁵⁹⁶ US Department of State, *2023 Trafficking in Persons Report: Haiti*, 15 June 2023, www.ecoi.net/en/document/2093622.html; UNDP, *Building Safe Spaces for Trans People in Haiti*, 11 April 2022, www.undp.org/latin-america/stories/building-safe-spaces-trans-people-haiti.

⁵⁹⁷ UNDP, *Building Safe Spaces for Trans People in Haiti*, 11 April 2022, www.undp.org/latin-america/stories/building-safe-spaces-trans-people-haiti. Gay men may face similar challenges in seeking medical treatment, being afraid to reveal their sexual orientation or that they have HIV. See The Conversation, *In Haiti, Gay Men Infected with HIV Are Targets of Discrimination*, 26 June 2019, <https://theconversation.com/in-haiti-gay-men-infected-with-hiv-are-targets-of-discrimination-119318>.

⁵⁹⁸ UN, *First Person: I Don’t Want to Die in the Body of a Man*, 21 February 2022, <https://news.un.org/en/story/2022/02/1112312>.

⁵⁹⁹ UNDP, *Building Safe Spaces for Trans People in Haiti*, 11 April 2022, www.undp.org/latin-america/stories/building-safe-spaces-trans-people-haiti.

The police, judicial authorities, and other State actors have been accused of ignoring or dismissing complaints by individuals with diverse SOGIE.⁶⁰⁰ According to a transgender activist, police have “laughed at and disregarded” her when she has attempted to “report assaults or rapes against trans people”.⁶⁰¹ The president and founder of Kouraj, Charlot Jeudy, was killed in suspicious circumstances in 2019, but the police have made no progress in investigating his death.⁶⁰²

NGOs dedicated to defending the rights of individuals with diverse SOGIE have reported that they experienced difficulties in registering with the government.⁶⁰³

Depending on the particular circumstances of the case, UNHCR considers that individuals with diverse SOGIE may be in need of international refugee protection on the basis of a well-founded fear of persecution for reasons of their membership of a particular social group, or on the basis of other Convention grounds.

It should be borne in mind that individuals with diverse SOGIE cannot be expected to change or conceal their identity in order to avoid persecution.⁶⁰⁴

8) Survivors of Trafficking and Persons at Risk of Being Trafficked

Haiti is a State party to all major conventions on trafficking, including the UN Convention Against Transnational Organized Crime and its supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.⁶⁰⁵ The government passed the Anti-Trafficking in Persons (“Anti-TIP”) Law in 2014, which criminalized labour and sex trafficking.⁶⁰⁶ However, the law does not specify a minimum age for domestic work, nor has Haiti fully adopted a draft list of hazardous work prohibited for children.⁶⁰⁷ Trafficking in persons reportedly remains widespread in Haiti, with the

⁶⁰⁰ During 2021: “There were reports that police condoned violence against lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) individuals. Some LGBTQI+ groups reported police and judicial authorities were inconsistent in their willingness to document or investigate LGBTQI+ persons’ claims of abuse.” US Department of State, *2021 Country Report on Human Rights Practices: Haiti*, 12 April 2022, www.ecoi.net/en/document/2071140.html. “Gay Haitians are frequent targets of attacks and harassment, and police are often unsympathetic to victims of anti-gay violence.” VOA, *In Haiti, Slight Progress for LGBT Rights Seen as Victory*, 14 August 2018, www.voanews.com/americas/haiti-slight-progress-lgbt-rights-seen-victory. See also, Erasing 76 Crimes, *Haiti: A Year Later, a Cry for Justice for the LGBTI Activist Charlot Jeudy*, 8 December 2020, <https://76crimes.com/2020/12/08/haiti-a-year-later-a-cry-for-justice-for-lgbt-activist-charlot-jeudy/>.

⁶⁰¹ The Lily, *For Young Trans Haitians, There Are Few Lifelines when Disaster Strikes. One Shelter Offers a Rare Safe Haven.*, 25 August 2021, www.thelily.com/for-young-trans-haitians-there-are-few-lifelines-when-disaster-strikes-one-shelter-offers-a-rare-safe-haven/.

⁶⁰² HRW, *World Report 2023: Haiti*, 12 January 2023, www.ecoi.net/en/document/2085455.html. See also, Haiti Standard, *Haiti : 2 ans après l’assassinat de Charlot Jeudy ses pairs réclament justice*, 25 November 2021, <https://haitistandard.com/haiti-2-ans-apres-l-assassinat-de-charlot-jeudy-ses-pairs-reclament-justice/>; Erasing 76 Crimes, *Haiti: A Year Later, a Cry for Justice for the LGBTI Activist Charlot Jeudy*, 8 December 2020, <https://76crimes.com/2020/12/08/haiti-a-year-later-a-cry-for-justice-for-lgbt-activist-charlot-jeudy/>. “Discrimination against women, the LGBTQ+ community, and persons with disabilities is widespread. In November 2019, Charlot Jeudy, a gay man who founded Haiti’s LGBTQ+ advocacy group Kouraj, was found dead at his home. To date, there has not been any investigation into his death, even though he was constantly threatened by those who expressed bias against LGBTQ+ citizens.” Bertelsmann Stiftung, *BTI 2022 Country Report Haiti*, 23 February 2022, www.ecoi.net/en/file/local/2069790/country_report_2022_HTI.pdf, p. 15.

⁶⁰³ US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html.

⁶⁰⁴ UNHCR, *Guidelines on International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees*, 23 October 2012, HCR/GIP/12/01, www.refworld.org/docid/50348afc2.html; see also for example Court of Justice of the European Union, *X, Y, Z v Minister voor Immigratie en Asiel, C-199/12 - C-201/12*, 7 November 2013, www.refworld.org/docid/527b94b14.html.

⁶⁰⁵ UN General Assembly, *UN Convention Against Transnational Organized Crime*, accessed 15 March 2024, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtmsg_no=XVIII-12&chapter=18&clang=_en; UN General Assembly, *A Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime*, accessed 15 March 2024, https://treaties.un.org/Pages/ViewDetails.aspx?src=ind&mtmsg_no=XVIII-12-a&chapter=18&clang=_en.

⁶⁰⁶ The law prescribes penalties of seven to 15 years of imprisonment for those convicted of trafficking, along with fines ranging from 200,000 to 1.5 million Haitian gourdes (approximately USD 1,500 – 11,200), and up to life imprisonment if the victim is a child. The enactment of a modified penal code, which reportedly would have weakened trafficking protections, was indefinitely postponed in 2022. The government lacks sufficient resources to carry out labour inspections, especially in the informal sector. US Department of State, *2023 Trafficking in Persons Report: Haiti*, 15 June 2023, www.ecoi.net/en/document/2093622.html. While the 2014 Anti-TIP law prohibits “trafficking for forced labor, servitude, and debt bondage”, the US Department of Labor stated in 2022 that the law fell below international standards as it does not explicitly criminalize slavery. US Department of Labor, *2021 Findings on the Worst Forms of Child Labor: Haiti*, 28 September 2022, www.ecoi.net/en/document/2082724.html. In addition, Haiti adopted a National Plan of Action to Combat Child Labour in 2019 and an action plan against trafficking in persons in the period of 2017-2022 and signed a tripartite agreement on human trafficking in 2021 with the Dominican Republic and Jamaica. UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review – Haiti*, 30 March 2022, A/HRC/50/15, www.ecoi.net/en/file/local/2073524/G2229661.pdf, para. 19.

⁶⁰⁷ US Department of State, *2023 Trafficking in Persons Report: Haiti*, 15 June 2023, www.ecoi.net/en/document/2093622.html. In addition, the draft hazardous work list (unapproved by parliament for over seven years as of 2022) does not cover agriculture, “an economic sector in which children are exposed to hazardous substances and to temperatures that can damage their health.” US Department of Labor, *2022 Findings on the Worst Forms of Child Labor: Haiti*, September 2023, www.ecoi.net/en/document/2098518.html.

National Committee for the Fight Against Human Trafficking (CNLTP) estimating that in 2023 as many as “three million Haitians were at risk of trafficking”.⁶⁰⁸

Reportedly, traffickers target persons in dire economic circumstances, female foreign nationals, children living on the street or engaged in child labour, children in care centres, displaced and stateless persons and youth of diverse sexual orientations or gender identities, among others.⁶⁰⁹ According to the US Department of State, gangs “employ tactics that increase vulnerabilities to trafficking, including forced domestic servitude; mass displacement; manipulation of youth; and systematic sexual violence to intimidate, coerce, extort, or recruit”.⁶¹⁰ Gangs reportedly run sex trafficking networks where women and girls are forced to provide sexual favours or forced labour in exchange for food.⁶¹¹ In a study of 591 women and girls in Cité Soleil and its outskirts conducted by GI-TOC, 19 people were victims of human trafficking, six of whom had been trafficked in 2022.⁶¹²

Restavèk

As of 2021, an estimated 150,000 to 300,000 children worked as unpaid domestic servants,⁶¹³ called *restavèk*.⁶¹⁴ Children sent to live as *restavèk* servants often come from poor families in rural areas.⁶¹⁵ Many of these children suffer emotional, physical and sexual abuse.⁶¹⁶ Sexual abuse and exploitation

⁶⁰⁸ Additionally, an NGO concluded in a 2022 study that “the implementation of the 2014 anti-trafficking law was inadequate and offered several key recommendations, including to train judges and police officers; strengthen the operational capacity of CNLTP by funding it as legally mandated; make legal progress on key cases; investigate cases, and raise public awareness about trafficking.” US Department of State, *2023 Trafficking in Persons Report: Haiti*, 15 June 2023, www.ecoi.net/en/document/2093622.html.

⁶⁰⁹ Girls are also trafficked through the practice of “bride-buying in which men pay between \$100 to \$200 to the families of girls as young as 14.” US Department of State, *2023 Trafficking in Persons Report: Haiti*, 15 June 2023, www.ecoi.net/en/document/2093622.html. Haitian participants interviewed in a study published by United Nations University (UNU) identified the primary risk factors to trafficking as “insecurities related to money, food and housing”. UNU, *Financial Needs and Vulnerability to Modern Slavery and Human Trafficking in Haiti*, April 2023, http://collections.unu.edu/eserv/UNU:9098/Financial_Needs_and_Vulnerability_in_Haiti_FINAL.pdf, p. 6.

⁶¹⁰ US Department of State, *2023 Trafficking in Persons Report: Haiti*, 15 June 2023, www.ecoi.net/en/document/2093622.html.

⁶¹¹ Georgetown Journal of International Affairs, *Criminal Power in Haiti and Hunger as an Instrument of Governance*, 8 February 2023, <https://gija.georgetown.edu/2023/02/08/criminal-power-in-haiti-and-hunger-as-an-instrument-of-governance/>.

⁶¹² GI-TOC, *Gang Control and Security Vacuums*, May 2023, <https://globalinitiative.net/wp-content/uploads/2023/05/Gang-control-and-security-vacuums.-Assessing-gender-based-violence-in-Cite%CC%81-Soleil-Haiti.-May2023.v2.pdf>, p. 9.

⁶¹³ US Department of State, *2023 Trafficking in Persons Report: Haiti*, 15 June 2023, www.ecoi.net/en/document/2093622.html. “A 2015 Ministry of Social Affairs study estimated 286,000 children were working as *restaveks* and were often victims of psychological, physical, and sexual abuse, sometimes including human trafficking”. US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html. According to a 2022 study of 530 persons across Haiti, 30 (5.6%) had a *restavèk* servant. Multiple vulnerable families reported sending their child to be a *restavèk*. Innovations for Poverty Action et al., *Providing Conceptually Grounded Insights on Modifiable Determinants of Trafficking-Related Outcomes to Inform a Counter-Trafficking Behaviour Change Campaign in Haiti*, 29 June 2022, https://taconference.org/wp-content/uploads/2022/06/Pocock_presentation.pdf, p. 7. A 2012 cross-sectional study found that “Approximately 17.6% of females and 14.1% of males 13 to 17 years of age have ever worked as a domestic servant. Among those aged 18 to 24 years, 18.5% of females and 11.6% of males have ever worked as a domestic servant prior to age 18 years.” Centers for Disease Control (CDC), *Violence Against Children in Haiti Findings from a National Survey 2012*, June 2014, www.cdc.gov/violenceprevention/pdf/violence-haiti.pdf, p. 42.

⁶¹⁴ “In Haiti, *restavek* is a cultural practice of child fosterage rooted in local kinship traditions. Often used as a strategy for contending with accelerated rural impoverishment, biological parents place a child (or children) in the ‘care’ of a relative or godparent with more financial means who lives in a (semi) urban area. In exchange for carrying out domestic chores in their new households, the child will hopefully have his/her education underwritten by the foster or adoptive parent(s). This once protective traditional kinship practice has devolved into exploitation, where families faced with extreme poverty gamble the lives and futures of their children.” UNU, *Financial Needs and Vulnerability to Modern Slavery and Human Trafficking in Haiti*, April 2023, http://collections.unu.edu/eserv/UNU:9098/Financial_Needs_and_Vulnerability_in_Haiti_FINAL.pdf, p. 15. *Restavèk* refers to a system in which “children from impoverished homes – mostly girls – are sent by their parents to live and work for urban or semi-urban families”. European Parliament, *The Situation of Human Rights in Haiti in Particular Related to Gang Violence*, 6 October 2022, www.europarl.europa.eu/doceo/document/TA-9-2022-0349_EN.html, para. N.

⁶¹⁵ US Department of Labor, *2022 Findings on the Worst Forms of Child Labor: Haiti*, September 2023, www.ecoi.net/en/document/2098518.html. “For the most part, *restavèk* children come from economically poor households in rural areas and end up in economically poor homes in urban areas. Extreme poverty in rural areas with high numbers of children per family and lack of access to free schooling contribute to parents sending their children to households in urban areas with the hope they will be provided for and sent to school. However, *restavèk* children end up serving in homes that are also severely affected by poverty and are rarely provided for in any substantial way or sent to school.” Rosa-Luxemburg-Stiftung, *Elimination of Child Labour: Lessons Learnt from Child Slavery in Haiti*, 22 February 2021, <https://rosalux-geneva.org/elimination-of-child-labour-lessons-learnt-from-child-slavery-in-haiti/>.

⁶¹⁶ “These children, exploited in what is commonly referred to as the *restavèk* system, are often physically abused, sexually exploited, and uncompensated for their services.” US Department of Labor, *2022 Findings on the Worst Forms of Child Labor: Haiti*, September 2023, www.ecoi.net/en/document/2098518.html. “[...] children in domestic servitude receive less formal education than their non-working counterparts, particularly those living with non-relatives. In addition, these children often suffer abuses with no recourse or means of escape. In the most desperate cases, children turn to the streets where they may be lured into human or sex trafficking”. UNU, *Financial Needs and Vulnerability to Modern Slavery and Human Trafficking in Haiti*, April 2023, http://collections.unu.edu/eserv/UNU:9098/Financial_Needs_and_Vulnerability_in_Haiti_FINAL.pdf, p. 15. “[...] the word ‘*restavèk*’ usually represents children in the worst conditions where violence, neglect and abuse occur. The work they are forced to perform is arduous, intensive and often dangerous. Lack of infrastructural development makes life in Haiti extremely challenging, and *restavèk* children are particularly vulnerable, carrying heavy loads as they fetch water multiple times a day, cook on open fires and visit areas with high street violence. They are also often physically and sexually abused by their captors and household members.” Rosa-Luxemburg-Stiftung, *Elimination of Child Labour: Lessons Learnt from Child Slavery in Haiti*, 22 February 2021, <https://rosalux-geneva.org/elimination-of-child-labour-lessons-learnt-from-child-slavery-in-haiti/>.

is particularly common for *restavèk* girls.⁶¹⁷ Reportedly, some children in *restavèk* situations have been forced into begging on the street or commercial sex.⁶¹⁸ In 2022, an estimated two thirds of children in *restavèk* situations were girls, “mostly victims of sex trafficking”, and one third were boys who were “mostly victims of labor trafficking”.⁶¹⁹ According to the US Department of State, many girls and “a majority of the boys, flee or are cast out of these situations and begin to live and/or work on the street, facing further risk of re-trafficking”.⁶²⁰

Trafficking in Orphanages

Children are also trafficked and exploited through children’s institutions, including by “orphanage entrepreneurs” who operate unlicensed orphanages.⁶²¹ Orphanages may pay families or “child finders” to recruit more children, many of whom are not orphans, into their institution.⁶²² Many children in orphanages experience sexual or physical abuse, engage in child labour or are victims of trafficking, and conditions in the vast majority of orphanages are inadequate.⁶²³ The government has closed down 167 unlicensed orphanages in the past few years, and has attempted to regularize the licensing system

⁶¹⁷ Innovations for Poverty Action et al., *Providing Conceptually Grounded Insights on Modifiable Determinants of Trafficking-Related Outcomes to Inform a Counter-Trafficking Behaviour Change Campaign in Haiti*, 29 June 2022, <https://rtaconference.org/session/knowledge-attitudes-and-practices-on-trafficking-in-persons-in-haiti/> (beginning at 4:10). A 2012 cross-sectional survey concluded that: “Childhood domestic servitude was significantly associated with experiencing sexual and emotional violence prior to age 18 among both females and males aged 18 to 24 years. Among 13–17 year olds, female domestic servants were significantly more likely than peers who were not servants to have experienced sexual and physical violence in the preceding 12 months, while emotional violence was more likely in both male and female domestic servants.” Centers for Disease Control (CDC), *Violence Against Children in Haiti: Findings from a National Survey 2012*, June 2014, www.cdc.gov/violenceprevention/pdf/violence-haiti.pdf, p. 42.

⁶¹⁸ “Observers, especially in rural areas, emphasized the prevalence and severity of the practice. Restavek children were significantly less likely to access education or find long-term employment as adults. Human rights representatives also emphasized restavek children were highly vulnerable to crime and trafficking in forced begging and commercial sex.” US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html.

⁶¹⁹ US Department of State, *2023 Trafficking in Persons Report: Haiti*, 15 June 2023, www.ecoi.net/en/document/2093622.html. “[...] most restaveks are girls, and [according to] global data on forced labour exploitation in the domestic work sector [...] this phenomenon disproportionately affects more girls than boys, at 17 and 4 per cent, respectively”. UN University, *Financial Needs and Vulnerability to Modern Slavery and Human Trafficking in Haiti*, April 2023, http://collections.unu.edu/eserv/UNU:9098/Financial_Needs_and_Vulnerability_in_Haiti_FINAL.pdf, p. 15.

⁶²⁰ US Department of State, *2023 Trafficking in Persons Report: Haiti*, 15 June 2023, www.ecoi.net/en/document/2093622.html.

⁶²¹ As of October 2021, there were an estimated 750 orphanages in Haiti, only 35-50 of which were licensed, where up to 30,000 children lived, most of whom are not orphans but who have a living parent or other family member. US Department of State, *2023 Trafficking in Persons Report: Haiti*, 15 June 2023, www.ecoi.net/en/document/2093622.html. “Some parents who are unable to care for their children send them to residential care centers or to relatives or strangers who are expected to provide the children with food, shelter, and schooling in exchange for household work. In practice, some of these children receive care and access to education, while many others become victims of labor exploitation and abuse.” US Department of Labor, *2022 Findings on the Worst Forms of Child Labor: Haiti*, September 2023, www.ecoi.net/en/document/2098518.html.

⁶²² Innovations for Poverty Action et al., *Providing Conceptually Grounded Insights on Modifiable Determinants of Trafficking-Related Outcomes to Inform a Counter-Trafficking Behaviour Change Campaign in Haiti*, 29 June 2022, <https://rtaconference.org/session/knowledge-attitudes-and-practices-on-trafficking-in-persons-in-haiti/>. Reportedly, orphanages draw over 100 million USD per year from foreign donors. Furthermore, “many [orphanages] hired *koutye yo* — ‘brokers’ in Haitian Creole — who fanned out across the countryside and convinced impoverished families to give up their children by promising to provide them with food and education — and even adoption.” BuzzFeed News, *Most Children in Haitian Orphanages Aren’t Orphans — But US Missionaries Take Them Away from their Families*, 7 February 2022, www.buzzfeednews.com/article/karlazabludovsky/missionaries-orphanages-haiti. See also, AP, *30,000 Haitian Kids Live in Private Orphanages. Officials Want to Shutter Them and Reunite Families.*, 13 June 2023, <https://apnews.com/article/haiti-orphanages-reunification-efforts-e8bd5f8c5cc693f57de972ad7afe110c>; Glimpse from the Globe, *The Business of “Parentless” Children: Haiti’s Orphanage Crisis*, 5 December 2022, www.glimpsefromtheglobe.com/features/explainer/the-business-of-parentless-children-haitis-orphanage-crisis/.

⁶²³ US Department of Labor, *2022 Findings on the Worst Forms of Child Labor: Haiti*, September 2023, www.ecoi.net/en/document/2098518.html; AP, *30,000 Haitian Kids Live in Private Orphanages. Officials Want to Shutter Them and Reunite Families.*, 13 June 2023, <https://apnews.com/article/haiti-orphanages-reunification-efforts-e8bd5f8c5cc693f57de972ad7afe110c>; Glimpse from the Globe, *The Business of “Parentless” Children: Haiti’s Orphanage Crisis*, 5 December 2022, www.glimpsefromtheglobe.com/features/explainer/the-business-of-parentless-children-haitis-orphanage-crisis/. “A 2018 report by Haiti’s Institute of Social Welfare and Research and others found that just 35 of 754 orphanages — less than 5% — met minimum standards and were allowed to operate. Meanwhile, 580 orphanages received the lowest score, meaning the government should order them closed.” AP, *30,000 Haitian Kids Live in Private Orphanages. Officials Want to Shutter Them and Reunite Families.*, 13 June 2023, <https://apnews.com/article/haiti-orphanages-reunification-efforts-e8bd5f8c5cc693f57de972ad7afe110c>. “Of the 576 orphanages child welfare officials assessed for its 2018 report, 307 were flagged for physical or sexual abuse”. BuzzFeed News, *Most Children in Haitian Orphanages Aren’t Orphans — But US Missionaries Take Them Away from their Families*, 7 February 2022, www.buzzfeednews.com/article/karlazabludovsky/missionaries-orphanages-haiti.

to prevent child trafficking.⁶²⁴ However, government officials who have attempted to close orphanages have reportedly been threatened and attacked,⁶²⁵ and enforcement of these closures is difficult.⁶²⁶

Cross-Border Trafficking

Trafficking occurs along the Haitian border with the Dominican Republic, where traffickers and smugglers prey on migrants, many of whom do not have any form of documentation.⁶²⁷ Fraudulent recruitment schemes result in the trafficking of Haitians to the Dominican Republic to work in “construction, service, and agricultural industries and sex trafficking in the Dominican tourism industry”.⁶²⁸ Haitian women are sexually exploited in border areas, including by smugglers.⁶²⁹ In September 2023, the Dominican Republic announced the closure of its border with Haiti over a political dispute, which the coordinator for Haiti’s Support Group for Returnees and Refugees (GARR) warned may lead to an increase in cases of human trafficking along the border.⁶³⁰

Tens of thousands of children cross to the Dominican Republic each year to work and study, many of whom are forced into situations of trafficking.⁶³¹ Children repatriated by the Dominican Republic authorities have been targeted by traffickers.⁶³² In May 2021, the Dominican Republic authorities arrested a man who had been allegedly recruiting children in Haiti and forcing them to beg in

⁶²⁴ US Department of Labor, *2021 Findings on the Worst Forms of Child Labor: Haiti*, 28 September 2022, www.ecoi.net/en/document/2082724.html. “A series of measures ha[ve] been taken by the Government to protect children, including the closure of 167 orphanages following the most recent evaluation of residential centres, the placing on probation of 94 other orphanages pending their closure in the near future, and the placing on probation of another 304, out of a total of 754, on account of violence towards children.” UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Haiti*, 30 March 2022, A/HRC/50/15, www.ecoi.net/en/file/local/2073524/G2229661.pdf, para. 111.

⁶²⁵ “Haiti’s government has banned construction of new orphanages and shut down existing ones. But closing orphanages can be dangerous. Government officials have been threatened or forced to go into hiding as owners seek to keep generous donations flowing from abroad”. AP, *30,000 Haitian Kids Live in Private Orphanages. Officials Want to Shutter Them and Reunite Families.*, 13 June 2023, <https://apnews.com/article/haiti-orphanages-reunification-efforts-e8bd5f8c5cc693f57de972ad7afe110c>. “Violent resistance to their efforts adds another hurdle. IBESR [Haiti’s child welfare agency] staff members were held hostage for three hours in 2017 while they attempted to close an orphanage. Shortly after that, two Lumos employees were shot as they stopped at a restaurant to pick up food for children at an orphanage they were on their way to shut down.” BuzzFeed News, *Most Children in Haitian Orphanages Aren’t Orphans — But US Missionaries Take Them Away from their Families*, 7 February 2022, www.buzzfeednews.com/article/karlazabludovsky/missionaries-orphanages-haiti.

⁶²⁶ “However, due to the instability and insecurity in the country in the past year, closures and enforcement of closures of non-compliant institutions became very difficult.” US Department of Labor, *2021 Findings on the Worst Forms of Child Labor: Haiti*, 28 September 2022, www.ecoi.net/en/document/2082724.html. See also, BuzzFeed News, *Most Children in Haitian Orphanages Aren’t Orphans — But US Missionaries Take Them Away from their Families*, 7 February 2022, www.buzzfeednews.com/article/karlazabludovsky/missionaries-orphanages-haiti.

⁶²⁷ “Among all Haitian migrant groups, terrestrial migrants traversing the Dominican Republic-Haiti border seeking economic opportunities were the largest and most vulnerable to trafficking.” US Department of State, *2023 Trafficking in Persons Report: Haiti*, 15 June 2023, www.ecoi.net/en/document/2093622.html. “Haiti shares a porous border with the DR that extends across four of the 10 departments in Haiti [...]. Migration to the DR has often occurred under irregular and precarious conditions that include human trafficking in response to labour demands in agriculture, construction, tourism, the service industry, and domestic work.” UN University, *Financial Needs and Vulnerability to Modern Slavery and Human Trafficking in Haiti*, April 2023, http://collections.unu.edu/eserv/UNU:9098/Financial_Needs_and_Vulnerability_in_Haiti_FINAL.pdf, p. 17. See also, IOM, *IOM Haiti Implements MIDAS to Improve Security and Border Management*, 5 November 2019, www.programamesoamerica.iom.int/en/news/iom-haiti-implements-midas-improve-security-and-border-management.

⁶²⁸ “Common forms of cross-border trafficking of Haitians, often involving fraudulent recruitment, include forced labor in the Dominican construction, service, and agricultural industries and sex trafficking in the Dominican tourism industry.” US Department of State, *2023 Trafficking in Persons Report: Haiti*, 15 June 2023, www.ecoi.net/en/document/2093622.html. See also, Insight Crime, *Child Trafficking Thrives Along Haitian-Dominican Border*, 29 March 2021, <https://insightcrime.org/news/child-trafficking-thrives-along-haitian-dominican-border/>.

⁶²⁹ “The risks to migrants remained high during the reporting period, including from migrant smugglers who exploit migrant women in commercial sex to repay alleged debts.” US Department of State, *2023 Trafficking in Persons Report: Haiti*, 15 June 2023, www.ecoi.net/en/document/2093622.html. “Haitian women report smugglers often become traffickers for the purpose of sexual exploitation along the border, and observers note traffickers operate along the border with impunity and sometimes with the assistance of corrupt government officials who accept bribes to allow undocumented crossings.” US Department of State, *2023 Trafficking in Persons Report: Dominican Republic*, 15 June 2023, www.ecoi.net/en/document/2093675.html.

⁶³⁰ AP, *Dominican Republic Closes All Borders with Haiti as Tensions Rise in a Dispute over a Canal*, 15 September 2023, <https://apnews.com/article/dominican-republic-haiti-border-closed-abinader-a8e763730d674fc840b4ea33d50ebe23>; Al Jazeera, *Dominican Republic to Shut Border with Haiti from Friday, President Says*, 14 September 2023, www.aljazeera.com/news/2023/9/14/dominican-republic-to-shut-border-with-haiti-from-friday-president-says.

⁶³¹ An estimated 50,000 children cross the Haitian-Dominican Republic border each year and are vulnerable to sex and/or labour trafficking. Borgen Project, *Quelling Child Trafficking in Haiti*, 29 May 2022, <https://borgenproject.org/child-trafficking-in-haiti/>. “Les risques de traite et de trafic d’enfants sont très élevés. Plusieurs parents impliquent leurs enfants dans des traversées illégales en les confiant à des trafiquants sous la base de fausses promesses de vie meilleure. Le manque de documentation des cas ne nous permet pas d’avancer des chiffres à ce sujet. Le Réseau ‘Jano Sikè’ confirme avoir enregistré 6 cas de traite au cours du premier trimestre de l’année 2023.” Plan International, *Analyse Rapide de Genre en Haiti*, March 2023, <https://reliefweb.int/attachments/821a40a3-829f-44aa-ab07-9ad9d9382e2d/Rapid-Gender-Analysis-Haiti-Full-Report-FRA.pdf>, p. 38. See also, Lantern Rescue, *How Crisis Creates Opportunity in Haiti*, 31 January 2023, <https://lanternrescue.org/how-crisis-creates-opportunity-in-haiti/>. Once in the Dominican Republic, children may be forced into commercial sexual exploitation, domestic work, agricultural work, street vending or begging. US Department of Labor, *2021 Findings on the Worst Forms of Child Labor: Haiti*, 28 September 2022, www.ecoi.net/en/document/2082724.html.

⁶³² “Between May and September 2022, the support group [Support Group for Refugees and Repatriated Haitians (GARR)] documented 800 lone, undocumented girls cast out of the Dominican Republic. These girls are ‘at the mercy of mafia networks; they face human trafficking, sexual abuse and domestic slavery,’ carried out not only by civilians but also by Dominican soldiers and border officials.” St Kitts and Nevis Observer, *Haitian Violence Has ‘Disproportionate Impact’ on Women*, 25 October 2022, www.thestkittsnevisobserver.com/haitian-violence-has-disproportionate-impact-on-women/.

Santiago.⁶³³ Reportedly, Haitians attempting to make maritime crossings to the US are at risk of being forced into situations of trafficking.⁶³⁴

Legal Remedies and Access to Support Services

The Haitian justice system has been unable to adequately investigate or prosecute instances of human trafficking due to gang violence, political interference, disorganization, lack of accountability and an outdated and complex penal code.⁶³⁵ Gang violence impedes both the investigation and the prosecution of cases, as it prevents police from accessing certain areas, for example in Port-au-Prince, and gangs regularly attack police stations, courts and prosecutors' offices.⁶³⁶

Victims of trafficking in Haiti reportedly have access to some government and NGO-provided services, including "medical and psychosocial support, security, temporary shelter or accommodation, resettlement, family reunification, school reintegration for children under age 15, and legal support".⁶³⁷

In light of the foregoing, UNHCR considers that people in particular socio-economic circumstances that create vulnerabilities to trafficking, including children, may, depending on the individual circumstances of the case, be in need of international refugee protection on the basis of a well-founded fear of persecution at the hands of non-State actors for reasons of their membership of a particular social group or other relevant Convention grounds, combined with a general inability of the State to provide protection from such persecution. Individuals falling into the risk profile include survivors of trafficking who may be in a position of heightened vulnerability to being re-trafficked.

9) Persons of (Perceived) Means or with (Perceived) Access to Resources, and Their Relatives

Gangs use extortion and kidnappings for ransom of persons with (perceived) means or (perceived) access to resources to generate income.⁶³⁸ They also use kidnappings as a method of control and to target persons living in areas controlled by rival groups,⁶³⁹ and to punish or target individuals because

⁶³³ Haiti Libre, *The Head of a Haitian Minor Trafficking Network Arrested in the Dom. Republic*, 17 May 2023, www.haitilibre.com/en/news-39552-haiti-flash-the-head-of-a-haitian-minor-trafficking-network-arrested-in-the-dom-republic.html. See also, Dominican Today, *Prosecutors Seek Preventive Detention for Man Charged with Trafficking Haitian Children for Begging Exploitation*, 16 May 2023, <https://dominicantoday.com/dr/local/2023/05/16/prosecutors-seek-preventive-detention-for-man-charged-with-trafficking-haitian-children-for-begging-exploitation/>.

⁶³⁴ "January 2023 saw a surge of 2,187 Haitians attempt maritime migration routes. Haitian maritime migrants were disproportionately impoverished and highly vulnerable to migrant smugglers and traffickers, who charge migrants exorbitant fees for passage to Florida or Puerto Rico across Cuban, Bahamian, Dominican, and international waters, often under false pretenses to exploit them." US Department of State, *2023 Trafficking in Persons Report: Haiti*, 15 June 2023, www.ecoi.net/en/document/2093622.html. "Migrants are seen as 'human commodities' and routinely extorted, kidnapped or forced into sex trafficking by larger smuggling networks, [Homeland Security Investigations agent] Salsbury said." Washington Post, *Dreams and Deadly Seas*, 27 July 2023, www.washingtonpost.com/nation/interactive/2023/bahamas-human-smuggling-by-boat/.

⁶³⁵ "[...] corruption of public services and impunity for cases of sexual violence and trafficking against women and girls is widespread. Civil courts in Port-au-Prince and Croix-des-Bouquets did not issue any convictions for trafficking in persons from 2014 to 2021." UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 54. "Government and civil society experts reported the judicial system appeared incapable of delivering justice to trafficking victims, although outside observers noted trafficking was not unique among crimes in this respect. The Superior Judicial Council, which oversaw the judiciary and attorneys, lacked the political will and oversight to adequately supervise or sufficiently sanction judicial actors and did not adequately prosecute trafficking cases. [...] Observers reported allegations that judicial officials in border jurisdictions sometimes took bribes to free detained suspected traffickers". There have been limited investigations, but the vast majority of cases reportedly remain unresolved. US Department of State, *2023 Trafficking in Persons Report: Haiti*, 15 June 2023, www.ecoi.net/en/document/2093622.html.

⁶³⁶ US Department of State, *2023 Trafficking in Persons Report: Haiti*, 15 June 2023, www.ecoi.net/en/document/2093622.html.

⁶³⁷ Ibid. While these services are technically available, they may not be sufficient, and many local actors are facing issues related to funding. UNHCR Information, January 2024.

⁶³⁸ "The ransoms obtained were used to finance the acquisition of weapons, pay individuals integrating their ranks and, occasionally, reward members of the population who provided support to hold victims captive." BINUH, *Human Rights Situation: Main Trends*, 9 May 2023, <https://reliefweb.int/report/haiti/human-rights-situation-main-trends-quarterly-report-january-march-2023>, p. 4. See also, UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, p. 82; GCR2P, *R2P Monitor (Issue 66)*, 1 September 2023, https://reliefweb.int/attachments/9f79cf94-f481-4a5e-8ff4-8095ad1a0e84/GCR2P_Monitor_Sept2023_Final.pdf, p. 30; HRW, "Living a Nightmare": *Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, pp. 21-22.

⁶³⁹ "Since the beginning of 2022, gangs have increasingly targeted populations living in areas controlled by their rivals." UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 48. "From that point on, as part of a strategy to control the territory, gangs started to target and ransom their own communities whenever the latter were perceived to sympathize with rival gangs, causing large numbers of citizens to abandon these areas." Protection Cluster, *Protection Analysis Update: Gang-Controlled Areas of Port-au-Prince*, 16 February 2022, www.globalprotectioncluster.org/sites/default/files/2022-02/haiti_protection_analysis_update_february_2022.pdf, p. 2.

of their perceived opposition.⁶⁴⁰ Some individuals are targeted for kidnapping for ransom because they live or find themselves in dangerous areas, for example on transportation routes or other areas controlled by gangs.⁶⁴¹ Kidnappings of persons using public transport have become common on both the northern and southern routes from Port-au-Prince.⁶⁴²

However, the Panel of Experts noted in September 2023 that kidnapping dynamics have shifted away from random or political motivations, instead focusing on “entrepreneurs and prominent figures” for whom they could demand higher ransoms.⁶⁴³ Accordingly, among the prime targets for kidnapping are government officials, people working in education or legal professions, and humanitarian workers.⁶⁴⁴ Similarly, businessmen and medical doctors are targeted due to a perception that their families can pay a higher ransom and religious leaders have been targeted both for their personal finances and access

⁶⁴⁰ On 18 October 2023, for instance, the secretary-general of Haiti's High Transition Council, Anthony Virginie Saint-Pierre was kidnapped by armed men dressed in police uniforms. The Council is a government body charged with organizing the first elections in Haiti since 2016. Reuters, *Haiti Democratic Transition Council Says Secretary-General Kidnapped*, 19 October 2023, www.reuters.com/world/americas/haiti-democratic-transition-council-says-secretary-general-kidnapped-2023-10-18/. “For example, in Tabarre, at least four people linked to the political, economic and journalistic elites were kidnapped in June [2023]. All were kidnapped inside or near their residences and business premises. The incidents occurred days after the gang leader controlling the area threatened to retaliate against his ‘political allies’ for not having protected ‘his men’ during police operations.” BINUH, *Human Rights Situation: Main Trends*, 1 September 2023, https://binuh.unmissions.org/sites/default/files/human_rights_situation_in_haiti_quarterly_report_april_-_june_2023_0.pdf, p. 5. See also, UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 48.

⁶⁴¹ BINUH, *Human Rights Situation: Main Trends*, 1 September 2023, https://binuh.unmissions.org/sites/default/files/human_rights_situation_in_haiti_quarterly_report_april_-_june_2023_0.pdf, p. 5; The New Yorker, *Haiti Held Hostage*, 17 July 2023, www.newyorker.com/magazine/2023/07/24/haiti-held-hostage. “Main roads to the south, north and east to the border with the Dominican Republic came under the control of gangs who threatened, extorted, kidnapped, raped and killed at will.” UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 14. These kidnappings can be opportunistic in nature. IRB, *Haiti: Security Situation and Criminality, Including Major Criminal Groups and How They Are Organized, Activities and Areas of Influence, Including Outside Port-au-Prince (August 2022–January 2023)*, 12 June 2023, www.ecoi.net/en/document/2095446.html. Reportedly, opportunistic kidnappings result in lower ransom payments. UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, p. 81. See also, Insight Crime, *400 Mawozo*, 23 March 2023, <https://insightcrime.org/haiti-organized-crime-news/400-mawozo/>.

⁶⁴² “Mass kidnappings of people travelling in public transport vehicles between the metropolitan zone and the southern departments have begun to be reported in the communes of Carrefour and Gressier (West Department), after a gang set up a new base of operations in the area early in November. As of mid-2023, such attacks were already commonplace north of the capital, on main roads passing through the Croix-des-Bouquets commune and in Artibonite Department, with 407 people kidnapped between October and December, a 6 per cent decrease compared with the period July to September, but a 73 per cent increase compared with the same period last year (October to December 2022).” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 15 January 2024, S/2024/62, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N24/001/85/PDF/N2400185.pdf>, para. 32.

⁶⁴³ “Kidnappings used to be either politically motivated or random, with captivities lasting less time (3-4 days) and lower ransoms were requested (\$3,000 to \$4,000 USD). As gangs became ‘more professional’, kidnappings evolved into a profitable market, targeting entrepreneurs and prominent figures. The duration of captivity increased considerably to a minimum of three weeks and gangs started asking for higher ransoms. In general, hostages are well treated, if there is no resistance. However, torture is sometimes used as a pressure tactic for obtaining the ransom”. For example, the Kraze Barye gang has kidnapped several famous journalists, a port director and the former president of the Provisional Electoral Commission. UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, pp. 81, 83. “Business owners, government officials and everyday commuters travelling on public transportation are at the highest risk of abduction for ransom by armed gangs. The Secretary-General of the High Transitional Council was held captive for 12 days in October.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 15 January 2024, S/2024/62, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N24/001/85/PDF/N2400185.pdf>, para. 14.

⁶⁴⁴ HRW, *“Living a Nightmare”: Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, p. 21; The Nation, *Haiti, April 2023: Soon There Will Be No One Left to Kidnap*, 17 April 2023, www.thenation.com/article/world/haiti-gangs-ariel-henry-biden/. “Haitians across all strata of society are victims [of kidnappings].” GI-TOC, *Gangs of Haiti: Expansion, Power and an Escalating Crisis*, October 2022, <https://globalinitiative.net/wp-content/uploads/2022/10/GITOC-Gangs-of-Haiti.pdf>, p. 13. “No social category has been spared. Lawyers, healthcare workers, students, individuals from marginalized communities as well as staff of international organizations have been targeted.” BINUH and OHCHR, *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, 14 October 2022, www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf, para 43. See also, CARDH, *Bulletin of Kidnapping for the Third Quarter of 2023 (#13) and Disaggregated Statistics on Homicides and Violent Deaths in Haiti*, 12 October 2023, <https://cardh.org/archives/4688>.

to foreign donors.⁶⁴⁵ Gangs have also kidnapped people working for public agencies and government officials.⁶⁴⁶ Police officers, as well as their family members, are also targeted.⁶⁴⁷

Relatives of individuals in the above categories are also targeted, as gangs can demand equally high ransoms for them.⁶⁴⁸ Gangs also kidnap children, including while on their way to school, in order to demand ransoms from their families.⁶⁴⁹

Many victims are abducted in broad daylight, during rush hour, in areas where police efforts are constrained by the influence of gangs.⁶⁵⁰ There have been several incidents in which perpetrators were dressed in police uniforms during kidnappings.⁶⁵¹ Perpetrators of kidnappings are said to be operating in an environment of “[n]ear-complete impunity”.⁶⁵² It is reported that some politicians encourage kidnappings by gangs in return for a share of the ransom payments.⁶⁵³

⁶⁴⁵ US Department of State, *2022 Report on International Religious Freedom: Haiti*, 15 May 2023, www.ecoi.net/en/document/2091879.html; UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 13 October 2022, S/2022/761, www.ecoi.net/en/file/local/2080457/N2263243.pdf, para. 20.

⁶⁴⁶ In March 2022, CARDH listed public administration officers among those most affected by kidnappings. CARDH, *Kidnapping: Bulletin (#7) Janvier, Février et Mars 2022*, 30 March 2022, <https://cardh.org/wp-content/uploads/2022/03/CARDH-Kidnapping-Bulletin-Janvier-Fe%CC%81vrier-Mars-2022.pdf>, p. 3. “In separate incidents occurring between 9 and 20 June [2022] in Port-au-Prince, seven customs officials were abducted and later released for ransom.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 13 October 2022, S/2022/761, www.ecoi.net/en/file/local/2080457/N2263243.pdf, para. 18. On 19 June 2023, armed members of the Kraze Baryè gang kidnapped Pierre Richard Joseph, North Regional Director of the National Port Authority (APN) in Port-au-Prince. The group reportedly demanded a large ransom. One of his drivers was killed by during the attack. Haiti Libre, *APN Regional Director North Kidnapped*, 19 June 2023, www.haitilibre.com/en/news-39815-haiti-news-zapping.html. Reportedly the gang repeatedly refused to release Joseph and demanded multiple ransoms. TripFoumi, *Kidnapping : Libération contre rançon de Pierre Richard Joseph, directeur de l'APN du Cap-Haïtien*, 10 July 2023, www.tripfoumi.com/blog/2023/07/10/kidnapping-liberation-contre-rancon-de-pierre-richard-joseph-directeur-de-lapn-du-cap-haitien/. See also, Haiti Times, *Haiti-Kidnapping: Libération contre rançon de l'Ing. Gilbert Bazile et de son chauffeur*, 3 September 2021, www.haitimes.net/actualites/haiti-kidnapping-liberation-contre-rancon-de-ling-gilbert-bazile-et-de-son-chauffeur/03/09/2021/.

⁶⁴⁷ In March 2022, CARDH listed police officers among those most affected by kidnappings. CARDH, *Kidnapping: Bulletin (#7) Janvier, Février et Mars 2022*, 30 March 2022, <https://cardh.org/wp-content/uploads/2022/03/CARDH-Kidnapping-Bulletin-Janvier-Fe%CC%81vrier-Mars-2022.pdf>, p. 3. On 7 April 2021, officer Guerline Joseph was kidnapped on her way to work, held captive for three days and reportedly tortured during this time. Bureau des Avocats Internationaux (BAI) et al., *Gender-Based Violence in Haiti*, December 2021, www.idj.org/wp-content/uploads/2021/12/Gender-Based-Violence-in-Haiti_UPR-Submission_EN-1.pdf, p. 4.

⁶⁴⁸ “In particular, gangs have increasingly targeted aid and health workers, businessmen, government officials, and their relatives.” ACLED, *ACLED Regional Overview: Mexico, Central America, and the Caribbean (4-10 September 2021)*, 16 September 2021, <https://reliefweb.int/report/haiti/acled-regional-overview-mexico-central-america-and-caribbean-4-10-september-2021>. On 27 September 2022, armed gang members attacked the home of police officer Beckens Dieudonné in Torcelle, Port-au-Prince. The house was demolished and partially set on fire by the attackers, who also kidnapped the officer’s wife, his three children and his father. Haiti Libre, *The Family of an Police Officer Kidnapped*, 29 September 2022, www.haitilibre.com/en/news-37766-haiti-news-zapping.html; Haiti Press Network, *Haiti-Sécurité : Les Membres de la Famille du Policier Beckens Dieudonné Libérés*, 4 October 2022, www.hpinfo.com/post/haiti-securit%C3%A9-les-membres-de-la-famille-du-policier-beckens-dieudonn%C3%A9-lib%C3%A9s.

⁶⁴⁹ UNICEF, *Kidnappings of Children And Women Spiking at Alarming Rates in Haiti*, 7 August 2023, www.unicef.org/press-releases/kidnappings-children-and-women-spiking-alarming-rates-haiti. “UNICEF indicated that between January and October 2021, 30 children were abducted while on their way to school, at home or even at church. Amidst widespread poverty and criminality, gangs are using children to extort money from their families. These violent acts always cause long-lasting emotional trauma on children.” Protection Cluster, *Protection Analysis Update: Gang-Controlled Areas of Port-au-Prince*, 16 February 2022, www.globalprotectioncluster.org/sites/default/files/2022-02/haiti_protection_analysis_update_february_2022.pdf, p. 5. See also, The Telegraph, *Women and Children Targeted in Haiti Kidnap Crisis*, 7 August 2023, www.telegraph.co.uk/global-health/terror-and-security/women-and-children-targeted-in-haiti-kidnap-crisis/; BINUH and OHCHR, *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, 14 October 2022, www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf, paras 43-45.

⁶⁵⁰ “[...] various stakeholders, including religious leaders, teachers, small business owners and health-care providers [...] described how people are afraid to leave their homes, go to the market, send children to school, visit relatives, or go to work or worship. Gangs have invaded churches during worship and schools in session. One resident of Bel Air, speaking for many, said that: ‘The State is absent, there are no police or other officials operating there.’” UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 7. “They set the clock here. Morning rush hour - between 06:00 and 09:00 - is peak kidnapping time. Many are snatched from the streets on their way to work. Others are targeted in the evening rush hour - from 15:00 to 18:00.” BBC, *Haiti: Inside the Capital City Taken Hostage by Brutal Gangs*, 5 December 2022, www.bbc.com/news/world-latin-america-63707429.

⁶⁵¹ For example, the kidnapping on 18 October 2023 of the secretary-general of Haiti’s High Transition Council was done by armed men dressed in police uniforms. Reuters, *Haiti Democratic Transition Council Says Secretary-General Kidnapped*, 19 October 2023, www.reuters.com/world/americas/haiti-democratic-transition-council-says-secretary-general-kidnapped-2023-10-18/. See also, The Guardian, *Two More Journalists Killed in Haiti as Gang Violence Continues to Rage*, 28 April 2023, www.theguardian.com/world/2023/apr/28/journalists-killed-haiti; Radio France Internationale (RFI), *Thousands March in Haiti in Anger Over Surge in Kidnappings*, 30 March 2022, www.rfi.fr/en/thousands-march-in-haiti-in-anger-over-surge-in-kidnappings. “Gang members are increasingly resorting to wearing fake police uniforms to carry out kidnappings.” UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 15 January 2024, S/2024/62, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N24/001/85/PDF/N2400185.pdf>, para. 14.

⁶⁵² Global Centre on the Responsibility to Protect, *Haiti*, 31 August 2023, www.globalr2p.org/countries/haiti/. See also, UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 78; HRW, “Living a Nightmare”: *Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, p. 2.

⁶⁵³ “[S]ome politicians and criminal organizations are believed to have encouraged the enormous increase in kidnappings by gangs in return for gaining a share of the ransom payments, according to one donor official, who said that ‘kidnapping used to be only to make money, but now there’s a social political element to some of it.’” USAID, *Haiti Citizen Security Assessment (CSA) Final Report*, September 2022, https://pdf.usaid.gov/pdf_docs/PA0211RJ.pdf, p. 82.

Ransom amounts depend on which gang carried out the kidnapping as well as the profile of the victim.⁶⁵⁴ Gangs have killed victims of kidnappings when families or friends were not able to pay the ransom.⁶⁵⁵ During captivity, victims of kidnappings are exposed to mistreatment, violence and even torture.⁶⁵⁶ Women and girls are often sexually violated and raped in captivity, and gangs have used the threat or evidence of sexual abuse as leverage to pressure relatives to pay ransoms.⁶⁵⁷

During 2022 and 2023, kidnappings have reached unprecedented levels with at least 1,787 abductions between January and September 2023 (including 506 women, 20 girls and 45 boys).⁶⁵⁸ The actual number of kidnappings is likely significantly higher, as most kidnappings go unreported.⁶⁵⁹ Kidnappings mostly occur in the West and Artibonite departments, where gangs are most active.⁶⁶⁰

⁶⁵⁴ "Ransoms paid vary greatly depending on the profile of victims, the gang(s) involved and the skills of the negotiator. 'High value' targets are typically from affluent families or foreign nationals, as these attract substantial ransom payments, often demanded in USD. The highest ransom demanded by a gang so far was of \$6 million USD, and the lowest just a few thousands HTG (\$15 to \$20 USD). More modest income families can pay ransoms from \$2 to \$3,000 USD, while middle class families from \$6,000 to \$10,000 USD; and wealthier families up to \$500,000 USD." UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, p. 82. According to CARDH, kidnappers have also systematically demanded multiple ransom payments for victims to be released, using brutal forms of violence to force families to pay. CARDH, *Kidnapping: Bulletin (#11) Janvier, Février Et Mars 2023*, 4 April 2023, <https://cardh.org/wp-content/uploads/2023/04/CARDH-Kidnapping-Bulletin-Janvier-Fe%CC%81vrier-Mars-2023.pdf>, para. 25.

⁶⁵⁵ UN Security Council, *Final Report of the Panel of Experts on Haiti Submitted Pursuant to Resolution 2653 (2022)*, 15 September 2023, S/2023/674, www.ecoi.net/en/file/local/2100024/N2324628.pdf, para. 68. See, for example, Le Filet Info, *Haiti – Kidnapping : Le Professeur Patrice Derenoncourt Exécuté Par des Ravisseurs*, 1 November 2021, <https://lefiletinfo.com/haiti-kidnapping-le-professeur-patrice-derenoncourt-execute-par-des-ravisseurs/>. Additionally, gangs have killed those who have tried to resist being kidnapped. UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, para. 30.

⁶⁵⁶ "Gangs hold kidnapping victims in harsh conditions in secret hideouts in the territories controlled by them. Women and girls are particularly exposed to sexual violence, including rape, repeatedly and by multiple perpetrators during captivity." UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 9. "Human rights organizations reported gangs subjected those they kidnapped to poor treatment, including deprivation of food, physical and sexual violence, and other abuses." US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html. See also, CARDH, *Kidnapping: Bulletin (#11) Janvier, Février Et Mars 2023*, 4 April 2023, <https://cardh.org/wp-content/uploads/2023/04/CARDH-Kidnapping-Bulletin-Janvier-Fe%CC%81vrier-Mars-2023.pdf>, para. 25; BBC, *Haiti: Inside the Capital City Taken Hostage by Brutal Gangs*, 5 December 2022, www.bbc.com/news/world-latin-america-63707429.

⁶⁵⁷ "[...] women and girls account for almost 20 percent of the victims of kidnappings [...] testimonies collected from some victims and witnesses indicate that armed gang elements very frequently use sexual violence during abductions." BINUH and OHCHR, *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, 14 October 2022, www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf, para. 43, see also paras 7 and 44. See also, UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 9. "Gangs videotaped and circulated sexual assaults of kidnapped women and girls to pressure their families to pay ransoms." US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html. Kidnappers have reportedly called family members and made them listen to rapes being carried out. BBC, *Haiti: Inside the Capital City Taken Hostage by Brutal Gangs*, 5 December 2022, www.bbc.com/news/world-latin-america-63707429. See also, UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 15 January 2024, S/2024/62, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N24/001/85/PDF/N2400185.pdf>, para. 35; HRW, *Living a Nightmare: Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, p. 21.

⁶⁵⁸ Of these, 701 (including 221 women, 8 girls and 18 boys) took place between 1 July and 30 September, an increase of 244 per cent in comparison to the same period in 2022. UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 16 October 2023, S/2023/768, www.ecoi.net/en/file/local/2100026/N2329136.pdf, para. 11. "Kidnappings are rampant. [...] In the first quarter of 2023, kidnappings had increased 300 per cent compared with the same period in the previous year". UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, para. 8, see also para. 48. "Kidnappings increased by 2,673% between 2018–2022." ACAPS, *Haiti: Humanitarian Impact of Gang Violence*, 2 June 2023, www.acaps.org/fileadmin/Data_Product/Main_media/20230602_acaps_briefing_note_haiti_humanitarian_impact_of_gang_violence.pdf, p. 4. See also, CARDH, *Bulletin of Kidnapping for the Third Quarter of 2023 (#13) and Disaggregated Statistics on Homicides and Violent Deaths in Haiti*, 12 October 2023, <https://cardh.org/archives/4688>. "An average of four people are kidnapped a day in Haiti". AP, *In Haiti, Gangs Take Control as Democracy Withers*, 31 January 2023, <https://apnews.com/article/haiti-gangs-democracy-at-risk-7ddcea955fdd364e2b574e28daa71d03>.

⁶⁵⁹ "Lors d'une réunion à Port-au-Prince, la chef de la mission, Helen La Lime, a noté qu'il y avait déjà 680 enlèvements documentés depuis le début de l'année 2022, selon la police haïtienne. Le nombre réel, a-t-elle précisé, est plus élevé car tous les enlèvements ne sont pas signalés." Le Nouvelliste, *Cité Soleil : « On brûle les cadavres », « au moins 52 morts et 110 blessés dans des affrontements entre groupes armés », selon le maire*, 11 July 2022, <https://lenouvelliste.com/article/236925/cite-soleil-on-brule-les-cadavres-au-moins-52-morts-et-110-blesses-dans-des-affrontements-entre-groupes-armes-selon-le-maire>. "Les cas d'enlèvement, de séquestration et de libération contre rançon sont monnaie courante sous la gouvernance d'Ariel HENRY. Il est pratiquement impossible de recenser de manière exhaustive le nombre total d'enlèvements enregistrés durant cette période. Mais, au moins deux mille trente et un (2031) cas d'enlèvement et de séquestration ont été dénombrés durant ces vingt et un mois de gouvernance d'Ariel HENRY." Fondasyon Je Klere, *Situation de terreur en Haïti, les chiffres noirs du gouvernement d'Ariel HENRY*, 2 May 2022, www.haitilibre.com/docs/Rapport-FJKL-Situation-terreur-en-Haïti-avril-2023.pdf, para. 96.

⁶⁶⁰ BINUH, *Human Rights Situation: Main Trends*, 1 September 2023, https://binuh.unmissions.org/sites/default/files/human_rights_situation_in_haiti_quarterly_report_april_-_june_2023_0.pdf, pp. 3, 5; BINUH, *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, 14 October 2022, www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf, para. 43.

There are reports that police or prison workers have demanded ransoms from the families of deportees from the US who had been detained upon arrival in Haiti.⁶⁶¹ Some deportees and returnees have reported a fear of being targeted for kidnapping or violence by gangs or criminal actors as they may be perceived as wealthy or having access to foreign resources.⁶⁶²

a) Humanitarian workers

Gang-related violence in Haiti seriously affects both the delivery of aid and the safety of humanitarian workers.⁶⁶³ Gang members have targeted national and international humanitarian workers in Haiti, often for the purpose of kidnapping for ransom.⁶⁶⁴ According to Insecurity Insight, 43 aid workers have been affected by attacks in Haiti between 2020 and 2023, including 3 killings (all Haitian nationals), 3 persons injured (2 of which were national aid workers) and 37 kidnappings (14 of which were national aid workers).⁶⁶⁵ Since 2013, most aid workers in reported incidents have been Haitian nationals.⁶⁶⁶

In April 2023, the Humanitarian Coordinator in Haiti expressed “deep concern” over a “long sequence of acts of violence against health, education and humanitarian workers and their assets in Haiti since the beginning of the year.”⁶⁶⁷

⁶⁶¹ Persons deported from the US with a criminal record, and some without, are reportedly being detained upon arrival in horrific prison conditions. On 10 October 2022, a Haitian deportee died due to what may have been cholera. While there are reports that the families of those detained receive ransom demands, several have been released without payment. See University of Miami School of Law et al., *Urgent Call to Stop All US Deportations to Haiti*, February 2023, www.law.miami.edu/_assets/files-exp/files-clinic-human-rights/urgent-call-to-stop-all-u.s-deportations-to-haiti_february-202312.pdf, pp. 8-13; Alternative Chance et al., *Letter Dated 12 January 2023*, 12 January 2023, www.aila.org/aila-files/FF440D65-6A8D-44E0-8AA0-CE1D1BD84B38/23011905.pdf?1697589514; northjersey.com, *Prison Is Death: NJ Deportees Freed from Haitian Jail after Suffering Deplorable Conditions*, 27 October 2022, <https://eu.northjersey.com/story/news/2022/10/27/haiti-prison-free-patrick-julney-nj-billy-balisage/69593500007/>.

⁶⁶² “Given the security conditions in Haiti, civil society groups and organizations assisting returnees expressed concern that people expelled or deported to Haiti are at risk of kidnapping and extortion by criminal gangs, which may believe returnees have money for travel or relatives abroad who can pay ransoms. However, there is currently no system in place to track and support returnees.” HRW, *Haitians Being Returned to a Country in Chaos*, 24 March 2022, www.hrw.org/news/2022/03/24/haitians-being-returned-country-chaos. See also, IRB, *Haiti: Treatment by Society of Haitians Who Have Lived for a Long Time Abroad, Especially in Canada, after They Return to their Country; Whether They Are at Risk of Being Victims of Violence, and Including the Type of Violence and from Whom; Whether Their Return Could Represent a Threat to their Families (2018–August 2020)*, 27 August 2020, <https://irb-cisr.gc.ca/en/country-information/rir/Pages/index.aspx?doc=458161&pls=1>.

⁶⁶³ “[Gang-related] violence has had a detrimental impact on health care workers, who have been attacked and/or kidnapped while performing their duties.” BINUH and OHCHR, *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, 14 October 2022, www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf, para. 10. “Many [gangs] are directly involved in kidnappings and extortion that affect aid operations.” Insecurity Insight, *Haiti: Acceptance*, May 2022, <https://insecurityinsight.org/wp-content/uploads/2022/06/Haiti-Acceptance-May-2022.pdf>, p. 1. See also, UN General Assembly, *Situation of Human Rights in Haiti*, 25 September 2023, A/HRC/54/79, www.ecoi.net/en/file/local/2098750/a-hrc-54-79-aev.docx, paras 14, 16; UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 14 April 2023, S/2023/274, www.ecoi.net/en/file/local/2091678/N2309343.pdf, para. 40; USAID, *Haiti Citizen Security Assessment (CSA) Final Report*, September 2022, https://pdf.usaid.gov/pdf_docs/PA0211RJ.pdf, p. 31.

⁶⁶⁴ “Locally employed aid workers are at particular risk [of being kidnapped] given the knowledge that they are linked to foreign organizations that may well pay to get their staff back.” Insecurity Insight, *Haiti: Situation Report: Gangs and the Haitian State*, 12 November 2021, <https://reliefweb.int/report/haiti/haiti-situation-report-gangs-and-haitian-state-12-november-2021>, p. 6. Humanitarian Outcomes reviewed data regarding the targeting of humanitarian workers in July 2023 and concluded that international NGOs and UN agencies had experienced the most reported incidents, although incidents against local NGOs are likely underreported. USAID, *Humanitarian Access SCORE Report: Haiti*, July 2023, www.ecoi.net/en/file/local/2097009/2023-07_-_score_haiti_0723_final.pdf, pp. 11-12.

⁶⁶⁵ Insecurity Insight, *2020-2023 Haiti Aid Worker KICA Incident Data*, accessed 26 October 2023, <https://data.humdata.org/dataset/haiti-attacks-on-aid-operations-education-health-and-protection>. For specific cases, see also Insecurity Insight, *Attacks on Health Care Bi-Monthly News Brief: 08-21 February 2023*, 7 March 2023, <https://reliefweb.int/attachments/2d9afc2b-e789-4e47-b3a7-b2fbdc445b/39.-08-21-February-2023-Attacks-on-Health-Care-News-Brief.pdf>, pp. 3-4; Insecurity Insight, *Haiti: Flash Analysis and Prediction*, 1 December 2021, <https://insecurityinsight.org/wp-content/uploads/2021/11/Haiti-Vigil-Insight-Flash-Analysis-and-Prediction-1-December-2021.pdf>, pp. 2-3.

⁶⁶⁶ USAID, *Humanitarian Access SCORE Report: Haiti*, July 2023, www.ecoi.net/en/file/local/2097009/2023-07_-_score_haiti_0723_final.pdf, p. 11. See also, Insecurity Insight, *Haiti: Situation Report: Gangs and the Haitian State*, 12 November 2021, <https://reliefweb.int/report/haiti/haiti-situation-report-gangs-and-haitian-state-12-november-2021>, p. 6.

⁶⁶⁷ OCHA, *The Humanitarian Coordinator in Haiti Expresses Deep Concern over the Worrying Increase in Acts of Violence Against Health, Education and Humanitarian Staff in Haiti*, 6 April 2023, <https://reliefweb.int/report/haiti/humanitarian-coordinator-haiti-expresses-deep-concern-over-worrying-increase-acts-violence-against-health-education-and-humanitarian-staff-haiti>.

b) Healthcare workers

Healthcare workers in particular have been targets of violence and kidnappings by armed individuals in Haiti.⁶⁶⁸ According to Insecurity Insight, there were 11 incidents of gangs attacking health providers between 2019 and 2022, of which 60 per cent occurred in 2022.⁶⁶⁹ Between January and July 2023, a further 22 attacks affecting Haitian healthcare workers and/or facilities were recorded, in which 16 persons were kidnapped, six injured, and one killed after being abducted.⁶⁷⁰ Between January and August 2023, at least 40 doctors were kidnapped in Haiti.⁶⁷¹ Armed groups have targeted foreign healthcare professionals working in Haiti.⁶⁷² Violent incidents against healthcare workers have increased significantly in Haiti's West Department, particularly in the metropolitan area of Port-au-Prince, where many healthcare facilities are located.⁶⁷³

Gangs frequently target medical doctors,⁶⁷⁴ but nurses, community health workers and support staff are also targeted.⁶⁷⁵ Healthcare professionals have been killed during attacks on facilities and during (attempted) abductions.⁶⁷⁶ Gangs have also kidnapped family members of healthcare workers during

⁶⁶⁸ "The healthcare system has been one of the most impacted by this violence [...] And since they are being constantly targeted and kidnapped, Healthcare providers are fleeing the country." Childspring International, *The Impact of Violence on Haiti's Healthcare System*, 15 June 2022, www.childspringintl.org/stories/q0tyunyl5kmmqblwrh5i73qt1jskp4. "Armed gangs are the main source of violence against health care." Insecurity Insight, *Haiti: Violence Against Health Care in Conflict 2021*, 6 June 2022, <https://reliefweb.int/report/haiti/haiti-violence-against-health-care-conflict-2021>, p. 2. Gang-related violence continuously threatens the security of healthcare workers. For instance, on 15 June 2023, nearly 20 armed men entered a hospital run by MSF in the Tabarre section of Port-au-Prince, where they forcibly removed a patient who was being operated for a gunshot wound. During this attack, they also threatened to kill the hospital workers. ABC News, *Hospital in Haiti Suspends Treatment After Armed Men Storm Facility, Forcibly Remove Gunshot Victim*, 7 July 2023, <https://abcnews.go.com/International/hospital-haiti-suspends-treatment-after-armed-men-storm-facility-forcibly-remove-gunshot-victim/>. "Healthcare workers, as well as justice personnel and other civil servants, [have been] also targeted [for kidnapping]." BINUH, *Human Rights Situation: Main Trends*, 9 May 2023, <https://reliefweb.int/report/haiti/human-rights-situation-main-trends-quarterly-report-january-march-2023>, p. 4.

⁶⁶⁹ Insecurity Insight, *2016-2023 HTI Attacks on Health Care Incident Data*, accessed 10 October 2023, <https://data.humdata.org/dataset/haiti-attacks-on-aid-operations-education-health-and-protection>.

⁶⁷⁰ Ibid.

⁶⁷¹ OCHA, *Haiti: Besoins Humanitaires et Plan de Réponse 2024*, 19 January 2024, www.unocha.org/attachments/74e0e2a8-61d7-4221-a069-b4a3bc467580/Haiti_HNRP_2024_FR_version%20finale.pdf, p. 7.

⁶⁷² Insecurity Insight, *2016-2023 HTI Attacks on Health Care Incident Data*, accessed 10 October 2023, <https://data.humdata.org/dataset/haiti-attacks-on-aid-operations-education-health-and-protection>.

⁶⁷³ 34 of 39 attacks on healthcare professionals and/or facilities recorded by Insecurity Insight in 2022 and 2023 took place in Haiti's West Department. Insecurity Insight, *2016-2023 Haiti Attacks on Health Care Incident Data*, accessed 10 October 2023, <https://data.humdata.org/dataset/91912c56-617c-4164-9790-d05d43032e8e/resource/11f50a88-1ec8-4ecb-ad29-5e5b7eb4f857/download/2016-2023-haiti-attacks-on-health-care-incident-data.ods>. See also, AP, *Heavily Armed Haitian Gang Surrounds Hospital in Capital and Traps People Inside*, 16 November 2023, <https://apnews.com/article/haiti-hospital-gang-takes-women-children-hostage-770ea717b1400705d064c26ecb45234d>.

⁶⁷⁴ The kidnappings frequently, but not exclusively, target higher-ranking professionals. As the UN Security Council notes, "[p]hysicians and entrepreneurs were increasingly targeted for their higher-paying ransom potential." UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 13 October 2022, S/2022/761, www.ecoi.net/en/file/local/2080457/N2263243.pdf, para. 20. On 16 September 2023, for instance, a doctor from Port-au-Prince was kidnapped from his house by heavily armed men who demanded a ransom of USD 50,000. Rezo Nodwes, *Dr Evens Voltaire Kidnappé : Une Forte Rançon Exigée Pour Sa Libération*, 21 September 2023, <https://reznodwes.com/?p=320121>. On 14 February 2023, armed attackers kidnapped Dr. Carl Frédéric Duchatelier and community health worker Kettia Juste, who were working for the Gheskio Centre in Port-au-Prince. Kettia Juste had already been kidnapped and released five days prior, on 9 February 2023. Prensa Latina, *Haiti's Gheskio Center Closes After Kidnapping of Two Employees*, 15 February 2023, www.plenglish.com/news/2023/02/15/haitis-gheskio-center-closes-after-kidnapping-of-two-employees/.

⁶⁷⁵ For example, a female community health worker was kidnapped in February 2023, while a Cuban driver working with an NGO providing medical assistance was kidnapped in January 2023. Insecurity Insight, *2023 Attacks on Health Care Incident Data*, accessed 10 October 2023, <https://data.humdata.org/dataset/sind-safeguarding-healthcare-monthly-news-briefs-dataset>.

⁶⁷⁶ According to Insecurity Insight, in February 2023 a doctor was first abducted and then killed by gang members; in April 2022, a doctor was killed when he resisted an abduction attempt by unidentified perpetrators; and in July 2021, a nurse died after unidentified armed individuals fired shots at her ambulance. Insecurity Insight, *2023 Attacks on Health Care Incident Data*, accessed 10 October 2023, <https://data.humdata.org/dataset/sind-safeguarding-healthcare-monthly-news-briefs-dataset>. On 28 February 2021, pediatrician Ernst Paddy was shot in front of his clinic located in Chemin des Dalles by unidentified individuals in an abduction attempt. IciHaiti, *Pediatrician Ernst Paddy Shot Dead After Kidnapping Attempt*, 1 March 2021, www.ichaiti.com/en/news-33131-ichaiti-insecurity-pediatrician-ernst-paddy-shot-dead-after-kidnapping-attempt.html.

attacks.⁶⁷⁷ Hospitals and clinics have suspended services due to attacks and kidnappings, and healthcare workers have organized strikes in solidarity with kidnapped colleagues.⁶⁷⁸

c) Education personnel

Educators are not only in danger due to increasing attacks against schools by armed groups for the purpose of looting or extortion,⁶⁷⁹ there have also been multiple incidents of teachers and other education workers being targeted by armed groups for kidnappings or violent attacks.⁶⁸⁰ Professors working in universities have also been targeted.⁶⁸¹ There have been incidents in which family members of education personnel have also been kidnapped together with the main target.⁶⁸²

d) Religious leaders and persons working for religious communities and organizations

Gangs have increasingly targeted persons with (perceived) ties to international donors, including Haitian nationals who work for religious groups.⁶⁸³ Gangs have targeted leaders of religious groups as

⁶⁷⁷ AP, *Kidnappers in Haiti Release US Nurse and her Young Daughter nearly 2 Weeks after their Abduction*, 9 August 2023, <https://apnews.com/article/haiti-kidnapped-alix-dorsainvil-port-au-prince-3235714657b1797bd682ca4ead3706f0>. In December 2021, armed gang members injured a medic and his wife during an attempted kidnapping. In addition, a volunteer doctor working for an NGO was kidnapped along with her son from their home by gang members in May 2021. Both victims were rescued two days later by the police. Insecurity Insight, *2023 Attacks on Health Care Incident Data*, accessed 10 October 2023, <https://data.humdata.org/dataset/sind-safeguarding-healthcare-monthly-news-briefs-dataset>.

⁶⁷⁸ Reuters, *Medecins Sans Frontieres Shuts Haiti Emergency Clinic after Attack on Ambulance*, 15 December 2023, www.reuters.com/world/medecins-sans-frontieres-shutters-haiti-emergency-clinic-after-attack-ambulance-2023-12-14/; UN Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 14 April 2023, S/2023/274, www.ecoi.net/en/file/local/2091678/N2309343.pdf, para. 40; MSF, *Haiti, Attacks on Medical Staff Leave Population Without Health Care*, 23 May 2022, <https://reliefweb.int/report/haiti/haiti-attacks-medical-staff-leave-population-without-health-care>; Peoples Health Dispatch, *Rise of Violence, Deterioration of Rights Sparks Month-Long Actions Among Health Workers in Haiti*, 2 April 2022, <https://peoplesdispatch.org/2022/04/02/rise-of-violence-deterioration-of-rights-sparks-month-long-actions-among-health-workers-in-haiti/>. "Plusieurs établissements de santé, telles que l'hôpital de Médecins Sans Frontières à Cité Soleil et Tabarre (ZMPAP), l'hôpital Albert Schweitzer (Artibonite) et l'hôpital Universitaire de Mirebalais (Centre), ont été pris pour cibles par des gangs, les forçant à fermer temporairement. Dans le département de l'Artibonite, un quart des établissements de santé déclarent avoir des problèmes d'accès physique aux infrastructures de santé, tant pour les patients que pour le personnel, en raison de l'insécurité." OCHA, *Haiti: Besoins Humanitaires et Plan de Réponse 2024*, 19 January 2024, www.unocha.org/attachments/74e0e2a8-61d7-4221-a069-b4a3bc467580/Haiti_HNRP_2024_FR_version%20finale.pdf, p. 7.

⁶⁷⁹ "In the first four months of the academic year (October [2022] – February [2023]), 72 schools were reportedly targeted compared to eight during the same period last year. This includes at least 13 schools targeted by armed groups, one school set on fire, one student killed, and at least two staff members kidnapped, according to reports by UNICEF partners. In the first six days of February [2023] alone, 30 schools were shuttered as a result of escalating violence in urban areas, while over 1 in 4 schools has remained closed since October last year." UNICEF, *Haiti: Armed Violence Against Schools Increases Nine-Fold in One Year*, 9 February 2023, www.unicef.org/press-releases/haiti-armed-violence-against-schools-increases-nine-fold-one-year-unicef. "[A]t least seven schools in the capital of Port-au-Prince have been forced to pay unidentified gangs in exchange for security in the past two months and [...] additional institutions have been threatened." The Independent, *UNICEF: Gangs in Haiti Are Targeting Schools and Students*, 2 November 2021, www.independent.co.uk/news/haiti-gangs-portauprince-unicef-jovenel-moise-b1950294.html.

⁶⁸⁰ "Although victims of kidnapping included all types of people, there was an increase in the kidnapping of teachers, students, and parents inside or in the vicinity of school buildings." BINUH, *Human Rights Situation: Main Trends*, 9 May 2023, <https://reliefweb.int/report/haiti/human-rights-situation-main-trends-quarterly-report-january-march-2023>, p. 4. See also, HRW, *"Living a Nightmare" Haiti Needs an Urgent Rights-Based Response to Escalating Crisis*, 14 August 2023, www.ecoi.net/en/file/local/2095952/haiti0823web.pdf, p. 21.

⁶⁸¹ "On February 4, 2022, members of a criminal group abducted Gérard Dorcély, the rector of the University of Port-au-Prince, and allegedly held him for ransom until his release on February 21, 2022. Sources indicate that Dorcély and his chauffeur were abducted in the commune of Croix-des-Bouquets while he was returning home. 400 Mawozo, a criminal group behind kidnappings in recent months, was reportedly behind the abduction of Dorcély. A growing number of academics had been kidnapped in Haiti since 2021." Scholars at Risk Network, *Academic Freedom Monitoring Project*, 4 February 2022, www.scholarsatrisk.org/report/2022-02-04-university-of-port-au-prince/. On 16 October 2022, Professor Patrice Michel Derenoncourt from the State University of Haiti (UEH) was kidnapped by armed groups in Port-au-Prince. He was killed on 31 October 2022, despite his family paying a share of the USD 900,000 ransom demanded by the kidnappers. Le Filet Info, *Haiti – Kidnapping : Le Professeur Patrice Derenoncourt Exécuté Par des Ravisseurs*, 1 November 2021, <https://lefiletinfo.com/haiti-kidnapping-le-professeur-patrice-derenoncourt-execute-par-des-ravisseurs>. On 21 June 2021, Marie Josette Malvoisin, Dean of the Faculty of Law at the University of Saint-Francois d'Assise d'Haiti was kidnapped by the 400 Mawozo gang, who demanded USD 500,000 in ransom. Insecurity Insight, *Education in Danger Monthly News Brief April 2021*, 19 May 2021, <https://insecurityinsight.org/wp-content/uploads/2021/05/April-2021-Education-in-Danger-Monthly-News-Brief.pdf>.

⁶⁸² "01 March 2023: In Port-au-Prince, Ouest department, a teacher of the National High School of La Saline and several of her relatives were kidnapped in the Street Ruelle Alerte by suspected gang members." Insecurity Insight, *Education in Danger Monthly News Brief March 2023*, accessed 10 October 2023, <https://insecurityinsight.org/projects/education-in-danger/education-in-danger-monthly-news-brief>. "On February 6, 2023, unidentified armed individuals abducted Wilfrid Azarre, the rector of the Université Publique du bas-Artibonite à Saint-Marc (UPBAS), his daughter, and an administrative employee. They were riding a bus when the kidnappers ordered the other riders to get off and abducted them. [...] A growing number of professionals, including academics, have been the targets of kidnappings in recent years in Haiti." Scholars at Risk, *Academic Freedom Monitoring Project*, 6 February 2023, www.scholarsatrisk.org/report/2023-02-06-universite-publique-du-bas-artibonite-a-saint-marc/.

⁶⁸³ "Leaders from all major religious communities said the killings and kidnappings were part of a wider trend of rising gang violence. According to religious leaders, gangs were motivated by financial gain rather than religious discrimination. They said religious leaders holding a prominent position in society were likely to have access to personal funds and wealthy foreign donors." US Department of State, *2022 Report on International Religious Freedom: Haiti*, 15 May 2023, www.state.gov/reports/2022-report-on-international-religious-freedom/haiti/. See also, Insight Crimes, *Haiti Gangs Profit from Targeting Religious Groups*, 10 December 2021, <https://insightcrime.org/news/haiti-gangs-profit-targeting-religious-groups/>.

well as persons working for religious communities or organizations.⁶⁸⁴ Community members and bystanders have been killed during attacks on institutions or during (attempted) kidnappings.⁶⁸⁵ Gangs in Haiti have also kidnapped foreign missionaries and religious workers.⁶⁸⁶

UNHCR considers that where individuals are targeted for kidnapping for ransom on the basis of their (imputed) political opinion—for example because they oppose (or are perceived to oppose) a gang, or because they are (perceived to be) associated with a rival gang—they may, depending on the individual circumstances of the case, be in need of international refugee protection on the basis of a well-founded fear of persecution at the hands of non-State actors for reasons of (imputed) political opinion, combined with a general inability of the State to provide protection from persecution by non-State actors.

Where individuals are at risk of kidnapping for ransom due to their (perceived) means or (perceived) access to resources, including as a result of their profession or ties to a foreign country, they may be in need of international refugee protection on the basis of a well-founded fear of persecution at the hands of non-State actors for reasons of their membership of a particular social group, depending on the individual circumstances of the case.

UNHCR considers that separate considerations apply to the situation of family members of individuals who are themselves at risk of kidnapping for ransom. Where family members, including children, are at risk of kidnapping for ransom for reason of their kinship ties to such individuals, they may, depending on the individual circumstances of the case, be in need of international refugee protection on the basis of a well-founded fear of persecution at the hands of non-State actors for reasons of their membership of a particular social group or other relevant Convention grounds, combined with a general inability of the State to provide protection from such persecution.

10) Persons with Disabilities

In 2009, Haiti ratified the Convention on the Rights of Persons with Disabilities and the Inter-American Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities.⁶⁸⁷ The 2012 Act on the Inclusion of Persons with Disabilities provides that persons with disabilities have a right to basic services, including health and education, as well as access to justice.⁶⁸⁸ However, discrimination against persons with disabilities is not expressly forbidden and is explicitly allowed in certain circumstances under national legislation adopted both before and after Haiti's ratification of the

⁶⁸⁴ On 8 October 2023, ten armed individuals dressed in military and police uniforms attacked the Rendez-Vous Christ Church in Delmas and tried to kidnap Pastor Julio Volcy. The group managed to rob the church and parishioners, but the pastor escaped with help from his private security detail. Haiti Libre, *An Armed Group Attacks a Church in Haiti in the Middle of a Religious Service*, 9 October 2023, www.haitilibre.com/en/news-40688-haiti-flash-an-armed-group-attacks-a-church-in-haiti-in-the-middle-of-a-religious-service.html. On 11 March 2023, Father Jean-Yves Médidor from the community of the Clerics of Saint-Viator was kidnapped outside the Viatorian Residence Alphonse-Marin in Port-au-Prince. He was released on 23 March. Aid to the Church International, *Haiti: Head of the Clerics of Saint Viator Describes Kidnapping of Priest as "Outrageous"*, 27 March 2023, <https://acninternational.org/haiti-head-of-the-clerics-of-saint-viator-describes-kidnapping-of-priest-as-outrageous/>; Viatorians International, *Important Message From the Superior General*, 14 March 2023, www.viatorians-international.org/important-message-from-the-superior-general/. See also, US Department of State, *2022 Report on International Religious Freedom: Haiti*, 15 May 2023, www.state.gov/reports/2022-report-on-international-religious-freedom/. On 3 April 2021, gunmen kidnapped a pastor and three church members in the Seventh-day Adventist Gospel Kreyol Ministry Church in Port-au-Prince. A few days later, on 11 April 2021, the 400 Mawozo gang kidnapped five priests, two nuns and three members of a priest's family near the Saint Jacques Catholic church in Croix-des-Bouquets and asked for USD 1 million in ransom. The Haitian Times, *Kidnappers Target Another Church, Ask For \$1 Million to Release Worshipers*, 12 April 2021, <https://haitiantimes.com/2021/04/12/kidnappers-target-another-church-ask-for-1-million-to-release-worshippers/>.

⁶⁸⁵ Haitian Times, *Police Officer among 2 Killed During Church Kidnapping*, 9 October 2023, <https://haitiantimes.com/2023/10/09/police-officer-among-2-killed-during-church-kidnapping/>; US Department of State, *2021 Report on International Religious Freedom: Haiti*, 2 June 2022, www.state.gov/reports/2021-report-on-international-religious-freedom/haiti/.

⁶⁸⁶ In an incident that gained international attention in 2021, the 400 Mawozo gang kidnapped 17 missionaries, including children, affiliated with the organization Christian Aid Ministries during their visit to an orphanage and demanded ransom payments of USD 1 million per person. All victims eventually escaped or were freed. BBC, *Haiti Kidnappers Release Remaining Missionaries*, 16 December 2021, www.bbc.com/news/world-africa-59689060.

⁶⁸⁷ NPH Ireland, *Effectiveness Review of Disability Inclusive Development in Projects Supporting Persons with Disabilities*, 2021, www.nph-ireland.org/wp-content/uploads/2021/07/MC-Effectiveness-report-HAITI.pdf, p. 3. During its first review in 2018, the Committee on the Rights of Persons with Disabilities (CRPD) noted that Haiti had taken steps to implement the Convention in national legislation but that some laws remained inconsistent with the obligations of the Convention. CRPD, *Concluding Observations on the Initial Report of Haiti*, 13 April 2018, CRPD/C/HTI/CO/1, www.ecoi.net/en/file/local/1439219/1930_1532593608_g1810359.pdf, paras 3-7. See also, Disability Rights Fund, *Haitian DPOs Dialogue with CRPD Committee*, 2017, <https://disabilityrightsfund.org/our-impact/our-stories-of-change/haitian-dpos-dialogue-crpdc-committee/>.

⁶⁸⁸ Republic of Haiti, *Loi portant sur l'intégration des personnes handicapées*, 11 May 2012, www.lo.org/dyn/natlex/docs/ELECTRONIC/99560/118895/F1050124846/HTI-99560.pdf, Article 10.

Convention on the Rights of Persons with Disabilities.⁶⁸⁹ For example, national legislation permits coercive practices against persons with disabilities, particularly those with psychosocial or intellectual disabilities, as well as the restriction of their liberty.⁶⁹⁰ The government reportedly has not enforced or implemented the legal provisions providing protection of the rights of persons with disabilities, including in terms of access to basic services.⁶⁹¹ The Committee on the Rights of Persons with Disabilities (CRPD) expressed concern in 2018 that “[t]he use of offensive and derogatory terminology, in law and in practice, when reference is made to persons with disabilities, remains common and without any sanctions”.⁶⁹²

An estimated 10 per cent of the Haitian population has a disability.⁶⁹³ Persons with disabilities, referred to colloquially by the derogative Haitian Creole term *kokobe*,⁶⁹⁴ face discrimination, stigma, violence and exclusion.⁶⁹⁵ They are “considered cursed by God or an evil spirit and thus often become sources of shame for the family.”⁶⁹⁶ In 2018, the CRPD expressed concern about the “high prevalence of taboos and negative stereotypes of disability, including discriminatory beliefs that disabilities are supernatural

⁶⁸⁹ “The Committee is concerned about: (a) The absence of legislation prohibiting discrimination on the grounds of disability, including, inter alia, the denial of reasonable accommodation as a form of discrimination and the express recognition of multiple and intersectional discrimination; (b) The lack of legal remedies available to persons with disabilities who have been victims of discrimination on the grounds of disability and the absence of redress and compensation measures; (c) The absence of a specific independent mechanism to deal with disability discrimination complaints and the lack of information on the number of complaints investigated and monitored regarding disability-based discrimination.” The Committee also noted that “legislation permitting discrimination on the basis of disability, adopted before and after the ratification of the Convention, is still applicable”. CRPD, *Concluding Observations on the Initial Report of Haiti*, 13 April 2018, CRPD/C/HTI/CO/1, www.ecoi.net/en/file/local/1439219/1930_1532593608_g1810359.pdf, paras 4, 8.

⁶⁹⁰ Coercive practices include physical restraints and isolation, particularly affecting those held in “long-stay residential centres or private care homes”. CRPD, *Concluding Observations on the Initial Report of Haiti*, 13 April 2018, CRPD/C/HTI/CO/1, www.ecoi.net/en/file/local/1439219/1930_1532593608_g1810359.pdf, paras 28-29. Persons with psychosocial or intellectual disabilities may be subject to forced detention, extended pretrial detention without bail, forced admission into a psychiatric establishment and non-consensual treatment. Additionally, Haitian laws allow for the removal of a child from the custody of a person with a disability and prevent some categories of persons with disabilities from entering into civil contracts, including marriage. *Ibid.*, paras 26, 40.

⁶⁹¹ “The [workforce] quota was not met, and the government did not enforce these legal protections [for persons with disabilities], particularly regarding education, health services, public buildings, and transportation.” US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html. Services for people with disabilities are mostly provided by international NGOs and faith-based groups. NPH Ireland, *Effectiveness Review of Disability Inclusive Development in Projects Supporting Persons with Disabilities*, 2021, www.nph-ireland.org/wp-content/uploads/2021/07/MC-Effectiveness-report-HAITI.pdf, p. 4.

⁶⁹² CRPD, *Concluding Observations on the Initial Report of Haiti*, 13 April 2018, CRPD/C/HTI/CO/1, www.ecoi.net/en/file/local/1439219/1930_1532593608_g1810359.pdf, para. 4.

⁶⁹³ Défenseurs Plus, *Défenseurs Plus Advocates for the Integration of Women and Girls Living with Disabilities*, 2 December 2022, <https://defenseursplus.org/en/defenseurs-plus-plaide-pour-lintegration-des-femmes-et-des-filles-vivant-avec-un-handicap/>. “Selon les données des Nations Unies (utilisées par le mouvement haïtien des personnes handicapées), 10% de la population haïtienne présente un handicap (56% de femmes et 44% d’hommes)”. OCHA, *Aperçu des Besoins Humanitaires: Haiti*, March 2022, https://reliefweb.int/sites/reliefweb.int/files/resources/HTI_HPC_2022_HNO_FR_FINAL.pdf, p. 51. See also, Disability Insider, *Haitians with Disabilities Experience Gang Violence, Forcing Them to Flee*, 2021, <https://disabilityinsider.com/2021/07/01/law/haitians-with-disabilities-experience-gang-violence-forcing-them-to-flee/>; US Embassy in Haiti, *USAID Promotes Inclusion of Disabled Persons in Haiti*, 28 August 2020, <https://ht.usembassy.gov/usa-id-promotes-inclusion-of-disabled-persons-in-haiti/>.

⁶⁹⁴ “In the Haitian lexicon it refers to people with at least one visible disability.” S. Regulus, “Representation of Children with Disabilities and Cognitive Justice in Haiti”, in *Disability, Diversity and Inclusive Education in Haiti*, 2023, https://library.oapen.org/bitstream/handle/20.500.12657/60240/9781003347644_10.4324_b23239-6.pdf, p. 86, see also pp. 87, 99. “Stigmatized, they are called *kokobe*, meaning ‘cripple’ in Creole.” Miami Herald, *Haiti Gangs Take Aim at Disabled Children: ‘Put Those Kids Out of their Misery or We Will’*, 10 September 2023, www.miamiherald.com/news/nation-world/world/americas/haiti/article278637314.html. “In the Haitian imagination, the term *cocobé* refers to people with disabilities or those who are stigmatized for one reason or another.” Éditions Science et Bien Commun, *Disabilities in Haitian Schools*, 4 June 2020, <https://scienceetbiencommun.pressbooks.pub/handicaphaitienglish/>, p. 50.

⁶⁹⁵ HRW, *World Report 2024: Haiti*, 12 January 2024, www.ecoi.net/en/document/2103219.html; US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html; OCHA, *Aperçu des Besoins Humanitaires: Haiti*, March 2022, https://reliefweb.int/sites/reliefweb.int/files/resources/HTI_HPC_2022_HNO_FR_FINAL.pdf, pp. 51-52, 91; UN News, *Disabled and Displaced: Helping Haiti’s Most Vulnerable People*, 2 December 2021, <https://news.un.org/en/story/2021/12/1106982>; Disability Rights Fund, *Présentation du Rapport sur les Cas de Violence et de Discrimination sur les Personnes Handicapées 2018 – 2019*, December 2019, <https://disabilityrightsfund.org/wp-content/uploads/Rapport-sur-la-violence-su-des-Personnes-Handicap-2018-2019.docx>, p. 2.

⁶⁹⁶ S. Regulus, “Representation of Children with Disabilities and Cognitive Justice in Haiti”, in *Disability, Diversity and Inclusive Education in Haiti*, 2023, https://library.oapen.org/bitstream/handle/20.500.12657/60240/9781003347644_10.4324_b23239-6.pdf, p. 86. “A disability in Haiti is something mysterious and dangerous. It is interpreted as a curse from supernatural spirits (*Iwa*) who tend to have a great influence on the world of human beings. God in this theology punishes those who do not obey his will. A child born with a disability reflects God’s punishment of a family member, the parents most likely, who did not obey him. [...] Most Haitians are afraid of people with disabilities and treat them as if afflicted with contagious diseases.” Éditions Science et Bien Commun, *Disabilities in Haitian Schools*, 4 June 2020, <https://scienceetbiencommun.pressbooks.pub/handicaphaitienglish/>, p. 19. In 2016, three deaf women were killed due to beliefs that they were “evil spirits”. CRPD, *Concluding Observations on the Initial Report of Haiti*, 13 April 2018, CRPD/C/HTI/CO/1, www.ecoi.net/en/file/local/1439219/1930_1532593608_g1810359.pdf, para. 18. See also, The Guardian, *Murder of Three Deaf Women in Haiti Must be a Starting Point for Change*, 18 July 2016, www.theguardian.com/global-development-professionals-network/2016/jul/18/three-deaf-women-murdered-haiti-change-disabled-people.

in origin or contagious".⁶⁹⁷ Reportedly, persons with disabilities have been killed by their families or in religious ceremonies.⁶⁹⁸

Persons with disabilities are sometimes abandoned by their families, or forcibly placed in private care homes or long-stay residential centres, where they may be subjected to cruel, inhuman or degrading treatment.⁶⁹⁹ They have limited access to employment, healthcare or adequate social services and are often refused medical treatment.⁷⁰⁰ They also frequently struggle to access humanitarian aid and basic services.⁷⁰¹ Natural hazard-related disasters and conflict particularly affect persons with disabilities who are often unable to flee or suffer dire circumstances when displaced.⁷⁰²

Children with disabilities have less access to education and adults with disabilities are more likely to be illiterate.⁷⁰³ Women and children with disabilities are more vulnerable to abuse, exploitation, trafficking

⁶⁹⁷ The Committee also noted that violence and crime against persons with disabilities is "exacerbated by superstitions and beliefs that see disability in a negative light." CRPD, *Concluding Observations on the Initial Report of Haiti*, 13 April 2018, CRPD/C/HTI/CO/1, www.ecoi.net/en/file/local/1439219/1930_1532593608_g1810359.pdf, paras 14, 18. A qualitative survey of 7 persons with disabilities and 5 leaders of associations in Haiti found that "le handicap se situe à travers le prisme de l'irrationnel et du magique et renvoie à deux dimensions principales : invisible ou surnaturelle (action des loas, sort jeté par un sorcier...) et divine (punition, châtement infligé par Dieu pour avoir commis un péché). Ces représentations impactent toutes les sphères de la société." François, A., *Haiti: Les Représentations du Handicap et de la Scolarisation des Élèves Handicapés*, 31 March 2023, <https://theses.hal.science/tel-04166752>.

⁶⁹⁸ S. Regulus, "Representation of Children with Disabilities and Cognitive Justice in Haiti", in *Disability, Diversity and Inclusive Education in Haiti*, 2023, https://library.oapen.org/bitstream/handle/20.500.12657/60240/9781003347644_10.4324_b23239-6.pdf, pp. 89-90. See also, Éditions Science et Bien Commun, *Disabilities in Haitian Schools*, 4 June 2020, <https://scienceetbiencommun.pressbooks.pub/handicaphaitienglish/>, p. 50.

⁶⁹⁹ Miami Herald, *Haiti Gangs Take Aim at Disabled Children: 'Put Those Kids Out of their Misery or We Will'*, 10 September 2023, www.miamiherald.com/news/nation-world/world/americas/haiti/article278637314.html. A nurse in Les Cayes interviewed for a 2023 study stated that the "first instinct of parents is to abandon the child [born with a disability] in the hospital" and that they currently had five babies with disabilities who had been abandoned in their pediatric ward. S. Regulus, "Representation of Children with Disabilities and Cognitive Justice in Haiti", in *Disability, Diversity and Inclusive Education in Haiti*, 2023, https://library.oapen.org/bitstream/handle/20.500.12657/60240/9781003347644_10.4324_b23239-6.pdf, p. 89. "The Committee is concerned about the situation of persons with disabilities, particularly women and children, who are abandoned and placed in long-stay residential centres or private care homes on the grounds of their disability, without their free and informed consent, where they are subject to torture or cruel, inhuman or degrading treatment or punishment, such as being chained." CRPD, *Concluding Observations on the Initial Report of Haiti*, 13 April 2018, CRPD/C/HTI/CO/1, www.ecoi.net/en/file/local/1439219/1930_1532593608_g1810359.pdf, para. 28.

⁷⁰⁰ "Some disability rights activists noted social services available to persons with disabilities were inadequate and persons with disabilities had significant problems accessing quality medical care. Hospitals and clinics in Port-au-Prince were rarely accessible to persons with disabilities and often refused to treat them." US Department of State, *2022 Country Report on Human Rights Practices: Haiti*, 20 March 2023, www.ecoi.net/en/document/2089114.html. See also, UNFPA, *Inclusion des Personnes Handicapées en Haïti : Entre Efforts Consentis et Défis à Relever*, 21 December 2021, <https://haiti.unfpa.org/fr/news/inclusion-des-personnes-handicap%C3%A9es-en-ha%C3%AFti-entre-efforts-consentis-et-d%C3%A9fis-%C3%A0-relever>. Many persons with disabilities may require specialized care that is unavailable in Haiti or that is available but which they are unable to access. See Miami Herald, *Haiti Gangs Take Aim at Disabled Children: 'Put Those Kids Out of their Misery or We Will'*, 10 September 2023, www.miamiherald.com/news/nation-world/world/americas/haiti/article278637314.html.

⁷⁰¹ "Elles sont souvent livrées à elles-mêmes en étant privées d'eau potable, d'abri, de nourriture, de soins de santé, de soutien psychosocial, d'équipement adapté et en n'ayant pas les moyens financiers d'acheter certains biens de base." OCHA, *Aperçu des Besoins Humanitaires: Haïti*, March 2022, https://reliefweb.int/sites/reliefweb.int/files/resources/HTI_HPC_2022_HNO_FR_FINAL.pdf, p. 51.

⁷⁰² Adelphi et al., *Roots for Peace: Uncovering Climate Security Challenges in Haiti and What to Do about Them*, October 2023, https://weatheringrisk.org/sites/default/files/document/Roots_for_peace_uncovering_climate_security_challenges_in_Haiti_3.pdf, p. 40; USAID and Handicap International, *Évaluation de l'accès à l'aide humanitaire pour les personnes handicapées suite au séisme d'août 2021 en Haïti*, August 2022, <https://reliefweb.int/report/haiti/evaluation-de-lacc%C3%A8s-%C3%A0-laide-humanitaire-pour-les-personnes-handicap%C3%A9es-suite-au-s%C3%A9isme-daout-2021-en-ha%C3%AFti>, p. 7; OCHA, *Aperçu des Besoins Humanitaires: Haïti*, March 2022, https://reliefweb.int/sites/reliefweb.int/files/resources/HTI_HPC_2022_HNO_FR_FINAL.pdf, p. 72; UN, *Disabled and Displaced: Helping Haiti's Most Vulnerable People*, 2 December 2021, <https://news.un.org/en/story/2021/12/1106982>.

⁷⁰³ World Bank, *Greater Inclusion Necessary for Haitians Living with a Disability*, 17 December 2021, www.worldbank.org/en/news/feature/2021/12/17/greater-inclusion-necessary-for-haitians-living-with-a-disability. See also, S. Regulus, *Representation of Children with Disabilities and Cognitive Justice in Haiti*, in *Disability, Diversity and Inclusive Education in Haiti*, 2023, https://library.oapen.org/bitstream/handle/20.500.12657/60240/9781003347644_10.4324_b23239-6.pdf, pp. 92-94. "Research also indicates that less than 14 percent of children with disabilities attend school, with only 3.5 percent of an estimated 120,000 children with disabilities attending school in Port-au-Prince." US Department of State, *2022 Findings on the Worst Forms of Child Labor: Haiti*, 26 September 2023, www.ecoi.net/en/document/2098518.html. Specialized schools are few/non-existent. USAID and Handicap International, *Évaluation de l'accès à l'aide humanitaire pour les personnes handicapées suite au séisme d'août 2021 en Haïti*, August 2022, <https://reliefweb.int/report/haiti/evaluation-de-lacc%C3%A8s-%C3%A0-laide-humanitaire-pour-les-personnes-handicap%C3%A9es-suite-au-s%C3%A9isme-daout-2021-en-ha%C3%AFti>, p. 22. Teachers often refuse to work with children with "severe disabilities" and the limited number of specialized schools created by NGOs focus on physical disabilities. Éditions Science et Bien Commun, *Disabilities in Haitian Schools*, 4 June 2020, <https://scienceetbiencommun.pressbooks.pub/handicaphaitienglish/>, pp. 17-18.

and violence, including sexual assault.⁷⁰⁴ Reportedly, deaf women are at high risk of sexual assault and they rarely press charges.⁷⁰⁵

UNHCR considers that depending on the individual circumstances of the case, persons with disabilities may be in need of international refugee protection on the basis of a well-founded fear of persecution at the hands of the State or non-State actors for reasons of membership of a particular social group or other relevant Convention grounds, combined with a general inability of the State to provide protection from persecution by non-State actors. Additionally, psychosocial, intellectual or physical disabilities may increase the vulnerability of persons who also fit other risk profiles included in this document.

11) Persons Living with HIV/AIDS

Persons living with HIV/AIDS face discrimination, stigma and abuse to the extent that some people living with HIV/AIDS have avoided getting medical treatment.⁷⁰⁶ In 2020, it was reported that “63 percent of adults surveyed in the country responded they would not purchase vegetables from a seller known to be HIV-positive, while 54 percent believed students with HIV should not attend school”.⁷⁰⁷ The rates of HIV/AIDS prevalence are significantly higher among women and girls, likely due to sexual violence.⁷⁰⁸ Insecurity and poor governance in the country have exacerbated the situation for individuals living with HIV/AIDS, including by increasing obstacles to the provision of essential medical treatment.⁷⁰⁹

UNHCR considers that depending on the individual circumstances of the case, persons living with HIV/AIDS may be in need of international refugee protection at the hands of non-State actors for

⁷⁰⁴ Plan International, *Analyse Rapide de Genre en Haïti*, March 2023, www.ecoi.net/en/file/local/2086931/investigative-report-human-rights-abuses-committed-gangs-zone-brooklyn-july-december-2022.pdf, p. 33. “En particulier, les femmes et les filles vivant avec un handicap sont soumises à une incidence accrue de violence physique, sexuelle, mentale et économique.” OCHA, *Aperçu des Besoins Humanitaires: Haïti*, March 2022, https://reliefweb.int/sites/reliefweb.int/files/resources/HTI_HPC_2022_HNO_FR_FINAL.pdf, p. 52. “Women with mental disabilities are often raped, sometimes beaten to death.” S. Regulus, “Representation of Children with Disabilities and Cognitive Justice in Haïti”, in *Disability, Diversity and Inclusive Education in Haïti*, 2023, https://library.oapen.org/bitstream/handle/20.500.12657/60240/9781003347644_10.4324_b23239-6.pdf, p. 98. See also, Adelphi et al., *Roots for Peace: Uncovering Climate Security Challenges in Haïti and What to Do about Them*, October 2023, https://weatheringrisk.org/sites/default/files/document/Roots_for_peace_uncovering_climate_security_challenges_in_Haiti_3.pdf, pp. 24-25; CRPD, *Concluding Observations on the Initial Report of Haïti*, 13 April 2018, CRPD/C/HTI/CO/1, www.ecoi.net/en/file/local/1439219/1930_1532593608_g1810359.pdf, para. 30.

⁷⁰⁵ “Les femmes sourdes sont très souvent victimes de ce genre de violence et il y a une forte hésitation à porter plainte pour plusieurs raisons : d’abord en Haïti les femmes sourdes sont stigmatisées au niveau de leur sexualité ensuite par rapport aux barrières liées à la communication et à la confidentialité.” Disability Rights Fund, *Présentation du Rapport sur les Cas de Violence et de Discrimination sur les Personnes Handicapées 2018 – 2019*, December 2019, <https://disabilityrightsfund.org/wp-content/uploads/Rapport-sur-la-violence-su-des-Personnes-Handicap-2018-2019.docx>, p. 8.

⁷⁰⁶ “Stigma against persons with HIV or AIDS remained strong and widespread and, in some cases, discouraged persons with HIV from seeking medical treatment.” Additionally, discrimination may compromise a person’s ability to maintain treatment. US Department of State, *2022 Country Report on Human Rights Practices: Haïti*, 20 March 2023, www.ecoi.net/en/document/2089114.html. “La stigmatisation et la discrimination vis-à-vis du sont encore très présentes dans le milieu haïtien avec seulement 12% des femmes et 23% des hommes qui se comporteraient de manière tolérante envers les personnes vivant avec le VIH dans certaines situations.” Ministère de la Santé Publique et de la Population d’Haïti, *Plan Stratégique Nationale Multisectorielle de Riposte au VIH/SIDA 2018-2023*, August 2019, <https://mspp.gouv.ht/site/downloads/PSNM%20de%20riposte%20au%20VIH%202018%202023%20v%20finale.pdf>, p. 7. See also, UNAIDS, *Strengthening Haïti’s HIV Response Through Community-Led Monitoring*, 3 December 2021, www.unaids.org/en/resources/presscentre/featurestories/2021/december/20211203_strengthening-haiti-hiv-response-through-community-led-monitoring.

⁷⁰⁷ US Department of State, *2022 Country Report on Human Rights Practices: Haïti*, 20 March 2023, www.ecoi.net/en/document/2089114.html.

⁷⁰⁸ “The feminization of HIV has long been a feature of the Haïti pandemic with HIV prevalence for females at 2.3%, compared to 1.6% among men. Still, the continuing multi-faceted and profound crisis, fueled by such levels of violence, is exposing thousands of women to HIV infection.” UNAIDS, *Supporting Women and Girls Affected by Gang Violence in Haïti*, 29 June 2023, www.unaids.org/en/resources/presscentre/featurestories/2023/june/20230629_women-girls-haiti. “The prevalence rate of HIV among girls and women ages 15-29 was nearly triple that of their male peers; experts believed this was because of the high rate of sexual violence against young women.” US Department of State, *2022 Country Report on Human Rights Practices: Haïti*, 20 March 2023, www.ecoi.net/en/document/2089114.html. See also, UN, *Address Inequalities to Achieve the End of the AIDS Pandemic in Haïti*, 30 November 2022, <https://haiti.un.org/en/209618-address-inequalities-achieve-end-aids-pandemic-haiti>.

⁷⁰⁹ “Progress toward HIV epidemic control has stalled due to frequent interruptions in treatment and patients not remaining engaged in care. Weak governance and coordination; geographic and financial barriers to accessing health services; difficulty in retaining qualified health professionals; and growing insecurity are all chronic challenges to managing HIV cases in Haïti. Human resources for health are scarce, with many skilled health care professionals leaving the country in search of better jobs or for their own safety. People living with HIV face these same challenges, and may also find themselves migrating within and outside of the country. Additionally, people living with HIV face extreme social stigma in Haïti, which may drive them to seek health care outside of their immediate communities where they can remain anonymous.” USAID, *Haïti: Human Immunodeficiency Virus*, September 2022, www.usaid.gov/sites/default/files/2023-05/Health%20HIV%20%28Level%203%29%20Public%20Fact%20Sheet%20-%20Sept%202022%20-%20FINAL_1.pdf, p. 1. Especially for those living with HIV/AIDS in areas affected by conflict, healthcare may be unavailable. As of March 2024, many hospitals and clinics were not functioning in the capital, while others were running out of supplies. The New Humanitarian, *What’s Happening in Haïti, and What’s the Humanitarian Backdrop?*, 6 March 2024, www.thenewhumanitarian.org/news/2024/03/06/haiti-round-up-humanitarian-backdrop.

reasons of membership of a particular social group or other relevant Convention grounds, combined with a general inability of the State to provide protection from such persecution.

B. Refugee Status under UNHCR's Broader Mandate Criteria or Regional Instruments, or Eligibility for Complementary Forms of Protection

The 1951 Convention forms the cornerstone of the international refugee protection regime. Accordingly, a sequential approach is preferred, whereby refugee status is initially assessed under the 1951 Convention definition, while interpreting the criteria for refugee status contained in that Convention in such a manner that individuals or groups of persons who meet these criteria are duly recognized and protected under that instrument.⁷¹⁰ In such a sequential approach, if an asylum-seeker is found not to meet the refugee criteria contained in the 1951 Convention, for example because the feared persecution is not for reason of a Convention ground,⁷¹¹ or the threshold for applying the 1951 Convention definition is otherwise not met, broader international protection criteria under UNHCR's mandate or contained in regional instruments need to be examined.

However, the broader refugee criteria contained in regional instruments may be applied directly when this is more practical and efficient, including in group situations or specific regional contexts, as long as the 1951 Convention standards of treatment apply.⁷¹²

1) Refugee Status under UNHCR's Broader Mandate Criteria

UNHCR's mandate encompasses individuals who meet the refugee criteria under the 1951 Convention and its 1967 Protocol,⁷¹³ but has been broadened through successive UN General Assembly and ECOSOC resolutions to a variety of other situations of forced displacement resulting from indiscriminate violence or public disorder.⁷¹⁴ In light of this evolution, UNHCR's competence to provide international protection to refugees extends to individuals who are outside their country of nationality or habitual residence and who are unable or unwilling to return there owing to serious threats to life, physical integrity or freedom resulting from conflict, generalized violence or other events seriously disturbing public order.⁷¹⁵

UNHCR considers that Haiti is currently affected by circumstances seriously disturbing public order. Relevant considerations in this regard include the information presented in [Section II](#) relating to (i) the protracted political crisis in Haiti, with none of the three branches of government functioning according to the Constitution, and not a single elected official to govern the country; (ii) the fact that in parts of the country gangs and other criminal groups exercise control over the civilian population, by means of threats and intimidation, extortion, kidnappings, restrictions on freedom of movement, forced displacement, targeted physical and sexual violence, and forced recruitment; (iii) the fact that these non-State actors are able to commit such violent crimes and human rights abuses with impunity; (iv) record levels of humanitarian needs due to rising insecurity, natural hazard-related disasters and years of economic decline, with nearly half of Haiti's population in need of humanitarian assistance; (v) systematic constraints on access to education and basic health care as a result of insecurity; and (vi)

⁷¹⁰ Such a sequential approach underscores the universal character of the definition of a refugee in Article 1A(2) of the 1951 Convention, the primacy of that Convention, and the explicitly complementary character of the regional definitions. See UNHCR, *Guidelines on International Protection No. 12*, December 2016, www.refworld.org/docid/583595ff4.html, para. 87.

⁷¹¹ Note in particular that in situations of armed conflicts and violence, what may appear to be indiscriminate conduct (i.e., conduct whereby the persecutor is not seeking to target particular individuals) may in reality be discriminate, in that the conduct is aimed at whole communities or areas whose inhabitants are actual or perceived supporters of one of the sides in the situation of armed conflict and violence. UNHCR, *Guidelines on International Protection No. 12*, www.refworld.org/docid/583595ff4.html, para. 33.

⁷¹² *Ibid.*, para. 88.

⁷¹³ UN General Assembly, *Protocol Relating to the Status of Refugees*, 31 January 1967, UN Treaty Series, Vol. 606, p. 267, www.refworld.org/docid/3ae6b3ae4.html.

⁷¹⁴ UNHCR, *Providing International Protection Including Through Complementary Forms of Protection*, 2 June 2005, EC/55/SC/CRP.16, www.refworld.org/docid/47fd49d.html; UN General Assembly, *Note on International Protection*, 7 September 1994, A/AC.96/830, www.refworld.org/docid/3f0a935f2.html.

⁷¹⁵ UNHCR, *Note on the Mandate of the High Commissioner for Refugees and His Office*, October 2013, www.refworld.org/docid/5268c9474.html; UNHCR, *MM (Iran) v. Secretary of State for the Home Department - Written Submission on Behalf of the United Nations High Commissioner for Refugees*, 3 August 2010, C5/2009/2479, www.refworld.org/docid/4c6aa7db2.html, para. 10.

the request to deploy an international armed force to Haiti made by the Prime Minister and a recommendation from the UN Secretary-General to the UN Security Council to support the request on the basis of “extreme violence and insecurity” in Haiti.

UNHCR considers that these factors taken together indicate that an *ordre public* (public order) based on respect for the rule of law and human dignity has been seriously eroded in Haiti, and that accordingly Haiti should be regarded as being impacted by events seriously disturbing public order.

Consequently, UNHCR considers that Haitians, or stateless persons who were habitually resident in Haiti, who are found not to meet the refugee criteria of the 1951 Convention may be eligible for international refugee protection under UNHCR’s broader mandate on the grounds of serious threats to life, physical integrity or freedom resulting from events seriously disturbing public order.

Persons who originate from, or previously resided in, areas controlled by gangs or where gangs exert substantial influence, or areas into which gangs seek to expand, who are found not to meet the refugee criteria of the 1951 Convention may be eligible for international refugee protection under UNHCR’s broader mandate on the grounds of serious threats to life, physical integrity or freedom resulting from generalized violence.

2) *Refugee Status under the 1984 Cartagena Declaration on Refugees*

According to the broader refugee criteria contained in the 1984 Cartagena Declaration, persons whose lives, security or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances that have seriously disturbed public order, are also refugees.⁷¹⁷ The focus of the broader Cartagena refugee definition is on the exposure of people to threats inherent in the circumstances referred therein which have seriously disturbed public order. As the Cartagena refugee definition focuses on indiscriminate threats, decision-makers are advised to adopt a consistent approach to persons fleeing similar circumstances in the same country.⁷¹⁸ Further guidance on the interpretation of the refugee definition in the Cartagena Declaration is provided in UNHCR’s Guidelines on International Protection No. 12: Claims for Refugee Status Related to Situations of Armed Conflict and Violence under Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees and the Regional Refugee Definitions.⁷¹⁹

The Cartagena refugee definition has attained a particular standing in the Americas region, not least through its incorporation into national laws and its application in practice.⁷²⁰ The legal value of the Cartagena refugee definition has also been recognized by the Inter-American Human Rights bodies.⁷²¹ Its interpretation is to be informed by international and regional law, especially the standards of the 1948 American Declaration of the Rights and Duties of Man, the 1969 American Convention on Human Rights, and the evolving case law of the Inter-American human rights bodies.⁷²² The authority of the

⁷¹⁶ UN Security Council, *Letter Dated 8 October 2022 from the Secretary-General Addressed to the President of the Security Council*, 10 October 2022, S/2022/747, <https://undocs.org/en/S/2022/747>, p. 2.

⁷¹⁷ Cartagena Declaration on Refugees, *Colloquium on the International Protection of Refugees in Central America, Mexico and Panama*, 22 November 1984, www.refworld.org/docid/3ae6b36ec.html, para. III(3).

⁷¹⁸ UNHCR, *Guidelines on International Protection No. 12*, www.refworld.org/docid/583595ff4.html, para. 67.

⁷¹⁹ *Ibid.*, paras 61-85.

⁷²⁰ Fifteen countries have incorporated the regional definition into their national legislation, and it has been applied in practice in situations of large-scale movements even in countries where the definition has not been incorporated into their domestic legislation. Higher courts have also acknowledged the fundamental value of the Cartagena Declaration. States in the Americas have recognized its value through regional instruments such as the San Jose Declaration on Refugees and Displaced Persons (1994), the Mexico Declaration and Plan of Action to Strengthen International Protection of Refugees in Latin America (2004), the Brasilia Declaration on the Protection of Refugees and Stateless Persons in the Americas (2011), the Brazil Declaration and Plan of Action (2014) and the 100 Points of Brasilia (2018). *Ibid.*, para. 63.

⁷²¹ IACHR, *Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless People, and Victims of Trafficking in Persons*, Resolution 04/19 (2019), www.oas.org/en/iachr/decisions/pdf/Resolution-4-19-en.pdf; IACrHR, *Advisory Opinion OC-21/14, Rights and Guarantees of Children in the Context of Migration and/or in Need of International Protection*, OC-21/14, 19 August 2014, www.refworld.org/docid/54206c744.html, paras 76, 77, 79 and 249; IACTHR, *Advisory Opinion OC-25/18, The Institution of Asylum, and its Recognition as a Human Right under the Inter-American System of Protection (interpretation and scope of Articles 5, 22(7) and 22(8) in relation to Article 1(1) of the American Convention on Human Rights)*, 30 May 18, Series A No. 25, www.refworld.org/cases,IACRTHR,5c87ec454.html, para. 132.

⁷²² UNHCR, *Guidelines on International Protection No. 12*, www.refworld.org/docid/583595ff4.html, para. 64.

regional definition has also been reaffirmed by the Group of Latin-American and Caribbean countries (GRULAC)⁷²³ and the General Assembly of the Organization of American States (OAS).⁷²⁴

Following similar considerations as for UNHCR's broader mandate criteria, UNHCR considers that Haiti should be regarded as being impacted by events seriously disturbing public order. Alternatively, UNHCR considers that the situation prevailing in Haiti may be characterized as a massive violation of human rights.

Consequently, UNHCR considers that Haitians, or stateless persons who were habitually resident in Haiti, who are found not to meet the refugee criteria of the 1951 Convention may be eligible for international refugee protection under the terms of the Cartagena Declaration on the grounds that their lives, safety or freedom were threatened by circumstances that have seriously disturbed public order, or by massive violations of human rights.

Persons who originate from, or previously resided in, areas controlled by gangs or where gangs exert substantial influence, or areas into which gangs seek to expand, who are found not to meet the refugee criteria of the 1951 Convention may be eligible for international refugee protection under the terms of the Cartagena Declaration on the grounds that their lives, safety or freedom were threatened by generalized violence.

3) *Refugee Status under Article I(2) of the 1969 OAU Convention*

Haitians and others originating from Haiti who seek international protection in countries that are States Parties to the 1969 OAU Convention may qualify for refugee status under Article I(2) of that instrument, on the grounds that they were compelled to leave their place of habitual residence owing to events seriously disturbing public order in either part or the whole of Haiti, in order to seek refuge outside Haiti.⁷²⁵

In the context of the 1969 OAU Convention, the phrase "events seriously disturbing public order" encompasses situations of conflict or violence that threaten civilians' lives, freedom or security, as well as other serious disruptions of the public order.⁷²⁶ For the same reasons as above, UNHCR considers that Haiti should be regarded as being impacted by events seriously disturbing public order.

Consequently, UNHCR considers that Haitians, or stateless persons who were habitually resident in Haiti, who are found not to meet the criteria of the 1951 Refugee Convention may be in need of international refugee protection under the terms of Article I(2) of the 1969 OAU Convention on the grounds that they were compelled to leave their place of habitual residence owing to threats to their lives, freedom or security as a result of events seriously disturbing public order.

⁷²³ GRULAC, *Persons Covered by the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and by the Cartagena Declaration on Refugees (Submitted by the African Group and the Latin American Group)*, April 6, 1992, www.refworld.org/docid/3ae68cd214.html.

⁷²⁴ OAS, General Assembly, Resolutions AG/RES. 774 (XV-O/85) (1985); AG/RES. 838 (XVI-O/86) (1986); AG/RES. 891 (XVII-O/87) (1987); AG/RES. 951 (XVIII-O/88) (1988); AG/RES. 1021 (XIX-O/89) (1989); AG/RES/1040 (XX-O/90) (1990); AG/RES. 1170 (XXII-O/92) (1992); AG/RES. 1214 (XXIII-O/93) (1993); AG/RES. 1273 (XXIV-O/94) (1994); AG/RES. 1336 (XXV-O/95) (1995); AG/RES. 1416 (XXVI-O/96) (1996); AG/RES. 1504 (XXVII-O/97) (1997); AG/RES. 1602 (XXVIII-O/98) (1998); AG/RES. 1693 (XXIX-O/99) (1999); AG/RES. 1762 (XXX-O/00) (2000); AG/RES. 1.832 (XXXI-O/01) (2001); AG/RES. 1892 (XXXII-O/02) (2002); AG/RES. 1971 (XXXIII-O/03) (2003); AG/RES. 2047 (XXXIV-O/04) (2004); AG/RES. 2232 (XXXVI-O/06) (2006); AG/RES. 2296 (XXXVII-O/07) (2007); AG/RES. 2402 (XXXVIII-O/08) (2008); AG/RES. 2511 (XXXIX-O/09) (2009); AG/RES. 2597 (XL-O/10) (2010); AG/RES. 2826 (XLIV-O/14) (2014); AG/RES. 2887 (XLVI-O/16) (2016); AG/RES. 2908 (XLVII-O/17) (2017); AG/RES. 2941 (XLIX-O/19) (2019); AG/CG/doc.2 (L-O/20) rev. 1 (2020). AG/RES. 2976 (LI-O/21) (2021).

⁷²⁵ Organization of African Unity, *Convention Governing the Specific Aspects of Refugee Problems in Africa* ("OAU Convention"), 10 September 1969, 1001 UN Treaty Series 45, www.refworld.org/docid/3ae6b36018.html. The definition of the term "refugee" as contained in Article I of the 1969 OAU Convention has been incorporated into Article I of the Bangkok Principles on the Status and Treatment of Refugees (Bangkok Principles). See Asian-African Legal Consultative Organization (AALCO), *Bangkok Principles on the Status and Treatment of Refugees* (Final Text of the AALCO's 1966 Bangkok Principles on Status and Treatment of Refugees, as adopted on 24 June 2001 at the AALCO's 40th Session, New Delhi), www.refworld.org/docid/3de5f2d52.html.

⁷²⁶ On the meaning of the phrase "events seriously disturbing public order" in the 1969 OAU Convention, see Marina Sharpe, *The 1969 OAU Refugee Convention and the Protection of People Fleeing Armed Conflict and Other Situations of Violence in the Context of Individual Refugee Status Determination*, January 2013, www.refworld.org/docid/50fd3edb2.html; Alice Edwards, *Refugee Status Determination in Africa*, 14 African Journal of International and Comparative Law 204-233 (2006); UNHCR, *Extending the Limits or Narrowing the Scope? Deconstructing the OAU Refugee Definition Thirty Years On*, April 2005, ISSN 1020-7473, www.refworld.org/docid/4ff168782.html.

4) Eligibility for Subsidiary Protection under the EU Qualification Directive

Persons originating from Haiti who seek international protection in Member States of the European Union and who are found not to be refugees under the 1951 Convention may qualify for subsidiary protection under Article 15 of the 2011 Qualification Directive, if there are substantial grounds for believing that they would face a real risk of serious harm in Haiti.⁷²⁷

Serious harm for the purposes of the Qualification Directive is defined as (a) the death penalty or execution; or (b) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin; or (c) serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.

In light of the information presented in these International Protection Considerations, Haitians, or stateless persons who were habitually resident in Haiti, may, depending on the individual circumstances of the case, be in need of subsidiary protection under Article 15(a) or Article 15(b) of the EU Qualification Directive, on the grounds of a real risk of the relevant forms of serious harm, either at the hands of gangs, criminal groups or the State or its agents.

Additionally, considering the information presented in these International Protection Considerations, Haitians, or stateless persons who were habitually resident in Haiti, and who originate from, or previously resided in, areas under the control of gangs or areas over which gangs seek to impose their control, may, depending on the individual circumstances of the case, be in need of subsidiary protection under Article 15(c) of the EU Qualification Directive on the grounds of a serious and individual threat to their life or person by reason of indiscriminate violence.⁷²⁸

C. Considerations Relating to the Application of an Internal Flight or Relocation Alternative

The assessment of the availability of an internal flight or relocation alternative (IFA/IRA) requires an analysis of both the relevance and reasonableness of the proposed IFA/IRA.⁷²⁹

In light of the fact that UNHCR considers that the situation in Haiti may be characterized as events seriously disturbing public order, or alternatively as a massive violation of human rights, UNHCR does not consider that an internal flight alternative is available for Haitian nationals, or stateless persons who were habitually resident in Haiti, who have been found to have a well-founded fear of persecution under the 1951 Convention in relation to their home area in Haiti.

Similarly, UNHCR does not consider that an internal flight alternative is available for Haitian nationals, or stateless persons who were habitually resident in Haiti, who are found to meet the broader refugee criteria under UNHCR's mandate,⁷³⁰ or the broader refugee criteria of the Cartagena Declaration,⁷³¹ in relation to their home area in Haiti. The consideration of internal relocation is not generally relevant to the determination of refugee status under Article 1(2) of the 1969 OAU Convention.⁷³² The objective circumstances prevailing in Haiti also mean that an internal

⁷²⁷ European Union, *Directive 2011/95/EU of the European Parliament and of the Council on Standards for the Qualification of Third-country Nationals or Stateless Persons as Beneficiaries of International Protection, for a Uniform Status for Refugees or for Persons Eligible for Subsidiary Protection, and for the Content of the Protection Granted (Recast)* ("Qualification Directive"), 13 December 2011, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32011L0095&from=EN>, Articles 2(f), 15.

⁷²⁸ On 5 December 2023, the French Cour nationale du droit d'asile found that the entire territory of Haiti was affected by indiscriminate violence, with this violence reaching exceptionally high levels in Port-au-Prince and the West and Artibonite departments. France: Cour nationale du droit d'asile, *Case N° 23035187*, 5 December 2023, www.refworld.org/docid/659e5a914.html, para. 19.

⁷²⁹ The decision-maker bears the burden of proof of establishing that an analysis of relocation is relevant to the particular case. If considered relevant, it is up to the party asserting this to identify the proposed area of relocation and provide evidence establishing that it is a reasonable alternative for the individual concerned. See UNHCR, *Guidelines on International Protection No. 4*, HCR/GIP/03/04, 23 July 2003, www.refworld.org/pdfid/3f2791a44.pdf, paras 33-35.

⁷³⁰ See UNHCR, *Guidelines on International Protection No. 12*, www.refworld.org/docid/583595ff4.html, paras 40-43.

⁷³¹ "The focus of the Cartagena refugee definition is on situations that seriously disrupt state and societal structures. Under such circumstances, people cannot be required to relocate to other parts of the country, even if the situation in these parts may be less disrupted." *Ibid.*, para. 85.

⁷³² *Ibid.*, para. 60.

protection alternative is not available for persons found to meet the criteria for subsidiary protection under the EU Qualification Directive in relation to their home area.

The obstacles to humanitarian access in many parts of Haiti and the limitations on freedom of movement due to security concerns (see Section II.E.1) are further elements that weigh against the availability of an internal flight alternative.

D. Exclusion from International Refugee Protection

Among Haitian nationals or habitual residents of Haiti seeking international protection, there may be individuals who have been associated with acts falling within the scope of the exclusion clauses provided for in Article 1F of the 1951 Convention.⁷³³ Exclusion considerations would be triggered, in particular, in cases involving possible participation in acts of violence, including murder, torture and other forms of ill-treatment, kidnappings, rape and other forms of sexual violence, extortion, robbery, violent assaults and other violent crimes, forced displacement, recruitment and use of children, and child labour, including trafficking. In all such cases, it will be necessary to examine carefully any issues of individual responsibility for crimes that may give rise to exclusion from international refugee protection. Given the potentially serious consequences of exclusion from international refugee protection, the exclusion clauses need to be interpreted restrictively and applied with caution. Mere membership in a gangs or criminal group is not a sufficient basis to exclude. A full assessment of the circumstances of the individual case is required in all cases.⁷³⁴

In view of the particular circumstances and vulnerabilities of children, the application of the exclusion clauses to children needs to be exercised with great caution.⁷³⁵ Where children associated with a gang or other criminal group are alleged to have committed crimes, it is important to bear in mind that they may be victims of offences against international law and not just perpetrators.⁷³⁶

E. Protection-Oriented Arrangements under National or Regional Legal Frameworks

Where States face challenges in adapting existing asylum systems to the need to determine potentially large numbers of claims for international refugee protection by Haitian nationals, UNHCR encourages States to consider protection-oriented arrangements to enable legal stay for Haitians with appropriate safeguards, in particular where this would ensure faster access to protection and services for the individuals concerned. This could include other forms of international protection under international human rights law such as complementary protection under the American Convention on Human Rights,⁷³⁷ or temporary protection. States can also consider adopting legal stay arrangements that offer protection against refoulement and standards of treatment akin to international protection status.⁷³⁸

⁷³³ UNHCR, *Guidelines on International Protection No. 5*, www.refworld.org/docid/3f5857684.html.

⁷³⁴ In some cases, individual responsibility for excludable acts may be presumed if membership and participation in the activities of a particularly violent group is voluntary. Detailed guidance on the interpretation and application of Article 1F of the 1951 Convention can be found in UNHCR, *Guidelines on International Protection No. 5*, www.refworld.org/docid/3f5857684.html; and UNHCR, *Background Note on the Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees*, 4 September 2003, www.refworld.org/docid/3f5857d24.html.

⁷³⁵ For further guidance on the application of the exclusion clauses to children, see UNHCR, *Guidelines on International Protection No. 8*, www.refworld.org/docid/4b2f4f6d2.html, paras 58-64.

⁷³⁶ The Paris Principles state: "Children who are accused of crimes under international law allegedly committed while they were associated with armed forces or armed groups should be considered primarily as victims of offences against international law; not only as perpetrators. They must be treated in accordance with international law in a framework of restorative justice and social rehabilitation, consistent with international law which offers children special protection through numerous agreements and principles". See UNICEF, *The Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups*, February 2007, www.refworld.org/docid/465198442.html, paras 3.6 and 3.7.

⁷³⁷ OAS, *1969 American Convention on Human Rights*, www.refworld.org/docid/3ae6b36510.html, Art. 22(8); see IACtHR, *Caso Familia Pacheco Tineo vs Estado Plurinacional de Bolivia*, 25 November 2013, www.refworld.org/docid/52c53b154.html; IACtHR, *Advisory Opinion OC-21/14, Rights and Guarantees of Children in the Context of Migration and/or in Need of International Protection*, 19 August 2014, www.refworld.org/docid/54129c854.html.

⁷³⁸ Such standards include: appropriate reception arrangements; recognized and documented permission to stay; protection against arbitrary or prolonged detention; access to housing, education, health care and other basic services; freedom of movement, except as may be warranted by national security, public order or public health considerations; the registration of births, deaths and marriages; physical security, including protection against sexual and gender-based violence and exploitation; special care for separated and unaccompanied children, guided by the best interests of the child; respect for family unity and tracing, and opportunities for reunification with separated family members; particular attention and special arrangements for persons with special needs, including persons with disabilities; self-sufficiency or work opportunities; and access to UNHCR and, as appropriate, other relevant international organizations and non-governmental organizations and civil society. See UNHCR, *Guidelines on Temporary Protection or Stay Arrangements*, February 2014, www.refworld.org/docid/52fba2404.html, in particular paras 13, 16-18.

Under international law, non-refoulement provisions prohibit returning people to a country where they are at risk of persecution, torture, or other serious or irreparable harm.

In all circumstances involving the application of protection-oriented arrangements under national or regional frameworks, minimum standards would need to be guaranteed, namely:

- a) **Legality:** The requirements and procedures for obtaining such arrangements would need to be defined and articulated under national law. UNHCR calls on States to ensure that persons benefiting from such arrangements are issued with an official document recognized by all government authorities.
- b) **Accessibility:** The relevant arrangements would need to be accessible to all Haitians, irrespective of their date of entry into the host country. This would mean that there should be no or minimal costs associated with applying for such an arrangement, and that applications would be accepted in various locations across the territory to ensure that transportation costs are not prohibitive. Further, neither irregular entry/presence nor lack of identity documents would be viewed as a valid reason for denying access to such an arrangement.
- c) **Access to basic rights:** Protection-based arrangements would also guarantee access to basic services and fundamental rights, on an equal basis with other foreign nationals who are legally residents on the State's territory, in line with UNHCR's Guidelines on Temporary Protection or Stay Arrangements.⁷³⁹ These rights include: 1) access to health care; 2) access to education; 3) family unity; 4) freedom of movement; 5) access to shelter, and 6) the right to work. These rights would be guaranteed on an equal and non-discriminatory basis.

Implementation of such arrangements would be without prejudice to the right to seek asylum, notably in expulsion or deportation proceedings or in the case of non-renewal of residence permits. Fair and efficient asylum systems provide the necessary safety net to ensure that individuals with international protection needs are recognized as such and are protected from refoulement. All decisions on asylum claims need to take into account relevant, reliable and up-to-date country of origin information.

IV. Moratorium on Forced Returns

In November 2022, in light of the security and humanitarian crisis in Haiti, UNHCR called on States to refrain from forced returns to the country.⁷⁴⁰ In June 2023, after concluding a visit to Haiti, the UN Independent Expert on the situation of human rights in Haiti stated that “relentless violence and systematic human rights violations in Haiti do not currently allow for the safe, dignified, and sustainable return of Haitians to the country”.⁷⁴¹ Against the background of continuing serious concerns about the security and human rights situation in Haiti, resulting in authorization by the UN Security Council to form and deploy a multinational security support mission to Haiti (see [Section II.B.1](#)), together with record humanitarian needs in Haiti (see [Section II.E](#)), UNHCR reiterates its call on States not to forcibly return anyone to Haiti, including those who have had their asylum claims rejected or who have otherwise been found not to be in need of international protection.⁷⁴² This moratorium on forced returns serves as a minimum standard and needs to remain in place until such time as the security, rule of law, and human rights situation in Haiti has significantly improved to permit a safe and dignified return.

⁷³⁹ Ibid.

⁷⁴⁰ UNHCR, *UNHCR Calls on States to Refrain from Forced Returns of Haitians*, 3 November 2022, www.unhcr.org/news/news-releases/unhcr-calls-states-refrain-forced-returns-haitians.

⁷⁴¹ OHCHR, *Haiti: UN Expert William O'Neill Concludes Official Visit*, 28 June 2023, www.ohchr.org/en/statements/2023/06/haiti-un-expert-william-oneill-concludes-official-visit.

⁷⁴² See also, UN, *Daily Press Briefing by the Office of the Spokesperson for the Secretary-General*, 13 March 2024, <https://press.un.org/en/2024/db240313.doc.htm>.

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