

HAITI 2018 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Haiti is a constitutional republic with a multiparty political system. Voters elected Jovenel Moïse as president for a five-year term in national elections held in November 2016, and he took office in February 2017. The most recent national legislative elections were held in January 2017. International election observers considered the elections free and fair.

Civilian authorities maintained effective control over security forces.

Human rights issues included isolated allegations of unlawful killings by police; excessive use of force by police; arbitrary detention; harsh and life-threatening prison conditions; a judiciary subject to corruption and outside influence; physical attacks on journalists; widespread corruption and impunity; and human trafficking, including forced labor.

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

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

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

There were isolated allegations of police involvement in arbitrary or unlawful killings. Some allegations resulted in administrative sanctions, but there were no reports of criminal proceedings.

As of September no criminal proceedings were initiated in the November 2017 deaths of two police officers and nine civilians during an antigang operation in Port-au-Prince by the Haitian National Police's (HNP) Departmental Crowd Control Unit (UDMO) and the Departmental Operations and Interventions Brigade. The National Network of Human Rights Organizations in Haiti (RNDDH) reported that UDMO officers beat numerous individuals and executed at least two in retaliation for the deaths of their colleagues. A report by the HNP inspector general found one UDMO officer, Glessen Philidor, liable for the deaths, recommended him for dismissal, and referred the case to the Port-au-Prince

Prosecutor's Office. The HNP commissioner for the West Department and a dozen of the UDMO officers involved in the operation were transferred to other posts.

b. Disappearance

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

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

The law prohibits such practices; however, there were several reports from domestic nongovernmental organizations (NGOs) that HNP members allegedly beat or otherwise abused detainees and suspects. Prisoners at times were subjected to degrading treatment, in large part due to overcrowded facilities.

The UN Mission for Justice Support in Haiti (MINUJUSTH) reported several cases of the HNP's use of excessive force. On September 10, local media and civil society organizations accused the HNP of beating and mistreating three detainees in St. Michel De L'Attalaye, Artibonite Department, leading to the death of Nickson Jeune. HNP officials denied responsibility, stating the individual had already been beaten when the local council representative brought the three suspects to the police station. As of September 18, the HNP was investigating the incident.

Detainees were subject to cruel, inhuman, and degrading treatment by being placed in overcrowded, poorly maintained, and unsanitary prisons and makeshift detention centers.

In contrast with 2017, there were no allegations of sexual exploitation and abuse by MINUJUSTH police officers and staff. MINUJUSTH officials attributed this in part to its zero-tolerance policy that included training, raising awareness, and enforcement.

According to the United Nations, three allegations of sexual exploitation and abuse against Bangladeshi peacekeepers from 2015-2017 remained pending. The cases alleged both sexual exploitation (exploitative relationship, transactional sex) and abuse (sexual assault against minors) involving peacekeepers deployed in MINUSTAH in Haiti and MONUSCO in the Congo. Two allegations have been substantiated according to UN investigations. The peacekeepers in question were

repatriated by the United Nations. The investigations by Bangladesh were pending at year's end.

Prison and Detention Center Conditions

Prisons and detention centers throughout the country are life threatening and overcrowded, poorly maintained, and unsanitary. MINUJUSTH reported on September 6 that prisons and detention centers operated at a 365-percent occupancy rate.

Physical Conditions: Prison and detention center overcrowding was severe, especially in the National Penitentiary and the prison in Cap Haitien, where each prisoner had 4.2 square feet of space. In many prisons detainees slept in shifts due to lack of space. Some prisons had no beds for detainees, and some cells had no access to natural light. In other prisons the cells often were open to the elements or lacked adequate ventilation. Many prison facilities lacked basic services such as plumbing, sanitation, waste disposal, medical services, potable water, electricity, adequate ventilation, lighting, and isolation units for contagious patients. Some prison officials used chlorine to sanitize drinking water, but in general prisoners in older prisons did not have access to treated drinking water. Most prisons had insufficient sewage facilities for their populations.

Prison conditions generally varied by gender; female inmates in coed prisons received proportionately more space in their cells than their male counterparts. Female prisoners also experienced a better quality of life than did their male counterparts due to their smaller numbers. Local human rights organizations reported, however, that female detainees showered within view of male corrections officers.

As of August the Department of Corrections (DAP) held approximately 550 prisoners in makeshift and unofficial detention centers, such as police stations in Petit-Goave, Miragoane, Gonaives, and some parts of Port-au-Prince. Local authorities held suspects in makeshift facilities, sometimes for extended periods, without registering them with the DAP.

Corrections authorities in Port-au-Prince maintained separate penitentiaries for adult men, women, and minors. In Port-au-Prince all male prisoners under 18 years of age were held at the juvenile facility at Delmas 33, but due to the lack of sufficient documentation, authorities could not always verify the ages of detainees. At times authorities detained minors believed to be older, and whose ages they

could not confirm, with adult inmates. Authorities moved the vast majority of these minors to juvenile detention centers within two months of verifying their ages. Due to lack of space, resources, and oversight outside the capital, authorities sometimes did not separate juveniles from adult prisoners or convicted prisoners from pretrial detainees, as the law requires.

International and local observers indicated prisoners and detainees continued to suffer from a lack of basic hygiene, malnutrition, poor quality health care, and water-borne illness. According to a 2017 estimate (the most recent available), 10 percent of the nationwide prison population suffered from malnutrition and severe anemia, while sanitation-related diseases, including scabies, diarrhea, and oral infections, were commonplace. Because of poor security, severe understaffing, and conditions in some detention centers, prison officials did not allow prisoners out of their cells for exercise. In the National Penitentiary, prisoners spent approximately an hour outside of confinement, but in all other facilities, prisoners only had 15-20 minutes to bathe before returning to their cells.

Prisoners' access to adequate nutrition remained a problem. The HNP has contractual and fiscal responsibility for the delivery of food to prisons. Human rights observers alleged that delays in fund disbursement and payments to contracted food suppliers reduced the number of meals fed to prisoners. Additionally, human rights groups accused prison officials of selling food intended for prisoners on the open market. Some prisons had kitchen facilities and employed persons to prepare and distribute food. Prison authorities generally provided prisoners with one or two meals a day, consisting of broth with flour dumplings and potatoes, rice and beans, or porridge. None of the regular meals served to prisoners provided sufficient calories, according to medical standards. Authorities allowed prisoners regular deliveries of food from relatives and friends.

As of October, MINUJUSTH reported 100 deaths in custody, whereas a prominent local human rights organization reported 120 deaths in detention over the same period. Most died from starvation, anemia brought on by malnutrition, tuberculosis, or other communicable diseases. Exact causes of death were difficult to ascertain, as the government did not regularly perform autopsies on deceased detainees. A government commission was created in February 2017 to investigate deaths due to prison conditions, but as of November, the commission's findings were not published.

Most detention facilities had only basic clinics and lacked the medications for treatment of illnesses and diseases contracted while in custody. Few prisons had

the resources to treat serious medical situations. Some very ill prisoners were treated at hospitals outside of prisons, but many hospitals were reluctant to take prisoners, as there was no formal arrangement between the Ministry of Justice and the Ministry of Health regarding payment for treatment.

Administration: The country's independent human rights monitoring body, the Office of Citizen Protection (OPC), maintained a presence at several prison facilities and advocated for the rights and better conditions of prisoners, especially juveniles in preventive detention, and investigated credible allegations of inhuman conditions. The OPC regularly visited prisons and detention facilities throughout the country and worked closely with NGOs and civil society groups.

Independent Monitoring: The DAP permitted MINUJUSTH, local human rights NGOs, and other organizations to monitor prison conditions. These institutions and organizations investigated allegations of abuse and mistreatment of prisoners.

Improvements: The DAP added 93 new corrections officers in the year, increasing its force by more than 7 percent, as a measure to alleviate insufficient staffing. In July a group of approximately 20 DAP corrections officers prevented 4,200 detainees from escaping the National Penitentiary in Port-au-Prince. In previous years DAP corrections officers failed to prevent prison escapes or responded to prison disturbances with excessive force, notably in Les Cayes in 2010, where DAP officers killed or wounded numerous prisoners during a prison riot.

d. Arbitrary Arrest or Detention

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

The law requires that authorities refer all cases involving allegations of police criminal misconduct to the HNP's Office of the Inspector General (OIG). Senior police officials acknowledged receipt of several complaints alleging abuses committed by officers during the year but noted that financial, staffing, and

training limitations prevented the institution from readily addressing all reports of such misconduct.

Local human rights groups reported detainees were often held in detention after completing their sentence due to difficulty obtaining a release order from the prosecutor's office. For example, Jean-Louis Duckenson was convicted for using an illegal substance and received a six-month sentence. After completing his sentence, he remained in detention for an additional eight months because the paperwork for his release had not been processed.

Role of the Police and Security Apparatus

Domestic security is maintained by the HNP, an autonomous civilian institution under the authority of a director general. The HNP includes police, corrections, fire, emergency response, airport security, port security, and coast guard functions. The Ministry of Justice and Public Security, through its minister and the secretary of state for public security, provides oversight to the HNP. The Superior Council of the National Police, chaired by the prime minister, provides oversight and strategic guidance to the HNP. The Superior Council also includes the HNP director general, HNP inspector general, minister of the interior, and minister of justice.

The HNP took steps toward imposing systematic discipline on officers found to have committed abuses or fraud, but civil society representatives continued to allege widespread impunity. The HNP held monthly press conferences that served as awareness campaigns to inform the public of their roles and responsibilities and to report on cases of misconduct. The OIG maintained a 24-hour hotline to receive public reports of police corruption or misconduct. The OIG sends these complaints to the HNP director general for approval and then to the Ministry of Justice, which decides whether to accept their recommendation. While government officials stated the Ministry of Justice nearly always accepted their recommendations, human rights groups complained there was no way to verify the complaints because there is no official case tracking after the complaints are transferred to the HNP director general.

As of September 15, the OIG for the HNP had reviewed 415 complaints against officers, of which 157 were recommended for suspension and 22 recommended for dismissal, including dismissal recommendations for officers accused of human rights violations, which was double the number of officers recommended for dismissal during the same period in 2017. Observers attributed the increase in

officers recommended for dismissal to stronger accountability measures and capacity within the OIG to receive and process complaints. According to MINUJUSTH human rights officials, there were 25 confirmed cases of human rights violations by the HNP from October 2017 to September. MINUJUSTH and civil society groups reported that while HNP officers at times faced administrative sanctions, there were no judicial proceedings against officers suspected of human rights violations.

The HNP Sexual and Gender-Based Violence (SGBV) unit remained underresourced and understaffed. The unit had two satellite offices at Fort National and Delmas 33. The HNP assigned officers who received SGBV training to serve as regional SGBV representatives in all 10 departments. These officers had minimal links to the SGBV unit in Port-au-Prince.

MINUJUSTH consisted of seven formed police units, comprising 295 individual police officers and 980 other personnel. Initiated in October 2017, MINUJUSTH has a mandate to work with the government to develop the HNP, strengthen the rule of law, and promote human rights.

Foreign governments and other entities continued to provide a wide variety of training and other types of assistance to improve police professionalism, including increasing respect for human rights. The HNP continued to expand its outreach to and relations with local populations in Port-au-Prince by supporting the community policing unit. The unit aimed to implement policing strategies to reduce crime and to foster positive police-populace communication over aggressive interdiction.

Arrest Procedures and Treatment of Detainees

The law permits police officers to make arrests with a court- or prosecutor-authorized warrant, or when officers apprehend a suspect in the process of committing a crime.

While authorities generally acknowledged the right to counsel, most detainees could not afford a private attorney. Some departmental bar associations and legal assistance groups provided free counsel. Some NGO attorneys also provided free legal services. The criminal procedure code does not allow for a functional bail system.

Arbitrary Arrest: Independent reporting confirmed instances in which, contrary to law, police without warrants or with improperly prepared warrants apprehended persons not actively committing crimes. Authorities frequently detained individuals on unspecified charges. Human rights organizations reported politicians routinely influenced judicial decisions and used the justice system to target political opponents. Persons arrested reported credible cases of extortion, false charges, illegal detention, physical violence by HNP personnel, and judicial officials' refusal to comply with basic due process requirements.

Pretrial Detention: Prolonged pretrial detention remained a serious problem. The judicial system rarely observed the constitutional mandate to bring detainees before a judge within 48 hours. In some cases detainees spent years in detention without appearing before a judge. Prison population statistics did not include the large number of persons held in police stations around the country for longer than the 48-hour maximum initial detention period. Of the approximately 11,650 prison inmates, 74 percent were held in pretrial detention. Pretrial detention was significantly more prevalent in Port-au-Prince; as of August 30, authorities had yet to try 89 percent of Port-au-Prince's inmates.

Many pretrial detainees had never consulted with an attorney, appeared before a judge, or been given a docket timeline. Time spent in pretrial detention varied significantly by geographic jurisdiction.

Detainee's Ability to Challenge Lawfulness of Detention Before a Court: There is no explicit habeas corpus law, although the constitution stipulates it is illegal for an individual to be detained for more than 48 hours without being seen by a judge. The OPC's national and 12 regional offices worked on behalf of citizens to verify that law enforcement and judicial authorities respected the right to due process. When authorities detained persons beyond the maximum allotted 48 hours and OPC representatives learned of the case, they intervened on the detainee's behalf to expedite the process. The OPC did not have the resources to intervene in all cases of arbitrary detention.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but senior officials in the executive and legislative branches exerted significant influence on the judicial branch and law enforcement. Local and international NGOs repeatedly criticized the government for attempting to influence judicial officials. As executive-appointed prosecutors could prevent cases from being seen by judges, the judges themselves

faced less direct executive pressure in making decisions. Nonetheless, civil society organizations reported judges were often fearful of ruling against powerful interests due to fears for their personal security. The justice system was crippled by delays in the appointment of judges, and observers indicated that six of the 12 positions in the Supreme Court remained vacant. In the lower courts, the executive branch renewed the mandates of 50 of the 140 expired mandates for judges. Additionally, pervasive and longstanding problems, primarily stemming from a lack of judicial oversight and professionalism, contributed to a large backlog of criminal cases.

On August 28, observers reported most casework in the First Instance Court of Port-de-Paix stopped in the capital of the North West Department, due to a shortage of judges. Observers also confirmed several judges in Port-de-Paix were working with expired mandates. By law decisions taken by judges with expired mandates are invalid.

Internal political divisions as well as organizational, funding, and logistical problems often hampered the efficient functioning of the Superior Council of the Judiciary (CSPJ). The CSPJ is charged with independently overseeing judicial appointments, the discipline of judges, ethics issues, and management of the judiciary's financial resources.

Observers stated the CSPJ was ineffective in providing judicial accountability and transparency. The CSPJ sanctioned eight judges during the year and only 30 judges since 2012. Local observers accused the CSPJ of functioning as a union for judges rather than focusing on oversight, transparency, and accountability. As members of the CSPJ are elected by their peers, civil society groups claimed CSPJ members focused on re-election rather than on executing their functions and were often reticent to sanction judges due to fear of damaging their chances of maintaining their position on the CSPJ. MINUJUSTH reported the performance of the CSPJ was affected by an unclear division of labor with the Ministry of Justice and Public Security, budgetary constraints, and allegations of interference by other branches of power.

The code of criminal procedure does not clearly assign criminal investigation responsibility, which it divides among police, justices of the peace, prosecutors, and investigating magistrates. As a result, authorities often failed to question witnesses, complete investigations, compile complete case files, or conduct autopsies. While the law provides investigative judges two months to request additional information from investigators, they often did not follow this

requirement and frequently dropped cases or did not return them within the two-month limit. This resulted in prolonged pretrial detention for many detainees.

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

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

Trial Procedures

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

The constitution provides defendants a presumption of innocence, as well as the right to attend trial, confront hostile witnesses, and call witnesses and evidence on their own behalf. Defendants cannot be compelled to testify or confess guilt. Judges often denied these rights. The perception of widespread impunity also discouraged some witnesses from testifying at trials. Defendants have the right of appeal. Defendants also have the right to communicate with an attorney of their

choice; however, legal aid programs were limited, and those who could not pay for attorneys were not always provided one free of charge. While French and Haitian Creole are both official languages of Haiti, the majority of legal proceedings and all laws are in French, despite the most commonly spoken language being Haitian Creole. Observers noted, however, that judges often spoke to the defendant in Haitian Creole to facilitate comprehension.

The functioning of justice of peace courts, the lowest courts in the judicial system, was inadequate. Judges presided in chamber based on their personal availability and often maintained separate, full-time jobs. Law enforcement personnel rarely maintained order during court proceedings, and frequently there was no court reporter. Bribes were often the principal factor in a judge's decision to hear a case.

In many communities, especially in rural areas, elected communal administrators took the place of state judges and asserted powers of arrest, detention, and issuance of legal judgments. Some communal administrators turned their offices into courtrooms.

Political Prisoners and Detainees

There were no credible reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Victims of alleged human rights abuses may bring their cases before a judge. Courts can award damages for human rights abuse claims brought in civil fora, but seeking such remedies was difficult and rarely successful.

Cases involving violations of an individual's human rights may be submitted through petitions by individuals or organizations to the Inter-American Commission of Human Rights, which in turn may submit the case to the Inter-American Court of Human Rights.

Property Restitution

There was one highly publicized report that the government failed to provide proportionate and timely restitution or compensation for governmental confiscation of private property.

According to an August 9 RNDDH press statement, seven families were displaced when their houses in Pelerin 5, a neighborhood in Port-au-Prince, were demolished on July 2-4 at the request of the prosecutor for Port-au-Prince, Clame Ocnam Dameus, without a court order. Prosecutor Dameus stated the houses were unlawfully constructed on state-owned land and represented a threat to the security of President Moïse and his family, who lived in the area. Former Pelerin 5 residents along with civil society groups disputed the claim that they illegally occupied state-owned land. As of September 15, seven of the 34 houses ordered destroyed had been demolished, and local authorities had turned off utility services to the remaining houses.

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

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution guarantees freedom of expression and press. Government officials and private actors sometimes restricted this freedom.

Press and Media Freedom: There were isolated incidents of actions against journalists by national and local government officials. As a result, some independent media believed they were unable to criticize the government freely.

On March 14, Vladjimir Legagneur, an independent journalist, went missing after entering Grand-Ravine, a gang-controlled area of Port-au-Prince, to pursue a story about gang activities. Following his disappearance, journalists organized marches and called for a full investigation. On April 5, police announced two arrests in the case while waiting for results from forensic testing on “fresh” human remains found in the area where Legagneur was last seen. The results of the forensic exam were still pending as of October. As of September 15, the HNP had arrested four persons, including a schoolteacher in the area where Legagneur disappeared, in connection with the case.

Violence and Harassment: Some journalists were subjected to threats, harassment, and physical assault allegedly due to their reporting. In some instances government authorities participated in these acts.

On August 20, government officials alleged parliament had been attacked by persons with small arms fire and a grenade. Within a few days, however, various media establishments questioned the official narrative, since a preliminary investigation concluded the shots had likely come from inside the building. During the investigation tensions flared between police investigators and parliamentary security personnel, and the latter attempted to bar journalists from covering those exchanges by grabbing and blocking their cameras to prevent them from filming the incident. In the melee security agent Ernst Lee Raphael allegedly assaulted journalist Frantz Cineus of Television Pacific and damaged a camera. The presidents of both chambers of parliament publicly apologized after the initial events, and Raphael was fired. Following the incident, several journalists noted what they described as constant threats from security agents at the parliament who blamed journalists for the public's negative perception of parliament.

Censorship or Content Restrictions: There were few allegations of censorship by the government. In March the National Telecommunications Board closed 10 radio stations accused of operating without a license. One such station, Radio Planete, alleged the decision was politically motivated, since one of their journalists hosted a show critical of the government handling of Petro Caribe financing (see section 4). The telecommunications board's president denied the accusations and reiterated his determination to combat "pirate" stations.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authorization. Socioeconomic and infrastructure hurdles contributed to the dominance of radio and, to a lesser extent, television, over the internet.

According to the International Telecommunication Union, approximately 12 percent of citizens used the internet in 2017.

Academic Freedom and Cultural Events

In May an NGO focused on rights for lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons said it was barred from hosting a panel discussion on LGBTI issues at the Cap-Haitian State University campus, a government university, even though payment had been accepted for the event.

b. Freedoms of Peaceful Assembly and Association

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

Freedom of Peaceful Assembly

The constitution provides for freedom of assembly, and the government generally respected this right. There were several instances when police used force to impose order during demonstrations. Citizens must apply for a permit to hold legal demonstrations. Although impromptu political demonstrations in some instances provoked aggressive law enforcement responses, police generally responded to these protests in a professional and effective manner.

Following the July 6-7 protests against the government's decision to increase fuel prices, Port-au-Prince prosecutor Dameus ordered the arrest of 64 individuals accused of looting. These individuals included three who were living on property owned by opposition senator Antonio Cheramy. Some members of the opposition called the arrests politically motivated and illegal because a prosecutor can arrest only individuals caught in the process committing a crime. Dameus denied the allegations of "political persecution" and stated the persons arrested were caught carrying numerous items that had been looted from various stores. The detainees were subsequently released.

c. Freedom of Religion

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

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with international and humanitarian organizations, as well as other countries, in providing protection and assistance to internally displaced

persons (IDPs), refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

Internally Displaced Persons (IDPs)

Of all the IDP camps created following the 2010 earthquake, 3 percent remained. Nearly all IDPs were in the Port-au-Prince metropolitan area, although several hundred persons also remained displaced by Hurricane Matthew's destruction of the country's South Department in 2016. The International Organization for Migration (IOM) estimated that more than 37,500 individuals (more than 9,000 households) still resided in IDP camps as of September.

Although the IOM reported progress in the relocation of nearly all Hurricane Matthew IDPs, the rate of camp closures and relocation remained slow. According to a May estimate, 90 percent of those residing in the camps had limited or no access to basic hygiene and health services. IOM statistics showed that the overall post-2010 earthquake IDP population had decreased more than 97 percent from its peak in 2010.

MINUJUSTH's police force presence in the country did not include a mobile team for IDP camp security patrols, which left the HNP to administer security in the remaining IDP camps. The IOM reported the HNP did not patrol IDP camps, but instead responded only in cases of emergency. Overall, there had not been a stable security force presence in the IDP camps since the departure of MINUSTAH forces in late 2017, although IDP camp residents formed committees to monitor their communities at night and to address cases of gender-based violence. The IOM reported that IDPs liaised directly with the HNP during emergencies.

Protection of Refugees

Access to Asylum: The law provides for the granting of refugee status or asylum through Haitian missions or consulates abroad. Third-country nationals can also petition for asylum through the local office of the UN High Commissioner for Refugees (UNHCR). According to the UNHCR representative, there were fewer than 20 such cases in process.

Stateless Persons

A lack of coordination between the various ministries that administer the dysfunctional civil registry system and weak consular capacity made obtaining

documentation difficult for individuals living inside or outside the country. Due to these systemic deficiencies, many Haitians living abroad without other citizenship or permanent residency were effectively stateless or at risk of statelessness in their country of residence. Undocumented persons of Haitian descent continued to face difficulties in establishing their legal residency or citizenship in countries such as the Dominican Republic and the Bahamas, which occasionally resulted in the deportation or spontaneous return of individuals with a claim to non-Haitian citizenship. Despite improved passport delivery domestically, obtaining nationality documents from the Haitian government remained particularly challenging for Haitian migrants living in the Dominican Republic (DR) seeking to participate in the DR's migrant regularization plan.

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

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

Political Parties and Political Participation: There were more than 100 political parties and platforms, 57 of which had elected officials at some level. The government was taking modest measures to reduce the number of parties, including by providing public funding to parties that meet certain criteria, although this was not intended to restrict overall citizen participation in politics. Certain political parties exercised undue influence at the local level, including through threats to journalists and civil society organizations.

Participation of Women and Minorities: No laws limit the participation of women or members of minorities in the political process; however, social norms and the threat of electoral violence discouraged women from voting and, to a much greater extent, from running for office. The constitution requires that at least 30 percent of elected officials be women, but both chambers of parliament fell well short of this quota (3 percent in the Senate, 2.5 percent in the Chamber of Deputies). Local elections, in which candidates run in groups that must include at least 30 percent

women to be on the ballot, did reach the quota. Civil society organizations noted female political candidates had little access to campaign financing and that female participation in politics was hindered by cultural norms that reject female participation in politics.

Section 4. Corruption and Lack of Transparency in Government

The law criminalizes a wide variety of corruption-related offenses by officials, including illicit enrichment, bribery, embezzlement, illegal procurement, insider trading, influence peddling, and nepotism. There were numerous reports of government corruption and a perception of impunity for abusers. The judicial branch investigated several cases of corruption, but there were no prosecutions during the year. The government fired 21 assistant prosecutors due to corruption allegations. The perception of corruption remained widespread in all branches of government and at all levels.

Corruption: The constitution mandates that the Senate (vice the judicial system) prosecute high-level officials and parliament members accused of corruption. As of year's end, no government had ever prosecuted a high-level official for corruption.

In October 2017 a report by the Special Senate Committee of Inquiry on the Mismanagement of Petro Caribe Funds alleged between 2008 and 2016 the government mismanaged close to two billion dollars in Petro Caribe funds designed to develop the country. In February the Senate requested that the Administrative Court of Auditors and Administrative Disputes investigate the allegations. The court was due to publish a report on the findings of its investigation in January 2019.

In August 2017 President Jovenel Moise fired Minister of Social Affairs and Labor Roosevelt Bellevue for alleged corruption related to the overinflated price of government-purchased school kits. On August 10, the Anticorruption Unit sent its report to the judiciary. The report cited numerous violations of public procurement laws by government officials and determined that the then minister of economy and finance, Jude Alix Salomon, issued an illegal waiver to justify school kit purchases. The report did not, however, support a finding of overbilling for the school kits. On August 15, the Superior Court of Audits and Administrative Disputes implicated Bellevue in the school kits affair.

Financial Disclosure: The law requires all senior government officials to file financial disclosure forms within 90 days of taking office and within 90 days of leaving office. There is no requirement for periodic reporting. Disclosure reports are confidential and not available to the public. The sanction for failure to file financial disclosure reports is a withholding of 30 percent of the official's salary, but the government did not sanction any officials during the year or in any previous year. Government officials stated the requirement was not always followed.

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

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

Government Human Rights Bodies: The OPC's mandate is to investigate allegations of human rights abuse and work with international organizations, including MINUJUSTH, to implement programs to improve human rights. The OPC's regional representatives implemented assistance programs throughout the country. Several civil society organizations commended the efforts of the OPC to engage the government and civil society organizations on human rights. Nonetheless, the OPC's activities were restricted by its small budget, effectively limiting its ability to execute its mandate. As of September the government had not acted on any of the recommendations OPC had made.

During the 38th session of the Human Rights Council in July, the government announced the minister of justice and public security would be the government's focal point person for human rights and was tasked with implementing human rights reforms. Following the confirmation of Prime Minister Jean Henry Ceant in September, however, former minister of social affairs and labor Stephanie Auguste was named minister delegate to the prime minister in charge of human rights and the fight against extreme poverty. In this role, Minister Delegate Auguste was to function as the government's human rights focal point.

The Chamber of Deputies has a Justice, Human Rights, and Defense Commission, while the Senate has a Justice, Security, and Defense Commission that also covers human rights issues.

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

Women

Rape and Domestic Violence: While the law prohibits rape of men or women, it does not recognize spousal rape as a crime. The penalty for rape is a minimum of 10 years of forced labor. In the case of gang rape, the maximum penalty is lifelong forced labor. Actual sentences were often less rigorous. The criminal code excuses a husband who kills his wife or her partner found engaging in an act of adultery in his home, but a wife who kills her husband under similar circumstances is subject to prosecution.

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

In February the OPC reported that the First Instance Court of Jeremie, the largest city and capital of Grand'Anse Department, released 16 of 29 individuals accused of rape. The prosecutor for Jeremie, Bergemane Sylvain, allegedly dropped charges against the accused with the justification that the victims had signed statements withdrawing their claims. The OPC criticized Sylvain's decision, saying that the law does not allow for compromise in criminal matters and that the victim's retraction cannot stop a prosecution. The accused remained free at year's end.

Victims of rape and other forms of sexual violence faced major obstacles in seeking legal justice, as well as in accessing protective services, such as women's shelters. Civil society organizations reported that while women were more likely to report cases of sexual and domestic violence than in the past, many victims failed to report such cases due to a lack of financial resources. Additionally, due to familial responsibilities, victims were usually unable to dedicate the time necessary to follow through with legal proceedings. According to some civil society organizations, many local nonprofit organizations that provided shelter, medical and psychological services, and legal assistance to victims had to reduce services due to a lack of funding.

On September 6, MINUJUSTH reported an increase in the number of sexual and gender-based violence cases investigated. They reported that between January and August, 149 cases were investigated, compared with 181 investigations in all of 2017. Nonetheless, there were reports that in rural areas, criminal cases, including cases of sexual violence, were settled out of court. According to MINUJUSTH, prosecutors often encouraged such settlements.

Sexual Harassment: The law does not specifically prohibit sexual harassment, although the labor code states that men and women have the same rights and obligations. Observers indicated sexual harassment occurred frequently.

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

Discrimination: The law does not provide for the same legal status and rights for women as for men. Women did not enjoy the same social and economic status as men, despite the constitutional amendments recognizing the principle of at least 30 percent women's participation in national life and notably in public service.

By law men and women have equal protections for economic participation. In practice, however, women faced barriers to accessing economic inputs and securing collateral for credit, information on lending programs and resources.

Children

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

Education: Constitutional provisions require the government to provide free and compulsory education for all children up to grade nine (when students are approximately age 16); however, the government did not effectively enforce these provisions. Eight of 10 children who attended school did so at private, often religious institutions. The quality of those institutions varied widely because the government lacked the means to inspect them.

Child Abuse: The law prohibits domestic violence against minors. The government continued to lack sufficient resources and an adequate legal framework to support or enforce existing mechanisms to promote children's rights and welfare fully, but it made some progress in institutionalizing protections for children.

The most recent study launched by the Ministry of Social Affairs and Labor, published in 2015, estimated there were 286,000 children working in indentured domestic servitude (referred to as *restaveks*), a form of trafficking in persons. Furthermore, *restaveks* were often victims of psychological, physical, and sexual abuse. The National Child Welfare Institute (IBESR), along with the HNP's specialized Child Protection Bureau (BPM), were tasked with protecting the welfare of children. Their efforts were limited, however, by small budgets and inadequate personnel.

For more information, see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/ and the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

Early and Forced Marriage: The legal age of marriage is 18 years. No data was available regarding early and forced marriage, but childhood and forced marriage was not a widespread custom.

Sexual Exploitation of Children: The minimum age for consensual sex is 18 years, and the law has special provisions for rapes of persons who are 16 years or younger. The law prohibits the corruption of youth under 21, including prostitution, with penalties ranging from six months to three years of imprisonment for offenders. The law prescribes prison sentences of seven to 15 years of imprisonment and a fine ranging from 200,000 to 1.5 million Haitian Gourdes (HTG) (\$2,900 to \$21,600). The penalty for human trafficking with aggravating circumstances, which includes cases involving the exploitation of children, is up to life imprisonment.

According to a September 6 MINUJUSTH report, the majority of reported victims of sexual violence were underage girls. There were some reported instances of boys being raped. Several civil society groups reported children living in impoverished conditions were often subjected to sexual exploitation and abuse. According to these groups, children were often forced into prostitution or lured into transactional sex to fund basic needs such as school related expenses.

Recruitment of children for sexual exploitation and pornography is illegal, but the United Nations reported criminal gangs recruited children as young as 10 years of age.

On June 13, the government announced it had permanently banned international NGO Oxfam from operating in the country following allegations that Oxfam employees had engaged in sexual misconduct and abuse during the 2010 earthquake response. There were allegations that some of the victims may have been minor children.

Institutionalized Children: The IBESR has official responsibility for monitoring and accrediting the country's orphanages and residential care centers. According to international NGO Lumos, an estimated 25,000 children lived in the more than 750 orphanages in the country. An estimated 80 percent of those children had at least one known parent who was alive. In October the IBESR announced that only 35 of the more than 750 orphanages it inspected were compliant with the minimum standards for child care. The IBESR attempted to close the most egregious orphanages but could only do so as quickly as they could find placement for the children. In 2017 government officials closed four abusive orphanages that housed 116 children and potentially involved trafficking and placed 51 children from those orphanages into foster care; the remainder were returned to their families. The government accredited 96 families for its newly developed foster care program to make children less vulnerable to trafficking or being revictimized. Local and international antitrafficking organizations noted, however, that the government had not provided appropriate resources to develop enough transitional centers or other temporary housing and care facilities.

There are different provisions for juvenile offenders. Children under 13 are not held responsible for their actions, and until age 16, they cannot be held in adult prisons or share their cells. Instead, juvenile offenders were placed in re-education centers with the objective of successful societal reinsertion. There were two rehabilitation centers, both in Port-au-Prince, called CERMICOL. As of August approximately 200 minors were in CERMICOL.

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

Anti-Semitism

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

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

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

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

Individuals with disabilities faced significant social stigma because of their disability. Persons with mental or developmental disabilities were marginalized, neglected, and abused in society. The Office of the Secretary of State for the Integration of Handicapped Persons (BSEIPH), which falls under the Ministry of Social Affairs and Labor, is the lead government agency responsible for providing assistance to persons with disabilities and ensuring their civil, political, and social inclusion.

The BSEIPH had several departmental offices outside the capital, and it effectively lobbied the government to pass legislation to benefit persons with disabilities. Nonetheless, its efforts were constrained by a limited budget, and there was little progress to create of a strategic development plan to guide the institutions efforts. The BSEIPH provided persons with disabilities with legal advice and job counseling services. It regularly convened meetings with disabilities rights groups in all of its regional offices.

Some disabilities rights activists called the social services available to persons with disabilities inadequate, adding that access to quality medical care posed a significant challenge for persons with disabilities. Hospitals and clinics in Port-au-Prince did not have sufficient space, human resources, or public funds to treat such individuals.

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

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

There were no reports of police officers actively perpetrating or condoning violence against LGBTI individuals. Some LGBTI groups reported the HNP and judicial authorities were inconsistent in their willingness to document or investigate LGBTI persons' claims of abuse. HNP academy instructors taught police officers to respect the rights of all civilians without exception. The curriculum specifically trained new officers on crimes commonly committed against the LGBTI community. As a result, some civil society leaders noticed a marked improvement in the efforts of the HNP's Gender and Community Police Units to address the needs of the LGBTI community.

In August the office of an LGBTI rights organization was attacked by an individual shouting anti-LGBTI slogans. According to the organization, the attacker came to request financial assistance and when the organization refused, he attacked the office. The assailant returned the next day with other armed individuals to set fire to the office. The organization stated local police officers were slow to offer assistance and that at one point, an officer asserted there was no evidence of the alleged attack. The organization's coordinator said he went to file a complaint with the local justice of the peace, who made anti-LGBTI remarks before referring him to the court clerk, who requested a bribe to begin the investigation.

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

HIV and AIDS Social Stigma

According to a 2017 Center for Disease Control-sponsored stigma index, 57 percent of women and 54 percent of men said they would deny HIV-positive children entrance to schools with HIV-negative children, and 65 percent of women and 64 percent of men said they would not buy vegetables from persons with HIV.

Other Societal Violence or Discrimination

MINUJUSTH and numerous civil society organizations reported gang violence continued to increase, particularly in impoverished areas of Port-au-Prince such as Martissant and Grand-Ravine. MINUJUSTH reported that, between June and August, there were seven gang-related incidents reported, compared with three from the same period in 2017.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

Labor relations are established and regulated by a special provision of the 1961 labor code as revised in 1984. The code provides for the right of some workers, excluding public-sector employees, to form and join unions of their choice and strike, with restrictions. The code allows for collective bargaining and requires employers to conclude a collective contract with a union if that union represents two-thirds of the workers and requests a contract. Strikes are legal provided they are approved by at least one-third of a company's workers. The code prohibits firing workers based on union activities, and employers are subject to a monetary fine for each individual violation. The code does not, however, require employers to reinstate workers illegally fired for union activity, although illegally fired workers have the right to recoup any compensation to which they are entitled.

The code places several restrictions on workers' rights. It requires that any union obtain prior authorization from the government to be recognized. The code limits legal strikes to four types: striking while remaining at post, striking without abandoning the institution, walking out and abandoning the institution, and striking in solidarity with another strike. Public utility service workers and public-sector enterprise workers may not strike. The code defines public utility service employees as essential workers who "cannot suspend their activities without causing serious harm to public health and security." A 48-hour notice period is

compulsory for all strikes, and strikes may not exceed one day. Some groups were able to strike despite these restrictions by being present at their workplace but refusing to work. Furthermore, the law allows for compulsory arbitration at the request of only one party to halt a strike. The code does not cover freelance workers or workers in the informal economy.

The government made efforts to enforce labor laws, although its efforts were not fully effective. Government officials, unions, and factory-level affiliates also continued to expand their dialogue. Labor courts, which function under the supervision of the Ministry of Social Affairs and Labor, are responsible for adjudicating private-sector workplace conflicts. There is one labor court in Port-au-Prince. Outside of Port-au-Prince, plaintiffs have the legal option to use municipal courts for labor disputes. The code requires ministry mediation before filing cases with the labor court. In the case of a labor dispute, the ministry conducts an investigation to determine the nature and causes of the matter and facilitate a resolution. In the absence of a mutually agreed-upon resolution, the matter is referred to court.

During the year the labor ombudsperson for the apparel sector and the Ministry of Social Affairs and Labor provided mediation services to workers and employers in Port-au-Prince, Caracol Industrial Park, and Ouanaminthe. Due to limited capacity and procedural delays in forwarding cases from the Ministry of Social Affairs and Labor to the courts, the mediation services of the apparel sector's labor ombudsperson and the conciliation services of the ministry were often the only official recourse for workers' grievances regarding better pay and working conditions. The labor ombudsperson intervened to improve relationships between employers, workers, and trade union organizations, either upon formal request by workers, unions, or employers' representatives, or based on observations by the International Labor Organization's (ILO) Better Work Haiti (BWH) program. The Office of the Ombudsperson used different methods, including telephone conversations, exchange meetings, factory visits and meetings, and advisory support.

The penalty under the code for interference with union activities is 1,000 to 3,000 HTG (\$14.40 to \$43.20). The fines were not sufficient to deter violations, and authorities did not impose or collect them. During the year the government required some factories to remedy labor violations, including violations related to freedom of association.

Antiunion discrimination persisted, although to a lesser extent than in previous years. Workers continued to report acts of suspension, termination, and other retaliation by employers on the grounds of legitimate trade union activities, membership, collective action, and other associational activity.

There were strikes and other work stoppages in the apparel sector during the year, including disruptions in several facilities in Port-au-Prince and the North and Northeast departments as workers launched demonstrations prior to and following the announcement of the new minimum wage in October.

The ILO and International Finance Corporation's BWH program noted incidents of employer interference in union activity.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor; however, the government did not effectively enforce the law in all sectors of the economy. The labor ombudsperson, however, did not record any instances of intimidation or employer abuse. Penalties for violations of forced labor laws range from 1,000 to 3,000 HTG (\$14.40 to \$43.20) but were insufficient to deter violations.

There were reports that forced or compulsory labor occurred, specifically, instances of forced labor among child domestics, or *restaveks* (see section 7.c.). Children in the following situations were vulnerable to forced labor: private and NGO-sponsored residential care centers; workers in construction, agriculture, fisheries, domestic work, and street vending; IDPs, including those displaced by Hurricane Matthew and the 2010 earthquake; members of female-headed, single-parent, or large families; and LGBTI youth often left homeless and stigmatized by their families and society (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment in industrial, agricultural, or commercial companies is 15 years. The minimum age for work outside of these three sectors is 14, although children 12 and older may work for up to three hours per day outside of school hours in family enterprises, under supervision from the Ministry of Social Affairs and Labor. The law allows children age 14 to be contracted

apprentices; children 14 to 16 may not work as apprentices more than 25 hours a week. A September 2017 amendment to the labor code stated that it is illegal to employ children under the age of 16; however, it was unclear whether this provision would supersede the older statutes that create the sectoral exceptions mentioned above.

The law prohibits young persons and children from performing any work that is likely to be hazardous; interferes with their education; or is harmful to their physical, mental, spiritual, moral, or social health and development, including the use of children in criminal activities. The law also prohibits minors from working under dangerous or hazardous conditions, such as mining, construction, or sanitation services, and it prohibits night work in industrial enterprises for minors under 18. The September 2017 amendment doubles penalties for employing underage children at night. Prohibitions related to hazardous work, however, omit major economic sectors, including agriculture. No apparel factories were reported noncompliant with respect to child labor during the year. A report by the ILO's BWH for the period of October 2017 to October 2018, however, found two cases of noncompliance for child labor because two factories failed to request proper identification for some workers during the hiring process.

There are no legal penalties for employing children in domestic labor. The law requires employers to pay domestic workers over age 15, thereby allowing employers of domestic workers to use "food and shelter" as a means of unregulated compensation for those under 15.

Persons between the ages of 15 and 18 seeking employment must obtain a work authorization from the Ministry of Social Affairs and Labor unless they are employed in domestic service. The labor code provides for penalties for failure to follow procedures, such as obtaining work authorization to employ minors between 15 and 18 legally, but it does not provide penalties for the employment of underage children. The limited penalties of between 3,000 and 5,000 HTG (\$43 to \$72) were not sufficient deterrents to protect children against labor exploitation.

The Ministry of Social Affairs and Labor, through the IBESR, is responsible for enforcing child labor laws. While enduring resource constraints hindered the IBESR's ability to conduct effective child labor investigations, the IBESR and the BPM responded to reports of abuse in homes and orphanages where children worked. The government does not report on investigations into child labor law violations or the penalties imposed. Although the government and international donors allocated supplemental funds for the IBESR to acquire a new administrative

space and hire more staff, the IBESR continued to lack sufficient social protection programs and effective legislation to eliminate the worst forms of child labor.

New members were appointed to the National Tripartite Committee against Child Labor, which included civil society actors, unions, and employers to address the issue of child labor and discuss the challenges associated with implementing new laws on child labor. As of September the committee had failed to meet due to lack of cohesion among labor union representatives.

The BPM is responsible for investigating crimes against children and referred exploited and abused children to the IBESR and partner NGOs for social services. Although the BPM has the authority to respond to allegations of abuse and apprehend persons reported as exploiters of child domestic workers, the BPM did not pursue restavek cases for investigation because there are no legal penalties it could impose on those who exploited children in these cases. A law with specific protections for child trafficking victims does not exist.

Children under age 15 commonly worked in the informal sector to supplement family income. Activities and sectors in which children worked included domestic work, subsistence agriculture, and street trades, such as selling goods, washing cars, serving as porters in public markets and bus stations, and begging. Children also worked with parents on small family farms, although the high unemployment rate among adults kept significant numbers of children from employment on commercial farms.

The worst forms of child labor, including forced child labor, continued to be problematic and endemic--particularly in domestic service. Exploitation of restaveks typically included families forcing them to work excessive hours on physically demanding tasks without commensurate pay or adequate food, refusing to provide an education, and subjecting them to physical or sexual abuse. Girls were often placed in domestic servitude in private urban homes by parents who were unable to provide for them, while boys more frequently were exploited for labor on farms. Restaveks who did not run away from families usually remained with them until the age of 14. Many families forced restaveks to leave before age 15 to avoid paying them wages as required by law. Others ignored the law, often with impunity.

Working on the streets exposed children to a variety of hazards, including severe weather, vehicle accidents, and crime. Abandoned and runaway restaveks constituted a significant proportion of the population of children living on the

street, many of whom criminal gangs exploited in prostitution or street crime, while others became street vendors or beggars.

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

d. Discrimination with Respect to Employment and Occupation

The constitution provides for freedom of work for all citizens and prohibits discrimination based on sex, origin, religion, opinion, or marital status. For public-sector employment, the constitution sets a minimum quota of 30 percent for women. The labor code does not define employment discrimination, although it sets out specific provisions with respect to the rights and obligations of foreigners and women such as the conditions to obtain a work permit, foreign worker quotas, and provisions related to maternity leave. The law does not prohibit discrimination based on disability, language, sexual orientation or gender identity, social status, or HIV-positive status.

The government took some steps to enforce the laws through administrative methods, such as through the Ministry of Women's Conditions and the BSEIPH. In the private sector, several work areas, which had been predominantly male oriented, began employing female workers at the same pay scale, including the public transportation and construction industries. Despite these improvements, discrimination related to gender remained a major concern, although there was no governmental assessment or report of work abuses. During the BWH's most recent assessment of 28 factories between October 2017 and October 2018, one case of noncompliance related to gender discrimination was identified. The factory where the case occurred took immediate action following the assessment to terminate the harassers. The BWH reported improvement in addressing sexual harassment, although this remained an issue of concern in the industry.

e. Acceptable Conditions of Work

The law provides for a national minimum wage. The Superior Wage Council published new minimum wage levels on October 8. The current daily minimum wage for all sectors ranges from 215 HTG (\$3.00) per day for domestic workers to 500 HTG (\$7.20) per day in certain professions, including finance, telecommunications, and private educational institutions. In the apparel export sector, the minimum daily wage was set at 420 HTG (\$6.00). At 215 HTG, the

national minimum wage for domestic workers was slightly above the official poverty income level.

In September 2017 the parliament passed a new law that organizes and regulates work over a 24-hour period divided into three 8-hour shifts known as the (3*8 law). This law set the standard workday at eight hours and the workweek at 48 hours for industrial, commercial, agricultural, and tourist establishments as well as for public and private utilities. The 3*8 law repealed numerous provisions of the labor code, including those that covered working time, overtime payment, weekly rest day, and certain paid annual holidays. According to the ombudsman for industrial affairs, the 3*8 law did not cause any major shift in the labor market and needed additional government circulars to guarantee its implementation.

The law establishes minimum health and safety regulations and requires certain provisions in regards to workers' health and safety, including quotas for onsite nurses per factory, permanent medical services, and annual medical checks. The law allows workers to notify the employer of any defect or situation that may endanger their health or safety and to call on the ministry or police if the employer fails to make the necessary ameliorations. Occupational safety and health standards are appropriate for the main industries, but these standards were not always enforced.

Although the law charges the ministry with enforcement of a range of labor-related issues, legislation on wage and hour requirements, standard workweek, premium pay for overtime, and occupational safety and health was not effectively enforced. Penalties were not sufficient to deter violations, and authorities often did not impose them. The penalty for not applying the occupational safety and health provisions of the labor code is 200 to 2,000 HTG (\$2.90 to \$29) or up to three months in prison. The penalty for violating the minimum wage or hours of work provisions of the labor code ranges from 1,000 to 3,000 HTG (\$14.40 to \$43.20). There were no prosecutions for the individuals accused of violating the minimum wage or hours of work.

The ministry's capacity to enforce the labor provisions in national and international law was limited by human resource and other constraints. Labor inspections in the capital and elsewhere faced challenges that included a lack of funding, questionable professionalism, and lack of support from law enforcement.

There were some reports of noncompliance with overtime provisions in apparel factories.

Most citizens worked in the informal sector and subsistence agriculture, for which minimum wage legislation does not apply. There continued to be reports of noncompliance regarding compensation, paid leave, social security and other benefits, contracts, health services and first aid, and worker protection in the industrial and assembly sectors.

Noncompliance with safety and health standards remained a major concern. The ILO BWH program continued to report nearly all factories failed to provide the legally required number of medical facilities and staff. Other noncompliance issues included unsafe storage of chemical and hazardous materials, lack of adequate training regarding handling of chemical and hazardous materials, and lack of protective equipment or safety warning signs.

The ILO BWH program also reported cases where several workers exposed to work-related hazards failed to receive free annual exams. By law the exams are the responsibility of the Office of Labor Insurance, Maternity, and Accident (OFATMA). While some factories began conducting medical checks-up independently, OFATMA continued efforts to increase its capacities and continued performing medical checks at a number of factories. The ILO Better Work Haiti program continued to work with factories, and OFATMA to improve compliance with this requirement.

No group collected formal data, but unions alleged job-related injuries occurred frequently in the construction and public-works sectors.