



Security Council

Distr.: General
11 February 2021

Original: English

United Nations Integrated Office in Haiti

Report of the Secretary-General

I. Introduction

1. The present report is submitted pursuant to Security Council resolution [2547 \(2020\)](#), by which the Council extended to 15 October 2021 the mandate of the United Nations Integrated Office in Haiti (BINUH), in accordance with Security Council resolution [2476 \(2019\)](#), by which it had established BINUH and requested the Secretary-General to report on the implementation of the resolution every 120 days. The report includes significant developments that occurred since the previous report ([S/2020/944](#)) and provides an update on the implementation of the BINUH mandate.

2. The impact of the coronavirus disease (COVID-19) pandemic on the health of the population continued to be less than originally anticipated, with some 11,286 people infected and 243 deaths as of 4 February 2021, although a surge in cases had been observed in recent weeks. The effects of the pandemic on the global economy continued to exacerbate the already dire socioeconomic and humanitarian conditions in Haiti, further underscoring the need for meaningful governance reforms to overcome structural obstacles to development.

3. BINUH and the United Nations country team continued to work to enhance the joint implementation of complementary mandates and efforts, including through greater integration of the mission's political and advisory role with the programmatic and technical work of United Nations agencies, funds and programmes. Efforts were ongoing to deepen integration in priority areas, such as justice, elections and community violence reduction, notably through the implementation of an integrated strategic framework – the “One United Nations plan” – to focus United Nations efforts on support to Haitian institutions to ensure they are better equipped to tackle challenges to peace, stability and development and to deliver on the commitments of the 2030 Agenda.

II. Political and good governance (benchmark 1)

4. As Haiti geared up for several major political milestones in 2021, including the holding of a proposed constitutional referendum as well as legislative, municipal, local and presidential elections, divisions within its polity had further deepened in recent months. President Moïse continued to rule by decree in the absence of a functioning legislative branch, while some political and civil society groups



continued to call for him to leave office by 7 February 2021. Notwithstanding the protracted polarization within the political class, diverse political, social and economic actors interested in finding common ground continued their efforts to forge a consensus, undertakings that had yet to yield concrete results.

5. In addition to the fraught political environment, public concern over the worsening security situation, including the Government's inability to stem rampant kidnappings and surging levels of criminality, fuelled anti-government protests.

6. Meanwhile, as the Government adopted a new \$3.6 billion budget and concretized plans for a constitutional referendum and elections in 2021, several new political parties and platforms formed, sometimes with the support of civil society and the private sector. While many of the new entities appeared to be searching for ways to build consensus to facilitate the successful holding of the various electoral processes in 2021, some rejected any possibility of dialogue with the Moïse administration.

7. One area of broad agreement among Haitian political and civil society stakeholders was that the 1987 Constitution, amended in 2012, with its complex semi-presidential system and frequent elections, represented one of the root causes of Haiti's instability. Nonetheless, the appointment on 15 October 2020 by the Executive of the five-member Independent Consultative Committee to oversee the drafting of a new constitution elicited critical reactions owing to a lack of prior consultation with relevant stakeholders and disagreements over the legitimacy of the process in the absence of a functioning Parliament to lead it.

8. In the month following its creation, the Committee, headed by the former interim President from 2004 to 2006, Jean Boniface Alexandre, had launched a series of thematic consultations with subject experts to review the provisions of the 1987 Constitution and propose alternatives to the current political regime, electoral system and local governance structures, among others. The initial draft of the proposed constitution was intended to serve as the basis for consultations with a broader group of stakeholders, such as political parties and civil society. A final draft, elaborated following a review of the results of those consultations, was expected to be submitted to the Executive on 4 March 2021. Over the course of the drafting period, the Committee had held a number of press conferences to update Haitians on its progress and to promote public awareness of the ongoing process. In a series of communications and interviews, Committee members indicated that the first draft of the constitution would propose a presidential system – with a President and a Vice-President elected by universal suffrage and a unicameral parliament, thus abolishing the Senate – as well as simplified local government structures. The proposal to eliminate the Senate was pre-emptively contested by its new president, recently elected by the 10 seated members of the Upper Chamber, which had been quorum-less since January 2020.

9. In parallel, the 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. The holding of elections on the latter two dates was likely to depend on the outcome of the referendum, as a new constitution might rationalize the number of local polls and eliminate the requirement for runoffs.

10. Some observers questioned the logic of publishing an electoral calendar prior to the conclusion of the ongoing process to draft a new constitution. Those reservations further called into question the legitimacy of the electoral body itself, already weakened by the Court of Cassation's failure to administer the oath of office to its members and the ensuing controversy surrounding their appointment. Indeed,

following the collective resignation in July 2020 of all nine members of the previous Provisional Electoral Council, several sectors traditionally represented in that body declined to nominate new representatives owing to tenuous relations with the President. Eschewing further consultations, President Moïse proceeded to fill the vacancies through a decree and mandated the councillors with organizing a constitutional referendum in addition to the expected polls.

11. Nonetheless, the Electoral Council continued to make headway in preparing for the referendum and the elections by developing a budget of \$125 million for the entire 2021 polling cycle. Drawing on the 2015 electoral decree, the Council also prepared a draft referendum decree that was promulgated by the Executive on 5 January. The decree enabled all Haitians, including those living abroad, registered with the Office of National Identification, which provides the data to the electoral council to generate a new voter registry, to cast a vote using the new identification card, a Haitian passport or a driving license issued by a Haitian authority. The outcome of the referendum would be determined by a majority of valid votes, with no minimum turnout threshold.

12. As electoral preparations accelerated, the ability to create a sufficiently conducive political and security environment while addressing logistics and funding constraints would continue to represent a major challenge. The Office of National Identification would need to expedite its citizen registration process in order to enfranchise as many of the estimated 6.7 million eligible voters as possible before the registry closed on 24 February. Currently, unless there was a further acceleration in the registration process, some 2.5 million citizens would be at risk of not featuring on voting lists. In addition, the pressure exerted by armed gangs in control of populous neighbourhoods with large electoral constituencies, that are known to be open to political influence, together with a persistent lack of security could undermine confidence in the electoral process and have a negative impact on voter turnout.

13. Several voices, both domestic and foreign, reiterated strong calls to the President to limit his use of executive decrees to govern, perceived as further stoking political tensions and mistrust. Two decrees issued on 26 November purporting to create a national intelligence agency and enact an “anti-terrorism” law drew the most criticism, including from the Core Group. Certain provisions in the latter overstated what constitutes a terrorist act, to include seemingly minor offenses, and related sanctions. Other criticisms related to the lack of oversight mechanisms for officials of the newly created intelligence agency, including possible immunity from some judicial processes, and the importance of aligning its mandate with that of the Haitian National Police. Following a request by the Executive to review the decrees, the Office of the Ombudsperson recommended that the Government establish accountability and parliamentary oversight mechanisms and decriminalize minor offenses. Decrees seeking to enforce the exchange rate between the United States of America dollar to the Haitian gourde and modify the mandate of the Superior Court of Audit – supposedly to push through priority electricity and other projects – were also the source of criticism.

14. Despite ongoing efforts, the country’s path to institutional normalcy and democratic renewal appeared fraught and riddled with uncertainty. A minimum consensus among political stakeholders could contribute to a successful constitutional reform process. Such a development would also improve the conditions in which the planned, and in some cases long overdue, elections would be held. Addressing the challenges faced by the Office of National Identity to generate the necessary momentum for the citizen registration process, was key to ensuring the maximum possible number of participating voters. In that respect, the Government’s disbursement of \$20 million to launch procurement and logistics processes represented an encouraging signal of its commitment to funding the upcoming electoral processes.

15. The United Nations, in response to the formal request made by the Government on 11 November 2020 for electoral assistance, would continue to work with Haitian authorities and other stakeholders to create conditions favourable for the transparent, participatory and inclusive holding of the various determined by national authorities.

16. As the situation on the ground was evolving rapidly, the Security Council would receive further updates on recent political developments at the consultations on the question regarding Haiti.

III. Violence reduction (benchmark 2)

17. The mounting insecurity, driven by a growing wave of kidnappings combined with several ruthless killings, increased public outrage, as evidenced by a monthly average of 84 demonstrations in the second half of 2020. That phenomenon compelled the Haitian authorities to take decisive action regarding escalating gang-related criminality. As part of a shift to a more assertive public safety agenda, for the first time in 13 years, the national police received a significant budget increase in September, affording it more capability to fight crime. Concurrently, the new Director-General *ad interim* and new General Inspector in Chief, who were appointed in October, changed the majority of the senior police management team.

18. Through the Superior Council of the National Police, Prime Minister Jouté directed the new police leadership to resolve pressing public order issues. In response, throughout December 2020 and January 2021, the national police adopted a more robust response to public disorder and intensified interdiction measures to curb violent crime in gang-ridden areas, starting in the Port-au-Prince neighbourhood of Village-de-Dieu. With logistical support from the engineering unit of the Haitian military, specialized police units engaged in a pacification drive in that area, as well as in nearby Martissant. While those operations drove gang members out, they also resulted in an undisclosed number of residential buildings being destroyed. The neighbourhood of Bel-Air in Port-au-Prince and the commune of Croix-des-Bouquets (West Department) witnessed similar police action amid inter-gang violence. With their activities disrupted in some of their Port-au-Prince strongholds, the gangs became more active on the outskirts of the metropolitan area and in neighbouring departments. This was observed in a few areas of the Artibonite Department, where gangs posed additional security threats to which the national police was responding.

19. Despite the disruption of activities of armed criminal groups by the national police and the work of the National Disarmament, Demobilization and Reintegration Commission to negotiate a de-escalation with gangs, 70 abductions were reported between September and December (including of 13 women and 6 minors). In the past 12 months, kidnappings followed a concerning trend as they increased by 200 per cent compared with the previous year (a total of 234 cases, including 59 women and 37 minors, were reported in 2020 compared with 78 in 2019). Voluntary homicide followed a similar, albeit less pronounced, trend, increasing by 20 per cent (1,380 cases reported by the police) in 2020, with three quarters of the cases recorded in the West Department. Conversely, with 424 cases (including 182 women, 53 men, 146 girls and 43 boys), instances of gender-based violence recorded by the national health system, which were still underreported, fell 7.3 per cent from September to November compared with the previous quarter, while the police registered a 12 per cent increase in rapes, from 43 to 49, during the same period.

20. Prime Minister Jouté established an interministerial task force in late October, headed jointly by the Chairperson of the National Disarmament, Demobilization and Reintegration Commission and the Minister for Social Affairs and Labour, and composed, among others, of representatives of the Presidency and the Office of the

Prime Minister, to inject greater consistency in the Government's response to community violence. BINUH participated in a task force meeting in December that endorsed a \$6.4 million plan to be implemented between October 2020 and March 2021. To date, some funds had been disbursed to finance cash-for-work projects, vocational training, mobile medical assistance and short-term financial assistance to vulnerable groups in 13 geographical areas, including gang hotspots in Port-au-Prince. Moreover, to accelerate progress in implementing a holistic approach to community violence reduction, BINUH provided material support and technical expertise to the National Disarmament, Demobilization and Reintegration Commission. Most notably, five BINUH staff were co-located with the Commission, to which they provided secretariat support. They also managed a coordination platform with non-governmental organizations and United Nations agencies, funds and programmes. The Executive, however, had yet to endorse the national community violence reduction strategy submitted on 4 May 2020, which would provide a strategic framework for all stakeholders, governmental and non-governmental, and improve coordination among them.

21. The period saw progress, with United Nations support, in establishing a comprehensive national weapons and ammunition management framework in accordance with relevant instruments, standards and guidelines. Within the framework of the Peacebuilding Fund project on disarmament, demobilization and reintegration in Haiti, and at the request of the Government, the United Nations Development Programme (UNDP), the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean and BINUH completed, in September, a review of the draft law on firearms adopted by the Haitian Senate in July 2019, as well as a comparative legal study of the existing national arms control framework. Relevant United Nations entities, line ministers and senior government officials were subsequently presented with the findings and recommendations in two back-to-back virtual workshops held on 28 and 29 September. The Ministry of Justice and Public Security formed an interministerial taskforce on 22 December to implement the findings of the review of the draft law, including redrafting the text to conform with regional and international arms control instruments. As part of the same project, the International Organization for Migration (IOM) convened two bilateral meetings on 2 and 8 December in the communes of Ouanaminthe and Malpasse to enhance cross-border cooperation against drug, weapons and human trafficking with the Dominican Republic. It has since submitted a draft customs, immigration and police agreement to Prime Minister Jouthe for his approval.

22. Resources from the Peacebuilding Fund were made available at the end of October to support the community violence reduction project that will be jointly implemented by UNDP, the United Nations Office for Project Services (UNOPS) and the United Nations Population Fund (UNFPA). In cooperation with BINUH, the three implementing entities initiated a mapping of existing community platforms. Moreover, the Peacebuilding Fund recently approved a project under the gender and youth promotion initiative. Expected to be launched in the first quarter of 2021, the project will aim to foster the effective participation of women and young people in peacebuilding processes in the commune of Cité Soleil and the Port-au-Prince neighbourhoods of Bel-Air and Saint Martin.

23. Finally, a binational, cross-border project funded by the Peacebuilding Fund was approved in December to revitalize the Haiti/Dominican Republic Mixed Bilateral Commission. The project, which will be implemented by IOM and UNDP, aims to strengthen spaces for binational dialogue to promote cooperation at the community and institutional levels between the two countries.

IV. Security and the rule of law (benchmark 3)

24. The renewed commitment of the Government to addressing public safety issues had scant impact on the Haitian criminal justice system, as the period under review saw continued discontent of judicial actors, limited police development and a growing prison population. Rule of law institutions continued to face serious challenges owing to repeated strikes by judicial staff that affected the functioning of the justice system and prevented the release of eligible prisoners from congested prisons, which report an alarming occupancy rate of 315 per cent, among the highest in the world.

25. Recognizing the need to build a police force capable of ensuring security conditions conducive to the holding of the electoral events planned for 2021, the Government and donors increased their attention to, and investment in, the police in recent months. The share of the overall national budget for the national police rose to 6.59 per cent. The reinforced police budget of \$239.7 million, which represents an increase of 53 per cent from the 2019/20 fiscal year, includes \$209.3 million for operations and \$30.4 million for investments. Furthermore, the Prime Minister launched a 10-month project, with support from the Government of Japan, to build more than 600 affordable housing units and concluded an agreement with a private hospital to provide free emergency care to police personnel. In addition, a project was signed in September to strengthen the corporate governance, organizational gender mainstreaming and operational capacities of the Haitian National Police, with support from the Government of Canada. Underperformance is also being addressed by donors, especially in areas frequently raised by civil society organizations, including crowd control, the use of force and the protection of human rights, with training and capacity-building being provided by the United States to reform police public order units nationwide ahead of the upcoming elections. Colombia, France and the United States were also supporting the development of the anti-kidnapping capacity of Haiti.

26. Having been nominated amid a surging wave of kidnappings and gang violence, the new Director General *ad interim* of the National Police was mandated to rein in criminality and address the activities of disgruntled police officers in the fringe *Fantom 509* group, which continued to stage violent flash protests in Port-au-Prince. Beyond addressing major crime trends and the proliferation of gang violence, the main challenge of the new police chief, who had previously led the institution from 2004 to 2005, was to continue to develop the police into an adequately equipped, professional and gender-sensitive force amid worrisome signs of attrition. Since the previous report, the police force lost an additional 25 officers; its total strength now stood at an estimated 14,997 police officers, including 1,581 women (10.5 per cent). That downward trend was expected to accelerate in 2021 owing to the first wave of officer retirements after 25 years of service, which would compound the average annual attrition rate of approximately 400 officers. Commencing the training of the next class of recruits, scheduled for early 2021, was therefore paramount to ensure adequate police staffing and meet upcoming security challenges.

27. The General Inspectorate of the Haitian National Police continued to play a significant role in the reform of the police institution. Supported by UNDP, with funding from Canada, the Inspectorate expanded its oversight capacity with the inauguration on 30 November of its first regional office in Cap-Haïtien (North Department). Concurrently, the General Inspectorate pursued an awareness-raising campaign on ethics and conduct that had so far reached nearly 1,000 police officers. Internal investigations were also ongoing, including against 70 officers allegedly involved with the illegal *Fantom 509* group, and several directives are being developed to improve the force's legal and management frameworks.

28. The Superior Council of the Judiciary was allocated \$33 million in the 2020/21 budget, which was roughly a 35 per cent increase from the previous budget. Nonetheless, several magistrates' associations, including the Professional Association of Magistrates, the National Association of Haitian Magistrates and the National Network of Haitian Magistrates, called upon the Executive to further increase the allocation from the current 1.5 to 5 per cent. They also demanded action to address the renewal of expired judicial terms. Meanwhile, intermittent strikes by key judicial actors continued to negatively affect the functioning of the judiciary and limit the number of hearings and judicial proceedings held. In particular, public prosecutors conducted a month-long nationwide strike in November and December to protest against working conditions and demand a salary increase and the payment of salary arrears. The United Nations, in consultation with the Superior Council of the Judiciary and the Ministry of Justice and Public Security, continued to work to encourage that the two institutions jointly address the grievances of judicial actors and strengthen their respective inspection units to improve the performance of judges and prosecutors.

29. Haitian institutions made incremental progress towards developing tools to reduce pretrial detention, with support from the United Nations and the Justice Sector Support Program of the United States Agency for International Development. Following an 18-month hiatus, the *Comité de suivi de la chaîne pénale* of the Port-au-Prince jurisdiction – a coordination and information-sharing forum of key justice sector actors created to decongest prisons by fast-tracking cases – reconvened on 11 December and agreed to hold accelerated hearings in the capital's courts and prisons. In addition, the Ministry of Justice and Public Security organized a national workshop from 11 to 13 January to validate and disseminate a new national strategy to reduce pretrial detention. Despite those positive developments, persistent delays in establishing the Board of the Legal Aid Council continued to hamper the opening of 11 decentralized legal aid offices that, by providing free legal assistance to the most vulnerable segments of the population, would play a critical role in the fight against pretrial detention.

30. In parallel, efforts continued to promote more adequate conditions in the country's prisons. The Directorate of Penitentiary Administration transferred the monitoring and oversight of the prison certification process from BINUH to the Office of the Ombudsperson, which would be in charge of certifying that all Haitian prisons met international standards governing the management of prison facilities. The partnership sought to increase national ownership of penitentiary administration and to engage both institutions in advocating for a sustainable path to improve detention conditions in all Haitian prisons, which, as a result of high levels of pretrial detention, held a total of 11,634 inmates, including 373 women, 230 boys and 18 girls, with 80 per cent of detainees awaiting trial as at 19 January 2021. That represented an increase of 6.7 per cent compared with the previous reporting period. Overall, the percentage of detainees in pretrial detention had averaged approximately 75 per cent of all prison occupants over the past 25 years, despite many endeavours to tackle the problem and significant investment from partners in the sector.

V. Human rights (benchmark 4)

31. The human rights situation in Haiti continued to be negatively affected by the activity of gangs and the continued failure of State authorities to adequately protect citizens' rights to life and security. Moreover, conditions of detention, already qualified by the Human Rights Committee as cruel and inhuman treatment, remained alarming.

32. The mission documented the ongoing occurrence of human rights violations and abuses, primarily in the context of gang violence in the metropolitan area of Port-au-Prince. BINUH observed an increase in human rights abuses, mainly related to kidnappings by gangs. Between 1 September 2020 and 31 January 2021, BINUH registered 337 alleged human rights abuses attributed to gang members and unidentified armed men, among them 63 killings (including those of 2 women and 3 boys), 44 injuries (including 4 women), 15 rapes (all women) and 215 kidnappings (including 32 women, 8 boys and 9 girls). That represented a 95.9 per cent increase compared with the previous reporting period. All segments of the population had been targeted, exposing the difficulties faced by law enforcement in protecting the lives and security of the Haitian people. The kidnapping, rape and murder of a 21-year-old high school student from Port-au-Prince, sparked large protests throughout the country as citizens demanded that the Government of Haiti protect its population.

33. Gang violence continued to affect entire communities, preventing them from the full enjoyment of human rights such as food, housing, health and education. For instance, in the Bel-Air neighbourhood of Port-au-Prince, schools, health centres and shops remained closed, while 407 households displaced from the area as from in August 2020 were still unwilling or unable to return to their homes owing to gang clashes and reprisals against the general population. The lack of protection by the State, including the lack of accountability for human rights abuses committed by prominent gang members, especially those who were already the subject of national police warrants, such as Jimmy “Barbecue” Cherizier, fuelled the recurring cycle of violence. Cherizier, who was suspected in the emblematic cases of the Grand Ravine (2017), La Saline (2018) and Bel-Air (2019) massacres, had eluded several arrest attempts made during police operations in Port-au-Prince (West Department) and remained at large despite continuing domestic and international appeals for justice.

34. The lack of accountability for human rights violations committed by law enforcement officials also persisted. From 1 September 2020 to 31 January 2021, BINUH documented 81 human rights violations by officers of the Haitian National Police, resulting in 12 people killed (including 1 girl) and 25 injured (including 2 women). That represented a 12.3 per cent decrease compared with the previous reporting period. The General Inspectorate of the Haitian National Police opened 122 investigations into alleged acts of misconduct by police officers, 22 of which were later closed, leading to the adoption of administrative sanctions in 16 cases, of which 4 were transmitted to judicial authorities. Moreover, the General Inspectorate investigated 68 additional violations related to incidents that occurred prior to the period covered by the present report. In 14 instances, it recommended sanctions. Notably, only two of those cases were transmitted to judicial authorities. Finally, the continued lack of action by law enforcement officials and judicial authorities to investigate serious crimes and establish accountability and the lack of public trust in those institutions contributed to practices of so-called popular justice. From 1 September 2020 to 31 January 2021, BINUH documented 20 cases of lynching, none of which had been investigated to date.

35. Efforts also continued to seek accountability for the murder of Monferrier Dorval, the slain president of the Port-au-Prince Bar Association, whose case was transferred to an investigative judge on 17 September. The shocking disappearance of crime-scene evidence from the premises of the Port-au-Prince Tribunal of First Instance in early October sparked public outrage and highlighted the need to dedicate adequate resources to the ongoing investigation, including to protect it from third-party interference. The Special Rapporteur on the independence of judges and lawyers sent a letter to the Government on 20 November to share his concerns about the case, including both the aforementioned theft and a 13 November attack on the car of the investigating judge.

36. As mentioned above, conditions of detention remained very concerning, despite sustained efforts by stakeholders to improve them. Detainees were kept in extremely overcrowded and unsanitary cells for up to 23 hours per day, had restricted or no access to health care and were given food of limited quantity and inadequate nutritional quality. From 1 September 2020 to 15 January 2021, 47 persons died in detention, a 2.1 per cent increase compared to the previous reporting period. The deaths resulted mainly from diseases the inmates contracted while in the custody of the State, for which they did not receive adequate care. BINUH notes that the responsible authorities failed to systematically organize the transportation of persons in pretrial detention to the location of their hearing, effectively denying them the right to be tried within a reasonable time. As mentioned above, the lack of improvement regarding the large number of persons held in pretrial detention is highly concerning, notably in its violation of the right to be presumed innocent until proven guilty.

37. In November, the Office of the Ombudsperson, the national human rights institution, adopted its operational plan for the period 2020–2021, a document that was prepared with mission support. BINUH also provided training to the Inter-Ministerial Committee on Human Rights, which was tasked with the coordination of human rights-related policies, to ensure better follow-up and coordination in the implementation of human rights recommendations. However, the Executive had yet to adopt the national action plan on human rights endorsed in December 2019 by the Committee. The plan sought to address lasting human rights problems by implementing the recommendations formulated in the context of the Human Rights Council’s universal periodic review of Haiti in 2016 and other human rights mechanisms. The adoption of the plan had been requested by the Human Rights Council in 2017, when the mandate of the Independent Expert on Haiti was discontinued. On 2 December 2020, civil society organizations met, with the support from the Office of the United Nations High Commission for Human Rights (OHCHR) and UNFPA, to monitor the State’s implementation of the recommendations emanating from the Committee on the Rights of Persons with Disabilities.

38. Finally, civil society and human rights organizations continued to be the target of threats and acts of intimidation because of their struggle for human rights. Between 1 September 2020 and 31 January 2021, the mission documented 13 instances of threats, intimidation and attacks on human rights defenders, journalists, lawyers and judges. With the support of BINUH and the Organization of American States, human rights defenders convened in Port-au-Prince and Cap-Haïtien on 8 and 9 December in the context of International Human Rights Defenders Day to elaborate a legal framework for the protection of human rights defenders.

VI. Unemployment, youth and other vulnerable groups (benchmark 5)

39. The impact of political instability and the COVID-19 pandemic on the Haitian economy will be long-lasting. The Economic Commission for Latin America and the Caribbean estimates that the country’s gross domestic product (GDP) contracted by 3 per cent in 2020, and it projects a timid recovery in 2021, provided a number of economic initiatives are implemented. Production in the country’s export-oriented garment and apparel sector, which represents about 90 per cent of total exports and constitutes the largest provider of formal sector jobs, is estimated to have declined by 16 per cent during the 2020/21 fiscal year. On the other hand, remittances from the diaspora increased. Nevertheless, because of subdued economic activity and rising inflation – estimated at 22.8 per cent on average during the 2019/20 fiscal year, revenues declined, while expenditures increased owing to COVID-19-related social spending, resulting in a fiscal deficit of about 3 per cent of GDP.

40. To counteract the deteriorating economic situation, the Government implemented a series of policies to stave off the rapid depreciation of the Haitian gourde, which resulted in the appreciation of the gourde by 13.6 per cent against the United States dollar by the end of the fiscal year in September 2020. That rapid rise in the valuation of the national currency had a negative impact on many export-oriented businesses, as well as on international intergovernmental and non-governmental organizations that received their budgets in dollars.

41. In the lead-up to the adoption of the 2020–2021 national budget, the Prime Minister announced several government priorities, including economic diversification and acceleration of growth, support to small- and medium-sized enterprises and job creation. The United Nations, at the request of the Government, and working closely with the European Union, contributed through an evaluation of the socioeconomic impact of COVID-19, building in particular on six thematic surveys conducted between April and December 2020 with support from the United Nations country team. That complementary evaluation should contribute to the implementation of the Government's 3-year, \$4.87 billion post-COVID-19 economic recovery plan, which aimed to stabilize the country's macroeconomic framework and create conditions for both a resumption of economic growth and the fostering of the population's welfare through job creation and the development of sectoral policies and action plans for a more resilient, fairer and greener recovery.

42. To contribute to the country's economic stabilization, the United Nations sought to create employment opportunities, especially for women and young people, and to enhance rural livelihoods. Interventions centred on vocational training, including for girls; support to food value chains and the training of rural women entrepreneurs; and awareness-raising related to climate change. United Nations activities used labour-intensive approaches, for example, road construction and rehabilitation in the Artibonite and Centre Departments through which UNOPS generated over 40,000 days of work in 2020. At the policy level, the Food and Agriculture Organization of the United Nations (FAO) advocated for the adoption of the country's national policy and strategy for food sovereignty, food security and nutrition. That policy aimed to stimulate agricultural growth and agribusiness to help reduce poverty; revitalize job creation, economic growth and investment in the agro-food industry; and create sustainable communities. If adopted and implemented, the policy would help to establish more conducive conditions for the development of value chains and better rural employment opportunities.

43. In line with government priorities, contributing to economic transformation is a key aim of the integrated strategic framework. Using its convening power, the United Nations in Haiti is engaging with key stakeholders, including the public and private sector, civil society and development partners, as well as international financial institutions and leading Haitian economists, as part of a longer-term policy effort to unlock the potential for private sector development. During the first edition of the "sustainable development week", organized by the Government, with support from the United Nations Resident Coordinator's Office, between 1 and 3 December 2020 on the theme of Sustainable Development Goal 17 (partnerships for the goals), participants examined the challenges facing the business environment and job creation in Haiti.

44. Efforts to advance social protection, another priority of the "One United Nations plan", also continued. Further to the adoption in June 2020 of the national social protection and promotion policy by the Government of Haiti, the United Nations is supporting the design of the corresponding national plan of action. It is also helping to strengthen decentralized institutional capacity to manage social assistance programmes in the South-East Department and, in collaboration with partners, to develop a new nutrition-sensitive social safety net to be tentatively rolled out in 2021

in the Grand'Anse Department. Other ongoing resilience-building activities included the restoration of productive agricultural assets for food-insecure households through the distribution of horticulture kits, the provision of small livestock, the supply of veterinary services and the creation of green jobs – particularly in the field of agroecology and waste management.

VII. Basic social service delivery and resilience (benchmark 6)

45. The worsening economic situation, fluctuations in the value of the Haitian gourde, lower-than-average agricultural output and continuing insecurity combined to undermine progress towards development and exacerbate an already concerning humanitarian situation. According to the 2021 Haiti Humanitarian Needs Overview, to be published in March 2021, 4.4 million people were expected to require humanitarian assistance during the course of the year. To address those needs, the 2021–2022 Humanitarian Response Plan, to be launched in early March, was to target 1.5 million of the most vulnerable people in 65 out of 146 communes. A budget of \$235.6 million would be required for the response. Most humanitarian needs in Haiti are chronic and due to development deficits. The operationalization of the humanitarian/development/peace nexus is therefore of paramount importance to reduce risks and vulnerabilities that engender humanitarian needs.

46. Reflecting the adverse humanitarian situation, food insecurity and malnutrition rates rose over the past year. Inflation, low crop yield due to below-normal rainfall and restrictions related to the COVID-19 pandemic affected the purchasing power of the poorest households and their ability to have access to food, although the cost of food decreased somewhat in the months prior to the present report owing to the depreciation of the United States dollar against the Haitian gourde. Nevertheless, an updated Integrated Food Security Phase Classification analysis showed that some 4 million people were affected by acute food insecurity between August 2020 and February 2021. Malnutrition among children also remained a major concern, with 2.1 per cent of boys and girls in the country facing severe acute malnutrition. In response to those concerning trends, the World Food Programme initiated two large emergency assistance projects funded by the Government of Haiti, with support from the Inter-American Development Bank and the World Bank, to assist approximately 750,000 vulnerable people affected by the COVID-19 crisis with cash transfers and food rations.

47. The protests of 2019 and 2020 continued to affect the education sector. Since the official relaunch of the new school year in August 2020, approximately 30 per cent of students, more than 750,000 girls and boys, had not returned to school. That exacerbated the impact of the 2019/20 “lost” school year, when about 4 million children across Haiti were unable to attend school owing to extensive school closures resulting from the *peyi lok* period of civil unrest, as well as measures related to COVID-19 and insecurity due to gang activities. Absences from school impact children’s access to food through school feeding programmes. Furthermore, being out of school increases protection concerns for children, exposing them to increased risks of sexual violence and early pregnancy.

48. Protection risks also persisted for Haitian migrants. Some 1,444 Haitian migrants were repatriated to Haiti from other Caribbean and Latin American countries between 1 June 2020 and 17 January 2021. In addition, 185,590 Haitian migrants voluntarily returned from the Dominican Republic between the beginning of the COVID-19 crisis in March 2020 and 1 November. Returns had nearly tripled since 2019, owing mainly to the loss of jobs in the tourism, agriculture and construction sectors in the Dominican Republic. As most people cross the border at any of the 100

informal crossing points, not only are they exposed to higher risks of contracting and transmitting the COVID-19 virus, but women and children are also at greater risk of trafficking and other abuses.

49. The direct health impact of COVID-19 in Haiti had so far been moderate, and the country had been spared from the alarming scenarios that had been projected during the early days of the outbreak. To prepare the country for future increases in COVID-19 transmission rates, the Government, through the Ministry of Public Health and Population, continued to scale up national and departmental surveillance capacities with the support of the Pan American Health Organization/World Health Organization and of the United Nations Children's Fund (UNICEF) for communications and sensitization.

50. The pandemic had disrupted non-COVID-19-related health care, as seen in the sharp decrease in the availability and use of essential health services. Gaps in preventative child health care and nutrition services had also been observed.

51. It has been two years since the last confirmed case of cholera was recorded in Haiti, in early February 2019. Last year, only 81 suspected cases of cholera were reported by the Ministry of Public Health and Population, all of which were negative. The United Nations has reinforced Haiti's health, epidemiological and emergency response capacity, which has had a positive impact on the Government's ability to respond to all infectious diseases more effectively. In addition, the United Nations has launched and expanded a community-driven programme to provide meaningful material support to the communities hardest hit by cholera throughout Haiti. The programme is operating in 25 communities, with plans to almost double the number of sites in 2021.

VIII. Sexual exploitation and abuse

52. BINUH received one new allegation of sexual exploitation during the period up to 31 January 2021, dating from the deployment of the United Nations Stabilization Mission in Haiti in the country. The allegation was currently under investigation.

53. Efforts are ongoing to address the health and educational needs of children born from sexual exploitation and abuse through funding made available by the United Nations Central Emergency Response Fund and resource mobilization within the United Nations system in Haiti. Focus groups with the victims, organized by the Association of Volunteers in International Service Foundation, a non-governmental implementing partner, had resumed in the West and South Departments despite security and COVID-19-related movement restrictions. In October 2020, a dedicated system-wide coordinator on protection from sexual exploitation and abuse began working in the office of the Resident Coordinator and Humanitarian Coordinator. Furthermore, the now-revitalized network on protection from sexual exploitation and abuse was to resume its support to the Haitian national human rights institution complaint and referral mechanism.

IX. Observations

54. The year 2021 offers the leadership of Haiti the opportunity to end the country's troubling period of rule by decree, restore its democracy and reinforce long-term stability. The successful conduct of the various electoral processes scheduled to take place over the course of the next 10 months, along with the prospect of a peaceful transfer of presidential power to a duly elected successor, would greatly contribute to

placing the people of Haiti more firmly on the path to sustainable development and improved economic prospects.

55. It would behove both the country's leaders and its citizens to commit to building consensus so that, in 2021, the constitutional referendum, overdue legislative and presidential elections and delayed municipal and local polls can take place in an orderly and peaceful manner. The perennially fraught political dynamics of Haiti and its currently difficult socioeconomic context call for maximum flexibility and the forging of difficult compromises in order to build a constructive consensus. With both the stakes and the risks high, this watershed moment requires statesmanship, leadership and restraint from across the political spectrum.

56. I therefore encourage national authorities, political actors and all Haitians to work together constructively to ensure the successful conduct of those successive polls. I further call upon the Government, as well as on the international donor community, to urgently prioritize resources aimed at organizing those elections in a peaceful environment and increasing both voter confidence and participation.

57. With electoral deadlines fast approaching, I encourage the national authorities to spare no effort to surmount the logistical challenges, particularly with regard to the citizen registration process. I further urge the authorities to use the opportunity of the upcoming calendar of electoral events to ensure that the voices of women and young people are heard, their concerns addressed and their contribution to the country's stability and development duly considered. An inclusive and participatory constitutional referendum would positively influence the conduct of subsequent elections.

58. As formally requested by the Government of Haiti, the United Nations will continue to assist in and support the implementation of its proposed 2021 electoral calendar. Concurrently, Special Representative La Lime will continue to exercise her good offices with the Government, political leaders, representatives of civil society, including women's organizations, and other stakeholders to promote dialogue and foster the necessary conditions for a peaceful democratic renewal of the country's executive and legislative branches of government and local governance structures.

59. Improvements in public safety, accomplished in accordance with the rule of law, will also be critical as Haiti prepares for the polls. The rise in violence and major crime trends observed over the past year are particularly worrisome as they threaten the democratic process. While acknowledging the Government's ongoing efforts to address criminality, I urge national authorities to not eschew the pursuit of a comprehensive and sustainable longer-term strategy to address the social, economic and other root causes of the gang phenomenon and violence in Haiti. This should be aligned with ongoing efforts by the Haitian authorities in establishing a comprehensive national weapons and ammunition management framework in accordance with relevant international arms control instruments, standards and guidelines.

60. The rule of law has an essential function to regain and strengthen trust and confidence in government and State institutions as part of the social contract between the State and populations. As Haiti enters this important year, I encourage national authorities to increase their focus on essential justice reforms, including their capacity to investigate and prosecute serious crimes, as impunity and the lack of accountability for such crimes constitute a fundamental driver of instability in the country and perpetuate public distrust of State institutions.

61. The lack of progress in the investigation of the August 2020 assassination of Monferrier Dorval and the lack of accountability for individuals suspected of having directly participated in human rights violations and abuses, such as Jimmy Cherizier, are disconcerting. Concrete action to protect citizens from violence through effective policing and judicial engagement, including by tackling impunity and improving

accountability, is imperative. The development and implementation of a national strategy for the investigation, prosecution and adjudication of cases of serious crimes, with international support as appropriate, merits due consideration. I also urge the Government to adopt the national action plan on human rights, which has been pending since 2019, and to support the establishment of a standalone OHCHR office in Haiti to safeguard continued collaboration with State authorities on human rights issues.

62. The troubling incarceration situation highlighted in the present report is also symptomatic of deeper social issues around inequalities and marginalization and should be addressed as a matter of priority. Recent efforts to reduce pretrial detention and prison overcrowding must be sustained and strengthened. While the validation of a new national strategy to reduce pretrial detention was necessary to establish a road map, it will be critical for the Ministry of Justice and Public Security and the Superior Council of the Judiciary to work together on the implementation of the strategy in all the jurisdictions of the country.

63. While leadership changes at the helm of the Haitian National Police represent an opportunity to strengthen the institution's cohesion and enhance the performance of its force, police efforts need to be based on a human rights-centred approach and be concurrently supported by community engagement. I urge the Government to adopt the draft national community violence reduction strategy to provide the framework to effectively implement those programmes, including as they relate to combatting violence against women and girls.

64. There is little doubt that a just and politically stable society in which the rule of law is fully respected would help further advance development, tackle structural issues and reduce inequalities in Haiti. A successful electoral year could contribute to advancing a reform agenda and public policies conducive to development, social justice, economic growth and job creation, and improve the business environment to attract much-needed investment in the country.

65. In that respect, I welcome the Government's commitment to align the country's national development strategy plan with the 2030 Agenda as well as the ongoing discussions around approaches to enhance development effectiveness and revitalize existing aid coordination frameworks. Recognizing the role the private sector can play in accelerating the implementation of the Sustainable Development Goals through the provision of traditional investments and innovative financing mechanisms, I also encourage the Government to continue to strengthen mechanisms to increase transparency, checks and balances and policy predictability.

66. Lastly, in reiterating the commitment of the United Nations to contributing to the stabilization and prosperity of Haiti, I would also like to express my sincere gratitude to my Special Representative for Haiti, Helen Meagher La Lime, to my Special Envoy, Josette Sheeran, to my Deputy Special Representative, Resident Coordinator and Humanitarian Coordinator, Bruno Lemarquis, and to all United Nations personnel in the country for their tireless work and dedication.
