



**Challenges Facing Haiti's Justice Sector**  
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***Haiti Six Months Later: Reports from the Ground***  
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**The Three Principle Challenges Facing the Justice Sector in Haiti Following the Earthquake**

**1. Responding to the needs of the majority of Haitians who are poor**

Haiti's justice system is notoriously corrupt, and the burden of this corruption falls primarily on those who cannot afford to pay for access to justice. Over 80% of the people in Haiti's prisons have not been convicted of a crime; almost all of these long-term pre-trial detainees are poor. Poor Haitians are unable to enforce the basic rights – labor, housing, contract, property and education rights, the right to child support – that are essential for people in any country to escape the cycle of poverty.

The inability to enforce their basic rights forced poor Haitians to live in poorly constructed housing in the crowded slums perched above Port-au-Prince that collapsed in the earthquake, killing thousands in single neighborhoods. The continued inability to enforce their rights will prevent most Haitian families from taking advantage of Haiti's reconstruction to obtain a minimally acceptable standard of living.

**2. Protecting Women**

Poor women and girls started reporting sexual assaults in the IDP camps as soon as the camps were set up. One survey found that 3% of all people in Port-au-Prince had been sexually assaulted since the earthquake; all but one of the victims were female and half of the victims were girls under the age of 18.

Sexual assaults impose enormous stresses on women and girls and families already deep in crisis. Before the earthquake, women in Haiti bore two disproportionate burdens: entrenched gender discrimination and the primary responsibility of caring for others, both of which left them poorer and more vulnerable to violence. Many women lost adult male family members who provided physical security and a source of income. Surviving women are left with the primary responsibility for the care of the most vulnerable, including infants, children, the elderly and the thousands of newly disabled people. When women become injured by rape or fear of rape, everyone within their circle of care, especially children, suffers.

The Haitian law enforcement and justice systems have never effectively prosecuted rape against poor women. Although the earthquake did reduce the overall capacity of those systems, the Haitian government has not effectively deployed the resources it has available to protect women. The international community has responded to the rapes, but too slowly and with too little input from the women in the IDP camps.

**3. Security of Land Tenure**

Judicial corruption, poor record-keeping and political instability have left Haiti with an extremely insecure land tenure system. Many properties have two or more judicially-recognized owners, while most landowners, especially small landowners, have title that is either informal or questionable. One study concluded that only 5% of Haiti's land has a clear and recognized title. Tenure insecurity has long plagued Haiti's economy, providing a disincentive to invest in improvements on land, and allowing people with political, economic or military power to appropriate the work and property of others.

Tenure insecurity has been particularly problematic following the earthquake. NGOs, governments and individuals building homes for the homeless cannot be certain that the intended beneficiary will be able to stay on the land once the house is completed. The large number of people whose claim to land was based on their actual possession of the land lost that claim when their house fell and they fled. The day after the earthquake, opportunists started dispossessing people with earthquake-weakened title claims.

## Recommendations

### 1. Justice for Poor Haitians

- a. Foreign aid supporting the Haitian government's ability to arrest and incarcerate should be matched with aid supporting the government's capacity to treat the arrested people fairly and humanely. This includes programs designed to accelerate judicial procedures, fight corruption and provide aggressive, effective legal representation to pre-trial detainees.
- b. Traditional justice sector support- training officials, building courthouses, providing materials- should be complemented with programs specifically designed to help poor people enforce a broad range of their rights. The United States has a wealth of effective anti-poverty legal initiatives that can provide models.

### 2. Protecting Women

- a. Foreign assistance programs that have an impact on Haitian women's security – including housing, emergency response and police programs – should systematically integrate poor Haitian women into the program's design and implementation.
- b. The United States should support programs that increase the ability of police, judges and prosecutors to effectively respond to rapes, including programs that assist healthcare providers to generate documentation useful for court proceedings.
- c. The United States Congress should encourage all programs funded by the United States to more quickly and effectively respond to the epidemic of rapes in the IDP camps.

### 3. Increasing Security of Land Tenure

- a. The United States should support long-term initiatives designed to eradicate the causes of land tenure insecurity, especially judicial corruption and poor record keeping.
- a. Short-term programs to resolve land-tenure problems caused by the earthquake should implement lessons learned from the 2004 Indian Ocean Tsunami and other natural disasters, with particular attention on programs that maximized long-term impact and protected the interests of the poorest landowners.

## Additional Information

### U.S.-based organizations

- Habitat for Humanity, [www.habitat.org](http://www.habitat.org) (land tenure)
- Huairou Commission, [www.Huairou.org](http://www.Huairou.org) (land tenure and women's rights)
- Institute for Justice & Democracy in Haiti, [www.HaitiJustice.org](http://www.HaitiJustice.org) (enforcement of legal rights of poor, prison issues, protection of women, property rights)
- MADRE, [www.Madre.org](http://www.Madre.org) (protection of women)
- Partners in Health, [www.pih.org](http://www.pih.org), (prison conditions, medical treatment of rape survivors)
- TransAfrica Forum, [www.transafricaforum.org](http://www.transafricaforum.org) (protection of women)

### Haiti-based organizations

- *Bureau des Avocats Internationaux* (BAI) [www.ijdh.org/about/bai](http://www.ijdh.org/about/bai) (enforcement of legal rights of poor, prison issues, protection of women, property rights)
- *Fanm Viktim Leve Kanpe* (FAVILEK), contactable through BAI (protection of women)
- *Komisyon Fanm Viktim Pou Viktim* (KOFVIV) contactable through BAI (protection of women)