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# HAITI

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## Republic of Haiti

**Population:** 8.5 million (3.8 million under 18)

**Government armed forces:** no armed forces

**Compulsory recruitment age:** not applicable

**Voluntary recruitment age:** not applicable

**Voting age:** 18

**Optional Protocol:** signed 15 August 2002

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 182

***Armed gangs, mostly in Port-au-Prince, continued to use children as spies and guards, to transport weapons and to participate in clashes with the police and UN troops. Rape of women and girls by gang members was widespread and girls associated with gangs were subject to sexual abuse and exploitation.***

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## Context

President Jean-Bertrand Aristide resigned and left the country in February 2004 after an armed group took control of much of the northern part of the country. A transitional government was established, but the government and a weakened police force were unable to respond to a dramatic upsurge in violent crime in the capital, Port-au-Prince.<sup>1</sup> The large quantity of small arms in circulation fuelled criminal activities and human rights abuses. In late 2004, despite the presence of the UN Mission for the Stabilization of Haiti (MINUSTAH), armed gangs loyal to Aristide launched 'Operasyon Bagdad', in which they called for the return of the former president, targeting and killing several Haitian National Police (HNP) officials. A spate of kidnappings of wealthy Haitians further destabilized Port-au-Prince, peaking in May and June 2005 and eventually targeting any Haitian perceived to be able to raise a ransom.<sup>2</sup> The government and MINUSTAH came under severe pressure from Haitian civil society organizations to deal with gang activity and crack down on kidnappers.<sup>3</sup> Armed criminal gangs, including under-18s, established themselves in the impoverished neighbourhoods of Bel Air and Cité Soleil. Human rights organizations affiliated to the pro-Aristide movement accused the transitional government and MINUSTAH of human rights violations against the civilian populations in these areas.<sup>4</sup>

Delayed presidential elections took place in February 2006, returning to power the former president René Garcia Préval. Throughout 2006 Préval continued to be confronted with violent crime, and a controversial policy of dialogue

with gang leaders showed no real results. The situation came to a head in December 2006, when a spate of kidnappings of children for ransom caused the closure of schools and widespread panic in Port-au-Prince, prompting tougher military operations against the gangs by MINUSTAH in Cité Soleil. UN troops concentrated on the stabilization of Bel Air, given its proximity to the port and the presidential palace, and by the end of 2006 a number of gang members had either been arrested or had dispersed to other areas. Following major MINUSTAH operations in late 2006 and early 2007, security improved in Cité Soleil, but gang activity and kidnappings persisted, albeit to a lesser extent. Street gangs continued to operate in Port-au-Prince, in particular in the poor areas of Bel Air, Cité Soleil and Martissant.<sup>5</sup> In Gonaïves, rival gangs from the neighbouring areas of Jubilé and Raboteau fought each other, each reportedly controlled by different political groups.<sup>6</sup>

Former military officials were grouped in bases in Port-au-Prince, the Central Plateau and the towns of Cap-Haïtien, Les Cayes and Ouanaminthe throughout 2004 and some of 2005, pressuring the government to compensate them for wages not paid since the dissolution of the armed forces in 1995. In 2005 the transitional government agreed to pay former military officials a total of US\$2.8 million, and they abandoned their bases. Most were not disarmed, however, and their weapons remained at large.<sup>7</sup>

The poorest country in the Americas, Haiti ranked 154th on the UN Human Development Index and 78 per cent of Haitians lived below the national poverty line. Child mortality was high, most children lacking access to safe drinking water and sanitation; illiteracy was widespread as most children did not finish primary-school.<sup>8</sup> The humanitarian situation was particularly acute in areas such as Cité Soleil, where siege-like conditions persisted as MINUSTAH attempted to root out gangs, compounding the conditions of destitution that already existed. Access to medical facilities for civilians caught in crossfire was limited to a hospital run by the humanitarian medical aid agency Médecins Sans Frontières.

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## Government

### National recruitment legislation and practice

The 1987 constitution provided for compulsory military service by all Haitians who reached the age of 18 (Article 268). However, there had been no military service since January 1995, when the armed forces were disbanded by presidential order, although no constitutional amendment was passed to confirm their dissolution.<sup>9</sup>

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## Armed gangs

A variety of armed gangs continued to operate, primarily in Port-au-Prince and Gonaïves. While primarily criminal in nature, the gangs varied in organizational structure, activities, motivation and degree of political affiliation, and could be mobilized for political purposes during periods of heightened tension.<sup>10</sup> Among them were gangs which evolved from “popular organizations” established in impoverished communities during Aristide’s term of office, when they were given jobs and in many cases supplied with weapons. These groups actively demonstrated between 2004 and 2007 for the return of Aristide. Corrupt HNP officers reportedly led some of the gangs, and other gangs could have been co-opted and paid to mobilize on behalf of various non-traditional political actors during the same period.<sup>11</sup> Many armed gangs were primarily organized to carry out criminal activities. The extreme poverty of families in destitute urban neighbourhoods and their inability to feed children or send them to school rendered children vulnerable to recruitment by the armed gangs. In a context of poverty and insecurity, gang leaders were at times perceived as community leaders or even heroes. In Cité Soleil, gang leaders cultivated an almost parental status with the children – who lacked affection and authority figures – and were often known as “uncle” or “father”.<sup>12</sup>

In early 2007 some seven or eight main armed gangs reportedly operated across Cité Soleil’s 32 neighbourhoods, each with about 20 full-time members and dozens of additional “helpers”, including children.<sup>13</sup> Gangs were involved in armed confrontations with MINUSTAH and the HNP during 2006 and on occasion children were said to have been involved.<sup>14</sup> Children were reported to have actively participated in Operasyon Bagdad in 2004.<sup>15</sup> Children were used by these and other gangs as spies, guards, messengers or general helpers, or to transport weapons. They were used as guards to watch out for MINUSTAH troops or the HNP, to watch over kidnap victims and to run errands. On occasion they were ordered to throw stones at MINUSTAH troops during armed confrontations, and MINUSTAH documented one case in which very young children cut brake cables in their tanks during an operation to arrest gang leaders.<sup>16</sup> Along with women, children were used as shields by gang members fleeing arrest.<sup>17</sup> In Gonaïves, children sent from rural areas to be “fostered” by relatives ended up on the streets or joining gangs when the host family did not live up to its promises of food and schooling, or was violent or abusive to the children.<sup>18</sup> Girls were said to have been used to transport illegal weapons from the village port of Anse Rouge to Gonaïves, and children were dressed in school uniforms

and instructed to look out for the police or MINUSTAH.<sup>19</sup>

Rape of women and girls was widespread and the UN estimated in 2006 that up to 50 per cent of girls living in violent neighbourhoods such as Cité Soleil had been raped and that in the Carrefour and Martissant areas of Port-au-Prince and the southern town of Les Cayes gang rapes were common. Girls in the custody of the HNP were also reportedly raped.<sup>20</sup> From January to June 2007 the UN documented the cases of 54 children raped by armed gang members, among them ten who were gang-rape victims.<sup>21</sup> Rape was used by gangs to intimidate and control the local population, to extort money or as revenge for acts by rival gangs. Girls associated with gangs were subjected to rape and exploitation.<sup>22</sup> Children associated with armed gangs were also reported to have committed rape. A judicial official reported a case in 2006 in which under-18s were found guilty of participation in kidnapping and rape and were sentenced to rehabilitation in a juvenile detention centre. The children were released, however, since there was no centre to accommodate them.<sup>23</sup> Few rapes were reported to the authorities and the government failed to take significant steps to address the problem.<sup>24</sup>

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## Disarmament, demobilization and reintegration (DDR)

In February 2005 the transitional government announced the creation of a National Commission for Disarmament, Demobilization and Reintegration (CNDDR) but a presidential decree establishing the commission was not issued until August 2006.<sup>25</sup> DDR activities were extremely slow to get off the ground, and human rights organizations accused the transitional government of lacking the political will to implement disarmament.<sup>26</sup> The Commission’s work was not helped by the controversy generated by the nomination of a Bel Air gang leader, Samba Boukman, to the Commission, an appointment contested by some human rights organizations, who claimed that Boukman had been a leading participant in the 2004 Operasyon Bagdad.<sup>27</sup> Despite a slow start, however, the CNDDR appeared to have shown some progress by the end of March 2007. On 19 March CNDDR president Alix Fils-Aimé announced that an important arms consignment of automatic weapons and more than 40 boxes of cartridges had been handed over to the Commission following pressure on gangs by MINUSTAH operations in Cité Soleil.<sup>28</sup>

The disparate and heterogeneous nature of the gangs, the prevalence of small arms held by private citizens and the fact that non-traditional actors were involved in fomenting instability presented particular challenges for

the implementation of a DDR program. In 2007 the UN country team developed a community violence reduction program and focused on institutional support to build the strength of the CNDDR. The program focused on labour-intensive projects to present an alternative to criminality to those in violence-affected communities, pending larger-scale economic recovery efforts. Reintegration projects facilitated the return of former gang members to their communities. Several of the projects were aimed at women who had been victims and perpetrators of armed violence.<sup>29</sup>

By early 2007 MINUSTAH had offered a DDR program to several hundred young people, including children in Cité Soleil and Martissant, providing education, vocational training and a small allowance. Critics of the program stated that the gangs had sent young people to take part who had never been armed and that gang members remained armed and on the streets.<sup>30</sup> Child protection agencies nevertheless expressed concern for the safety of under-18s who signed up for disarmament – in particular their vulnerability to HNP arrest and detention, or attack by their own or rival gangs.<sup>31</sup>

## Developments

At a February 2007 ministerial meeting in Paris, Haiti and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

## International standards

Haiti ratified the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) and the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-international Armed Conflicts (Protocol II) on 20 December 2006. Haiti ratified ILO Convention 182 on 19 July 2007.

1 Réseau national de défense des droits humains (RNDDH), “Situation chaotique au sein de la PNH”, open letter to the director-general of the PNH, 10 March 2004, [www.rnddh.org](http://www.rnddh.org).

2 Report of the Secretary-General on the UN Stabilization Mission in Haiti, UN Doc. S/2005/631, 6 October 2005.

- 3 Organization of American States (OAS), First Quarterly Report of the Secretary-General on the Situation in Haiti in Compliance with Resolution AG/RES 2147, 20 October 2005, page 7, [www.oas.org](http://www.oas.org).
- 4 Haiti Information Project, “Evidence mounts of a UN massacre in Haiti”, 12 July 2005.
- 5 Report of the Secretary-General on the UN Stabilization Mission in Haiti, UN Doc. S/2007/503, 22 August 2007; confidential sources, Port-au-Prince, March 2007.
- 6 Youri Latortue, a senator representing the party Latibonit an Aksyon (LAAA), was said to control the gangs in Raboteau, while those of Jubilé were said to be controlled by Winter Etienne, an associate of Guy Philippe, leader of the Front de Résistans Nasyonal, the armed group that led the uprising that led to the departure of Aristide. Interview with local NGO, Port-au-Prince, 14 March 2007.
- 7 Amnesty International (AI), *Haiti, Disarmament delayed, Justice Denied*, 28 July 2005.
- 8 UN Millennium Development Goals data, 2004, <http://www.un.org/millenniumgoals>.
- 9 OAS/UN International Civilian Mission in Haiti, *The Haitian National Police and Human Rights*, July 1996; Report of the UN Secretary-General on Haiti, UN Doc. S/2004/300, 16 April 2004.
- 10 Report of the Secretary-General on children and armed conflict, UN Doc. A/62/609-S/2007/757, 21 December 2007.
- 11 Confidential sources, March 2007.
- 12 Interviews with NGOs, Port-au-Prince, March, 2007.
- 13 Interviews with NGOs, Port-au-Prince, March 2007.
- 14 Interviews with NGOs, Port-au-Prince, March 2007.
- 15 Interview with NGO, Port-au-Prince, March 2007.
- 16 UN sources, Port-au-Prince, March 2007.
- 17 Interview with NGO, Port-au-Prince, March 2007.
- 18 Interview with local NGO, Port-au-Prince, March 2007. The *restavek* system is one of domestic slavery, whereby the children of destitute families are sent to work as domestic helpers in families of greater economic means.
- 19 Interview with local NGO, March 2007.
- 20 Report of the Secretary-General on children and armed conflict, UN Doc. A/61/529-S/2006/826, 26 October 2006.
- 21 Report of the Secretary-General, above note 10.
- 22 Alex Renton, “The rape epidemic”, *Observer*, 2 December 2007; interviews with NGOs, Port-au-Prince, March 2007.
- 23 Confidential sources, Port-au-Prince, March 2007.
- 24 *Amnesty International Report 2006 and 2007*.
- 25 OAS, Secretary-General’s report to Permanent Council, 28 March 2005; Presidential Decree of August 29, 2006 (“Dilia Lemaire quitte le navire”, *Le Nouvelliste*, 28 September 2006).
- 26 AI, above note 7.

- 27 RNDDH, “Le Terreur s’installe à Port-au-Prince”, news release, 6 December 2006.
- 28 Confidential sources, Port-au-Prince, March 2007; “Bélony en cavale remet des armes”, *Le Nouvelliste*, 22 March 2007.
- 29 Report of the Secretary-General, above note 5.
- 30 NGO and UN sources, Port-au-Prince, March 2007.
- 31 UN sources, March 2007.