

Executive Summary

"N ap mouri": Report on Conditions of Detention in Haiti

A report jointly issued by the United Nations Integrated Office in Haiti (BINUH) and the Office of the High Commissioner for Human Rights (OHCHR) highlights the main human rights concerns related to conditions of detention in Haiti and the treatment of persons deprived of liberty in that country. The report is based on observations and interviews carried out by the BINUH Human Rights Service (HRS) during visits to 12 places of detention undertaken between January and March 2021.

Despite significant efforts by the international community and some national actors to curb the phenomenon, the proportion of pre-trial detainees in Haitian prisons continues to grow and has reached 82% of the overall prison population as of 31 May 2021. The resulting situation of extreme overcrowding observed in a majority of prisons, and the limited access detainees have to the outdoors and to sanitation services constitute violations of the rights of the vast majority of people deprived of liberty encountered by the HRS. In addition, in all places of detention visited, access to food, water and health services is extremely limited, due in particular to irregular and insufficient supplies of food and medicine. Thus, the conditions of detention observed by the HRS represent a situation of torture or cruel, inhuman or degrading treatment.

In addition, the HRS has documented that the infliction by prison staff, or with their acquiescence, of corporal punishment as a form of disciplinary measure is common in places of detention, in violation of the absolute prohibition of torture and cruel, inhuman or degrading treatment.

The specific needs of people in vulnerable situations – women, girls, boys, the elderly, people with disabilities – are addressed unequally in the various places of detention visited by the HRS. While the needs of those detained in women and children's prisons in the Port-au-Prince metropolitan area are given greater consideration, this is generally not the case in other places of detention. Moreover, the HRS observed that the access of persons with disabilities and the elderly to basic services is also restricted in practice.

The Directorate of Prison Administration relies on a small staff to ensure the good management, safety and well-being of persons deprived of liberty. Few female staff are responsible for the supervision of women and girls in prisons outside of Port-au-Prince. Moreover, the majority of the existing internal and external oversight mechanisms are only partially functional. As a result, detainees have little or no opportunity to lodge complaints and seek redress when their rights are violated, thus contributing to the reinforcing the *de facto* impunity for the violations suffered.

In the face of such inhuman conditions, the Government must urgently adopt decisive measures to improve the situation in places of detention. To this end, it will need to demonstrate unwavering political will to implement the report's recommendations, including as they pertain to the fight against the illegal and arbitrary use of pre-trial detention.