



# Poder Ciudadano

Capítulo Argentino de Transparency International

## “Problemas de Documentación, Impactos Electorales”

Informe País  
2013



Haití

**Identidad**  
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Con el apoyo de



National Endowment for Democracy  
*Supporting freedom around the world*

Autores: La Fondation Heritage pour Haiti (LFHH) Capitulo de Transparencia Internacional

Se ha hecho todo lo posible por verificar la veracidad de la información contenida en este informe. Toda la información se considera correcta hasta mayo de 2014. Sin embargo, Poder Ciudadano no puede aceptar la responsabilidad por las consecuencias de su utilización para otros fines o en otros contextos.

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### ***Identification of consultant or organization that will produce the progress report***

- 1.1.1 Consultant/Organization name
- 1.1.2 Country HAITI
- 1.1.3 In case of organization: **La Fondation Heritage pour Haiti (LFHH) – the Haiti chapter of Transparency International (TI)**
- 1.1.4 Organization type (civil society organization - CSOs, grassroots organization, foundation, network, etc.)
- 1.1.5 Topics and lines of action
- 1.1.6 Territorial coverage (local, national, regional, international)

**LFHH** is a non-profit, non-partisan private foundation. Its vision is: a nation where the government, politics, business, civil society and the life of the people are free of corruption and where integrity and ethical and responsible behaviors are valued.

LFHH's mission is to fight corruption and to promote the values of ethics, integrity and probity in the public and private spheres of Haitian society by raising awareness, advocacy, education, training and strengthening of the legislative arsenal. LFHH operates 2 anti-corruption hotlines that enable citizens to lodge corruption complaints. LFHH also conducts research pertaining to corruption and governance issues.

In 1999, LFHH joined the global network of Transparency International (TI), the largest organization of civil society to fight against corruption in the world that has its headquarters in Berlin, and officially became the Haiti TI chapter in 2005.

In its efforts to curb corruption and promote transparency, LFHH is working to reinforce Haiti's National Integrity System by pursuing initiatives along the following main parameters:

- Reflection, research and dissemination of knowledge
- Anti-corruption public awareness, advocacy, education, training
- Promotion of ethics, integrity and transparency in the political sector
- Reinforcement of the anti-corruption legal framework
- Strengthening of anti-corruption capacities of Government of Haiti and other institutions (private sector/civil society).

In 2008, with support from USAID, LFHH launched its Advocacy and Legal Advice Center (ALAC), an anti-corruption hotline that empowers citizens to lodge complaints pertaining to corrupt practices in public institutions.

In 2010, in collaboration with Transparency International and ECHO, LFHH launched its project to analyze corruption risks in Post-earthquake aid and reconstruction projects in Haiti and produced the Haiti post-earthquake corruption risk map and monitoring methodology that were published in English, French and Creole in 2011.

In 2010, LFHH began developing a network of Youth Against Corruption committees through training and support. Currently, there are 16 Youth Against Corruption Committees established throughout the country.

LFHH also supports the network of Haitian community radios, RAMAK, by providing training to the radio journalists on corruption issues.

LFHH's office is in Pétion-Ville, Haiti.

## **2 Country general description**

- 2.1 General country information: population, political (federal or unitary system) - educational, socioeconomic and cultural relevant information within the period to be considered for Haiti: the situation prior to January 2010 and the current situation (2012/2013), noting the most

important milestones in the intermediate process.

- 2.2 Specific data related to problems associated with people identification (undocumented and under-registered). Key populations affected by the problem. Official data, data from other sources - for example, CSOs dedicated to the topic.

### Haiti General Description

- Land area: 27,560 km<sup>2</sup> Total area: 27,750 km<sup>2</sup> <sup>1</sup>
- Population (estimated in 2006): 8,308,504<sup>2</sup>
- Growth Rate: 4.3%<sup>3</sup>
- Birth Rate 26/1000<sup>4</sup>
- Infant Mortality Rate: 71.65/1000<sup>5</sup>
- Life Expectancy: 62.7<sup>6</sup>
- Religions: Roman Catholic (80%), Protestant (16%): (Baptist (10%), Pentecostal (4%), Adventist (1%), Other (1%)), Other (3%), None (1%). Note: It is believed that roughly half of the population practices Voodoo.<sup>7</sup>
- Government Type: Republic with an elected President and Members of Parliament (bicameral)<sup>8</sup>
- President: Michel Martelly (2011)<sup>9</sup>
- Prime Minister: Laurent Salvador Lamothe (2012)<sup>10</sup>
- Capital and Largest City (estimated in 2010): Port-au-Prince<sup>11</sup>
- Monetary Unit: Gourde<sup>12</sup>
- National Name: République d'Haiti
- Official Languages: Creole and French<sup>13</sup>
- Ethnicity/Race: Black (95%), Mulatto and White (5%)<sup>14</sup>
- National Holiday: Independence Day, January 1<sup>st</sup><sup>15</sup>
- Literacy rate: 52.9% (estimated in 2003)<sup>16</sup>

### Economic summary:

- GDP/PPP (2011 est.): \$7.34 billion<sup>17</sup>
- Real growth rate: 6%<sup>18</sup>
- Inflation: 6%<sup>19</sup>
- Unemployment: 40.6%<sup>20</sup>

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<sup>1</sup> <http://www.refworld.org/docid/46d2eb901a91.html>

<sup>2</sup> <http://www.refworld.org/docid/46d2eb901a91.html>

<sup>3</sup> <http://www.worldbank.org/en/country/haiti>

<sup>4</sup> [http://www.unicef.org/infobycountry/haiti\\_statistics.html](http://www.unicef.org/infobycountry/haiti_statistics.html)

<sup>5</sup> <http://www.refworld.org/docid/46d2eb901a91.html>

<sup>6</sup> [http://www.unicef.org/infobycountry/haiti\\_statistics.html](http://www.unicef.org/infobycountry/haiti_statistics.html)

<sup>7</sup> <http://www.refworld.org/docid/46d2eb901a91.html>

<sup>8</sup> <http://www.refworld.org/docid/46d2eb901a91.html>

<sup>9</sup> [http://news.bbc.co.uk/2/hi/americas/country\\_profiles/1202772.stm#leaders](http://news.bbc.co.uk/2/hi/americas/country_profiles/1202772.stm#leaders)

<sup>10</sup> [http://news.bbc.co.uk/2/hi/americas/country\\_profiles/1202772.stm#leaders](http://news.bbc.co.uk/2/hi/americas/country_profiles/1202772.stm#leaders)

<sup>11</sup> <http://www.britannica.com/EBchecked/topic/470825/Port-au-Prince>

<sup>12</sup> <http://www.refworld.org/docid/46d2eb901a91.html>

<sup>13</sup> <http://www.refworld.org/docid/46d2eb901a91.html>

<sup>14</sup> <http://www.refworld.org/docid/46d2eb901a91.html>

<sup>15</sup> <http://www.refworld.org/docid/46d2eb901a91.html>

<sup>16</sup> <http://www.refworld.org/docid/46d2eb901a91.html>

<sup>17</sup> <http://databank.worldbank.org/data/views/reports/tableview.aspx>

<sup>18</sup> <http://databank.worldbank.org/data/views/reports/tableview.aspx>

<sup>19</sup> <http://databank.worldbank.org/data/views/reports/tableview.aspx#>

- Arable land: 36%<sup>21</sup>.
- Agriculture: coffee, sugarcane, plantains, corn<sup>22</sup>.
- Labor force: 4.21 million<sup>23</sup>.
- Natural resources: bauxite, copper, calcium carbonate, gold, marble, hydropower<sup>24</sup>.
- Exports: \$1.017 billion<sup>25</sup>
- Imports: \$4.154 billion<sup>26</sup>
- Major trading partners: U.S., Canada, Vietnam, Dominican Republic, Mexico<sup>27</sup>

#### More current economic data:

- GNI per cápita \$1,620 (2012)<sup>28</sup>
- GDP: 7.43 Billion (2012)<sup>29</sup>
- GDP Growth (annual %): 3 (2012)<sup>30</sup>
- Inflation Rate: 3.3% (April 2014)<sup>31</sup>
- Unemployment Rate: 40.6 % (2010 estimated)<sup>32</sup>

#### Social Indicators<sup>33</sup>

- Urban Population (estimated in 2011); 5,348,780<sup>34</sup>
- Rank of Human Development Index: 160
- Percentage of population living beneath the poverty line: 61.7%<sup>35</sup>
- School Enrollment (Primary): N/A<sup>36</sup>
- GINI Index: 59.5 (2011)
- Social Progress Index: N/A<sup>37</sup>
- Corruption and Transparency Perceptions Index: 163/177<sup>38</sup>
- Gender Inequality Index: .592

Communications: Telephones: main lines in use: 50,000 (2009); mobile cellular: 4 million (2009).

Broadcast media: several TV stations, including 1 government-owned; cable TV subscription service available; government-owned radio network; more than 250 private and community radio stations with about 50 FM stations in Port-au-Prince alone (2007). Internet hosts: 541 (2010) Internet users: 1 million (2009).

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<sup>20</sup> <http://www.tradingeconomics.com/haiti/indicators>

<sup>21</sup> <http://databank.worldbank.org/data/views/reports/tableview.aspx#>

<sup>22</sup> <http://www.britannica.com/EBchecked/topic/251961/Haiti/54468/Agriculture-forestry-and-fishing>

<sup>23</sup> <http://www.tradingeconomics.com/haiti/labor-force-total-wb-data.html>

<sup>24</sup> [http://www.indexmundi.com/haiti/natural\\_resources.html](http://www.indexmundi.com/haiti/natural_resources.html)

<sup>25</sup> <http://databank.worldbank.org/data/views/reports/tableview.aspx#>

<sup>26</sup> <http://databank.worldbank.org/data/views/reports/tableview.aspx#>

<sup>27</sup> <http://atlas.media.mit.edu/profile/country/hti/>

<sup>28</sup> <http://databank.worldbank.org/data/home.aspx>

<sup>29</sup> <http://databank.worldbank.org/data/home.aspx>

<sup>30</sup> <http://databank.worldbank.org/data/home.aspx>

<sup>31</sup> <http://www.tradingeconomics.com/haiti/inflation-cpi>

<sup>32</sup> [http://www.indexmundi.com/haiti/unemployment\\_rate.html](http://www.indexmundi.com/haiti/unemployment_rate.html)

<sup>33</sup> <http://hdr.undp.org/en/countries/profiles/HTI>

<sup>34</sup> <http://www.bti-project.de/fileadmin/Inhalte/reports/2012/pdf/BTI%202012%20Haiti.pdf>

<sup>35</sup> [http://www.unicef.org/infobycountry/haiti\\_statistics.html](http://www.unicef.org/infobycountry/haiti_statistics.html)

<sup>36</sup> [http://www.unicef.org/infobycountry/haiti\\_statistics.html](http://www.unicef.org/infobycountry/haiti_statistics.html)

<sup>37</sup> [http://www.socialprogressimperative.org/data/spi#data\\_table/countries/spi/dim1,dim2,dim3](http://www.socialprogressimperative.org/data/spi#data_table/countries/spi/dim1,dim2,dim3)

<sup>38</sup> <http://www.transparency.org/country#HTI>

Transportation: Railways: n.a. Highways: 4,160 km (2000) Waterways: n.a. Ports and harbors: Cap-Haitien, Gonaives, Jacmel, Port-au-Prince. Airports: 14 (2012).

International disputes: since 2004, about 8,000 peacekeepers from the UN Stabilization Mission in Haiti (MINUSTAH) maintain civil order in Haiti; despite efforts to control illegal migration, Haitians fleeing economic privation and civil unrest continue to cross into Dominican Republic and to sail to neighboring countries; Haiti claims US-administered Navassa Island.

### Geography

Haiti, in the West Indies, occupies the western third of the island of Hispaniola, which it shares with the Dominican Republic. About the size of Maryland, Haiti is two-thirds mountainous, with the rest of the country marked by great valleys, extensive plateaus, and small plains.

### History

Explored by Columbus on December 6, 1492, Haiti's native Arawaks fall victim to the Spanish rule. In 1697, Haiti became the French colony of Saint-Dominique, and was developed as a leading sugarcane producer dependent on slaves. In 1791, an insurrection erupted among the slave population of 480,000, resulting in a declaration of independence by Pierre-Dominique Toussaint l'Ouverture in 1801. Napoléon Bonaparte suppressed the independence movement, but it eventually triumphed in 1804 under Jean-Jacques Dessalines, who gave the new nation the Arawak name Haiti. It was the world's first independent black republic.

### Unrest Stifles Development

The revolution wrecked Haiti's economy. Years of conflict between the light-skinned mulattos who dominated the economy and the majority black population, plus disputes with neighboring Santo Domingo, continued to hurt the nation's development. After a succession of dictatorships and going bankrupt, Haiti accepted a U.S. customs receivership from 1905 to 1941. Occupation by U.S. Marines from 1915 to 1934 brought stability. Haiti's high population growth made it the most densely populated nation in the Western Hemisphere.

In 1949, after four years of democratic rule by President Dumarsais Estimé, dictatorship returned under Gen. Paul Magloire, who was succeeded by François Duvalier, nicknamed "Papa Doc," in 1957. Duvalier's secret police, the "Tontons Macoutes," ensured political stability with brutal efficiency. Upon Duvalier's death in 1971, his son, Jean-Claude, or "Baby Doc," succeeded as ruler of the poorest nation in the hemisphere. In the early 1980s, Haiti became one of the first countries to face an AIDS epidemic. Fear of the disease caused tourists to stay away, and the tourist industry collapsed, causing rising unemployment. Unrest generated by the economic crisis forced Baby Doc to flee the country in 1986.

### Despite Intervention, Haiti's Infrastructure Remains in Tatters

Throughout the 1990s the international community tried to establish democracy in Haiti. The country's first elected chief executive, Jean-Bertrand Aristide, a leftist Roman Catholic priest who seemed to promise a new era in Haiti, took office in February 1991. The military, however, took control in a coup nine months later. A UN peacekeeping force, led by the U.S.—Operation Uphold Democracy—arrived in 1994. Aristide was restored to office and René Preval became his successor in 1996 elections. U.S. soldiers and UN peacekeepers left in 2000. Haiti's government, however, remained ineffectual and its economy was in ruins. Haiti, by that time, had the highest rates of AIDS, malnutrition, and infant mortality in the region.

In 2000, former president Aristide was reelected president in elections boycotted by the opposition and questioned by many foreign observers. The U.S. and other countries threatened Haiti with sanctions unless democratic procedures were strengthened. Aristide, once a charismatic defender of democracy, grew more authoritarian and seemed incapable of improving the life of his people. Violent protests rocked the country in January 2004, the month of Haiti's bicentennial, with protesters demanding that Aristide resign. By February, a full-blown armed revolt was under way, and Aristide's hold on power continued to slip. The

protests, groups of armed rebels, and French and North American pressure led to the ousting of Aristide on February 29. Thereafter the U.S. commanded an international force of 2,300 soldiers that entered the chaos-engulfed country to attempt to restore order, and an interim government took over. In September, Hurricane Jeanne devastated Haiti, killing more than 2,400 people. Lawlessness and gang violence were widespread, and the interim government had no control over some parts of the country, which were run by armed former soldiers.

### Political Disorder Continues

After numerous delays, Haiti held elections on February 7, 2006. The elections, backed by 9,000 United Nations troops, were seen as a crucial step in returning Haiti to some semblance of stability. Former prime minister and Aristide protégé, René Préal, very popular among the poor, was seen as the favorite. But when the election count indicated that Préal's lead over the other candidate was dropping and that he would not win an outright majority, Préal questioned the election and accused that "massive fraud and gross errors had tainted the process." On February 14, the interim government stopped the election count, and the following day, after the votes were recounted, Préal was declared the winner.

In April 2008, Prime Minister Jacques-Édouard Alexis was removed from office by the Senate, which held him responsible for the poor economy. President René Préal designated Ericq Pierre as the new Prime Minister, but the lower House of Parliament rejected him. In July, Parliament approved the nomination of Michèle Pierre-Louis for Prime Minister and she became the second woman of that role in Haiti. The Senate then voted in November 2009 to exile her, even though she was considered by the international donors as a competent leader who could efficiently and effectively use aid to improve the infrastructure of Haiti and boost the economy. The Senate, however, claimed that Michèle had not done enough to lift Haiti out of its near constant state of misery. She was replaced by Jean-Max Bellerive.

### Devastating Earthquake Exposes Weaknesses in Infrastructure

The struggling country was dealt a new catastrophic blow in January 2010 when a magnitude 7.0 earthquake struck 10 miles southwest of Port-au-Prince, the country's capital. It was the region's worst earthquake in 200 years. The quake affected many sections of the city, destroying government buildings, foreign aid offices, and countless slums. Measuring the scope of the devastation, Prime Minister Préal said, "Parliament has collapsed, the tax office has collapsed, schools have collapsed, hospitals have collapsed." He called the total death toll "unimaginable." Mortalities were reported to be around 230,000 by early February. Since then the numbers have been revised. According to a draft report commissioned for the United States Agency for International Development, the number of fatalities was between 46,000 and 85,000 people. The United Nations mission in Haiti was also destroyed, 16 members of the UN peacekeeping force in Haiti were killed, and hundreds of UN employees were missing. International aid poured in, and the scope of the damage caused by the quake highlighted the urgent need to improve Haiti's crumbling infrastructure and lift it out of endemic poverty—the country is the poorest in the Western Hemisphere.

Already a victim of regular hurricanes, this earthquake-devastated country quickly faced another challenge: cholera. In November, the Haitian government said that the death toll had reached 1034 people and 16,799 people were treated for cholera or symptoms of the disease.

The country was thrust into further disarray following November's presidential election. There were widespread allegations of irregularities, such as ballot-box stuffing, people casting multiple votes, discarded ballots, vandalized polling stations, and voter intimidation. Opposition candidates called for a revote, but their requests were refused. On December 7 2010, the country's electoral commission announced that Mirlande Manigat, the top vote getter, and Jude Célestin, the hand-picked candidate of Préal, would face off in the second round of voting. These results seem to contradict what election observers conducting exit polls had expected. Michel Martelly, a popular singer, was a favorite among the urban poor and early results had him coming in second, behind Manigat. The results set off protests throughout Haiti.

## Former Dictator Returns and a New President is Elected

In January 2011, Jean-Claude "Baby Doc" Duvalier, a former dictator, returned unexpectedly to Haiti, where he was questioned by prosecutors who charged him with embezzlement and corruption before releasing him. He remained in Haiti while the courts sorted through all the pending corruption charges and human rights charges against him. Jean-Bertrand Aristide, the former president of Haiti, also returned home to Haiti from exile in South Africa. The return of both men coincided with a dispute over the result of the presidential election. Both claimed that they were interested in national reconciliation.

In a leaked report reviewing Haiti's November 2010 presidential election, the Organization of American States (OAS) found that Michel Martelly, a popular musician, had obtained more votes than Jude Celestin, the candidate of the outgoing government. The report said that Martelly, not Celestin, should face Mirlande Manigat, a former first lady, in the March 2011 run-off election. Following strong pressure from the United States, a member of the ruling party said its candidate, Jude Celestin, would withdraw from a run-off election for the presidency. Celestin's removal was seen as a sign of the end of Haiti's political impasse. In April, it was announced that Martelly won the run-off election against Manigat, receiving 68% of the vote.

## President Martelly Struggles to Form Government

By late August 2011, President Martelly had spent his first 100 days in office without completing his first objective: forming a government. Parliament, controlled by the opposition, turned down his choice for prime minister twice. This left Haiti without a functioning government a year and a half after an earthquake devastated the country, obstructing reconstruction efforts.

Other nations, who responded to the earthquake by offering the country aid, have grown impatience. For example, the neighboring Dominican Republic has started deporting Haitian refugees and turning others away at the border. In October 2011, the Inter-American Commission on Human Rights (IACHR) received over 450 complaints from people in the Dominican Republic who said their citizenship had been revoked. The complaints came from people who have been recognized as citizens for decades. The IACHR condemned the policy, but on December 1st, the Dominican Republic's Supreme Court rejected a Dominican-born male's request for a birth certificate so he could relocate to the United States. It was estimated that the new policy could affect some 200,000 Dominicans of Haitian origin<sup>39</sup>. As of September 2013, an estimated 40,000 people of Haitian descent were denied documentation while another 16,000 were being investigated by the government of the Dominican Republic<sup>40</sup>.

On October 5, 2011, Garry Conille was appointed Prime Minister by the Haitian Parliament. His confirmation came months after Jean-Max Bellerive's resignation from the position and after the Senate rejected the nominations of Bernard Gousse and Daniel Rouzier. Conille became the 16th and youngest Prime Minister since the country's 1987 Constitution.

## Prime Minister Resigns Causing More Political Chaos

In late February 2012, just four months after he assumed office, Prime Minister Garry Conille resigned. The resignation came after weeks of tension with President Martelly. Conille was Martelly's third choice for the position after Parliament rejected his first two nominees. Conille decided to resign after he called a meeting with his cabinet ministers and none of them attended. Conille's exit came at a time when Haiti was still recovering from the devastating 2010 earthquake. In early 2012, half a million Haitians were still living in tents. Also in early 2012, seven Haitian police officers were convicted in the prison massacre that happened a week after the 2010 earthquake. The officers were charged with murder, attempted murder, along with various other crimes. They received sentences ranging from one to 13 years in prison.

On April 12, 2012, cholera vaccines began, eighteen months after the outbreak of the disease. More than

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<sup>39</sup> <http://www.economist.com/node/21542182>

<sup>40</sup> <http://bigstory.ap.org/article/dominican-ruling-strips-many-citizenship>

7,000 Haitians have been killed and more than 530,000 have been infected with the disease. The delay in the vaccine was largely political. Finally, a national bioethics committee approved the vaccination plan, which will reach only about 1 percent of the population and uses the cheapest cholera vaccine available. A second round of vaccines was scheduled for late April. Organizers of the vaccine were racing against the seasonal rains, which spread the disease.

On May 3, 2012, Laurent Lamothe was approved as Haiti's new Prime Minister by the Chamber of Deputies. The vote was 62-3 in favor of Lamothe.

### Tropical Storm Hits Nation Still Recovering from Earthquake

In late August 2012, Tropical Storm Isaac hit Haiti with rains and winds that caused flooding and mudslides. According to the civil defense authorities, at least four people were killed, including a ten-year-old girl who died when a wall collapsed in Thomazeau. The storm did not cause the kind of widespread damage initially feared. However, the storm was the latest obstacle for a nation still recovering from the devastating 2010 earthquake.

Four years since the January 12, 2010 earthquake hit Haiti, the nation is still in recovery mode. Despite billions of dollars in aid, many people were still without safe permanent housing in the fall of 2012. In fact, hundreds of thousands were still living in tent camps while tens of thousands were staying in buildings badly damaged during the earthquake.

According to the UNICEF Report *“The State of the World’s Children 2014”*, up to 2012, 20% of Haiti’s children were not registered and do not possess a Birth Certificate (See table below)<sup>41</sup>.

TABLE 9 | CHILD PROTECTION >>>

Countries and areas	Child labor (%) 2005-2012*			Child marriage (%) 2005-2012*		Child registration (%) 2005-2012*	Female genital mutilation/cutting (%) 2002-2012*			Justification of wife beating (%) 2005-2012*		Violent discipline (%) 2005-2012*		
	total	male	female	started by 15	started by 18		prevalence		difficulties reported for the practice	male	female	total	male	female
							women	girls						
Cook Islands	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Costa Rica	5 a	6 a	3 x	—	—	—	—	—	—	—	—	—	—	—
Côte d'Ivoire	26	25	28	10	33	85	38	10	14	42	46	31	31	51
Croatia	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Cuba	—	—	—	3	40	100 y	—	—	—	—	—	—	—	—
Cyprus	—	—	—	—	—	100 v	—	—	—	—	—	—	—	—
Czech Republic	—	—	—	—	—	100 v	—	—	—	—	—	—	—	—
Democratic People's Republic of Korea	—	—	—	—	—	100	—	—	—	—	—	—	—	—
Democratic Republic of the Congo	15	13	11	3	39	28	—	—	—	—	76	32	32	31
Denmark	—	—	—	—	—	100 v	—	—	—	—	—	—	—	—
Djibouti	8	8	8	2	5	32	33	49 y	37	—	—	72	73	71
Dominica	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Dominican Republic	12	18	8	12	41	82	—	—	—	—	4	67	69	65
Ecuador	8	7	8	4 x	22 x	30	—	—	—	—	—	—	—	—
Egypt	5 y	14 y	4 y	2	17	59 y	91	17	54	—	39 y	91	92	90
El Salvador	10 y	—	—	5	25	59	—	—	—	—	—	—	—	—
Equatorial Guinea	28 a	28 a	28 x	—	—	37 x	—	—	—	—	—	—	—	—
Eritrea	—	—	—	20 a	47 x	—	89	63 y	48	—	71 a	—	—	—
Estonia	—	—	—	—	—	100 v	—	—	—	—	—	—	—	—
Ethiopia	27	31	24	16	41	7	74	24	31	46	66	—	—	—
Fiji	—	—	—	—	—	—	—	—	—	—	—	72 y	—	—
Finland	—	—	—	—	—	100 v	—	—	—	—	—	—	—	—
France	—	—	—	—	—	100 v	—	—	—	—	—	—	—	—
Gabon	12	15	12	6	22	30	—	—	—	40	50	—	—	—
Gambia	19	21	18	7	36	53	76	56	64	—	75	30	30	31
Georgia	18	20	17	1	14	99	—	—	—	—	7	67	70	63
Germany	—	—	—	—	—	100 v	—	—	—	—	—	—	—	—
Ghana	34	34	34	5	21	63	4	1	2	26 y	44	34	34	34
Greece	—	—	—	—	—	100 v	—	—	—	—	—	—	—	—
Grenada	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Guatemala	26 y	35 y	16 y	7	30	57	—	—	—	—	—	—	—	—
Guinea	40 y	40 y	40 y	20	63	43	36	37 y	69	—	86	—	—	—
Guinea-Bissau	38	40	36	7	22	24	53	39 y	34	—	40 y	62	62	61
Guyana	16	17	16	6	23	88	—	—	—	13	16	76	79	74
Haiti	24	25	24	3	18	80	—	—	—	16	17	66	67	66
Holy See	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Honduras	16 a	16 a	16 x	8	34	54	—	—	—	10	12	—	—	—
Hungary	—	—	—	—	—	100 v	—	—	—	—	—	—	—	—

The National Office of Identification (ONI) reports in February 2014 showed **that there are more than five million (5,679,500) citizens who have obtained a National Identification Card (CIN).**

According to the report of a study conducted in 2007 by the **Groupe d'Appui aux Réfugiés et Rapatriés (GARR)**<sup>42</sup>, a local civil society organization, it was estimated at that time (2007) that 30-40% of Haitian

<sup>41</sup> <http://www.unicef.org/sowc2014/numbers/documents/english/EN-FINAL%20FULL%20REPORT.pdf>

adults did not possess a birth certificate because they had applied to the National Office of Identification (ONI) to obtain a National Identification Card (CIN) without presenting a birth certificate but brought along 2 witnesses who could attest to their identity (as per the regulations for obtaining a CIN card.).

**The populations most affected by the lack of access to identification papers are poor and live in rural areas.**

### **3 Civil identification systems in terms of inclusion and accessibility**

#### **3.1 Institutionalism of identification systems**

3.1.1 Organizations involved in the processes of birth registration and final granting of identity documents: number of agencies, names, context of its creation, institutional dependency lines (Executive, Judicial, independent, electoral authorities), funding sources (national budget, local budget, without public funding, own fundraising system).

The organizations responsible for the registration of citizens are the:

- Bureaux de l'Etat Civil (BECI) – provide civil acts, including *Actes de Naissance* (Birth Certificates)
- Office National d'Identification – provide National Identification Cards (CIN)<sup>43</sup>.

The BECIs are under the supervision of the Ministry of Justice and Public Security (MJPS). Funding of the BECIs is problematic and details are provided below. **The total number of BECI at present is: 185<sup>44</sup>.**

The ONI was created by governmental decree on June 1, 2005. The ONI and its branch offices are under the supervision of the Ministry of Justice and Public Security and funding for their operations is included in the MJPS budget. The ONI also has and is receiving funding from the Canadian International Development Agency (CIDA), the OAS and the IDB for a new initiative to expand the ONI services to serve Haitians who live in hard to reach rural areas. The expansion activities have included the opening of branch offices as well as the implementation of mobile ONI units that travel to far away communities to register citizens. These mobile services were started in 2013.

The ONI has recently launched a program to register Haitians of the Diaspora who are living illegally in other countries (for example, Turks and Caicos, the Bahamas, the Dominican Republic). Not possessing a legal identity document, they are unable to apply for a passport and start the process to obtain legal residency in the country where they reside.

Additionally, there are the

- Direction Général des Impôts (DGI) which provides a Fiscal Identification Card (CIF) for working age citizens (age 15-64)<sup>45</sup>. It is a card that registers workers for their tax contributions.
- Direction de l'Immigration et de l'Emigration (DIE) which provides passports.

The DGI requires a citizen to present a birth certificate or a citizen's identification card (CIN) in order to obtain a Fiscal Identification Card. This card is required when opening a bank account. Only citizens who wish to open a bank account or those who are working in the formal sector (about 15% of Haiti's enterprises are formally registered) undergo the time consuming process of obtaining this card. The central DGI office is in Port-au-Prince. There are also DGI offices in the main cities and towns.

The DIE requires both proof of identity and proof of citizenship through an extract of the Birth Certificate

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<sup>42</sup> <http://www.garr-haiti.org/>

<sup>43</sup> <http://oni.gouv.ht/>

<sup>44</sup> [http://unfpahaiti.org/pdf/Etat\\_Civil\\_2\\_vers\\_2.pdf](http://unfpahaiti.org/pdf/Etat_Civil_2_vers_2.pdf)

<sup>45</sup> <http://data.worldbank.org/indicator/SP.POP.DPND>

certified by the National Archives in order to deliver a passport for a citizen<sup>46</sup>.

### 3.2 Geographic accessibility of identification systems

- 3.2.1 Geographic organization and total number of registration and documentation offices. Number in urban areas and number outside urban areas.
- 3.2.2 Existence of alternative means to obtain registration and documentation

**The total number of BECI at present is: 185<sup>47</sup>.**

**The total number of ONI offices at present is: 141<sup>48</sup>.**

The *Certificat de naissance* (birth registration document) is issued by the hospital where the child is born and is eligible for identification without the validation of the *acte de naissance*.

The *Acte de naissance* (birth certificate) is issued by the various local registry offices (bureaux locaux d'état civil) when the applicant appears before the registry officer and provides a *certificat de naissance*, a piece of identification and a marriage certificate (if the parents are married), and a statement. The applicant can be the father, mother or both. The *acte de naissance* is registered by the registry officer in writing.

The *acte de naissance* states that the child is legitimate if he or she was born in marriage, and natural (*enfant naturel*) if not.

The number of urban children who have an “*Acte de Naissance*” (birth certificate) in urban areas is: 85%  
The number of children in rural areas who have an “*Acte de Naissance*” (birth certificate) is 77.1%.<sup>49</sup>

When a child is not born in a hospital, the *acte de naissance* is obtained by having one or both of the parents as well as two (2) witnesses to make a statement before the registry officer. The statement is made by a third party when a parent authorizes another person to appear before the registry officer.

Only the mother of a child whose father is unknown or fails to acknowledge paternity may assume the role of parent with respect to the procedures described above.

The Haitian National Archives is the only institution that holds the vital statistics records for all Haitian nationals and, upon request, provides *extraits* (official copies or summaries) of vital statistics records, including *extraits* of the *acte de naissance*, to those who request it. Although the National Archives were not damaged in the 2010 earthquake, it is difficult to assess ease of access to the facility, as there is not much information available<sup>50</sup>. Each local registry office sends the records to the Ministry of Justice annually, which verifies them and affixes a seal before transferring them to the National Archives; in this way, theoretically, each *acte de naissance* can be validated for authenticity. A copy of the record is also kept at the local registry office or at the Civil Court Clerk's Office (Bureau du greffe du Tribunal civil). In reality, the legislative requirements are not always complied with since there are no checks to confirm that the information is completed thoroughly and entered and that the books are sent.

A large number of Haitian nationals do not have an *acte de naissance* because of inadequate economic and social infrastructures.

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<sup>46</sup> <http://www.haiti.org/index.php/consular-section/consular-services/26-the-embassy/content/135-issuing-passports>

<sup>47</sup> [http://unfpahaiti.org/pdf/Etat\\_Civil\\_2\\_vers\\_2.pdf](http://unfpahaiti.org/pdf/Etat_Civil_2_vers_2.pdf)

<sup>48</sup> [http://www.clarciev.com/cmse/?page\\_id=221](http://www.clarciev.com/cmse/?page_id=221)

<sup>49</sup> [http://www.unicef.org/infobycountry/haiti\\_statistics.html](http://www.unicef.org/infobycountry/haiti_statistics.html)

<sup>50</sup> <http://www.nytimes.com/2010/01/24/world/americas/24heritage.html>

The notion of **late record of birth** was introduced by a five-year decree on 14 November 1988, followed by a second one on 16 May 1995 and a third on 1 February 2002, enabling citizens without a record of birth to acquire one, free of charge. Anyone can appear before a registry officer and submit a negative *extrait* (*extrait négatif*) from National Archives, confirming that no previous *acte de naissance* exists, to declare a birth that occurred several years earlier. The record is said to be late when it is initiated more than two years after the birth.

The submission of a negative *extrait* (extract) from the National Archives for a late record is another legislative requirement that is not always respected; an *acte de naissance* issued under such circumstances does not constitute confirmation of identity for the purpose of immigration.

Births can be registered by either the father or the mother. If the child is born out of matrimony and is registered by the mother, the father is not specified and the child is registered with the last name of the mother. Extracts can be obtained from the National Archives. There is a fee for this service. If no record exists or cannot be found, the National Archives can prepare an extract stating that the birth record could not be located and including the text of a baptismal certificate. There is also a fee for this service.

#### **Main problems of the BECI Operations:**

From a structural point of view, the main elements that prevent the BECIs from fulfilling its mandate are related with the ***Law of August 20, 1974 pertaining the functioning of the Service of Inspection and Control of Civil Status***. This law does not mention budgetary provisions for the BECIs in the National Budget.

Still under the supervision of the Ministry of Justice and Public Security, the organization does not provide allocations for the operations of the BECIs. This causes the following difficulties:

- The Civil Status Officers (Officiers d'Etat Civil), from the start of their appointment till the end of their appointments, operate in locals that they provide (very often their own homes).
- They also must provide all the necessary equipment and office furniture – including the cabinets to file the Registers.
- They also must cover the salaries of any secretaries/assistants they may have.
- They also must cover operating expenses such as electricity and the purchase of blank Registers.

As a result, the Civil Status Officers the BECIs are operated for the large part as “businesses”. The Civil Status Officers charge their “Clients” for all the documents including the acts that are supposed to be delivered at no charge, such as the Actes de Naissance (Birth Certificates).

The fees charged are at the discretion of the Civil Status Officers with no control whatsoever from the Service of Inspection and Control of the MJSP. Although Birth Certificates are allegedly “free” in reality corrupt government officials will charge outrageous fees, keeping many parents from obtaining a document that not only proves citizenship but also can keep their children from attending school and obtaining other important documents such as a passport<sup>51</sup>.

Enormous differences have been observed in the amounts charged in the different communes. For example, the Civil Status Officer in one commune may charge 50 Gourdes for an Acte de Naissance and the Officer in another commune may charge as much as 2,000 Gourdes. (43 Gourdes = 1 US Dollar.)

Cost is the main barrier preventing parents from obtaining birth certificates for their children.

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<sup>51</sup> [http://www.unicef.org/lac/HIS\\_Haiti.pdf](http://www.unicef.org/lac/HIS_Haiti.pdf)

With many poor Haitians in rural areas and urban *“bidonvilles”* (ghettos), living a hand-to-mouth existence (many with less than US\$2 a day) and barely able to provide food for themselves and their families, the acquisition of a Birth Certificate, can seem like a luxury that must be delayed.

Another barrier to obtaining birth certificates is the lack of BECI offices:

- 150 are located in cities/towns (81.1%)
- 32 are in *Quartiers* (17.3%) (intermediary location between cities/towns and rural communes)
- (1.6%) are in communal sections / rural communities.

A former obstacle for Haitian citizens was the “rural” birth certificates versus “City” birth certificates. Until the 1987 Constitution, different birth certificates were prepared depending whether you were a rural or a city resident. This constitution abolished this discriminatory practice which marginalized those living in rural areas<sup>52</sup>.

A On April 12, 2012 the Haitian Senate adopted the legislation relating to responsible paternity, which should serve to improve the identification system This law established that all children have the right to have the name of their biological fathers and will no longer have Birth Certificates that identify them as “Natural” or illegitimate children. It allows the use of modern scientific developments (such as DNA tests) to establish paternity and the fathers can’t refuse to give their names to their children.

It was planned that on January 1, 2009, the BECI and the ONI would be merged into a single entity that would become the Communal Identical Units (UCI). This is yet to be implemented due to issues with funding<sup>53</sup>.

<b>Alternative Media</b>	<b>Birth registration Yes / No</b>	<b>Documentation Yes / No</b>	<b>Characteristics and territorial coverage</b>
Mobile offices	No	National Identification Card (CIN)	ONIs – 140 offices plus 63 mobile units <sup>54</sup>
Auxiliar registers	Yes	Birth certificates Acts of Acknowledgement of illegitimate child and other legal documents (Marriage Acts, Death Acts)	BECIs – 185 offices <sup>55</sup>
Hospitals	Yes	Birth registration	According to a UNICEF Report in 2012, 38% children were delivered by a skilled attendant (midwife) <sup>56</sup> .
Schools	No		
Community centers	No		

<sup>52</sup> <http://pdba.georgetown.edu/Constitutions/Haiti/haiti1987.html>

<sup>53</sup> [http://www.migrantsoutremer.org/IMG/pdf/rapport\\_2009-12-22\\_etat-civil-haiti.pdf](http://www.migrantsoutremer.org/IMG/pdf/rapport_2009-12-22_etat-civil-haiti.pdf)

<sup>54</sup> <http://www.haitilibre.com/en/news-1615-haiti-elections-oni-begins-distribution-of-cin.html>

<sup>55</sup> [http://unfpahaiti.org/pdf/Etat\\_Civil\\_2\\_vers\\_2.pdf](http://unfpahaiti.org/pdf/Etat_Civil_2_vers_2.pdf)

<sup>56</sup> [http://www.unicef.org/about/annualreport/files/Haiti\\_COAR\\_2012.pdf](http://www.unicef.org/about/annualreport/files/Haiti_COAR_2012.pdf)

### 3.3 Administrative processes for civil registration and documentation.

#### 3.3.1 Description of proceedings for birth registration

3.3.2 Please, complete the following chart detailing where corresponds, the fundamental characteristics of the birth registration process.

The birth certificate (acte de naissance) is issued by the various local registry offices (BECI) when the father and/or mother appears before the registry officer and provides a birth registration document, issued by the hospital where the child was born, a piece of identification and a marriage certificate (if the parents are married), and a statement. The birth certificate is registered by the registry officer in writing. The Haitian National Archives is the only institution that holds the vital statistics records for all Haitian nationals and, upon request, provides official copies of vital statistics records.

If the child is not born in a hospital and does not have a Birth registration document, the mid-wife or birth attendant must accompany the parent(s) to the BECI registration office. The Ministry of Justice and Security (MJSP) provides each BECI with the necessary forms for Birth certificates of three (3) types: Declaration by the Father, Declaration by the Mother, and Declaration by a Third Party. The Mid-wife may make a Declaration by a Third Party.

The BECI Office then enters the information in the Registry and delivers the birth Certificate. A copy of the Birth Certificate is then sent to the National Archives.

Type of birth registration	Yes / No	Time limits	Requirements
Administrative – timely	Yes	None	Presentation of Birth registration document Or Presence of Mid-wife to declare the birth
Delayed/	Yes	None	
Judicial			

3.3.3 Type of record of the registration process. (record, birth certificate, act).

3.3.4 Please complete the following chart related to the economic aspect of the birth registration process:

Birth registration type	Free Yes/No	Fees Yes/No	Fines Yes/No	Amounts	Fee and fines exemption mechanisms Yes / No
Administrative – timely	Yes	Yes	No	50 Gourdes to 2,000 Gourdes	No
Delayed/	No	yes			
Judicial					

The study was unable to identify any corrective mechanisms. None of the sources consulted or public agents interviewed were able to provide any information on this. The National Archives website confirms this, as the site does not offer any corrective mechanisms to the issue of clerical errors<sup>57</sup>.

It is, therefore, almost certain that there are no mechanisms established. There are hundreds of thousands of Haitians, who have errors in the spelling of names inscribed on their Birth Certificates (their own names

<sup>57</sup> <http://archivesnationales.gouv.ht/fr/resume.php?idarticle=9>

or the parents' names). These errors go unnoticed at the time of birth if the parents are illiterate and the Birth Certificate is given to the parent(s) and sent to the National Archives with the error(s) included. The National Archives of Haiti provide no information on any type of system meant to correct birth certificate errors. While the website acknowledges that there is a potential for errors in documentation, the site offers to solutions to such problems<sup>58</sup>. So far many programs in Haiti have only focused on increasing the number of registrations at birth to prevent lack of registration, not correcting past errors in birth registration<sup>59</sup>.

3.3.5 Are there extra costs associated with the registration process requirements, for example, legalization of certificates, blood test, etc..?

3.3.6 In case of existence of fee and fines exemption mechanisms for birth registration in any instance, what are the requirements?

3.3.7 Are there error correction mechanisms provided through administrative procedures? Are they free of charge? If not, how much do they cost?

3.3.8 At the time of birth registration, do any of these elements hinder its realization?:

<b>Situation</b>	<b>Hinders birth registration Yes/No</b>	<b>Reasons for impairment. Special costs. Extra Requirements requested to enroll in such cases. Please describe.</b>
Mother's or father's nationality	No	Foreign parents must have a "Permis de Sejour" or residency permit
Belonging to an ethnic group of the father and / or mother	No	
Single mother	No	
Undocumented mother and/or father	Yes	Must at least have a National Identity Card which can be obtained without a Birth Certificate if one brings two witnesses to the ONI to attest to one's identity.
Mother and/or father are minors	No	
Mother or father are illegal immigrants	Yes	Foreign parents must have a "Permis de Sejour" or residency permit
Only one of the parents are registered	No	

The names of both parents must appear on the Birth Certificate if the parents are married.

The father who is not married to the mother of his child and wishes to declare the child may fill out a Declaration form that will enable the BECI to include his name on the Birth Certificate.

If the parents are not married and the father does not make a Declaration, it is the mother's name that will be on the Certificate.

The new law pertaining to Responsible Paternity will impact this issue when it is effectively implemented, allowing a mother to prove paternity through DNA tests. The law has yet to be proven effective because of the high cost of DNA testing<sup>60</sup>.

Currently, there is no interconnection between the BECI and the ONI.

There are no consultation channels.

Requests for copies of Extracts of Birth Certificates can be sent to the National Archives Office by mail or

<sup>58</sup> <http://archivesnationales.gouv.ht/fr/resume.php?idarticle=9>

<sup>59</sup> [scm.oas.org/doc\\_public/ENGLISH/HIST\\_12/CP29507E04.doc](http://scm.oas.org/doc_public/ENGLISH/HIST_12/CP29507E04.doc)

<sup>60</sup> [http://www.ohchr.org/Documents/Countries/HT/MINUSTAH-OHCHRJanuaryJune2012\\_en.pdf](http://www.ohchr.org/Documents/Countries/HT/MINUSTAH-OHCHRJanuaryJune2012_en.pdf)

through its authorized agents in Haiti and overseas.

Since the 2010 earthquake that destroyed the National Archives Office, the Office has been able to recuperate all the paper archives and is in the process of digitalizing them. This initiative is not yet completed.

The ONI maintains a digitalized data base of all the National Identification Cards delivered.

- 3.3.9 Do you use the double name - father and mother - to register births? If one parent is absent or it is not known how these births are registered?
- 3.3.10 Are birth registration files in digital databases or hard copy? In case they are digitized, when did the digitalization process started? Is it completed? Are the information files – either digitalized or not - centralized?
- 3.3.11 Considering the offices that are part of the registration agencies: Is there interconnection within each institution? How is that interconnection established, electronic or other?
- 3.3.12 Is there any kind of interconnection between registration and documentation organisms (in case of separate bodies)? What kind of interconnection?
- 3.3.13 Safety measures incorporated into the documentation.
- 3.3.14 What are the consultation channels provided by the registration agencies available to the population?
- 3.3.15 Do registration agencies use electronic media to facilitate the completion of procedures relating to birth registration? For example, digitalized data collection, fingerprinting and digital photography, request digital birth certificates, etc..?

**3.3.16 Description of the procedures involved in obtaining the civil documentation**

- 3.3.16.1 Which document accredits civil identity? Type of the documentation: mandatory or optional for the first issue.
- 3.3.16.2 A valid birth certificate, passport and driver’s license are all mandatory and accredit civil identity. If a person does not have these documents then they must bring
- 3.3.16.3 Description of mandatory documentation: first issue, renewals, permanent.
- 3.3.16.4 Birth certificates and National Identification cards are permanent, while the Fiscal Identification Card is renewable every year, while a passport is renewable every 5 years.
- 3.3.16.5 Describe the documentation according to the following elements:

Type of identity documentation procedure	Yes/No	Time limit	Requirements
Administrative - timely	<b>Yes – Birth Certificate</b>	<b>Permanent</b>	<b>Fees – between 50 Gourdes to 2,000 Gourdes</b>
	<b>National Identification Card</b>	<b>Permanent</b>	<b>None</b>
	<b>Fiscal Identification Card</b>	<b>Renewable each year</b>	<b>Fees 1,500 Gourdes</b>
	<b>Passport</b>	<b>Renewable every 5 years</b>	<b>2,100 Gourdes</b>
Delayed/untimely			
Judicial			

- 3.3.16.6 Record type of procedure performed (paper passbook, passport or identity

card).

3.3.16.7

3.3.16.8 Regarding costs:

Type of identity documentation procedure	Free of charge Yes/No	Fees Yes/No	Fines Yes/No	Amounts	Exemption mechanisms Yes / No
Administrative - timely	yes				
Delayed/untimely					
Judicial					

3.3.16.9 Are there extra costs associated with the requirements? For example, legalization of certificates, photo, blood test, etc.

3.3.16.10 According to the ONI website, only the documents described below in the identification guide are needed.

3.3.16.11 In case of renewal for loss or damage: which are the requirements and costs of duplicates? Are they different from those referred to the first issue and the renewals?

3.3.16.12 ONI website offers no information on replacing lost documentation. When obtaining a National Identity Card, if one does not have any documentation the citizen must bring 2 witnesses who can attest to their identity.

3.3.16.13 Are there fee exemption mechanisms for documentation in any instance? If it exists, which are the requirements?

3.3.16.14 There is no fee exemption mechanism evident on the ONI website<sup>61</sup>.

3.3.16.15 Are there error correction mechanisms for documentation provided through administrative procedures? Are they free of charge?

3.3.16.16 There is no official information available on the ONI website discussing correction mechanisms<sup>62</sup>.

3.3.16.17 Are files with documentation information found in digital databases or hard copy? In case they are digitized, when did the digitalization process started? Is it completed? Are the information files – either digitalized or not - centralized?

3.3.16.18 Due to the 2010 earthquake, many central files have been lost and are in the process of being replaced. Currently, Haiti is working to digitize all of it's files, a process that started after the January 2010 earthquake<sup>63</sup>.

3.3.16.19 Considering the offices that are part of the documentation agencies: What is the connection between various documentation agencies?

3.3.16.20 According to the guide pictured below, there is no documented connection between the agencies.

3.3.16.21 Safety measures incorporated into the documentation.

3.3.16.22 Safety measures include the number ID, the photography in color, name, surname, date of birth, sex, place of birth, signature and the stamp on the back.

3.3.16.23 What are the consultation channels provided by the registration agencies available to the population?

3.3.16.24 Citizens must go to the Centre de L'Inscription to obtain documentation.

3.3.16.25 Do documentation agencies use electronic media to facilitate the completion of procedures relating to birth registration? For example, digitalized data collection, fingerprinting and digital photography, request digital birth certificates, etc..?

3.3.16.26 Currently, Haiti is in the process of digitizing all of its records. There is no

<sup>61</sup> <http://oni.gouv.ht/>

<sup>62</sup> <http://oni.gouv.ht/>

<sup>63</sup> <http://www.acdi-cida.gc.ca/cidaweb/cpo.nsf/vWebCSAZEn/F1782FEE9EABD9C6852574C200371B34>

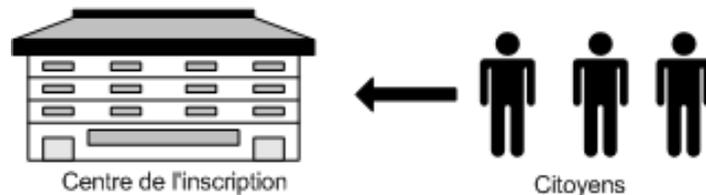
official date for completion of this project<sup>64</sup>.

In general, the ONI website provides very little information about the process of obtaining a National Identity Card. This could be due to Haiti's weak infrastructure as many parts of the website lack any information<sup>65</sup>.

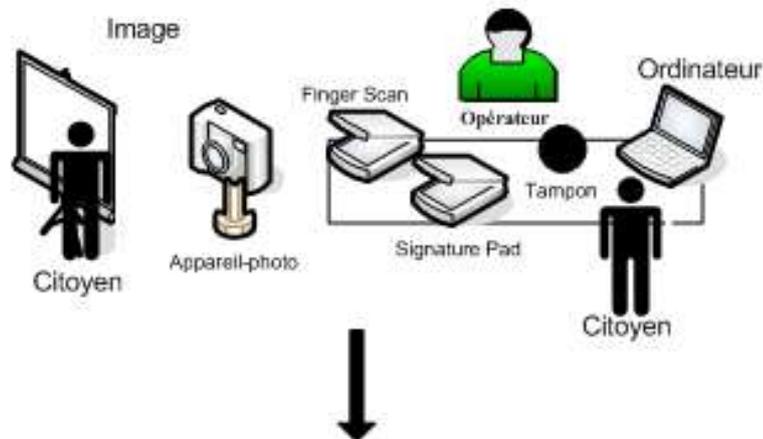
Documents required for registering an ONI:

- Original birth certificate or extract archives.
- Original valid passport, valid driver's license.
- Baptismal certificate legalized for the Archdiocese if citizens are Catholic; legalized in the worship ministry if the citizen are Protestant.
- 2 witnesses with their CIN if the citizen has no work piece. But these two witnesses must know perfectly the citizen in question.
- Guide for Identifying

## CENTRE DE L'INSCRIPTION



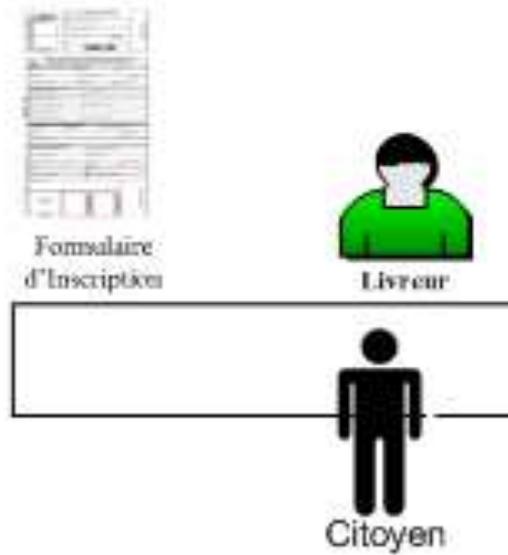
2. Entre les dans l'ordinateur, prise de photo, prise d'empreintes digitales à l'aide au Fingerscan, appose la signature sur signature pad, prise d'empreinte digitales du citoyen sur le formulaire.



<sup>64</sup> <http://www.acdi-cida.gc.ca/cidaweb/cpo.nsf/vWebCSAZEn/F1782FEE9EABD9C6852574C200371B34>

<sup>65</sup> <http://oni.gouv.ht/>

3. Remettre le reçu d'inscription, les cartes d'identités.



4. Le citoyen laisse le centre de l'inscription

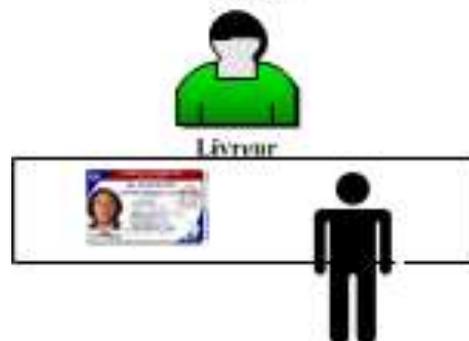


Citoyen

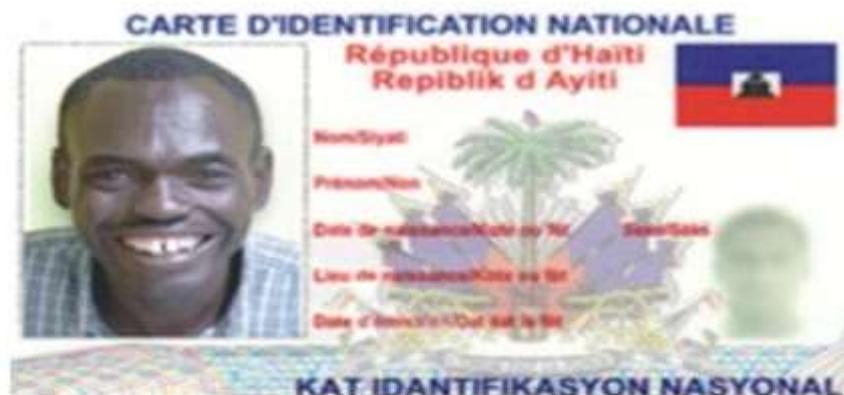


5. Le citoyen revient au centre de l'inscription

6. Le citoyen recolecte sa carte et il remet le reçu



CONTENT OF THE NATIONAL IDENTIFICATION CARD: the number ID, the photography in color, name, surname, date of birth, sex, place of birth, signature and the stamp on the back.



**4 Policies, legislation and institutions related to identification systems: legal framework, strengthening policies and programs aimed to universalize registration and documentation.**

**4.1 Current regulations regarding identification systems**

- 4.1.1 Description of the existing legal framework with its complementary norms and modifications.
- 4.1.2 Description of international human rights treaties ratified by the country that guarantee the right to identity. What is the hierarchy of these treaties in relation to domestic law?
- 4.1.3 Standards relating to name and surname (specific regulations or articles of the Civil Code). Affiliation description permitted by law (surnames order, mandatory of double filiation). Existence of obstacles to the choice of name, considering indigenous or foreign names.
- 4.1.4 Existence of legislative reform projects aimed at improving identification systems taking into account the contributions of specialized institutions and international organizations.
- 4.1.5 Are there any norms to ensure the confidentiality of personal data collected by the identification systems?

**Current regulations regarding identification systems**

The legislations pertaining to identification systems are:

- Decree pertaining to the creation of the National Office of Identification (ONI) – 2005<sup>66</sup>
- Law pertaining to Responsible Paternity - 2012<sup>67</sup>
- UN Convention on the rights of the Child – ratified in 1996<sup>68</sup>

**Other Treaties and Conventions ratified by Haiti – in BOLD – the Conventions that contain elements pertaining to identity**

<ul style="list-style-type: none"> <li>• <b>United Nations Charter</b></li> <li>• First Geneva Convention</li> <li>• Second Geneva Convention</li> <li>• Third Geneva Convention</li> <li>• Fourth Geneva Convention</li> <li>• Abolition of Forced Labour Convention</li> </ul>	<ul style="list-style-type: none"> <li>• General Agreement on Trade in Services</li> <li>• Geneva Convention (1864)</li> <li>• Geneva Convention (1906)</li> <li>• Geneva Convention on Road Traffic</li> <li>• Genocide Convention</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Convention on the Physical Protection of Nuclear Material</b></li> <li>• <b>International Plant Protection Convention</b></li> <li>• <b>Convention on the Political Rights of Women</b></li> </ul>
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<sup>66</sup> [http://www.oni.gouv.ht/index.php?option=com\\_content&view=article&id=48&Itemid=53](http://www.oni.gouv.ht/index.php?option=com_content&view=article&id=48&Itemid=53)

<sup>67</sup> [http://www.ohchr.org/Documents/Countries/HT/MINUSTAH-OHCHRJanuaryJune2012\\_en.pdf](http://www.ohchr.org/Documents/Countries/HT/MINUSTAH-OHCHRJanuaryJune2012_en.pdf)

<sup>68</sup> <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

<ul style="list-style-type: none"> <li>• Agreement on Agriculture</li> <li>• Agreement on Technical Barriers to Trade</li> <li>• Agreement on the Application of Sanitary and Phytosanitary Measures</li> <li>• Agreement on Trade Related Investment Measures</li> <li>• American Convention on Human Rights</li> <li>• American Treaty on Pacific Settlement</li> <li>• International Convention on the Suppression and Punishment of the Crime of Apartheid</li> <li>• International Convention relating to Arrest of Sea-going Ships</li> <li>• Convention establishing the Association of Caribbean States</li> <li>• Treaty of Bern</li> <li>• Berne Convention</li> <li>• Convention on Biological Diversity</li> <li>• Brussels Collision Convention</li> <li>• Brussels Convention on Assistance and Salvage at Sea</li> <li>• Buenos Aires Convention</li> <li>• Bustamante Code</li> <li>• Agreement establishing the Caribbean Development Bank</li> <li>• Charter of the Organization of American States</li> <li>• Chemical Weapons Convention</li> <li>• Chicago Convention on International Civil Aviation</li> <li>• Convention on the Rights of the Child</li> <li>• CIFTA</li> <li>• International Covenant on Civil and Political Rights</li> <li>• International Coffee Agreement</li> <li>• Agreement establishing the Common Fund for Commodities</li> </ul>	<ul style="list-style-type: none"> <li>• Hague Conventions of 1899 and 1907</li> <li>• Hague Hijacking Convention</li> <li>• International Convention on the Harmonized Commodity Description and Coding System</li> <li>• Convention on the High Seas</li> <li>• Hostages Convention</li> <li>• Hours of Work (Commerce and Offices) Convention, 1930</li> <li>• Hours of Work (Industry) Convention, 1919</li> <li>• United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances</li> <li>• Agreement on the Importation of Educational, Scientific and Cultural Materials</li> <li>• Indigenous and Tribal Populations Convention, 1957</li> <li>• Inter-American Convention Against Corruption</li> <li>• Inter-American Convention on the Elimination of all Forms of Discrimination Against Persons with Disabilities</li> <li>• Inter-American Treaty of Reciprocal Assistance</li> <li>• Statute of the International Atomic Energy Agency</li> <li>• Articles of Agreement of the International Bank for Reconstruction and Development</li> <li>• Statutes of the International Committee of Military Medicine</li> <li>• International Convention on Load Lines</li> <li>• Articles of Agreement of the International Development Association</li> <li>• Convention relating to International Exhibitions</li> <li>• Articles of Agreement of</li> </ul>	<ul style="list-style-type: none"> <li>• Convention on the Privileges and Immunities of the United Nations</li> <li>• Convention on the Privileges and Immunities of the Specialized Agencies</li> <li>• Protection of Diplomats Convention</li> <li>• Convention concerning the Protection of the World Cultural and Natural Heritage</li> <li>• Protocol I</li> <li>• Protocol II</li> <li>• International Convention on the Elimination of All Forms of Racial Discrimination</li> <li>• Convention on the Recovery Abroad of Maintenance</li> <li>• Convention relating to the Status of Refugees</li> <li>• Protocol Relating to the Status of Refugees</li> <li>• Right to Organise and Collective Bargaining Convention, 1949</li> <li>• Rome Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface</li> <li>• Convention for the Safeguarding of the Intangible Cultural Heritage</li> <li>• Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation</li> <li>• Treaty of San Francisco</li> <li>• Convention on the Settlement of Investment Disputes between States and Nationals of Other States</li> <li>• Sickness Insurance (Agriculture) Convention, 1927</li> <li>• Sickness Insurance (Industry) Convention, 1927</li> <li>• Single Convention on</li> </ul>
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<ul style="list-style-type: none"> <li>• Comprehensive Nuclear-Test-Ban Treaty</li> <li>• Convention on the Continental Shelf</li> <li>• Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs</li> <li>• Convention for the Suppression of the Illicit Traffic in Dangerous Drugs</li> <li>• Convention on Fishing and Conservation of the Living Resources of the High Seas</li> <li>• Convention on the Protection and Promotion of the Diversity of Cultural Expressions</li> <li>• Convention on the Territorial Sea and the Contiguous Zone</li> <li>• United Nations Convention against Corruption</li> <li>• Cotonou Agreement</li> <li>• Covenant of the League of Nations</li> <li>• Cuba–Haiti Maritime Boundary Agreement</li> <li>• Convention establishing a Customs Co-operation Council</li> <li>• Customs Convention on the Temporary Importation of Private Road Vehicles</li> <li>• Convention concerning Customs Facilities for Touring</li> <li>• United Nations Convention to Combat Desertification</li> <li>• Convention on the Rights of Persons with Disabilities</li> <li>• Optional Protocol to the Convention on the Rights of Persons with Disabilities</li> <li>• Discrimination (Employment and Occupation) Convention</li> <li>• International Convention against Doping in Sport</li> <li>• Equal Remuneration Convention</li> <li>• Equality of Treatment (Accident Compensation)</li> </ul>	<p>the International Finance Corporation</p> <ul style="list-style-type: none"> <li>• Agreement establishing the International Fund for Agricultural Development</li> <li>• Constitution of the International Labour Organization</li> <li>• Convention on the International Maritime Organization</li> <li>• Articles of Agreement of the International Monetary Fund</li> <li>• International Opium Convention</li> <li>• Constitution of the International Organization for Migration</li> <li>• Constitution of the International Rice Commission</li> <li>• Constitution and Convention of the International Telecommunication Union</li> <li>• Agreement relating to the International Telecommunications Satellite Organization</li> <li>• ITU Radio Regulations</li> <li>• Kyoto Protocol</li> <li>• Labour Inspection Convention, 1947</li> <li>• 1946 Lake Success Protocol</li> <li>• United Nations Convention on the Law of the Sea</li> <li>• Liévano–Brutus treaty</li> <li>• Lisbon Agreement for the Protection of Appellations of Origin and their International Registration</li> <li>• London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter</li> <li>• Medical Examination of Young Persons (Industry) Convention, 1946</li> <li>• Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946</li> </ul>	<p>Narcotic Drugs</p> <ul style="list-style-type: none"> <li>• Protocol amending the Single Convention on Narcotic Drugs</li> <li>• Supplementary Convention on the Abolition of Slavery</li> <li>• Protocol against the Smuggling of Migrants by Land, Sea and Air</li> <li>• SOLAS Convention</li> <li>• STCW Convention</li> <li>• Terrorist Financing Convention</li> <li>• Tokyo Convention</li> <li>• Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others</li> <li>• Protocol against the Illicit Manufacturing of and Trafficking in Firearms</li> <li>• Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children</li> <li>• United Nations Convention against Transnational Organized Crime</li> <li>• Treaty of Chaguaramas</li> <li>• Treaty of Tlatelolco</li> <li>• TRIPS Agreement</li> <li>• Underground Work (Women) Convention, 1935</li> <li>• Constitution of the United Nations Educational, Scientific and Cultural Organisation</li> <li>• UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property</li> <li>• UNESCO Convention on the Protection of the Underwater Cultural Heritage</li> <li>• United Nations Framework Convention on Climate Change</li> </ul>
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<ul style="list-style-type: none"> <li>• Convention, 1925</li> <li>• International Convention to Facilitate the Importation of Commercial Samples and Advertising Material</li> <li>• Constitution of the Food and Agriculture Organization</li> <li>• Forced Labour Convention</li> <li>• Convention on the Recognition and Enforcement of Foreign Arbitral Awards</li> <li>• Freedom of Association and Protection of the Right to Organise Convention</li> <li>• General Agreement on Tariffs and Trade</li> </ul>	<ul style="list-style-type: none"> <li>• Minimum Age Convention, 1973</li> <li>• Montevideo Convention</li> <li>• Montreal Protocol</li> <li>• Convention establishing the Multilateral Investment Guarantee Agency</li> <li>• North American Radio Broadcasting Agreement</li> <li>• Treaty on the Non-Proliferation of Nuclear Weapons</li> <li>• Nuremberg Charter</li> <li>• Agreement for the Suppression of the Circulation of Obscene Publications</li> <li>• Convention for the Suppression of the Circulation of and Traffic in Obscene Publications</li> <li>• Ottawa Treaty</li> <li>• Constitution of the Pan American Health Organization</li> <li>• Paris Convention for the Protection of Industrial Property</li> <li>• Paris Convention of 1919</li> <li>• Paris Declaration Respecting Maritime Law</li> </ul>	<ul style="list-style-type: none"> <li>• Constitution of the United Nations Industrial Development Organization</li> <li>• Universal Copyright Convention</li> <li>• United Nations Convention Against Corruption</li> <li>• Vienna Convention for the Protection of the Ozone Layer</li> <li>• Vienna Convention on Consular Relations</li> <li>• Vienna Convention on Diplomatic Relations</li> <li>• Vienna Convention on the Law of Treaties</li> <li>• Weekly Rest (Commerce and Offices) Convention, 1957</li> <li>• Weekly Rest (Industry) Convention, 1921</li> <li>• WIPO Convention</li> <li>• Convention on the Elimination of All Forms of Discrimination against Women</li> <li>• Workmen's Compensation (Accidents) Convention, 1925</li> <li>• Workmen's Compensation (Agriculture) Convention, 1921</li> <li>• Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934</li> <li>• Constitution of the World Health Organization</li> <li>• Convention of the World Meteorological Organization</li> <li>• Statutes of the World Tourism Organization</li> <li>• Worst Forms of Child Labour Convention</li> </ul>
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#### 4.2 Policies aimed to universalize registration and documentation.

4.2.1 Have there been government programs (permanent and/or special) to reduce of under-registration and/or lack of documentation in the period prior to January 2010 to date? Description: start and end date - if applicable - institutional affiliation, general objectives, target population, goals, results.

4.2.2 Have special programs been developed to ensure the right to identity in emergency situations such as conflict and/or natural disasters? Description: date, institutional affiliation,

- general objectives, target population, goals, results.
- 4.2.3 Is the opportunity of the provision of state services and programs seized to ensure that all children entering them have registration and/or documentation? Is it connected to other government departments for conducting / facilitating these procedures?
- 4.2.4 Please describe the impact and evaluation of actions supported by PUICA as part of the Modernization of the Civil Registry System project.
- 4.2.5 ¿ How do you evaluate these activities in relation to the situation of civil identity in Haiti? What needs to be further considered, modify or reorient according to the results?

### **Brief overview of the National Archives of Haiti**

The "**Archives Nationales d'Haiti**", were created by a Presidential Decree on August 20, 1860, by the Government of Fabre Nicolas Geffrard. This Decree established the "General Archives of Finances" which were the Republic of Haiti's first formal and official Archives. We are currently preparing the celebration of the Institution's Third Jubilee.

Although the Government has at a very early time legislated on the issue of Archives, after Geffrard (1859 1867), the Institution was never granted the attention it deserved. From 1868 to 1921, the Archives were completely abandoned, even on the occasion of the Celebration of the first Centennial of our Independence in 1904.

Aside from the moving of the archives repository, in 1922, to the current premises which were at first designed to shelter a public market, it wasn't until 1941 that a Decree Law issued on October 20, changed the "Service in charge of the State's Archives" into the "National Archives".

In 1984, a governmental degree transformed the National Archives into a detached unit of INHACA, which itself regrouped all the country's cultural institutions<sup>69</sup>.

One last Decree was issued on March 1986, for the first time granting the National Archives of Haiti the status of autonomous organization as well as an administrative capacity. It was therefore a new start. In addition to being allocated funds granted from the Public Treasury, the National Archives are now able to establish and use its own income. The current team is now able to carry-out a whole series of projects with the technical and financial assistance of UNDP, UNESCO, the OAS, ACDI, the French Cooperation Mission, and AIMF. Here are a few of the projects among those undertaken:

- Rehabilitation of the Central Building (incomplete)
- Rehabilitation of the Annex housing the Vital Statistics Department
- Implementation of the Restoration and the Micrograph labs
- Training of approximately fifty (50) technicians (archivists, librarians, book binders restorers, micrograph technicians and, computer technicians)
- Implementation of the "ARCHIVEX" data base, which is currently Haiti's only reliable data base for Vital Statistics.
- Microfilming of the Registers of Vital Statistics of the 19th Century with the technical and financial assistance of the Genealogical Society of UTAH

Two data base projects are currently underway:

- 1) Extension of the "ARCHIVEX" data base, and the automation of all the customer service activities.
- 2) Implementation of the digitalization lab within the framework of the DLOC project.

The National Archives currently have an annual provisional budget of 47,589,547.00 Gourdes (US\$1,189.547.00) allocated as follows:

- Gdes 11,589.547.00 From Public Treasury funds
- Gdes 36.000.000.00 Own income (Research, production of abstracts and other services)

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<sup>69</sup> <http://ufdc.ufl.edu/UF00083680/00001>

The National Archives is currently in the process of planning the "Third Jubilee Program" which includes:

- a) Completing the Central Building
- b) Opening up Annexes and making our Services available in the provincial cities
- c) The development of the Archives Center (cite des Archives) over 5 hectares, a complex that will be able to shelter our country's Intermediary and Historical Archives for more than One hundred (100) years.

**The other main initiative implemented to reduce the under-registration and lack of documentation prior to 2010 was the creation in 2005 of the Office National d'Identification (ONI).The ONI seeks to have identification for all Haitians from birth, to issue National Identity Cards, and to collaborate with the Census Bureau in Haiti to create a database of accurate information on Haitian citizens<sup>70</sup>.**

**Since 2010, the Office of the National Archives began the process of digitalizing all the birth registration documents recuperated after the earthquake. The digitalization process is not yet completed.**

Since the earthquake of 2010, important efforts are being made by the Haitian government to solve the problem of identification with the support of the international community. Progress is slow but the situation is gradually improving. One key effort being made is that of improving the process of birth registration, by increasing accessibility through registration units that are easier to move to different areas. This is possible through the support of foreign governments<sup>71</sup>.

#### **4.3 Policies aimed at strengthening institutions.**

4.3.1 Existence of public and institutional policies aimed at improving the registration and documentation systems taking into account the contributions of specialized bodies and international organizations.

4.3.2 What are the main public policies developed since 2010 in relation to the improvement of the situation in Haiti on birth registration and civil documentation? What actors developed them with what goals and what results to date? Are they permanent or were they temporary?

The most important policy is to create a system of national identification of proximity. That is, creating additional office of the BECI in communities where there were no offices to obtain a birth Certificate. This also includes the effort to bring the ONI closer to the population, by increasing the number of offices and by starting a mobile unit program.

The law pertaining to Responsible Paternity is a result of governmental policy at the level of the Ministry for the Condition of Women which drafted the law and was instrumental in bringing about its adoption by Parliament in 2012.

## **5 Civil participation and awareness**

### **5.1 Population awareness programs in regard to registration and documentation**

5.1.1 Which permanent broadcasting and advocacy means do identification and documentation agencies have? What support such broadcasting is made? Does the broadcasting imply coordination with other government agencies? What kind?

5.1.2 Are there specific outreach programs that articulate with education systems aimed at raising awareness of the right to identity, focused on fathers, mothers, teachers and students?

### **5.2 Participation of civil society and its organizations in the promotion of the universalization of registration and documentation and the right to identity**

5.2.1 ¿ Do the registration and documentation agencies have courses of action leading to

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<sup>70</sup> [http://oni.gouv.ht/index.php?option=com\\_content&view=article&id=48&Itemid=61](http://oni.gouv.ht/index.php?option=com_content&view=article&id=48&Itemid=61)

<sup>71</sup> [http://oni.gouv.ht/index.php?option=com\\_content&view=article&id=67](http://oni.gouv.ht/index.php?option=com_content&view=article&id=67)

cooperation and action with civil society organizations?

5.2.2 Are there civil society organizations that are dedicated specifically to issues related to the right to identity? Have these organizations had contact with and/or participation in the programs listed in 4.2 or other public action lines related to identification and documentation issues?

The multilateral organizations that have been and are most engaged in advocacy efforts pertaining to the right to a legal identity are: UNICEF, the UNFPA, the OAS and the IDB. There are also the bilateral organizations: USAID and CIDA.

NGOs and local civil society organizations engaged in advocacy efforts are:

- Save the Children
- Groupe d'Appui aux Réfugiés et Rapatriés (GARR)
- Haitian Coalition for the Defense of Children's Rights (COHADDE) – actively supported by UNICEF.

These efforts are ongoing and began in the 1990s and include media interventions and increased NGO activity that raises awareness and creates programs for improving birth registration. Projects led by organizations such as the Organization of American States have sought to increase birth registration in a variety of ways, starting in hospitals and also working to digitalize birth records to make them easier to access<sup>72</sup>.

## 6 Evaluation of the identification systems.

6.1 Following the completion of this report, what are in your opinion, the main strengths of the identification system of your country, considering both birth registration and the documentation issuance?

6.2 Which are its main weaknesses?

6.3 Identify the best practices oriented to guarantee universal Access to birth registration and documentation.

6.4 Do you believe that the existing legal framework guarantees the universal Access to birth registration and identity documentation?

6.5 How do you evaluate the situation of the identification system in relation with the fulfillment of standards and goals established by the Organization of American States (OAS).

6.6 If you like, please do comment and suggest anything that is not included above.

The main strength of the identification system is that there are 2 ways to obtain the identification document. If one person is unable to obtain a Birth Certificate (*Acte de Naissance*), the ONI offers another possibility to obtain a legal identification document with the Carte d'Identification Nationale – a birth certificate is not a requirement.

One of the weaknesses of the ONI Card is that two witnesses can falsely attest to a person's identity; enabling criminals to obtain fake IDs.

Another main weakness is that funding provisions for the BECIs are not included in the National Budget and fees charged by the BECIs for delivering a Birth Certificate are left to the discretionary decision of the Civil Status Officer. These fees are often prohibitive and discourage families from registering children.

Although the legal framework does guarantee the right to universal access to birth registration and although gradual progress is being made, the implementation of this guarantee still falls below the standards established by the OAS and the UN Convention on the Rights of Children.

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<sup>72</sup> <http://www.oas.org/en/spa/depm/puica/proyectos.asp>