

# Justice Programme UNDP

## Context

The Haitian justice system is largely dysfunctional and unable to fulfil its mandate as a critical third branch of government. The country is ranked 136th out of 140 countries in the World Justice Project (WJP) Rule of Law Index. According to a recent survey, only 2.9% of citizens are satisfied with the performance of judges and 2.5% for prosecutors. Consequently, 90% of citizens are essentially resorting to informal means of justice, outside the formal system. The situation has become so dire that some gangs have moved to establish their own courts in the absence of state authority.

The overall conviction rate in the judicial system stands at 3% with only one conviction (in a corruption case) over the past 15 years. There has been no conviction in any of the 466 cases that were presented regarding child labor violations in 2022, and only eight convictions related to cases of kidnapping between 2014 and 2018. A state of fear and impunity has thereby taken hold and there are no effective means of deterrence. Combined with the difficulties of the HNP (Haitian National Police) to arrest offenders, this level of impunity contributes directly to the rapid increase in violence, corruption, and the emergence of gangs, currently estimated at 200, covering over 60% of the country. Any efforts to strengthen and support the police forces must therefore be accompanied by a system of justice able to address impunity and incarcerate perpetrators following a fair trial.

The processing of criminal cases related to corruption and gang-related crimes is a significant challenge. Most judges do not have the experience with such cases, there is only one forensic expert and the scientific police are not able to provide DNA testing. There are also no special Police- Justice Task Forces nor measures to protect judges, witnesses and victims. In addition, the current penal code and criminal procedural code date back to 1835 and the new one will only be come into force in June 2024.



## An Opportunity to End Impunity

International sanctions against officials and business operators who were interfering in the justice process are having a significant effect. These have allowed justice institutions to begin regaining their strength and achieve significant near-term results including the reinstatement of a performance quota system for prosecutors and the vetting of 59 judges and prosecutors including 28 that were dismissed by the High Judicial Council. The justice system needs critical mass to openly, fairly and rapidly process cases to send a strong message that impunity will not continue.

## Objective



The Program will strengthen the capacities of the key institutions and actors of the judicial system in coordination with the Haitian National Police (HNP) and in close collaboration with BINUH to combat impunity, insecurity and sexual gender-based-violence (SGBV).

## Five key results :

- ▶ The independence and integrity of the judiciary is strengthened, ensuring their accountability and performance in the fight against security and corruption ;
- ▶ The capacity of the judiciary and coordination with the PNH in the investigation, prosecution and adjudication of crimes related to insecurity and corruption is increased, reducing impunity. The establishment of an Anti-Gang Unit, a financial Crimes Unit and a Gender-Based Violence Unit to fast-track priority cases and achieve near-term impact ;
- ▶ The legal and regulatory framework to combat insecurity and corruption is adapted and implemented, impacting both issues ;
- ▶ The capacity of the judicial system at the community level is strengthened, as is access to justice in order to prevent and resolve conflicts, thus contributing to increasing the resilience of the environment ;
- ▶ The advocacy and monitoring capacities of Civil Society Organizations (CSOs) are consolidated, ensuring the accountability of judicial system actors and the advancement of justice reforms.

## Results to Date

**136<sup>th</sup>** out of **140** countries in the World Justice Project (WJP) Rule of Law Index

Only **2,9%** of citizens are satisfied with the performance of judges and 2.5% for prosecutors. 90% of citizens are not using formal justice system

Overall conviction rate in the judicial system in only at **3%**

UNDP has assisted Haiti in the development of a number of milestones in the justice sector in Haiti over the past two decades, with such results as :

- ▶ the establishment of a legal aid system for the disadvantaged (now entirely financed by the state) ;
- ▶ the establishment of the Superior Council of the Judiciary (CSPJ) to manage the judiciary and oversee the performance and integrity of judges ;
- ▶ the adoption of modern legislations including the penal code and the penal procedural code to replace the outdated ones and support the Magistrates' school.

These results, along the strong relationships developed with authorities in the justice sector, places this program in a strong position to deliver results for the government and its partners through UNDP.

## New Approaches and Strategies

The program offers an urgent security entry point to justice reform with the immediate priority being the independence of the judiciary and its integrity based on rigorous evaluation inspection, vetting and discipline. Furthermore :

- ▶ A civil society watch dog body will be established to ensure that the High Judicial Council (CSPJ) and the Ministry of Justice and Public Security (MJSP), who are responsible of the performance and integrity of judges and prosecutors, are fulfilling their mandate as their work has never been monitored ;
- ▶ International mentors will provide assistance identified by Haitian authorities for financial, sexual gender-based violence (SGBV), and anti-gangs' police/justice task forces ;
- ▶ A community justice program with justices of the peace to prevent crime and assist victims of human trafficking will be established ;
- ▶ Finally, funding will be conditioned this time to results pre-established with the Government.

**“These are difficult times. Together, we must get to work to face the great challenges of the day, including the excessive politicization of justice, land conflicts, and the integration of more women into the judicial system”...**

**Jean Joseph Lebrun**, during his swearing-in as President of the Court of Cassation and President of the High Council of the Judiciary (CSPJ).

## Management and Accountability

- ▶ The program is managed by UNDP and the Haitian Ministry of Justice and Public Security (MSPJ) and the High Council of the Judiciary (CSPJ) in collaboration with the UN Integrated Office in Haiti (BINUH) ;
- ▶ The program will benefit from the expertise of participating UN entities including the UN Joint Human Rights Office (UNJHRO), the Office of the High Commissioner for Human Rights (OHCHR), and the UN Office of Drug Control (UNODC) ;
- ▶ A Steering Committee at Ministerial and Ambassadorial level reviews progress and results and provides high-level oversight and decision-making ;
- ▶ A Technical Committee meets regularly, at least quarterly, to review activity and output level results and resolve any obstacles as they arise ;
- ▶ UNDP has been regularly rated as the UN's most influential agency, is a leader in aid effectiveness and transparency, manages results and resources by principles of value-for-money and is considered an organization that is fit-for-purpose.

Area of focus	Project duration	Budget	Location	For more information :	
Justice	April 1, 2023 - March 30, 2028	\$ 20M	National		
Implemented by :				Programme	Transparency
   				United Nations Development Programme 14 Rue Reinbold, Port-au-Prince <a href="http://www.undp.org/fr/haiti">www.undp.org/fr/haiti</a>	