

# SECURITY SECTOR REFORM MONITOR



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## INTRODUCTION

At the outset of the donor conference on Haiti held in Washington, DC in April 2009, UN Secretary General Ban Ki-moon identified five interlinked challenges to the stabilization of the country: the necessity to pursue political dialogue; the extension of state authority; the bolstering of security; the rule of law and respect for human rights; and socio-economic development. In a widely circulated report, renowned economist Paul Collier (2009) stated that by 2007 a degree of security, democracy and economic opportunity had been achieved and it was the series of natural disasters and their resultant political shocks in 2008 that placed Haiti in the difficult position it is in today.<sup>1</sup> Those disasters underscored the continued fragility of Haiti's security situation and highlighted the need for rapid progress in security sector reform (SSR) (ICG, 2008). In the last *Security Sector Reform Monitor* the state of justice sector reform and efforts to implement the Haitian National Police Reform Plan were examined. This edition will dedicate particular attention to issues related to penal reform and the overarching issue of corruption in the security sector.

Corruption is invariably difficult to measure. Transparency International's *Corruption Perceptions Index* (CPI), which ranks 180 countries by their perceived levels of corruption, is widely viewed as the standard tool to assess the prevalence of corruption (UNODC and WB, 2007). Although most of the informants consulted confirm widespread perceptions of severe corruption in Haiti, this is difficult to

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Cover Photo: The Haitian National Palace in Port au Prince (Garrett Crawford photo)

<sup>1</sup> Devastating successive hurricanes in the summer of 2008 left US\$1 billion in damage, equivalent to 15 percent of Haiti's gross domestic product (GDP). See Xinhua News (2009).

## ABOUT THE SSR MONITOR

The *Security Sector Reform Monitor* is a quarterly publication that tracks developments and trends in the ongoing security sector reform (SSR) processes of five countries: Afghanistan, Burundi, East Timor, Haiti and South Sudan. Every quarter, there will be separate editions for each case study country. Adopting a holistic definition of the security sector, the *Monitor* will cover a wide range of actors, topics and themes, from reforms in the rule of law institutions and armed forces to demilitarization activities and the role of non-statutory security and justice actors.

Research for the *Monitor* is field-based: a resident researcher in each case study country leads data collection and analysis, with support from desk-based analysts at The Centre for International Governance Innovation (CIGI). The same research guidelines are employed for each country. All editions of the *Monitor* are subjected to an external peer review process in addition to our internal editorial review.

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substantiate given the absence of hard data and the fact that few offenders have been prosecuted.<sup>2</sup> At the same time, one would be hard pressed to find a Haitian citizen who has not been a witness to, or victim of corruption by civil servants, justice officials, security officers, or non-governmental organization (NGO) personnel. In May 2009, during a meeting with national human rights NGOs, Justice Minister Jean Joseph Exume promised that well orchestrated trials of high profile corruption cases would be held to encourage greater public trust in the system (Radio Métropole, 2009). Given the culture of impunity that prevails, this promise will be difficult to uphold. In Haiti, as in many other countries of the region, corruption not only undercuts economic performance and good governance, but it can also shatter public confidence in the state and facilitate insecurity (Transparency International, 2008).<sup>3</sup>

## GOVERNANCE AND CORRUPTION

In September 2004, the transition government established by decree a special unit to combat corruption, the *Unité de Lutte Contre la Corruption* (ULCC). Situated within the Ministry of Economy and Finance, the creation of the body appeared to signal clear political will to tackle the problem. Since his election in 2006, President Preval periodically reaffirms his commitment to addressing corruption in all sectors of the public administration.<sup>4</sup>

The ULCC has assessed both the public perception of corruption and actual instances of corruption by conducting several baseline sectoral surveys: public household (1,072 people), private sector directors (506 people), public

<sup>2</sup> In early 2009, the director of the *Office National des Assurances*, Sandro Joseph, was apprehended by the HNP on corruption charges. He is still being detained by the Haitian authorities, although not yet tried.

<sup>3</sup> Despite grappling with the problem of corruption for quite some time (since 2003) and taking concrete steps to curb its growth within the public administration, Haiti ranks at the bottom of Transparency International's *2008 Corruption Perception Index*.

<sup>4</sup> This statement was made on May 18, 2008 during a public address on the occasion of Haitian Flag Day.

servants (906 people) and NGOs (100 people). The survey results, published in 2007, showed that corruption poses a serious challenge to the country, with the problem particularly acute in the justice and security institutions (ULCC, 2007). Respondents of the surveys, conducted in 2005 and 2006, identified the Customs Administration and the Internal Revenue Department as the most corrupt state agencies in Haiti. These results reflected a widely-held view that criminality and violence were major obstacles to improvements in the quality of life of average Haitians, impeding economic development and access to public services.

Moreover, it is important to note that the Haitian National Police (HNP) also appeared on the surveys' top ten list of the country's most corrupt public institutions. A significant increase in the investment of resources in SSR since the completion of the survey, coupled with the launch of a crack-down on crime in 2007 and 2008, have had a positive effect on public perceptions of the HNP. Nonetheless, the pervasiveness of corruption in Haiti taints the public's attitudes toward all public sector institutions.

## PERCEPTIONS OF CORRUPTION IN THE JUSTICE SECTOR

In February 2009, while announcing the establishment of two new commissions to examine and oversee reforms to the constitution and justice sector, President Preval affirmed that the country's justice system was undermined by widespread corruption, mismanagement and the presence of unqualified personnel (Radio Vision 2000, 2009). According to one senior Haitian government official (2009a), national and international stakeholders expressed support for the President's strong statement that "corruption is a fact and is guaranteed by impunity." Echoing such sentiments, a member of the international donor community noted that

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"there is high level of corruption amongst judges because of their vested interests" (Canadian Government Official, 2009).

According to the ULCC survey, only one third of the

FIGURE 1: SECURITY SECTOR SALARIES (2007)

Judiciary		Monthly Salaries* (US\$)	Police		Monthly Salaries (US\$)
Supreme Court	President	3,300		General Director	2,110
Highest Court	Judges and Prosecutors	2,110	High Ranking Officers	Chief Inspector General	1,890
	Chief Court Clerk	655		Inspector General	1,470
Court of Appeal	President	1,470	Commissioners	Departmental	1,260
	Judges and Prosecutors	1,260		Principal	1,100
	Chief Court Clerk	415		Municipal	1,000
Tribunal	Dean	965	Inspectors	Departmental	855
	Judge	880		Principal	690
	Prosecutor	965		Municipal	560
	Greffier en Chef	330			
Tribunals of Peace	Head Judge	660	Police Officers	Agent 4	490
	Chief Court Clerk	275		Agent 3	455
				Agent 3	420
				Agent 1	385

\*The currency rate used is 40 Gdes to 1 USD. Source: Nouveaux barèmes de salaires, Instances Judiciaires et Police Nationale d'Haïti, document du comité de pilotage, Ministère de l'Économie et des finances, République d'Haïti

respondents trusted the justice system while three quarters believed it to be unfair, with those enjoying wealth and privilege seemingly exempt from the law. Most Haitians view the justice system as inefficient, complicated and costly, the latter due to the necessity of bribery to move judicial processes forward (ULCC, 2007: 90-91). It is difficult to measure the extent of bribery or the specific rates demanded by judges, which clearly varies on a case-by-case basis. The public's lack of trust in the justice system has led many Haitians to turn to alternative mechanisms to resolve disputes, up to one tenth of the population according to the ULCC survey. Very often, a priest, pastor or a respected member of either the family or community will be asked to mediate disputes in order to avoid recourse to official channels.

## VICTIMIZATION BY THE POLICE

A 2008 paper in the *Americas Barometer Insight Series*, part of the Latin American Public Opinion Project, surveyed 20 countries in Latin America and the Caribbean to ascertain the share of the population that has been asked for a bribe by the police. Haiti ranked at 12.8 percent, just below Guatemala (14.3 percent) and above Argentina (12.1 percent), but well under the worst offender, Bolivia (25.7 percent).<sup>5</sup> Regardless of the type of corruption, petty or grand, or whether citizens have been directly victimized or not, the presence of graft in the police has had the effect

<sup>5</sup> Chile received the best ranking in the survey with 0% of respondents reporting they had ever received a request for a bribe from the police.

of eroding public confidence in the institution. The paper concluded that anti-corruption programs could achieve better results if they combined targeted action (reforms in specific institutions) with broader attempts to increase economic development (Orces, 2008). Public information is also an important element of any anti-corruption strategy, as reflected by the posting of signs in several commissariats of Port-au-Prince stating that no money should be given to HNP officers.

Low salaries are often cited as one explanation for corruption by security and justice sector actors. The interim government recognized this problem as early as 2004, initiating measures in 2005 to raise salaries for the HNP and judiciary by roughly 50 percent (see Figure 1 for security sector salaries as of 2007). This was made possible by successful government efforts to increase its revenue-generating capacity and attract new loans from international financial institutions (IFIs).

## CORRUPTION AMONG INTERNATIONAL ACTORS

One of the unintended side effects of the deployment of peace operations and the influx of large numbers of international aid workers, is an increase in corruption levels in host societies (Cockayne and Pfister, 2008). MINUSTAH is no exception to the rule. The United Nations Office of Internal Oversight Services (OIOS) regularly investigates complaints of corruption, mismanagement and fraud related to the work of MINUSTAH. Internal UN reporting on MINUSTAH details significant instances of aid wastage, abuse, negligence and other forms of mismanagement, as well as fraud in the establishment and execution of a number of high-value contracts between the UN and local contractors (OIOS, 2007). According to an article published in *The Washington Post* in 2007, the United Nations charged five employees with misconduct after it was discovered that

## CIGI SPOTLIGHT

### SSR Resource Centre

In the Fall of 2009, CIGI will launch a new interactive website dedicated solely to SSR at: [www.ssrresourcecentre.org](http://www.ssrresourcecentre.org)

Featuring an expert database, country backgrounders, an SSR paper series and a host of other tools, the SSR Resource Centre will be an invaluable source of information and insight on SSR. For more information please contact Brandon Currie at: [bcurrie@cigionline.org](mailto:bcurrie@cigionline.org)

they had steered a US\$10 million per year fuel contract to a Haitian company. Although unable to prove that the employees had directly benefited from the deal, the OIOS investigators recommended that the case be referred for criminal prosecution by authorities in Haiti or the United States (Lynch, 2007).

## PENAL REFORM

Given the dire state of all detention centres in the wake of Aristide's departure in 2004, the National Prison Authority or *Direction de l'Administration Pénitentiaire* (DAP) has made important advances to reform the penal system. The penal system is one area of the security sector where a clear vision for reform has been shaped. A prison reform plan (2007-2012) has been developed which focuses on the development of infrastructure, procurement of necessary equipment, training of personnel and rehabilitation and improvements in the treatment of detainees (UNDP Project Officer, 2009). Although human rights violations still occur, national and international human rights agencies

**FIGURE 2: PRISON POPULATION CHART**

Total Prison Population	8,345		
Prison Population Rate (per 100,000 inhabitants)	83		
Pre-Trial Detainees (as a percentage of prison population)	77.9%		
Female Inmates	4.9%		
Number of Prison Facilities	21		
Official Total Capacity	2,448		
Occupancy Level (as a percentage of total official capacity)	335.1%		
	Year	Population	Rate
Recent Prison Population Trend	1995	1,617	23
	1998	3,766	49
	2000	4,219	51
	2003	3,519	42
	2007	6,370	71

\*Figures accurate as of February 27, 2009. Source: International Centre for Prison Studies, website accessed April 2009

have noted an improvement in the situation of inmates and detainees in 2009, evidenced by the decreasing number of complaints of mistreatment (MINUSTAH Human Rights Officer, 2009).

The Haitian prison population rate (83 per 100,000), measuring the ratio of prisoners to population, is lower than many neighbouring countries, including the Dominican Republic (165 per 100,000). It is also approximately one quarter of the regional average for the Caribbean (324 per 100,000) and half of that for Latin America (165 per 100,000) (International Centre for Prison Studies, 2009). Until verifiable data on crime rates exist, it will be difficult to assess whether this relatively low number can be attributed to reductions in crime, poor reporting of crime by victims or the dysfunctional nature of the police and courts.

Some 80 percent of detainees nationwide are in pre-trial detention, contributing to prison overcrowding. The

Ministry of Justice plans to build a new courtroom in Port-au-Prince in order to increase daily hearings from 4 to 12. The problem of overcrowded prisons, however, is not solely due to the excess number of pre-trial detainees but also to the limited available space in detention centers. The country's 8,345 inmates occupy an average of 0.6 square meters, well below the international norm of 2.5 square meters per inmate. The main objective of the prison reform plan is to expand this capacity by building a total of 26 functional jails by 2012 (UN, 2009: 9-10).

It is important to note that although there are almost four times more detainees than in 1995, pre-trial detention rates have actually remained constant at roughly 80 percent of the total prison population. This trend highlights both the increase in police arrests (due to growing HNP capacity) and the intensification of judicial activities resulting in more convictions and speedier judicial proceedings (MINUSTAH, 2008).

The donor Prison Working Group, led by Canada and comprising the US, MINUSTAH, and Norway, is actively involved in supporting the Haitian government in realizing the goals of the prison reform plan. Although some progress has been made toward its implementation, gaps remain in training, management capacity and logistics (Canadian Government Official, 2009). The Penitentiary Authority is not an autonomous body; it falls under the authority of the HNP. There are growing calls to separate the DAP from the HNP, providing them with separate budgets and authority (UNDP Project Officer, 2009). This would enable more focused attention on the penal system. Clearly separating the functions of police and prison personnel, would, for instance, enable the development of more tailored training curricula for prison guards.

## CONCLUSION

Corruption is widespread in the Haitian security sector,

fostering pervasive public distrust of security sector actors, from lawyers and prosecutors, to judges and police officers. Positive steps have been taken by the Haitian government, such as increases in salary levels for security sector personnel, and it has shown through its public statements a genuine political will to combat corruption. It is important to note that corruption is not confined to Haitians, with many international workers taking advantage of the aid industry for personal gain. Even when these transgressors are caught they often evade prosecution due to jurisdictional technicalities. To instill public faith in the legitimacy of the security sector it is critical that the state demonstrate, through prosecutions of high profile offenders, that corrupt practices will not be tolerated at any level of the state.

Haiti's security architecture and national security policy have not yet been adequately defined and debated across the country, nor has the cost and nature of the nascent security sector been thoroughly evaluated. With the HNP serving as the primary institution responsible for Haiti's national security – overseeing the country's security forces, jails and borders – voices within the system, especially from the DAP, are beginning to enunciate the need for wholesale transformation rather than simply reform. Is the HNP equipped to fulfill its mandate or is it overburdened? Even with a force target of 14,000, will it have the capacity to meet the human security needs of Haitians across the country? These are fundamental questions that have yet to be fully answered.

## WORKS CITED

Canadian Government Official (2009). Interview by Isabelle Fortin, April 7, Port-au-Prince, Haiti.

Cockayne, James and Daniel Pfister (2008). *Peace Operation and Organized Crime*. Geneva, Switzerland: Geneva Centre for Security Policy.

Collier, Paul (2009). *Haiti: From Natural Catastrophe to Economic Security, A Report for the Secretary-General of the United Nations*.

Human Rights Observer (2009). Interview by Isabelle Fortin, March, Port-au-Prince, Haiti.

International Centre for Prison Studies (2009). Prison Brief for Haiti. Available at: [http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb\\_country.php?country=65](http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb_country.php?country=65).

International Crisis Group (2008). *Reforming Haiti's Security Sector Reform*. Brussels, Belgium

Lynch, Colum (2007). "UN Finds Fraud Mismanagement in Peacekeeping," *The Washington Post*, December 18.

Office of Internal Oversight Services (OIOS) (2007). *Report of the Office of Internal Oversight Services on the horizontal audit of fuel management in peacekeeping missions*. New York: United Nations.

Orces, Diana (2008). "Corruption Victimization by the Police," *Americas Barometer Insights*. No.3. Available at: [http://sitemason.vanderbilt.edu/files/eYp0w8/I0803\\_Corruption\\_Victimization\\_by\\_the\\_Police\\_English.pdf](http://sitemason.vanderbilt.edu/files/eYp0w8/I0803_Corruption_Victimization_by_the_Police_English.pdf)

Radio Métropole (2009). *Weekday Morning News Program*. May 14.

Radio Vision 2000 (2009). *Weekday Morning News Program*. February 20.

Senior Haitian Government Official (2009a). Interview by Isabelle Fortin, April 1, Port-au-Prince, Haiti.

\_\_\_\_\_ (2009b). Interview by Isabelle Fortin, April 7, Port-au-Prince, Haiti.

Transparency International (2008). *Corruption Perception Index*. Berlin, Germany. Available at: [http://www.transparency.org/policy\\_research/surveys\\_indices/cpi](http://www.transparency.org/policy_research/surveys_indices/cpi)

\_\_\_\_\_ (2008). *Working Paper: Corruption and (In)security*. Berlin, Germany.

Unité de lutte Contre la Corruption (2007). *Résultats d'enquête diagnostique sur la gouvernance*. Port-au-Prince : Government of Haiti.

United Nations (2009). *Report of the Secretary General on the United Nations Stabilization Mission in Haiti, S/2009/129*. United Nations Security Council.

United Nations Development Programme Project Officer (2009). Interview by Isabelle Fortin, April, Port-au-Prince, Haiti.

United Nations Office on Drugs and Crime (UNODC) and World Bank – Latin American and the Caribbean Region (2007). *Crime Violence, and Development: Trends, Costs, and Policy Options in the Caribbean*.

United Nations Stabilization Mission in Haiti (MINUSTAH) (2008). *État de la détention préventive illégale et/ou prolongée en Haïti*. New York : United Nations.

Xinhua News (2009). *United Nation Newswire*. April 13.



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Le CIGI a été fondé en 2002 par Jim Balsillie, co-chef de la direction de RIM (Research In Motion). Il collabore avec de nombreux partenaires stratégiques et exprime sa reconnaissance du soutien reçu de ceux-ci, notamment de l'appui reçu du gouvernement du Canada et de celui du gouvernement de l'Ontario. Le CIGI exprime sa reconnaissance envers le gouvernement du Canada pour sa contribution à son Fonds de dotation.



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57 Erb Street West, Waterloo, Ontario N2L 6C2, Canada  
tel +1 519 885 2444 fax +1 519 885 5450  
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