



# Security Council

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## Assessment of progress achieved on the key benchmarks established in paragraph 25 of resolution 2653 (2022)

### Report of the Secretary-General

#### I. Introduction

1. By its resolution 2653 (2022), the Security Council imposed a travel ban, an asset freeze and a targeted arms embargo on designated individuals and entities responsible for or complicit in, or having engaged in, directly or indirectly, actions that threaten the peace, security or stability of Haiti. The Council also decided that it would review the appropriateness of the measures contained in the resolution considering progress achieved on key benchmarks. In this regard, the Council requested the Secretary-General, in close coordination with the Panel of Experts, to conduct, no later than 15 September 2023, an assessment of progress achieved on the key benchmarks.

2. A Secretariat team, composed of staff from the Department of Political and Peacebuilding Affairs and the Department of Peace Operations visited Haiti from 10 to 14 July 2023 to conduct the assessment in consultation with the United Nations Integrated Office in Haiti and the United Nations country team as well as representatives of the Government of Haiti, including the Prime Minister, the Minister for Foreign Affairs, the Minister of Justice and Public Security, the Minister of Defence, the President of the Court of Cassation, the Director General of the Haitian National Police, the Director General of the General Customs Administration and the President and the Secretary-General of the High Transitional Council. The team consulted with the Panel of Experts on Haiti and met with representatives of civil society, including women's groups and the private sector. Consultations were held in New York with members of the Haiti Sanctions Committee and a representative of the Caribbean Community. The present report conveys the findings of the assessment.

#### II. Context

3. Haiti faces a multidimensional crisis, with gang violence at its centre, which undermines State institutions. Today, armed gangs control or exercise influence over about 80 per cent of the Port-au-Prince metropolitan area, with gang violence affecting all neighbourhoods. Violence is also spreading to departments beyond the capital. Over the past few months, a significant increase in serious crimes, such as homicide, kidnapping and rape, has been reported. Indiscriminate, large-scale attacks against entire neighbourhoods and their residents have displaced almost 130,000 people.



4. The spread of gang violence has provoked popular protests against the Government and a rise in vigilante groups and related violence, including killings and lynchings, which has further frayed social cohesion. In April 2023, an anti-gang vigilante movement, commonly known as “Bwa Kale”, emerged in Port-au-Prince.

5. The prevalence of armed violence has a significant impact on socioeconomic activities. Freedom of movement is impaired as gangs extort, hijack or rob commercial and public vehicles transiting through arterial roads. Schools have been forced to close as a result of escalating violence, with children being exposed to the risk of recruitment by gangs. Gangs have managed to isolate entire neighbourhoods, predominantly for economic gain. They intimidate the local population through violent means, including the targeting of critical infrastructure.

### **III. Progress achieved on the key benchmarks established in paragraph 25 of resolution 2653 (2022)**

6. The key benchmarks established in paragraph 25 of resolution 2653 (2022) concern the development of adequate judicial and rule of law capacity to handle armed groups and criminal-related activities; the progressive reduction in the amount of violence committed by armed groups and criminal networks; the progressive decrease in the number of incidents of illicit trafficking; and the strengthening of local capacity in the areas of community violence reduction and human rights. No progress was achieved against any of these benchmarks.

#### **Benchmark (a): adequate judicial and rule of law capacity to handle armed groups and criminal-related activities**

7. The proliferation of armed gangs that have gained influence and the increase in violence and criminal activity have overwhelmed already weak national institutions, including the judiciary, the national police and the Prison Administration Directorate. After years of financial and human resource constraints, limited operational infrastructure and a lack of accountability, those institutions currently do not have the capacity to counter increasingly powerful gangs and uphold the effective rule of law in the country.

8. The judicial system continues to face challenges in conducting timely criminal proceedings. As a result, 84 per cent of inmates in Haitian prisons are held in pretrial detention. To address this challenge, the Ministry of Justice and Public Security adopted a new national quota system in December 2022 to expedite consideration of pending cases and evaluate the performance of prosecutors. Implementation of the system was halted, however, during a four-month strike by court clerks and prosecutors from March to June 2023. Reducing the significant backlog of cases will be extremely challenging in the current environment and will require significant additional resources, increased capacity and an improvement in the security environment.

9. Impunity remains pervasive and undermines the Haitian people’s trust in the State. Investigations into several landmark criminal cases, including the assassination of Mr. Moïse, have made little progress. In an environment where gangs control large parts of Port-au-Prince, prosecuting crimes committed by armed gangs has become extremely difficult. The safety and security of judges, in particular those investigating high-profile cases, is a serious concern. Moreover, the premises of several tribunals, including the Court of First Instance in Port-au-Prince, have been occupied by gangs or operate in precarious conditions in gang-controlled areas. Travel by judges and prosecutors across different departments is also hampered by the prevailing insecurity.

10. Political instability has also affected the functioning of the judiciary and delayed the appointment of judges, including that of the new President of the Court of Cassation following the death of his predecessor in June 2021. A new President was appointed in November 2022. The integrity and accountability of the judicial system remains an issue of concern despite recent efforts by the new President to address challenges. Less than 20 per cent of the 950 judges in the country underwent a vetting process. Completion of a recent vetting exercise concluded with the non-certification of about one third of the judges and prosecutors due to a lack of moral integrity, invalid credentials or unlawful release of criminals.

11. Corruption remains endemic. According to the national Anti-Corruption Unit, corruption affects all sectors of the State and takes different forms, including bribery, illicit enrichment, laundering of money from economic crimes, abuse of functions, influence peddling, embezzlement, tax evasion, overbilling of services to the State and illegal public procurement. Major cases of alleged corruption have yet to be fully investigated and involve politicians and civil servants at the leadership level. For example, the Anti-Corruption Unit recently requested judicial authorities to prosecute a former President of the Senate for obstruction of justice and another former senator for misappropriation of public resources. The former Director of the General Customs Administration was accused of illicit enrichment, money-laundering and false declaration of assets and is currently under investigation.

12. Efforts to strengthen the existing legal framework to combat corruption and armed gangs have had mixed results. The drafting of a new penal code and a new penal procedural code in 2020 represented significant steps towards modernizing the penal law framework, which has not been revised since 1835. However, these draft codes have yet to be adopted. At the same time, the enactment of the anti-money-laundering/combating the financing of terrorism decree in June 2023 marked a first step towards combating financial crimes.

13. The national police continue to face persistent challenges tackling armed gangs and protecting the population from violence. In terms of members and equipment, armed gangs outnumber and outgun the police. Gangs use higher calibre weapons and more sophisticated equipment. The state of police infrastructure and equipment remains dire. Attacks by gangs have forced dozens of police officers to abandon police stations, while entire neighbourhoods have fallen under gang control and are now inaccessible to the police. About 10 per cent of the 4,112 police stations nationwide remain non-operational due to gang activities. In addition, reports of gangs allegedly infiltrating the ranks of the national police and corruption cases are of great concern, further undermining the legitimacy and authority of the police.

14. Although the Government has continued to increase the percentage of the budget allocated to the national police over the last five budget cycles, the police have been unable to address the problem of powerful and influential gangs and protect the population. In fiscal year 2021/22, the police budget increased by 7.92 per cent over the previous year; in fiscal year 2022/23, it saw a further increase of 9.06 per cent.

15. The police are also grappling with a constantly declining workforce due to resignations, dismissals, retirements and fatalities in the line of duty. A number of police officers have decided to migrate abroad. Despite recruitment efforts in December 2022 that led to the selection of 714 new police officers, including 174 women, 774 officers, representing more than 5 per cent of the force, left the force in the first six months of 2023 alone. The police-to-population ratio currently stands at 1.2 police officers per 1,000 inhabitants, far below the ratio of 2.2 recommended by the United Nations. As at 30 June 2023, the total workforce of the national police amounted to 14,087 police officers, including 1,663 women (11.8 per cent).

16. The situation in prisons and detention facilities in Haiti has further deteriorated since the adoption of resolution [2653 \(2022\)](#). According to the corrections service, as at 26 July 2023, 11,811 inmates were being held in Haitian prisons (including 342 women, 261 boys and 15 girls). Of that figure, 1,868 inmates had been convicted, while 9,943 were in pretrial detention. The occupation rate of Haitian prisons has increased by more than 331 per cent, with an average of 0.30 square metres per inmate. Since October 2022, 160 deaths have been reported. Malnutrition and lack of adequate medical care are the leading causes of death in prison. Moreover, prisons have not been spared from gang violence and threats. For example, the population of a women's prison in the West Department, which had been attacked in 2022 by armed elements seeking to free detainees, recently had to be evacuated to a facility in Port-au-Prince due to persistent gang-related threats.

### **Benchmark (b): progressive reduction in the amount of violence committed by armed groups and criminal networks**

17. Gang-related violence has continued to escalate and spread, exposing the Haitian population to extreme and systematic violence. Rape and other acts of sexual violence are pervasive. While 80 per cent of criminal acts reported to the national police were committed in the Port-au-Prince area, gang activities have expanded to other regions, particularly the Artibonite Valley, Gonaïves and Cap-Haïtien.

18. From October 2022 to June 2023, a total of 2,768 intentional homicides were recorded. The victims included 247 women and 78 minors (20 girls and 58 boys). April and May 2023 were the most violent months during that period. The continued rise in homicides has been attributed to the emergence of the "Bwa Kale" vigilante movement, which was allegedly responsible for 249 assassinations and public lynchings in that period. The number of kidnappings for ransom also increased, with reports of 1,472 cases involving the abduction of 1,068 men, 349 women and 55 minors (20 girls and 35 boys) since October 2022. The actual numbers are expected to be higher as families of abductees often do not report missing family members to the authorities out of fear for the victims' safety, instead negotiating directly with the kidnappers.

19. Sexual violence, including collective rape, continue to be used by gangs to terrorize populations under the control of rival gangs. From October 2022 to June 2023, 452 cases of rape were reported. The victims included 252 women and 200 minors (199 girls and 1 boy). The existing data significantly underreport the magnitude and gravity of these crimes because, in most cases, survivors do not turn to the police owing to a fear of retaliation, a lack of trust in the justice system or the social stigma that affects victims.

### **Benchmark (c): progress on benchmarks 2, 3, 4 and related targets as outlined in the report of the Secretary-General of 13 June 2022 (S/2022/481)**

20. Several benchmarks and indicators contained in the report of 13 June 2022 ([S/2022/481](#)) overlap with benchmarks (a), (b) and (d) of resolution [2653 \(2022\)](#). Paragraphs 22 to 27 of the present report provide an assessment of issues not already covered in other sections.

21. The human rights situation has continued to deteriorate during the past year, with armed violence and brutal attacks by gangs against the population escalating. Gangs have used snipers on rooftops to indiscriminately shoot people carrying out their daily activities. In some instances, gang members have attacked entire neighbourhoods, firing guns indiscriminately, burning people alive and executing

individuals perceived as being opposed to them. These types of attacks are often perpetrated along with other human rights abuses, such as mass looting and burning of houses, and have resulted in the displacement of thousands of people. Sexual violence, including collective rape, continue to be used as a weapon in the hands of gangs to terrorize and inflict harm on the population, especially women and girls. The use of kidnappings as a source of revenue for gangs to acquire weapons and pay the members of their ranks has increased. Kidnappings have targeted all types of people, including health-care workers, civil servants, teachers, journalists, students and parents near school buildings.

22. In this violent context, State institutions, local authorities and civil society have made efforts to cooperate to reduce community violence and implement the national disarmament, demobilization and integration strategy. However, in view of the magnitude of the challenges, these efforts have yet to yield results. The steps taken include the holding of 74 departmental forums across the country to identify the causes of, and possible solutions to, community violence. The forums were attended by 11,320 people from various sectors of Haitian society, of whom 409 (3.6 per cent) were women. At a national forum held in June, participants validated recommendations in the areas of (a) security; (b) justice; (c) socioeconomic recovery; (d) empowering young people through job creation; (e) capacity of national and local authorities to protect, control and prevent violence; and (f) elimination of gender-based sexual violence.

23. The Inter-Ministerial Committee on Human Rights continued to coordinate and monitor the human rights situation, as well as the implementation of recommendations endorsed by the Government during the third universal periodic review in January 2022. Of the 203 recommendations made to Haiti, progress has been made on 31 recommendations (15 per cent), including the development of a self-assessment tool to monitor the level of implementation of the recommendations.

24. In addition, the national strategy 2019–2024 of the Office for the Protection of Citizens is being progressively implemented. The Office regularly visited prisons and police stations to monitor detention conditions, published statements denouncing human rights concerns and signed protocols with international and national partners working in the field of human rights.

25. In parallel, national civil society organizations continued to monitor the situation of human rights in Haiti and have published more than 20 reports on various issues since the adoption of resolution 2653 (2022). Although repeatedly the target of intimidation and attacks by gangs, Haitian civil society organizations published several reports on the human rights situation in Haiti, including by the National Human Rights Defense Network, the Organization of Citizens for a New Haiti and the Institute for Justice and Democracy in Haiti.

26. The Independent Expert on the situation of human rights in Haiti, who was appointed by the United Nations High Commissioner for Human Rights in April 2023, conducted his first visit to Haiti from 19 to 29 June.

**Benchmark (d): progressive decrease in the number of incidents of illicit trafficking and diversion of arms, as well as illicit financial flows there from, including by increasing the number and volume of arms seizures**

27. Since the adoption of resolution 2653 (2022), and despite the imposition of a targeted arms embargo, experts assess that the illicit trafficking of weapons and ammunition has continued unabated, due to poor border control, limited capacity for

seizures and weak weapons management systems. While the overall number of arms present in the country is difficult to estimate, the United Nations Office on Drugs and Crime (UNODC) assesses that increasingly sophisticated and high-calibre firearms and ammunition are being trafficked into the country.

28. Haiti does not officially produce weapons, and most weapons are sourced from abroad, primarily from the United States of America, making their way to gang members and civilians through intermediaries, often through public and private ports and porous checkpoints. From October 2022 to June 2023, the national police and the General Customs Administration seized a total of 192 weapons, including pistols, revolvers, rifles, shotguns and craft-produced firearms.

29. A 2020 report of the National Commission on Disarmament, Demobilization and Reintegration estimated that as many as 500,000 small arms are in use in the country. The majority of weapons in circulation are believed to be illegal and in the hands of criminal gangs and other private actors, including private security companies. While these companies are permitted to legally purchase certain categories of weapons, the only public record available on the existence of legally purchased arms dates back to 2012. At the time, 40 companies were registered, with a total of 12,000 employees among them. UNODC currently estimates that approximately 100 private security companies have a presence in Haiti, with a combined total workforce of 75,000 to 90,000 employees.

30. Accounting, physical security and stockpile management mechanisms for weapons held by the police remain weak, and several cases of diversion of service weapons and ammunition have been reported. With support from the United Nations Integrated Office in Haiti, the national police are now developing a process to strengthen its weapons and ammunition management and oversight mechanisms.

31. Capacity for seizing weapons and ammunition in Haiti remains limited. According to information collected by UNODC, specialized police units for border control lack qualified personnel. For example, the national police's border patrol has 294 officers, while the Haitian Coast Guard has 181 officers and just one operational vessel. Moreover, the majority of these specialized officers are stationed in Port-au-Prince, with limited presence in other departments and border areas.

32. In exchanges with the assessment team, the Haitian authorities underscored the need for a strengthened General Customs Administration and specialized police capacities to fight the illicit trafficking and diversion of arms and ammunition. Customs officers and facilities are often located in gang-controlled neighbourhoods and operate in a context of extreme insecurity. A number of customs offices have been attacked and forced to close. The General Customs Administration was also affected by investigations of corruption involving its leadership. The former Director General of the General Customs Administration, who had led the organization from 2018 to 2022, is under investigation for tax evasion and diversion of funds.

33. In 2022, the Government adopted a national action plan to address illegal firearms as part of its commitment to implementing the Caribbean Firearms Road Map signed in 2020, which was developed with United Nations support. UNODC continues to support Haitian authorities in their efforts to combat illicit trafficking.

34. Illicit financial flows remain an issue of concern. In 2021, the Financial Action Task Force, which leads global action to tackle money-laundering, terrorist and proliferation financing, placed Haiti on its list of jurisdictions under increased monitoring to assist the country in addressing strategic deficiencies in countering money-laundering, terrorist financing and proliferation financing. Haiti has committed to working with the relevant entities to strengthen the effectiveness of its anti-money-laundering/combating the financing of terrorism regime.

35. During the second review under its staff-monitored programme in June 2023, the International Monetary Fund recognized that the Haitian authorities had upgraded their anti-money-laundering/combating the financing of terrorism legal framework by issuing a decree addressing those matters to ensure greater alignment with the international standards of the Financial Action Task Force. Haitian authorities had also taken measures to strengthen accountability in the use of public resources and had enhanced the transparency of public procurement for emergency resources. In the view of the International Monetary Fund, the recent finalization of revisions to the Central Bank Law and to the anti-money-laundering/combating the financing of terrorism legal frameworks were essential to improving governance and transparency.

#### IV. Observations

36. The multifaceted crisis in Haiti, with gang violence at its centre, has further deepened since the establishment of the Haiti sanctions regime. This assessment shows that the situation in Haiti, measured against the key benchmarks and indicators, has deteriorated. Gang-related violence has continued to increase in intensity and brutality, with gangs expanding their control within and beyond Port-au-Prince. Violence is being fuelled by the trafficking of weapons and ammunition and by illicit financial flows. The emergence of vigilante movements presents an additional layer of complexity to an already highly challenging security situation marked by extreme violence.

37. As a result of the spread of armed gang activities and the escalation of violence, there have been alarming upward trends in the number of crimes, such as killings, kidnappings and rapes. The human rights situation is marked by brutal attacks, including indiscriminate killings targeting the civilian population. Conditions for detainees in Haitian prisons are also alarming.

38. National institutions, including the judiciary, the national police and the corrections service, have taken steps to address the situation on the ground but remain ill-equipped to fulfil their mandate and re-establish the rule of law. Corruption and impunity continue to undermine trust in State institutions.

39. As outlined in my previous reports, the national police faces daunting challenges and is in no position to confront the armed gangs. Stabilizing the security situation in Haiti will require significant international support, not only to the national police to restore security, but also in the areas of corrections, the justice system, customs control and border management. This support needs to be matched by equally significant political will and commitment to securing adequate, predictable and sustained financing to preserve institutional gains in the long term. Scaling up interventions aimed at reducing violence will also be essential.

40. In this context, the sanctions regime established by resolution [2653 \(2022\)](#) should continue to serve as an integral element of a comprehensive strategy to stabilize Haiti through the strengthening of national institutions and efforts to combat armed gangs and other criminal actors.