

Rule of Law, Justice and Security for the Crisis and Recovery Phases in Haiti



UNDP is helping to restore and enhance Haitian National Police capacities.

Photo: Marco Dormino/UN Photo

Impact of the earthquake on the Rule of Law and Security

The security and justice sectors in Haiti were severely damaged during the earthquake of 12 January 2010. The Ministry of Justice and Public Security, the Palais de Justice (*Cour de Cassation*) and the Court of First Instance have been destroyed and several judges were killed. Out of 17 prisons, eight have been totally or partially damaged, and 5,130 prisoners escaped (including all 4,215 prisoners from the Penitencier National). This is equivalent to 60 percent of the total prison population; an estimated 75-85 percent were in pre-trial detention.

Out of 2,488 police staff, an estimated 460 have not reported to work for the Haitian National Police in Port-au-Prince (around 20 percent of total police staff). Fifty-four police stations and the National Police Headquarters will need to be rebuilt or repaired as result of the earthquake, in addition to the 39 stations that were non-operational before the earthquake that also need to be rehabilitated. A full assessment of damages has been undertaken jointly by MINUSTAH Police and the Haitian National Police. This has indicated that substantial logistic support is required for police stations that have been



destroyed or damaged. Urgent support is also required to restore and enhance Haitian National Police capacities and to strengthen the chain of command to effectively address situations of volatile public order.

The population in Port-au-Prince that have lost their homes, have ended up being displaced in locations in the north, east and west of Haiti, as well as in camps in the capital. A survey sponsored by UNDP and Canada shows that crimes against property and death threats increased in the camps, and information confirms that Gender-Based Violence is also a growing problem. With the rainy and cyclone season starting in June and the shelter situation remaining unresolved, people's unrest could manifest itself in riots and other public disorder situations that will challenge both the police and the Government's capacities to respond. The lack of a functional civil and land registry is currently an urgent problem to address since people need identification documents and property certificates to (re)start small businesses.

UNDP's Response

UNDP and MINUSTAH have been working closely with the Ministry of Justice and Public Security to design and implement a recovery plan for the sector. On 5 March, the Minister of Justice and Public Security presented the official sector recovery plan to the international community that has been developed with United Nations' support. The Minister made a call to the international community to align behind this 18-months plan, which is budgeted at US\$60.2 million. UNDP and MINUSTAH have aligned their programming with that of the Ministry's plan and are inviting the donor community to provide financial support to this as soon as is possible. With contributions secured from different sources, UNDP is already in a position to provide support of \$17.1 million to the recovery plan for the 2010-2011 period.

This joint MINUSTAH/UNDP programme for Rule of Law, Justice and Security identifies a number of activities that need to be pursued as a matter of urgency, within the next 18 months, in order to help re-establish basic justice and security service delivery capacity; ensure preventive measures in potential conflict areas and provide remedies to their legal needs, and support a reform process to build a sustainable and efficient security and justice system. This programme will also draw upon the expertise of other UN actors.

Programme Components

Re-establish basic justice and security service delivery capacity to:

- Provide basic equipment and restore infrastructure for police stations, courts and prisons in all areas (including earthquake-affected areas and areas hosting displaced populations);
- Establish temporary court facilities, as needed, and provide adequate resources for these facilities, including water, electricity, office supplies and furniture;
- Implement urgent measures to prevent the abuse of pre-trial detention in the already overpopulated prisons;
- Reestablish and complete the prisoners' database of the Prison Administration (the Development Assistance Programme) and restore prisoner files and enhance security in high-risk prisons, rebuild minimal prison infrastructure in a number of prisons and ensure coverage of prisoners' basic needs in all prisons that continue to hold detainees;
- Recruit and train 300 additional correction agents and 800 police officers; and
- Enhance security of assets and archives at the Ministry of Justice and Public Security.

Ensure preventive measures in potential conflict areas and access to remedies to people's legal needs, such as insecure neighbourhoods in Port-au-Prince, Jacmel and the areas of displaced settlements (Les Cayes, Saint Marc, Gonaives, Port de Paix, etc.)

- Engage in community security initiatives with non-governmental organizations and local governments to identify and solve conflicts in affected communities and initiate actions to prevent and respond to gender-based violence in affected communities;
- Assist the Haitian National Police to enhance security in earthquake-affected areas and in camps;
- Provide ID cards, death, marriage and property certificates and other documentation required to start small businesses and solve inheritance, family and commercial disputes;

- Provide legal assistance to affected population in matters related to family law and property; and
- Expand cash-for-work initiatives targeting young people as an instrument for preventing violence.

Facilitate sustainability of security and justice service provision

- Support national authorities to design a comprehensive security plan, including protection requirements, redeployment, urgent recruitment strategies, redefinition of policing techniques and strategies for affected areas and the enhancement of community-police links;
- Support the implementation of the law of the Conseil Supérieur du Pouvoir Judiciaire;
- Initiate actions to facilitate access to and protection of land and property rights (e.g. develop land and property registries and support the civil registry) in the broader framework of a legal empowerment of the poor strategy;
- Provide decentralized support to the justice and security actors to increase service delivery;
- Support the adoption and implementation of new criminal procedure code; and
- Support the Office of the Ombudsman to receive, process and respond to citizens' claims regarding the reconstruction process.

Budget

The project will have a total duration of 36 months and a budget of \$60.2 million distributed as follows:

- \$30.2 million to reestablish basic justice and security service delivery capacity;
- \$15.6 million to ensure preventive measures in potential conflict areas and access to remedies to people's legal needs; and
- \$14.5 million to facilitate sustainability of security and justice service provision.