

To what extent did the United Nations Mission for Justice Support (MINUJUSTH)
strengthen the rule of law in Haiti between 2017 and 2019?

A Case Study on MINUJUSTH.

MASTER THESIS – SAMPOL650



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June 2022

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Abstract

This thesis examines the success of MINUJUSTH towards its desired end state in Haiti between October 2017 and October 2019. The main goal of MINUJUSTH was to establish the rule of law in Haiti. By comparing the state of Haiti before and after MINUJUSTH, I measure to what extent MINUJUSTH was successful.

MINUJUSTH forms an interesting case-study because it is the only United Nations' peacekeeping operation that has been closed in the last five years that has focused specifically on state-building efforts in a fragile state, in contrast to other more traditional peacekeeping missions that aimed to secure the peace post a peace-agreement or civil wars.

My main data to assess progress is the Secretary-General's reports to the Security Council during and after MINUJUSTH. However, to measure the progress in context, I have included indicators from the UN's Guide of Rule of Law Indicators and external data from other sources to objectively assess UN's both own self-reporting and the progress towards the desired end state.

Based on the available data and my chosen indicators, I draw the conclusion that MINUJUSTH failed to strengthen the rule of law in Haiti to a meaningful extent. I also present criticism of the UN's way of measuring their progress towards their desired end state and their reporting of success at the end of the mission. UN Member States should be critical and aware of UN's way of measuring success when assessing the mandates of and closure of future peacekeeping missions.

Acknowledgements

Many persons have contributed to making this project possible, and I am grateful to each and all of them.

I would like to start by paying my special regards to Jon Christian Møller, and the rest of the UN Special Strategic Policing Advisory Group for including me in your field trip to Haiti in January 2018. The trip sparked my interest in understanding better UN Peacekeeping in general and the efforts in Haiti specifically.

I am extremely grateful to my supervisor, Marianne Tøraasen. Marianne has provided me with invaluable input and critical questions, which not only helped me with this thesis but helped me gain a deeper understanding of the theories of comparative politics overall. Moreover, Marianne has been flexible and patient beyond what one can expect, notwithstanding time differences, geographical distances, and personal circumstances. I would also like to thank Jonar Eikeland and other staff at the Institute of Comparative Politics for general support throughout the program.

Moreover, this project would not have been possible without the support of my generous employer, Advokatfirmaet Hjort DA, and the support of all my colleagues, including Aisha, Anne Marie, Einar, Ida, Lars, Mari and Ramborg.

Further, I would like to thank Ingrid and Jørgen for our interesting discussions leading up to this thesis. I must also thank my support-network in Philadelphia, including Daniel, Isabela, Martin, and especially Sharanya, who also helped with proof-reading. I am also beyond grateful to Elena in 1601 Sansom Street for her continuous moral (and technical) support and for her intelligent input. I also thank my Norwegian friends, including Senoritas and Dipset, for their support and our discussions, and especially Anna, who convinced me I could do the project to begin with.

My parents and grandparents deserve a warm thank you for their endless care and support for my education, particularly my mother's academic input and patience. A special thanks to my brother, Oskar, and his wife, Samanta, who inspire me to have an open mind and to keep learning.

Philadelphia, 30 May 2022

1. Introduction

This thesis is a case-study of the effects of the United Nations Mission for Justice Support in Haiti (MINUJUSTH) between October 2017 and October 2019.

Since its independence in 1804, Haiti has been characterized by authoritarianism, lack of functioning rule of law institutions, poverty, and inequality. Despite progress towards democratization in the late 1980s, such progress came to a halt by the military regime in 1991 – 1994. As a result, the international community intervened to provide stability and began state-building efforts, culminating in the establishment in 2004 of the United Nations Stabilization Mission in Haiti (MINUSTAH).

In October 2017, MINUJUSTH took over from MINUSTAH as a part of UN’s exit strategy for Haiti. MINUJUSTH’s mandate was to “assist the Government of Haiti *to strengthen the rule of law institutions in Haiti*¹; further support and develop the [Haitian National Police]; and engage in human rights monitoring, reporting and analysis” (S/RES/2350 (2017) OP 6). The focus of this thesis is on the goal of strengthening the rule of law in Haiti.

MINUJUSTH was different than previous missions because of the absence of military components. It can also be distinguished from other peacekeeping operations that recently closed because its efforts were concentrated on internal state-building, in contrast to securing the pace post a peace-agreement. Moreover, there are few stories of successful UN peacebuilding missions involved in state-building (Pan, 2005). By comparing the state of Haiti before and after MINUJUSTH, I examine if MINUJUSTH worked. Were Haitian rule of law institutions strengthened at the closure of MINUJUSTH? I examine this overall question by looking at the following more specific questions:

1. Were the country’s rule of law and security institutions – justice, corrections and police – better able to demonstrate increased professionalism, and did they increasingly comply with international human rights standards, supported by functioning accountability mechanisms?
2. Did the Haitian population express a “reasonable level of confidence” in the ability for the rule of law and security institutions to provide security for all Haitians, impartial access to justice and improved prison conditions?
3. Was Haiti better prepared for conducting free and fair elections and less corrupt?

¹ My italic.

My questions above mirror the desired end state of Haiti as enshrined in Security Council Resolution 2410 (2018) and Report of the Secretary-General of March 20, 2018, S/2018/241. The Secretary-General desired that “a solid foundation for longer-term political stability, security and development in Haiti” had been established by the end of 2019 (S/2018/241, 15). Furthermore, he desired that the country’s “rule of law and security institutions – justice, corrections and police – are able to demonstrate increased professionalism”, and increasingly “comply with international human rights standards, supported by functioning accountability mechanisms” (S/2018/241, 15). Moreover, that the Haitian population “express reasonable level of confidence” in the ability for the rule of law and security institutions to provide security for all Haitians, impartial access to justice and improved prison conditions (S/2018/241, 15). MINUJUSTH’s targets nr 10 and 11 mirror the focus on free and fair elections and anti-corruption.

Measuring the success of a peace operation is a difficult exercise. In this thesis, I attempt to assess the success of MINUJUSTH from the perspective of the peace operation’s own formulated desired end state, with a specific focus on the rule of law. My way of measuring MINUJUSTH’s success is mainly based on reports from MINUJUSTH’s itself, but I also include external sources when the reports are insufficient or to confirm the data in MINUJUSTH-reports. The five categories I look at to measure the rule of law are i) prisons, ii) the police, iii) the judiciary iv) social trust and v) free and fair elections and anti-corruption.

Based on the data available, I draw the conclusion that MINUJUSTH failed in strengthening the rule of law in Haiti to a meaningful extent. In so doing, I also criticize UN’s method of measuring their progress towards the ambitious goals and desired end state and note the discrepancy between the progress measured in this thesis and the UN’s own final reports on the success of the mission.

In Chapter 2, I frame the issue of this paper into the theoretical and contextual framework, and the specific mandate of MINUJUSTH. Then, in Chapter 3, I explain my case-selection and my chosen method. I present the data on progress towards strengthening the rule of law in Haiti during MINUJUSTH in Chapter 4. In Chapter 5, I discuss my findings and offer my reflections on the reasons for the mission’s failure and a critical view of the UN’s measurement and self-reporting.

2. Framing the Issue

In this Chapter, I place the research question of this thesis into the theoretical landscape of state building and the concept of the rule of law. I also explain the evolution of UN Peace Operations in

general as it is linked to the theoretical concepts of state-building and the rule of law, and outline UN policies on exiting or ending a peace operation. Further, I outline important elements of Haiti's history, which aid the contextual understanding of the environment in which the UN Operations have been working. I then place MINUJUSTH into the historical context of UN's presence in Haiti before I finish with the specific mandate of MINUJUSTH.

2.1 State-Building

Defining what is meant by "state-building" is vital to this thesis because UN's presence in Haiti was a result of internal conflicts and instability in Haiti – not an inter-state conflict with another country or a full-blown civil war between internal groups in Haiti. According to the UN, building and strengthening the 'rule of law' in developing nations has become a central focus of their work (UN, 2011, v). Although not stated explicitly in MINUJUSTH's mandate, state-building has been the main motive behind the international community's intervention in Haiti (Tørraasen, 2022 and Mobekk, 2017). What does state-building entail?

According to Fukuyama, state-building is "one of the most important issues for the world community" and has "risen to the top of the global agenda" (Fukuyama, 2004, ix, xi). The term is used in various ways, varying on the context and the time at which the term is used (Ante, 2010, 20), ranging from "the initial differentiation of governmental functions, to social institutions, to the centralization of power in absolutist states, to the proliferation and rationalization of state institutions" (Waldner, 1991, 21).

Earlier use of the term described the concept of nation-building in the post-colonial era. That is, the creation of a new state that satisfies Weber's definition of a state; "a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory (Weber, 1958, 78). A new discourse has appeared since the 1980s, where one considers an already consolidated state and focuses on the relation of the state to the society and its actors (Ante, 2010, 24). The contemporary use of the term usually refers to strengthening central institutions in an existing state (Ante, 2010, 20). State-building is now used in a broader way than just assessing whether a state meets Weber's criteria, but also "in its modus of legitimacy which has a rational character" (Breuer, 1998, cited in Ante, 2010, 22).

What is the goal of state-building? That is, when would we say that the state has been successfully built? Caplan argues that, in addition to the effectiveness of a government, a successful contemporary state-building also relies on "the establishment of the rule of law, democratic norms

and institutions and a free-market economy” (Caplan, 2004, 4). Rothstein uses the term “quality of government” regarding what appears to be the end goal of state-building efforts. He is critical to definitions of good governance that emphasize what is depicted as “good for economic development”, similar to Caplan’s inclusion of a “free-market economy” (Rothstein, 2011, 9). According to Rothstein, this approach leaves out important noneconomic elements, such as “high social trust, subjective well-being and population health” (2011, 9). Moreover, Rothstein agrees that the absence of corruption is vital to a good quality of government, although he warns that “corruption” is not necessarily enough to measure quality of government if one does not consider clientelism, nepotism, cronyism and patronage (2011, 9-10).

There are different ways for a nation to be subject to state-building. According to Caplan, there is a difference between state-building by indigenous institutions and third-party state-building (Caplan, 2004, 4). The latter, he argues, is generally conducted by a mission of the UN (Caplan, 2004, 4). Third-party state-building is, according to Caplan, efforts to “construct, in some cases to establish for the first time, an effective indigenous government in a state or territory where no such capacity exists or where the capacity has been seriously eroded” (Caplan, 2004, 4). Hence, third-party state-building refers to the contemporary use of the term state-building, and where such processes are conducted by external efforts, usually by a presence from the UN.

David Chandler argues that state-building weakens states instead of strengthening them. According to Chandler, the 21st century state-building is “external meddling by another name”, as it is more about asserting influence and less about building *genuine*² state institutions (Chandler, 2005). Chandler argues that state-building can only be improved in relationship with internal social demands and pressures and not with external efforts.

2.2 The Rule of Law

What does “the rule of law” mean, and what are its institutions? In this section, I define the rule of law and what definition I operate with in this thesis. This theoretical background is necessary to understand why I have chosen the categories – prisons, the police, and the judiciary, supported by social trust, free and fair elections and a low level of corruption – in my analysis later.

² My italic.

There is no single agreed upon definition of the “rule of law”. The rule of law comprises a number of principles of a formal and procedural character, addressing the way in which a community is governed”, and can be categorized as one of many ideal values that dominate liberal political morality along with “democracy” and “human rights” (Stanford Encyclopaedia of Philosophy, 2016). Most scholars agree that the rule of law’s most important criterion is that people in positions of authority should exercise their power within a well-established framework rather than in an arbitrary or discretionary manner based on their preferences or ideology (Stanford Encyclopaedia of Philosophy, 2016). Further, there is a general agreement that legal institutions should be available to people to protect them against abuses of public and private power, which turns on the independence of the judiciary, accountability of government officials and integrity of legal procedures (Stanford Encyclopaedia of Philosophy, 2016).

Although scholars that argue that the concept of the rule of law should be limited to formal and legal procedures and be differentiated from values such as liberal democracy and human rights (Stanford Encyclopaedia of Philosophy, 2016), the UN has operated with the following broad definition of the rule of law since 2004:

“[The rule of law] refers to a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency.” (UN Doc. S/2004/616 (2004)).

The UN definition is a broad definition, encompassing both formal, procedural, and substantive elements. Many of the elements above go beyond strict adherence to procedural rules and administrative capacity and reflect the institutions’ adherence to international human rights standards.

It is worthwhile being critical to the UN definition of the rule of law in relation to justice reform initiatives. Desai argues that the definition represents a Western/Global North colonial view of the donor’s idealistic views for intervening rather than a functional approach to seeking real justice reform applicable to the developing states in question which might limit the effects of operations

building on it (Desai, 2011). However, the UN arguably acknowledges the limitations of their own definition to some degree. For example, the UN acknowledges that their first edition of chosen indicators in their Rule of Law Guide “does not purport to measure how informal, traditional or non-State justice and security mechanisms also contribute to resolving crime and other disputes.” (UN, 2011, vi). Yet, Desai’s criticism against a Western view in the formulation of mandates and benchmarks might explain why MINUJUSTH did not reach all its targets and desired end states, a point which I return to in the end of the thesis.

2.3 The Evolution of UN Peace Operations

Above, I have laid out the theoretical background of state-building and the rule of law. In this section, I will link these concepts to the UN peacebuilding efforts. I lay out the background for peacebuilding and the evolution of peacebuilding in the late 1980s. This general knowledge of UN peacekeeping operations is important to understand MINUJUSTH within the greater peacebuilding context.

“Peacebuilding” has traditionally been about ensuring “security and stability to provide an environment to transition from conflict to peace” (Mobekk, 2017, 1). The operations vary in the way they aim to secure peace, but it usually involves support for Demobilisation, Disarmament and Reintegration (DDR), defence, police, justice and penal reform, democratisation, economic development and conducting more traditional peacekeeping (Mobekk, 2017, 1). As Mobekk points out, there has been an “immense evolution” in peacekeeping operations since the early 1990s, from traditional peacekeeping that previously focused on ensuring security and stability to a much larger scope that includes restructuring the security sector, protecting civilians, democratisation, institution-building and good governance (2017, 1).

The first UN Peacekeeping Mission began in 1948, when the Security Council deployed UN Military observers to monitor the Armistice Agreement between Israel and its Arab neighbours. Since then, over 70 peacekeeping operations have been authorised (UN Peacekeeping, s.v. “Our History”). The earliest missions were primarily limited to “maintaining ceasefires and stabilizing situations on the ground, providing crucial support for political efforts to resolve conflict by peaceful means” (UN Peacekeeping s.v. “Our History”). In the late 1980s, peacekeeping shifted from more “traditional” missions to “complex ‘multidimensional’ enterprises”, and were increasingly deployed in *intra*-State conflicts and civil wars instead of dealing with *inter*-State conflict (UN Peacekeeping s.v. “Our History”).

There is scholarly criticism to the effects of peace operations and how they are conducted, in line with the criticism to the state-building concept I presented above. There are few stories of successful closures of UN peacekeeping missions involved in nation-building (Pan, 2005), even though peace operations are supposed to be a “temporary measure” to allow peace processes to settle, conflicts to be stabilized, or to rebuild states (Di Razza, 2018, 2). Fukuyama goes as far as saying that state-building efforts have done more to destroy institutional capacity than to build it, creating a culture of dependency rather than self-sustaining indigenous institutions (Fukuyama, 2004, 39-40). A study from 2004 concluded that “the key insight is that states cannot be made to work from the outside”, and that international assistance is “often a necessary but never a sufficient factor in achieving success” (Paris, 2004). The UN is aware of this criticism, especially after some failed peacekeeping efforts in the early 1990s, such as Yugoslavia and Somalia, and it has led to reforms of UN peacekeeping (UN Peacekeeping s.v. “Reforming Peacekeeping”).

In 2005, the UN world summit agreed to establish a Peacebuilding Commission to coordinate efforts on state-building (2005 World Summit Outcome, A/60/L.1, § 97-105). The main purpose of the Peacebuilding Commission is to “bring together all relevant actors to marshal resources and to advise on and propose integrated strategies for post-conflict peacebuilding and recovery” (A/60/L.1, § 98). Further, the Commission was mandated to “focus attention on the reconstruction and institution-building efforts necessary for recovery from conflict and support the development of integrated strategies in order to lay the foundation for sustainable development” (A/60/L.1, § 98). The establishment of the Peacebuilding Commission, and its mandate, specifically on institution-building, arguably illustrates how UN peacekeeping has shifted from the traditional focus on restoring peace in post-conflict states towards building modern states with rule of law institutions that, ultimately, support development.

Today (May 2022), there are 12 peacekeeping missions³, collectively deploying around 110,000 military, police, and civilian staff. UN Peacebuilding describe their main agenda today as “to facilitate the political process, protect civilians, assist in the disarmament, demobilization and reintegration of former combatants, support the organization of elections, protect and promote human

³ The 12 current UN Peacekeeping Operations are MINURSO (Western Sahara), MINUSCA (Central African Republic), MINUSMA (Mali), MONUSCO (D.R. of the Congo), UNDOF (Golan), UNFICYP (Cyprus), UNIFIL (Lebanon), UNISFA (Abyei), UNMIK (Kosovo), UNMISS (South Sudan), UNMOGIP (India and Pakistan), and UNTSO (Middle East).

rights and assist in the restoring of rule of law” (UN Peacekeeping s.v. “Our History”). Hence, the traditional focus on securing peace post inter-state conflicts is now too narrow to describe the efforts of UN peacebuilding, which now resembles more contemporary state-building efforts, as described above.

In line with its increased focus on the rule of law, UN Peacekeeping established the UN Office of Rule of Law and Security Institutions (OROLSI) in 2007, although it still appears that neither OROLSI or the UN Secretary-General are sure if and how OROLSI contribute to peacekeeping efforts. According to UN, OROLSI deploys peacekeepers who assist conflict-affected countries in “re-establishing the rule of law and security institutions” necessary to build and sustain peace (UN Peacekeeping s.v. “Building Rule of Law and Security Institutions”). In his report to the General Assembly on UN reform (A/72/772), the Secretary-General suggests that OROLSI would continue “to serve as a system-wide service provider for mission and non-mission settings” as well as help implement the Secretary-General’s vision for “preventing violent conflict and sustaining peace”. In January 2021 – December 2022, OROLSI conducted a study of their own contribution to peace processes because there was still no systematic or evidence-based research into how OROLSI did or should contribute to peace and transition processes (UN Peacekeeping s.v. “Office of Rule of Law and Security Institutions”).

2.4 UN Exit Strategies

Now, what are UN Exit Strategies? That is, when should the Security Council close or alter a peacekeeping operation? These guidelines are important to consider when assessing the success of MINUJUSTH because MINUJUSTH was labelled as an exit or transition mission (Di Razza, 2018, 1).

An exit strategy is a “transitional plan for the disengagement and ultimate withdrawal of external parties from a state or territory, the parties ideally having attained their principal objectives” (Caplan, 2012, 113). The Security Council discussed exit strategies for peacekeeping operations under the theme “No Exit Without Strategy” in 2000 (UN, Press Release, 2000). During the debate, many speakers stressed “the importance of ensuring a smooth transition from the conflict phase to the post-conflict peace-building phase” (UN, Press Release, 2000).

The Secretary-General followed the debate with a report, dated 20 April 2001, on Security Council Decision-making and the closure or transition of UN’s peacekeeping operations (S/2001/394). According to the SG-report, discussions on whether to exit or significantly alter a peacekeeping

operation may be prompted by three circumstances: i) successful completion of the mandate, ii) failure or iii) partial success” (S/2001/394, § 7). The report outlines three key objectives for a successful peace operation, when the Security Council can consider closing the mission: Consolidating internal and external security, strengthening political institutions and good governance, and promoting economic and social rehabilitation or transformation (S/2001/394, § 20). A failure to complete the mandate might also result in the decision to withdraw the operation, for example when the Security Council determines that the situation on the ground has changed fundamentally or that the mission is “not making a positive contribution and there are no apparent prospects for it doing so” (S/2001/394, § 26).

Between the successes and failures, the report outlines the third category of “partial success” (S/2001/394, § 29). According to the Secretary-General, the Security Council might consider withdrawing an operation that is “making a positive contribution in some respects but is being stymied in others” (S/2001/394, § 29). In these situations, the Secretary-General recommends that the Security Council assesses whether the country is “better off than it would have been without a UN peacekeeping operation”, and if the gains are “sustainable” if the operation were to be withdrawn (S/2001/394, § 29).

The Secretary-General underlines the importance of resisting the urge to identify and frame a mission’s objective in an “optimistic light” – they must be prepared for worst-case scenarios (S/2001/394, § 44). Further, he underlines that it is a matter of public record that, on many occasions, when significant complications arose in the field, UN forces have been caught “under-staffed, underequipped and limited in their range of action by mandates that were too narrowly defined” (S/2001/394, § 50). This background demonstrates the importance of being able to adapt mandates even after an exit has been decided.

Effective transitions as part of exiting a country – such as the transition from MINUSTAH to MINUJUSTH and, ultimately, to BINUH – are a key challenge to the Secretariat (Di Razza, 2018, 2). As Di Razza phrases it, transitions are more than a mission’s “exit”, they should be “strategic and forward-looking exercises aimed at adapting the UN strategy and posture to changed circumstances on the ground” (2018, 2). In the following section, I go further into the evolution of UN Peacekeeping Operations in Haiti and outline how MINUJUSTH fits into UN’s overall exit strategy for Haiti.

2.5 Overview of Haiti's History and UN's Presence in Haiti

In this section, I provide an overview of the history of the Haitian state and the history of the UN presence in the country. The context is necessary to be able to understand the UN's goals to improve the rule of law institutions and to analyse the extent of the effects of the Missions (Mobekk, 2017, 14). Furthermore, the contextual background is necessary to understand why or why not the UN have been successful.

After Haiti declared independence from France in 1804, the country was characterised by authoritarian regimes closely intertwined with the army, foreign occupation, and civil unrest (Mobekk, 2017, 20-21). The first step towards democratization and systemic governmental change started after the end of the Duvalier regime (Mobekk, 2017, 17). However, the first democratically elected President, Aristide, only lasted about seven months before he was overthrown by a military coup lead by Raoul Cédras in September 1991. The military regime was exceptionally brutal and conducted vast human rights violations (Mobekk, 2017, 22). It is estimated that around 3,000 to 5,000 civilians died as a direct result of the military regime between 1991 and 1994 (Danroc, 1995).

The international community finally reacted to the brutal regime with enforcing oil and arms embargos in July 1993 (Mobekk, 2017, 22). After the first Governor's Islands Agreement, Cédras signed the Port-au-Prince Agreement on September 1, 1994, under which the Haitian military forces would work in close cooperation with the US military forces to promote freedom and democracy (Port-au-Prince Agreement, OP 1).

Building up to year 2000, the violence and conflicts in Haiti changed (Mobekk, 2017, 24). Violent and armed gangs had power in different regions and worked with official actors, soon as law enforcement actors (Mobekk, 2017, 24). Simultaneously, the opposition to Aristide had become so strong that the opposition demanded his resignation (Mobekk, 2017, 24). After failed attempts at diplomacy by other regional and international actors, the opposition to Aristide peaked in February 2004 where local gang members and actors took control of most of the north of the country (Mobekk, 2017, 25). Aristide left the country, and an interim president and government were sworn in, who agreed to be in place until free elections could be held.

As Mobekk points out, it is necessary to place the peace operations within the broader context of the economic situation in Haiti because it is "so closely linked with instability and insecurity" and the issues of democratisation, police reform and justice (Mobekk, 2017, 25). In 1994, 70 percent of Haitians were unemployed. The vast majority lived in rural areas where the government was unable

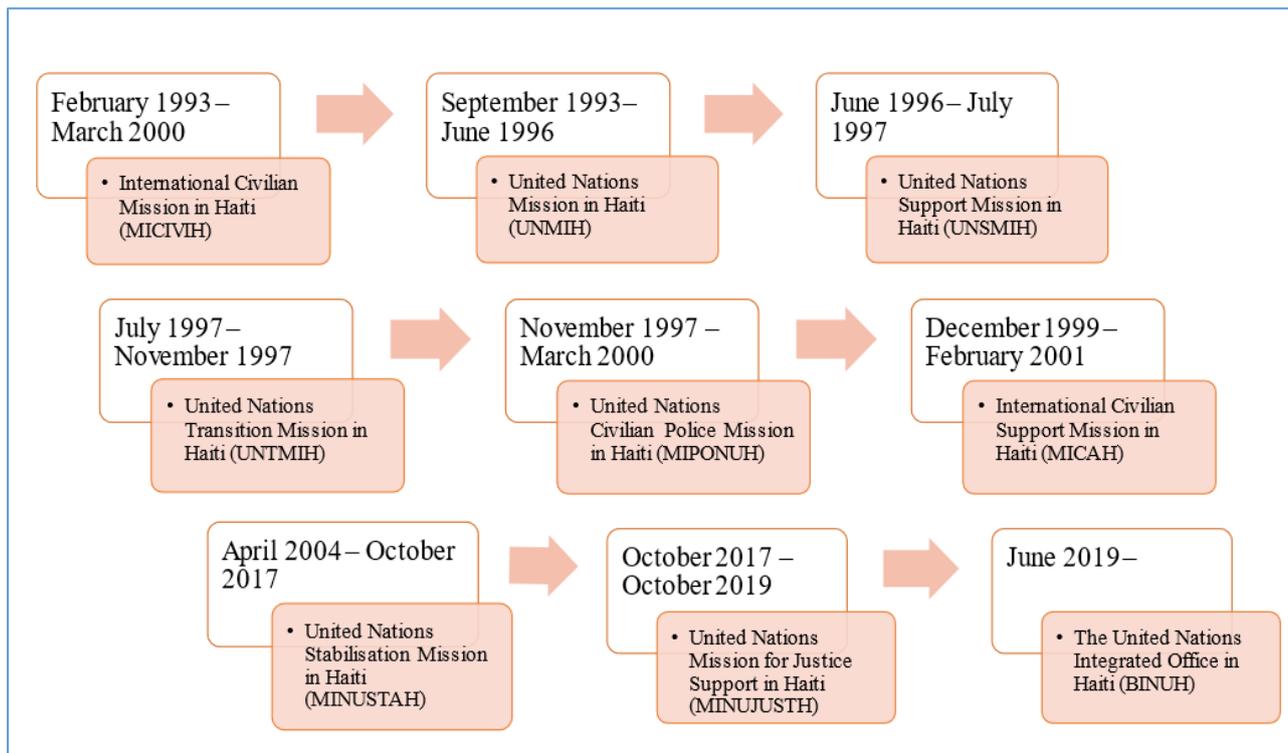
to provide basic services. In 1994, it was estimated that 70 – 80 percent lived below the poverty line (Mobekk, 2017, 27). Little had changed in the economic situation when MINUSTAH was established in 2004: 76 percent of Haitians still lived below the poverty line, less than USD 2 per day (Mobekk, 2017, 27).

Natural disasters have also resulted in significant challenges to Haiti's social and economic development. Haiti has been hit with tropical storms, hurricanes, floods, and earthquakes for hundreds of years. The most notable ones in recent history are the earthquake in 2010 and in August 2021. The earthquake in 2010 is estimated to have killed between 100,000 and 300,000 people.

Ten months after the earthquake, in October 2010, Haiti experienced its first ever outbreak of cholera. The Haitian Health Ministry estimates that around 10,000 people died from the initial outbreak in 2010 (Ministere Sante Publique et de la Population, 2020). More recently, in August 2021, there was a 7.2 earthquake on the southwest of Haiti that killed over 2,000 people and injured tens of thousands more (The World Bank, 2021).

By the end of 2021, Haiti's economy and social development is still slowed down by political instability, increasing violence and fragility. It is still one of the poorest countries in the world. (The World Bank, 2021). Haiti ranked 170 out of 189 countries on UN's Human Development Index in 2020 (UNDP, 2020). The World Bank's country analysis stipulates past marginal gains in poverty reduction have been set back by the recent "succession of crises"; the assassination of the President in 2021, the COVID19 pandemic and the earthquake in August 2021 (The World Bank, 2021). The inequity in the country is staggering: The richest 20 percent holding more than 64 percent of the country's wealth (The World Bank, 2021).

The UN has been present in Haiti from 1993 to today, excluding the period from 2001 – 2004. This table shows an overview of UN’s and international organizations’ presence in Haiti⁴:



The first international presence in Haiti was the International Civilian Mission in Haiti (MICIVIH), established in February 1993. The joint mission between the UN and the Organisation of American States had a mandate to ensure respect for human rights, and ended on March 15, 2000 (Mobekk, 2017, Appendix A).

Shortly thereafter, in September 1993, the UN established the United Nations Mission in Haiti (UNMIH) by Security Council Resolution 867. Its mandate was first to secure the implementation of the provisions of the Governor’s Island Agreement. It was later modified to support the Haitian government in “sustaining a secure and stable environment, professionalising of the Haitian armed forces and the creation of a police force separate from the armed forces”, and to secure free and fair elections (Mobekk, 2017, 195). The mandate expired on June 30, 1996.

In 1996, the UN established the United Nations Support Mission Haiti (UNSMIH). The mandate, in Security Resolution 1063, was to assist the Government of Haiti in the professionalisation of the HNP, and to continue with assisting Haitian authorities in “maintaining a secure and stable environment”, to coordinate UN’s efforts in promoting “institution-building, national reconciliation and economic rehabilitation” (Mobekk, 2017, 195). UNSMIH ended on July 31, 1997.

⁴ My graphic based mainly on Mobekk, 2017, Appendix A.

In 1997 – 2001, three smaller UN missions were in place; United Nations Transition Mission in Haiti (UNTMIH); United Nations Civilian Police Mission in Haiti (MIPONUH); and International Civilian Support Mission in Haiti (MICAH). With minor differences, the three focused mainly on the professionalisation of the HNP, as well as strengthening the Haitian justice and penal institutions and to promote human rights. The last mission’s mandate, MICAH, expired in February 2001 (Mobekk, 2017, Appendix A). From 2001 and until the establishment of United Nations Stabilisation Mission in Haiti (MINUSTAH) in 2004, there was no UN Mission in place.

MINUSTAH was established by Security Council Resolution 1542 on April 30, 2004. Its initial mandate was to support the Transitional Government with stabilising, restoration, and maintenance of the rule of law, and, more generally, to support democratization processes and promote and protect human rights (Mobekk, 2017, 196). MINUSTAH’s mandate has later been modified various times to address the new challenges in Haiti, including the earthquake in 2010. The UN considered closing the mission already in 2008, but events like the 2010 earthquake, the cholera outbreak and electoral crises made it difficult (Di Razza, 2018, 1). The mission was finally concluded in October 2017.

As a part of an exit strategy from Haiti, the UN Security Council established the UN Mission for Justice Support in Haiti (MINUJUSTH) to take over for MINUSTAH in October 2017. The UN Security Council’s Resolution 2350 decided that MINUJUSTH’s mandate was to “assist the Government of Haiti to strengthen the rule of law institutions in Haiti; further support and develop the [Haitian National Police]; and engage in human rights monitoring, reporting and analysis.” (S/RES/2350 (2017) OP 6). The Mission was composed of 351 civilian staff, seven Formed Police United (FPUs) and 295 Individual Police Officers (IPOs) and lasted for two years before it was concluded on October 15th, 2019 (Mobekk, 2017, Appendix A).

The Secretary-General, endorsed by the Security Council, desired that MINUJUSTH would lead to an end state where “a solid foundation for longer-term political stability, security and development” had been established (S/2018/241, 15). Furthermore, he desired that the country’s “rule of law and security institutions – justice, corrections and police – [were] able to demonstrate increased professionalism”, and increasingly “comply with international human rights standards, supported by functioning accountability mechanisms” (S/2018/241, 15). Moreover, that the Haitian population “express[ed] reasonable level of confidence” in the ability for the rule of law and security institutions

to provide security for all Haitians, impartial access to justice and improved prison conditions (S/2018/241, 15).

On June 25th, 2019, the UNSC decided through its resolution 2476 to replace MINUJUSTH with The United Nations Integrated Office in Haiti (BINUH). BINUH is a special political mission, whose mandate is to “advise the Government of Haiti in promoting and strengthening political stability and good governance, including the rule of law, preserving and advancing a peaceful and stable environment, including through supporting an inclusive inter-Haitian national dialogue, and protecting and promoting human rights” (S/RES/2476 (2019) OP 1a)). As of May 2022, BINUH is still in place in Haiti. As this mission is a special political mission, not a peacekeeping operation, and it is still in place, I have decided not to analyze the effects of BINUH in this thesis.

Before I conclude on UN’s presence in Haiti, it is important to flag some unwanted and negative consequences of UN Peacekeeping in Haiti. First, the cholera outbreak in late 2010 came from infected sewage from UN offices (Reuters, 2020). The UN has not (yet) accepted any legal responsibility for the outbreak, and many Haitian victims and their families have filed lawsuits demanding financial compensation from the UN (Reuters, 2020). Moreover, allegations of sexual abuse and misconduct from UN Peacekeepers in Haiti has been prevalent (A/69/779). Further, UN Peacekeepers have been involved in killings of civilians although the number of casualties is unknown (Wills, 2017). Altogether, UN logo has for Haitians come to “symbolise impunity and abuse” (Wisner, 2019). With this background, it is not surprising that many Haitians have a negative perception of the UN (Di Razza, 2018, 4).

In this chapter, I have laid out the theoretical framework concerning state-building, the rule of law and peacebuilding efforts. Furthermore, I have presented the history of UN peacekeeping operations and its evolution in the 1990s, and the authoritarian history of the state of Haiti, in which the UN has operated in. Finally, I presented the specific mandate of MINUJUSTH and its mandate. Next, I will present my choice of case and my methodology.

3. Methodology

I now turn to my methodological choices for this study. First, I present the reasons for choosing MINUJUSTH as the subject of my research and why a case-study is a suitable method. I then present the theoretical framework on measuring the success of a peace operation, how to measure the status of and improvement in the rule of law, and how the UN decided to measure their progress under

MINUJUSTH. Lastly, I present my way to measure the success of MINUJUSTH and the challenges I have encountered by this approach.

3.1 Case-selection

I start by explaining my case selection of MINUJUSTH and why a case-study was a useful method for this study.

The reason I selected MINUJUSTH as a subject for my case study is its specific focus on state-building, strengthening the rule of law, and its absence of military components. UN's presence in Haiti has been special since the beginning because of the internal nature of the conflict, as opposed to inter-state conflicts in other missions. Moreover, it was a part of an exit strategy where the end goal was to leave Haiti with a solid foundation for sustainable development and peace. MINUJUSTH has been one of the few closed missions in recent times, and it is therefore interesting to evaluate how successful such exit missions are. In short, MINUJUSTH makes an interesting study to evaluate UN efforts of third-party state building in the contemporary era where the UN has moved way beyond the traditional peacekeeping missions to establish peace in inter-state conflicts.

There were other peacekeeping operations that closed recently. In addition to MINUJUSTH and MINUSTAH, these missions closed between 2017 and 2022:

- African Union - United Nations Hybrid Operation in Darfur (UNAMID): July 2007 – December 2020
- United Nations Mission in Liberia (UNMIL): September 2003 – March 2018
- United Nations Operations in Côte d'Ivoire (UNOCI): April 2004 – June 2017

However, these missions were not like MINUJUSTH because they were more traditional peacekeeping operations in the sense that their focus was to secure the peace following a peace agreement. UNAMID's core mandate was the protection of civilians and the implementation of the Darfur Peace Agreement, in addition to facilitate the delivery of humanitarian assistance (S/RES/1769). The goal of UNMIL was to support the implementation of the ceasefire agreement and the peace process, support humanitarian and human rights activities, as well as assist in national security reform, including a new, restricted military (S/RES/1509). Similarly, UNOCI was established to facilitate the implantation by the parties to the peace agreement signed by Ivorian parties in January 2003 (S/RES/1528).

As state-building efforts in UN Peacekeeping became prevalent in the end of the 1990s throughout the 2000, there is not much research on the effects of such missions because there have not been many that have had this specific focus. Thus, there is knowledge gap on the effects of rule of law-missions. Furthermore, as the UN has stated that state-building efforts and the rule of law are main focus-areas going forward, there is a need to know more about how these missions work. This background makes MINUJUSTH an interesting case-study.

3.2 The Benefits of a Case-Study

To be able to fully understand the successes and failures of the operations, I have found it useful to do an in-depth approach that a case-study of only one peacekeeping operation allows for. An alternative would have been a comparative study of several or all peacekeeping operations. This would not allow for me to go in-depth to a specific case and analyse the extent of sources that an individual case-study gives me the opportunity for and would inevitably be more superficial. Moreover, as elaborated above, the other missions were different in nature and mandate as they did not focus on strengthening the rule of law.

What is a case-study, and when is it useful? A case-study is an empirical method that investigates a contemporary phenomenon “in depth and within its real-world context” (Yin, 2018, 46). A case-study is not limited to one collection data tactic but is rather a method to manage a situation in which there are many more variables of interest than data points (Yin, 2018, 46). Through a case-study method, one can benefit from prior development of theoretical propositions to develop data collection and analysis and employ an all-encompassing mode of inquiry (Yin, 2018, 46). Single-case studies can be the basis for insightful generalizations (Yin, 2018, 35). Specifically, case-studies can be relevant when the research question require an “extensive” and “in-depth” description, and specifically when focusing on contemporary events (Yin, 2018, 33, 39).

When researching questions like “to what extent” instead of “how” and “why”, Yin argues that surveys or experiments might be more useful than a case-study (Yin, 2018, 40). As Yin states, it is possible to use multiple methods in any given study (Yin, 2018, 42). Even though I have defined this thesis as a case-study, its data includes second-hand surveys and indexes that make the research able to answer the question of “to what extent”. If I had done a survey on my own, I would not have been able to analyse the different data sets and the differences between them, which this case-study allows me to do. Furthermore, measuring the success of a UN Peacekeeping Mission requires the type of in-depth and broad research that a case-study allows for.

Lastly, I have chosen a case-study for this research because an in-depth study of MINUJUSTH can tell us something general about other, similar peacekeeping operations in other contexts. A common concern about case study research is the apparent inability to draw general learnings (Yin, 2018, 52). As Yin states, it is not easy to answer the question of how one can generalize from case studies (Yin, 2018, 52). In Yin's view, case studies are valuable to generalize to theoretical propositions, not populations or universes. The goal of a case study research will be to "expand and generalize theories (analytic generalizations) and not to extrapolate probabilities (statistical generalizations)" (Yin, 2018, 53). Peter states that case studies are useful because they generate specific in-depth knowledge about particular contexts (Peter, 2004, 5).

3.3 Measuring the Success of UN Peace Operations

A key methodological question for this thesis is how one measures the *success* of peace operations. Peter argues this methodological question – measuring the success of peace operations – has been under-researched (Peter, 2016, 3). According to Peter, evaluation studies tend to focus on the sources of success rather than assessing the criteria employed in evaluating the success of the operations (2016, 3). Further, academics tend to focus on "generalizable criteria, whereas practitioners favour criteria unique to the specific missions" (2016, 4). Another difference between scholars and practitioners, is the focus chosen when evaluating the success of the missions. Peter argues that scholars usually favour a macro-approach, studying the broader political goals and longer-term consequences whereas practitioners focus on mandate implementation, usually with a short-term focus (2016, 4). There is no easy answer to how minimalist (focus on mandate implementation) – or comprehensive (focus on macro-approach) – the measurement of success should be in evaluating peacekeeping operations (2016, 6).

Most academic literature on the success of peace operations has been made based on quantitative literature, and with the standard for success being "sustainable peace", "durable peace" or "absence of war" (Peter, 2016, 5). The most influential works have focused on the macro-question of whether international interventions "improve the chances of peace" (Peter, 2016, 5). For example, Jair Van Der Lijn has investigated the success of UN Peacekeeping in terms of whether the peacekeeping missions mitigate the chances of another war (Van Der Lijn, 2006). Kari M. Osland has used a similar approach, evaluating success as positive change towards a specific end-goal (Osland, 2014).

Paul Diehl proposed that that the limitation of armed conflict and the resolution of an underlying conflict were the two most important measures of success for peace operations (Diehl, 1994). His proposal has been met with criticism: Peter argues that the latter criterion is difficult to apply because

the nature of the underlying conflict may change over time (Peter, 2016, 6). Moreover, Peter argues that the criteria Diehl proposed was based on conflicts under the Cold War, which might raise the question of their applicability to assess the multidimensional peace operations that have emerged since that time (Peter, 2016, 6). Johansen argues that Diehl's proposed criteria are unfair and scientifically unproductive because success should not be measured against an ideal state of peace or an ideal form of conflict resolution (Johansen, 1994, 309-310). Johansen suggests that scholars should instead focus on assessing the "effect of peacekeeping forces on local people affected by their work" and "compare the degree of misunderstanding, tension, or violence in the presence of UN peacekeepers to the estimated results of balance-of-power activity without peacekeeping" (Johansen, 1994, 309-310). Yet, Peter argues that Johansen's approach is difficult to conduct (2016, 7).

Brown attempted to provide criteria for success that incorporated the specific differences between the peacekeeping missions (Peter, 2016, 7). Brown's suggested three criteria for success were: i) if the mandate from the Security Council was fulfilled, ii) if the operation led to resolution of the underlying dispute of the conflict, and iii) if the presence of the operation contributed to the maintenance of international peace and security by reducing the conflict in the area (Brown, 1993). Similarly, Bratt also used the extent of mandate implementation in assessing the success of UN Peacekeeping Operations in his study from the early 1990s (Bratt, 1996, 64-81). Peter points out to challenges in using mandates as a criterion for success (2016, 8). First, she argues, mandates are often "vague" as the scope and details are subject to interpretation (2016, 8). Second, she argues, the mandates are often "unrealistic" (2016, 8). According to Peter, there are often "no reasonable expectations" that the mission would ever reach the objectives in the mandate, thus, making it unfair and unproductive to use the mandates as benchmarks (2016, 8).

In recent years, some scholars have decided to combine the criterion of mandate implementation with a broader assessment of the state of the country after completion of the UN intervention (Peter, 2016, 8). As an example, Howard looks at the indicators of the mandate implementation together with a qualitative overall assessment (Howard, 2008). Peter argues this combined approach is the preferred method because it captures "both the variations of missions and the overall goals of peace operations at the same time" (Peter, 2016, 9).

Peter underscores the need to make methodological choices when evaluating success, regardless of the abovementioned criteria (Peter, 2016, 9-10). The first question is to determine success "for whom" (Peter, 2016, 9-10). Second, one must determine the time frame. Short-term assessments are

useful to modify policies or plan exit strategies but might quickly become outdated. Long-term assessments might be able to provide a deeper understanding of the effects of the peacekeeping missions, but run the risk of including external factors, such as regime change, natural disasters, or global economic changes, into the study (Peter, 2016, 10). The third question is to decide against what baseline the success of an operation should be judged (Peter, 2016, 11).

According to Peter, a counterfactual analysis is unproductive and that an alternative is to compare the “before” and “after” state of affairs in the area where the mission was deployed (2016, 10).

Moreover, Peter argues that the researcher should not blindly look at mission mandates to distinguish between peace operations when evaluating success (Peter, 2016, 11). She argues that the analyst should step back and identify the underlying “goals” of the operations instead of focusing blindly on the specific indicators. According to Peter, such underlying goals have often coincided with a study of the macro-level concerns. The goal-focus enables greater comparability, while the approach on mandates and indicators enables a more detailed, mission-specific analysis (Peter, 2016, 12). I add that such a goal-focused approach aligns well with a case-study to gain the necessary depth and context.

My methodological choices were made mainly based on Peter’s theory and recommendations above. Because I am focused on the rule of law, I first explain how one can measure the rule of law and how the UN themselves measured their progress towards strengthening the rule of law. Afterwards, I present my way of measuring MINUJUSTH’s progress towards strengthening the rule of law.

3.4 Measuring the Rule of Law

Measuring the rule of law is not an easy task. It depends first on what definition of the rule of law one operates with, and then what approach one takes to measure that definition. The three categories of prisons, the police and the judiciary categories make up important “institutions” of the rule of law. However, these formal institutions are not sufficient to establish a strong, sustainable, and real rule of law in state-building. To that end, one also needs social trust and acceptance from the population and a low level of corruption, argued in general by Rothstein (2011).

In 2011, the UN Department of Peacekeeping Operations (DPKO) and the Office of the UN High Commissioner for Human Rights (OHCHR), issued a guide and toolkit titled the “Rule of Law Indicators” (hereinafter “**The Rule of Law Guide**”). The Rule of Law Guide used the UN’s definition of the rule of law, referenced above. The Rule of Law Guide aims to serve as a tool to measure successes and challenges within institutions and to monitor changes over time within

countries (UN, 2011, v). The Rule of Law Guide is currently being implemented in Haiti (Vera Institute of Justice, “UN Rule of Law Indicators Project”). However, the Rule of Law Guide is meant to be a tool for internal review. Yet, in this thesis, I use its indicators as a comparative set of indicators to measure MINUJUSTH’s progress towards strengthening the rule of law.

The UN explains their chosen indicators measure “the most fundamental aspects of these institutions as they relate to the rule of law”, focusing on their capacity, performance, integrity, transparency, and accountability. (UN, 2011, v). The UN Rule of Law Guide has chosen to categorize their indicators in three main groups: i) The Judiciary; ii) The Prisons; and iii) The Police (UN, 2011, 4). These three groups are measured by their success throughout a wide range of indicators, from performance, integrity, transparency and accountability, treatment of vulnerable groups and capacity. Since social trust and absence of corruption are not main categories in the Rule of Law Guide, I elaborate in the following on why I have chosen them as two additional main categories.

With regards to absence of corruption as an indicator of the rule of law, it is vital to ensure that courts function impartially and that the power of the rulers is used in accordance with law – and not impacted by other incentives, which corruption would naturally represent (Rothstein, 2011, 13-15). Concerning social trust, the Rule of Law Guide does mention public confidence as a central component of measuring the strength of the judiciary and the police (UN, 2011, 4), despite not having “social trust” as a separate category. Hence, the Rule of Law Guide acknowledges the importance of social trust.

Cruz points to the importance of citizens’ perceptions of the police as a component of a regime’s legitimacy (Cruz, 2010). The reason, he writes, is that the police officers are “typically the first public officials whom people encounter or turn to when safety concerns surface” (Cruz, 2010, 1, *quoting* Marenin, 1996). He argues that the public’s perception of the police is especially important in “emerging democracies” where system legitimacy has not been firmly established (Cruz, 2010, 1). His research on Latin America and the Caribbean from 2008, showed that perceptions of police involvement in crime affected the population’s support for democracy: “the more people see the police as involved in crime, the less they think democracy is better than any form of government” (Cruz, 2010, 3). Thus, he argues, police reforms “emerges as a fundamental project for democratic consolidation, especially in those countries with a protracted legacy of authoritarianism and human rights abuses” (Cruz, 2010, 4).

Furthermore, Chandler agrees that trust and loyalty are necessary to create strong institutions that are sustainable in the long-term instead of artificial “phantom” institutions (Chandler, 2005). Creating such trust and loyalty within the internal population can prove difficult when international institutions take over state capacities (Chandler, 2005). Similarly, O’Connor argues that externally enforced legal reforms might sometimes not only prove ineffective but might ultimately serve to undermine rule of law by “eroding public trust” in the institutions that govern (2011, 5).

Some scholars argue (normatively) that the participation of women in the judiciary can play an important part in increasing the trust in the rule of law (O’Connor, 2011). According to O’Connor, people are more likely to “put their trust and confidence in courts that represent all of the individuals that constitute a society” (2011, 5-6). As I present below, both the Rule of Law Guide and MINUJUSTH’s benchmarks and indicators reflect the perceived importance of gender balance in the police force and the judiciary.

Lastly, I mention that free and fair elections constitute an essential part of a democracy. Free and fair elections and the transition of power are ultimately the core of a functioning democracy. Even though this is not formally a part of the rule of law definition of the UN, it is such a basic requirement for a functioning democracy and a modern state, that I have also chosen to include it as a category in my assessment.

3.5 The UN’s Method to Measure MINUJUSTH

I now present how the UN Secretary-General reported on MINUJUSTH’s progress to the Security Council. The Secretary General issued nine reports to the Security Council in relation to MINUJUSTH between 2017 and 2019. The reports are prepared by the UN Secretariat and usually involve briefings about political developments, Security developments, the Haitian National Police, Rule of Law and Human Rights, and institution-building. The Secretary-General created eleven benchmarks to measure MINUJUSTH’s progress towards this desired end state. I present the selected benchmarks I have used in this thesis in my table in section 3.6. The benchmarks are then connected to targets and indicators for progress towards that target. Some benchmarks have several targets and indicators, whereas others only have one. The Secretary-General reports on MINUJUSTH (The MINUJUSTH reports), reported both on the specific indicators and provided general remarks on the situation not linked to any specific indicators.

In his reports, the Secretary-General categorized the benchmarks into five, somewhat overlapping, groups; i) Security and police developments (benchmarks 1,4,5 and 6); ii) Justice (benchmarks 1, 2,

5 and 6); iii) Corrections (benchmarks 1,3 and 5); iv) Human rights (benchmarks 4, 5, 6, 7, 8, and 9); and v) Anti-corruption and Permanent Electoral Council (benchmarks 11). As explained below, I have chosen a different categorization. My categorization reflects my specific focus on the rule of law.

3.6 My Method to Measure MINUJUSTH

I have now presented different methods to measure the success of peace operations and the rule of law, and why I have chosen MINUJUSTH as a case-study. In this section, I present the outcome of my methodological deliberations and my tailored method for measuring MINUJUSTH's progress towards strengthening the rule of law in Haiti.

I have chosen to group my data of progress into five categories: i) prisons (corrections); ii) police; iii) the judiciary; iv) social trust; and v) preparations for free and fair elections and anti-corruption. These categories do not overlap with the Rule of Law Guide or MINUJUSTH's own organization of subheadings in the reports from the Secretary-General on MINUJUSTH's progress.

My categories are intentionally chosen to reflect the different elements of the Secretary-General's desired end state for Haiti. The progress on (i) prisons, (ii) the police and (iii) the judiciary reflects the progress towards the Secretary-General's desire that the "*rule of law and security institutions – justice corrections and police – are able to demonstrate increased professionalism*" and increasingly "*comply with international human rights standards, supported by functioning accountability mechanisms*". The category of "social trust" reflects the desired end state where the Haitian population expresses "reasonable confidence" in the rule of law. The last category – free and fair elections and anti-corruption – seemed inevitable to include in an analysis about Haiti post 2017 given the nature of the political situation in the country in this period. Even though free and fair elections are not mentioned specifically in the Secretary-General's report, I argue that it – along with anti-corruption measures – is vital to ensure "*a solid foundation for longer-term political stability*" in Haiti, which the Secretary-General does mention as one of the mission's main goals.

The first three categories reflect the main categories of the Rule of Law Guide, whereas the two other categories are important to be able to measure if there has been progress on "softer" areas that are likely to make the progress within the three other categories more sustainable and "real" in the long-term, in line with the theories on sustainable state-building efforts.

I use the UN’s reported progress towards these benchmarks as my main data to assess whether the desired end state for Haiti was established by the end of MINUJUSTH. I have selected targets and indicators to measure progress in each category as space constraints did not allow me to include all. The indicators are selected based on the data available and how useful I found them to the research question. The UN indicators were not always able to measure progress towards the desired end state. Therefore, I have also included data on indicators from the Rule of Law Guide from external sources when available. My external sources include academic articles, media coverage, reports from NGOs – both international and Haiti-based, and indexes of democracy/rule of law/fragile states. I also include remarks from the report of the UN Strategic Police Advisory Group (SPAG) after their field trip to Haiti in January 2018. The report is dated 2 May 2018 and is unpublished.

I have placed the indicators from the Rule of Law Guide within my selected categories myself. My tools of measurements and indicators is summarized in the following table:

Category	Selected MINUJUSTH Benchmarks	Selected MINUJUSTH Indicators	Relevant Rule of Law Guide Indicators
i) Prisons	<p>1. The executive and legislative branches have promulgated legislation that improves access to justice, enhances the development of the national police and addresses prolonged pretrial detention, which is a cause of prison overcrowding (...);</p> <p>3. The Directorate of Prison Administration performs key management functions providing basic services to all detainees and ensures respect for their rights.</p>	<p>- 1.8 Proportion of detainees in pretrial detention in excess of two years at the civil prison of Port-au-Prince;</p> <p>- 3.1 Number of deaths per 1,000 inmates</p>	<p>- Number of violent and non-violent deaths per 1,000 prisoners (96, 105)</p> <p>- Prison overcrowding (119)</p> <p>- Management of prisons and compliance with human rights standards (130)</p> <p>- Prison safety (94)</p>
ii) Police	<p>4. The Haitian National Police responds to public disorder and manages security threats throughout Haiti, demonstrating elevated levels of professionalisms, human rights</p>	<p>- 4.2 Number of police officers per 1,000 citizens</p> <p>- 4.3 Percentage of women police officers</p> <p>- 4.7 Percentage of national budget allocated to national police</p>	<p>- Responses to sexual crimes against women and children (5)</p> <p>- Gender balance in police personnel (34)</p> <p>- Strategic planning and budgeting capacity (38)</p>

	and awareness and gender sensitivity, without requiring international support (...)	- 6.6 Number of sexual and gender-based violence cases investigated by national police, reflecting enhanced national police capacity	- Crime reporting to the police (8) - Crime reporting by women (9) - Use of police powers (13) - Procedure for investigating police misconduct (16)
iii) Judiciary	2. The Haitian authorities make timely, gender-balanced and merit-based appointments in the justice sector; 5. Strengthened internal oversight and accountability mechanisms in the justice, corrections and police sectors address misconduct and ensure increased effectiveness and compliance with human rights	- 2.2 Number of seats filled at the Superior Council of the Judiciary, the Court of Cassation and the Superior Court of Audits and Administrative Disputes, disaggregated by gender; - 5.4 Percentage of confirmed crimes or human rights violations committed by national police and Directorate of Prison Administration officers prosecuted by judicial authorities	- Impartiality of the courts (43) - Response to gender-based violence (51) - Pre-sentence detention (54) - Percentage of judges who are women (78)
iv) Trust	6. Haitian women and men, in particular those from the most vulnerable and marginalized communities, demonstrate increased trust in the capabilities and willingness of the justice system to address crime and of the Haitian National Police to provide security.	- 6.1 Proportion of population expressing satisfaction on how the national police performs at reducing crime - 6.2 Number of youth at risk and women benefiting from community violence reduction/reinsertion programmes demonstrates willingness to work with national police community police initiatives and law enforcement authorities	- Gender and confidence in the police (11) - Confidence in public prosecution (44) - Crime reporting to the police (8) - Crime reporting by women (9)
v) Free and fair elections and anti-corruption	10. Rule of law and anti-corruption institutions demonstrate increased capacity to fight corruption; 11. The Permanent Electoral Council is established through a credible and transparent process and exercises its electoral responsibilities in an independent and transparent manner, without requiring international support	- 10.1 Availability of annual report on public spending (...) - 11.1 Nomination by the three branches of their three members for the Permanent Electoral Council, with a view to establishing the Council as an operational and independent body; - 11.2 Update of the electoral lists in preparation of the next electoral cycle; - 11.3 Existence of the Electoral law in preparation of the next electoral cycle	- Prosecution of public corruption or misconduct (17) - Publicly available reports on court spending (68) - Bribes to judges, prosecutors or court personnel (59).

3.7 The Benefits of and Challenges to My Method

What are the benefits and challenges of my research question and chosen method? My research is contributing to existing research on peacekeeping operations because it is taking a new approach in how to evaluate the successfulness of a peacekeeping mission. I am evaluating to what extent the UN has reached its own specific goals and desired end state for the peacekeeping operation but measured against not only UN's own indicators for success but also other indicators and external data. By combining the UN's own indicators and data from their own reports, I am employing a combined approach that allows us to evaluate the UN's goal of strengthening the rule of law institutions against their own backdrop and external data, in line with Peter's recommendations.

For whom does this thesis evaluate whether the operation has been successful? This has been a difficult question in my research. One approach could be to look at how Haitians experience the level of trust in rule of law institutions, looking at success for the local people. Another approach would be to look at how the UN secretariat evaluate their own success – have they found their missions successful in their reports to the Security Council? A third approach would be to look at how other actors, such as rule of law indicators and democracy indexes, rate Haiti before and after the peacekeeping operations. I have decided to not choose one of these approaches, but to combine them. I have chosen this approach because it gives a more holistic view on to what extent the peacekeeping operations have been successful.

Deciding on the *time frame* to evaluate the success of the peacekeeping mission was also a difficult decision. Ultimately, I decided to look at the period from 2017 – 2019, looking specifically at MINUJUSTH. UN's presence in Haiti goes back almost 30 years, and it would be difficult to assess the successfulness of all the UN Missions in that long period. As there has been done extensive research on MINUSTAH (see especially Mobekk 2017), I decided to look specifically at the period from 2017 – 2019, which included only MINUJUSTH. Furthermore, I decided to set my end-date to measure the success at the end of MINUJUSTH and not to include BINUH. This is because BINUH is not a peacekeeping mission per se, not authorized under UN Charter Chapter VII, but is an advisory mission.

The benefits of choosing a before and after approach in this study is that the peacekeeping operation is finished. By looking at the before and after MINUJUSTH, from 2017 to 2019, I can isolate as much as possible the effects of the peacekeeping mission. I have found it necessary to include information about events in 2021 and 2022 because they shed light on the successes and failures of the operation. A downside by this short-term research, looking at a very recently ended peacekeeping

mission, is that I am not able to evaluate the long-term effects of the mission. The upside is that the research in this study might be useful to current policymakers evaluating whether a new UN mission in Haiti should be deployed or what changes must be made in other peacekeeping operations that are still on-going.

What makes this thesis unique, are my methodological choices when it comes to the *baseline* to measure the success of a UN Peace Operation, and MINUJUSTH specifically. I have chosen to combine the indicators presented from the UN itself with a comparison of the indicators in the UN Rule of Law Guide. This combination provides for a unique comparison model where the baseline – the UN’s own desired end state – is assessed not only through the UN’s own indicators for that specific mission, but also through a comparison with the objective indicators for the rule of law.

Others before me have researched the UN peace operations in Haiti, but not the specific approach I have chosen in this study. My research offers a unique perspective because of the specific research question and focus on whether the UN has reached its desired end state of stronger rule of law institutions at the end of the mandate of MINUJUSTH. The most extensive work is probably Mobekk’s book on Peace Operations in Haiti from 1994 – 1996 (Mobekk, 2017). Mobekk looks at establishing what lessons can be learned from the peace operations in Haiti, but her research ended in 2016. Others, such as Cabrera Figueroa and King, have looked more generally at the questions of whether the UN Peace Operations in Haiti have been successful (Figuera, undated, and King, 2021). However, Figuera does not clarify the criteria of success and failure and does not focus specifically on rule of law. Like Figuera, others have looked at the general question of success of the peace operation to evaluate whether a new peacekeeping mission is necessary (Mines, 2021).

Some might argue that what I am in effect assessing is better categorized as “justice sector reforms” as I am focusing mainly on the perspectives of the different branches of the judicial system, including the prisons. Stone describes the reform of the judicial system in Haiti as a process towards building “a credible, professional, effective and respectful system of criminal justice” (Stone, 2010, 2). However, justice sector reforms imply a narrower concept than improvement of the rule of law. It appears to focus more on procedural and administrative reforms rather than a holistic approach of the real results of the reforms, including gender aspects, social trust, and respect for human rights.

A methodological challenge for this thesis has been the lack of available data on the research question. Haiti is not well-researched, and it has therefore been difficult to find comparable data sets to the reports from the UN. Neither the Global Freedom Status by Freedom House, Regimes of the

World classifications from Varieties of Democracy (V-Dem) nor the World Justice Project (WJP) Rule of Law Index included available data regarding Haiti during MINUJUSTH's period. It was also difficult for me to evaluate MINUJUSTH's success towards its desired end state from the reports itself as the indicators, I argue, did not cover the benchmarks and targets. Moreover, I have often experienced that Haiti has not been included in global indexes of the rule of law/democracy, or only been included recently. Moreover, the use of radio is more prevalent than in the Global North. This oral culture makes it difficult to find written data to use in the thesis. A third challenge for me has been that I do not speak Creole and my knowledge of French is basic. The language barrier limited the sources available to me. However, the UN and other international organizations do most of the research and data collection on Haiti. Thus, the language barrier should not have limited a large pool of sources.

Readers should be conscious that measuring the rule of law is a broad concept that cannot easily be assessed by looking at isolated indicators. This is an inherent weakness of this case-study because of space constraints. I have tried to mitigate the weakness of looking at isolated indicators by including a section on progress in Haiti on a higher level, looking at the totality of circumstances. Moreover, because the categories I have chosen are intertwined and the interlinkages are strong, it has been difficult to present the issues in an accessible and organized manner while at the same time not overlooking the interlinkages between the categories.

4. MINUJUSTHs Progress Towards the Rule of Law

In this section, I present data on the progress towards the desired end state of MINUJUSTH in the different categories: Prisons (4.1), police (4.2), judiciary (4.3) social trust (4.4), and free and fair elections and anti-corruption (4.5) Under each category, I present the specific issue that each category represents towards the overarching goal of strengthening the rule of law in Haiti. I present the relevant MINUJUSTH benchmarks and indicators for each category to make it easier to follow for the reader. I also list the relevant indicators from the UN Rule of Law Guide for each category so that the reader understands why I am pointing to indicators that are not necessarily a part of MINUJUSTH's indicators on that specific category. Lastly, I look at the data on a higher level that can provide information on the rule of law in Haiti more generally. In this section (4.6), I compare the data from MINUJUSTH overall with Haiti's listings and rankings on global indexes on democracy, rule of law and fragile states index.

4.1 Prisons

I start with looking at the progress towards improving the prisons in Haiti in the reporting period. The research question I attempt to answer here is whether Haitian prisons were able to “demonstrate increased professionalism” and “increasingly comply with international human rights standards, supported by functioning accountability mechanisms” at the end of MINUJUSTH. When one breaks this stated goal down, it encapsulates three main elements; i) increased professionalism ii) increased compliance with international human rights standards and iii) functioning accountability mechanisms.

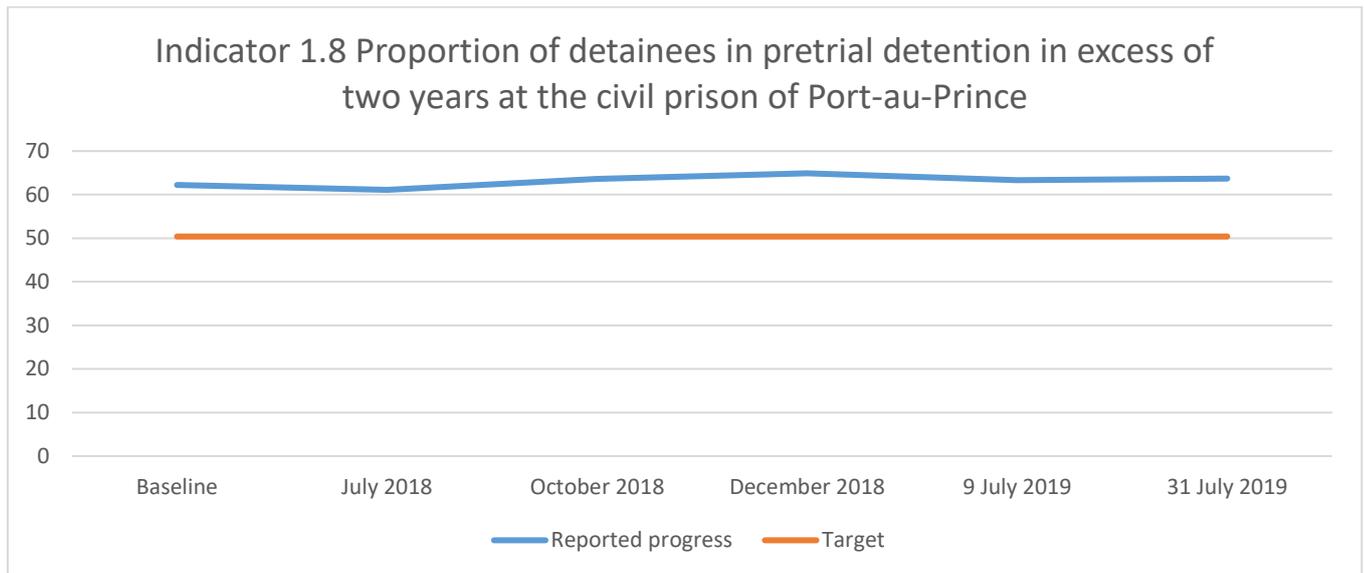
MINUJUSTH’s benchmarks 1 and 3 concern improvement in the prisons. They respectively address (1) pre-trial detention and prison overcrowding and (3) the basic services provided in prisons. I have chosen to look in-depth on indicator 1.8., which is the “[p]roportion of detainees in pretrial detention in excess of two years at the civil prison of Port-au-Prince”. Moreover, I present specific data on indicator 3.1 for benchmark 3, which measures the numbers of deaths per 1,000 inmates. I have chosen to follow the progress on these specific indicators because they can be measured by specific quantitative data. The following table summarizes the relevant desired end state, my selected benchmarks and indicators from MINUJUSTH, and relevant indicators from the Rule of Law Guide:

Category	Desired End State	MINUJUSTH Benchmarks	MINUJUSTH Indicators	Rule of Law Guide Indicators
i) Prisons	<ul style="list-style-type: none"> - Demonstrate increased professionalism - Increasingly comply with international human rights standards - Functioning accountability mechanisms 	<p>1. The executive and legislative branches have promulgated legislation that improves access to justice, enhances the development of the national police and addresses prolonged pretrial detention, which is a cause of prison overcrowding (...);</p> <p>3. The Directorate of Prison Administration performs key management functions providing basic services to all detainees and ensures respect for their rights.</p>	<ul style="list-style-type: none"> - 1.8 Proportion of detainees in pretrial detention in excess of two years at the civil prison of Port-au-Prince; - 3.1 Number of deaths per 1,000 inmates 	<ul style="list-style-type: none"> - Number of violent and non-violent deaths per 1,000 prisoners (96, 105) - Prison overcrowding (119) - Management of prisons and compliance with human rights standards (130) - Prison safety (94)

4.1.1 Detainees in pretrial detention

I first look at the proportion of detainees in pretrial detention in excess of two years, which was MINUJUSTH indicator 1.8. The indicator overlaps somewhat with prison overcrowding, which is a Rule of Law Guide indicator.

UN’s target on proportion of detainees in pretrial detention *in excess of two years* at the civil prison of Port-au-Prince was 50.4 % by October 2019. In November 2017, the number of inmates such pretrial detention was 62.2%. The progress is summarized in this graph:



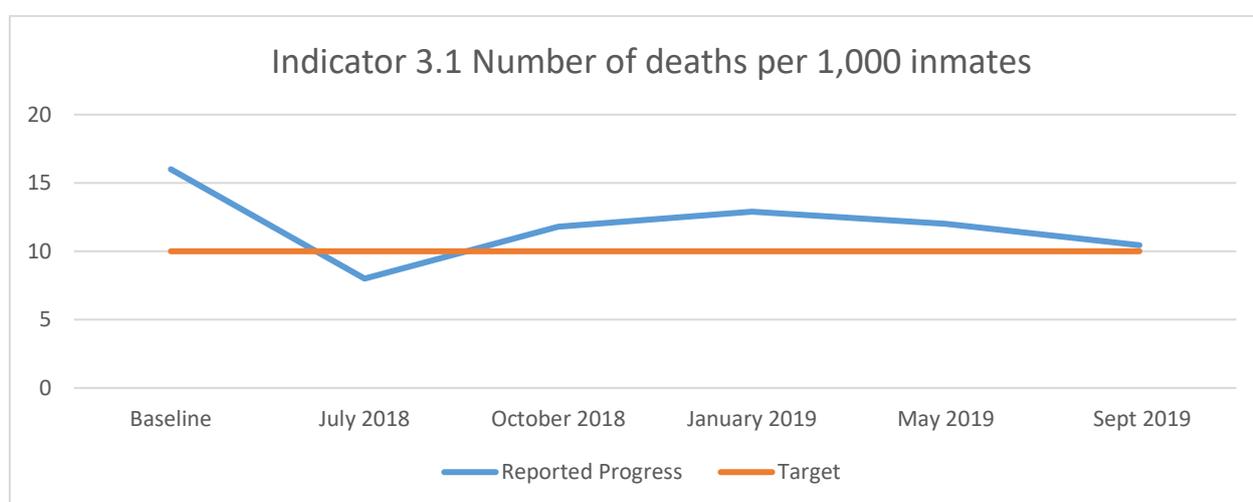
Despite small variations throughout the mission’s timeline, 63.7 % of detainees were in pretrial detention more than two years at the end of MINUJUSTH. Thus, according to this indicator, MINUJUSTH did *not* improve pretrial detention and prison overcrowding in Haiti. However, the indicator was limited to pretrial detainees more than two years and only in Port-au-Prince. It is therefore not fully able to provide data on the level of pretrial detainees overall, including those in pretrial detention for less than two years. MINUJUSTH did not track the general level in an indicator but reported in its general remarks that, in September 2019, 73% of Haitian prisoners were awaiting trial (S/2019/805, 8). This is a high percentage of pretrial detainees.

However, according to the Secretary-General, there had been made “significant progress” towards reducing the rate of prolonged pretrial detention in Port-au-Prince (S/2019/805, 7). The SG concluded that the two years of MINUJUSTH had shown that prolonged detention was “not an intractable phenomenon”, and that MINUJUSTH’s strategies had proved “successful” (8). Yet, Human Rights Watch reported that, following a six-week suspension of judicial hearings at the peak of protests in 2019, the number of people in pretrial detention *increased* (HRW, 2020). According to

HRW, the situation did not improve a year after the closure of MINUJUSTH: Prisons housed nearly “11,000 detainees, 78 percent of whom were awaiting trial” in September 2020 (HRW, 2020).

4.1.2 Number of deaths per 1,000 prisoners

Next, I look at the number of deaths per 1,000 inmates, which was a MINUJUSTH indicator. The indicator resembles the Rule of Law Guide indicator on number of violent and non-violent deaths per 1,000 prisoners. UN’s target was to reach a ratio equal to or below 10/1,000 deaths per inmates by October 2019. In 2017, the ratio was 16/1,000 inmates. The following charts illustrates the progress during MINUJUSTH:



The ratio improved throughout MINUJUSTH’s presence, decreasing steadily throughout the period to 10.44/1,000 deaths per inmate when looking at the total period between 17 October 2017 to 18 September 2019. Even though the UN did not reach their specific target of 10/1,000 deaths per inmate, the numbers present a success in terms of progress towards improving prison conditions.

However, as the Secretary-General points out in his report S/2019/805 of 9 October 2019, there had been “a very sharp decrease” in registered deaths in the past months leading up to that report (S/2019/805, 19). He further comments that if “the decrease is partly a consequence of improved health services, there have also been changes in data collection methodology that could have had an impact [on the updated numbers]” (S/2019/805, 19). I am therefore cautious to rely on this indicator to measure the progress towards an improved prison system that ensures basic human rights to their inmates.

Turning to the number of deaths in Haitian prisons in the period, the SG notes that 218 deaths were recorded between October 2017 and September 2019, resulting in an annual mortality rate of 10.44/1,000 inmates. (S/2019/805), 8, § 35). The SG appears to give MINUJUSTH and its partners part of the credit for the improved numbers, mentioning measures such as early screening and feeding programmes for patients in detention were adopted, and that MINUJUSTH cooperated with the Haitian prison directorate on delivering training on health care in correctional environments to 82 corrections officers (9, § 35).

4.1.3 Compliance with human rights standards and prison safety

Management of and compliance with human rights standards was not a specific indicator for MINUJUSTH but is an indicator in the Rule of Law Guide, along with “prison safety”. Nevertheless, the MINUJUSTH reports reported on progress towards what I define as compliance with human rights standards.

Three corrections facilities were certified as having “met international standards” after a third round of evaluations in September 2019. (S/2019/805/9, § 38). Yet, many challenges to the conditions of the prisons remained. The SG notes “low staffing levels and a lack of resources caused by budgetary restraints, continue to negatively affect the functioning of the prison administration directorate” (S/2019/805, 8, § 33). The improvement of the prison conditions was hindered by challenges to ensure “the regular provision of food, medicine and other supplies” (8, § 33).

The conditions within the Gonaives prison were very poor in November 2019, just shortly after the closure of MINUJUSTH. The poor conditions ultimately resulted in a riot on November 7, 2019. The prisoners demanded food, access to water for drinking and bathing and access to toilets (Kolbe, 2020, 51). One prisoner was killed, several were injured, and ten female prisoners were raped by other prisoners (Charles, 2019). HRW also reports that HNP complained of staff shortages and lack of resources to the prisons during 2019 (HRW, 2020). On the day of the riot, there were only two guards and two PNH officers assigned to guard 329 prisoners (Kolbe, 2020, 51).

4.1.4 Summary on progress concerning prisons

Based on the available data, it is difficult to conclude that the Haitian prisons demonstrated increased professionalism, increasingly complied with human right standards, or had functioning accountability mechanisms. Positive progress towards increased professionalism and compliance with human rights standards include the decrease in number of deaths per inmate, the, by

MINUJUSTH’s own reports, perceived improvement of pretrial detention, and that three correction facilities were certified as having met international standards. However, the overall impression is that the prisons overall did not improve significantly when it comes to the human right standards, demonstrated by the lack of staff, food, and security for prison inmates.

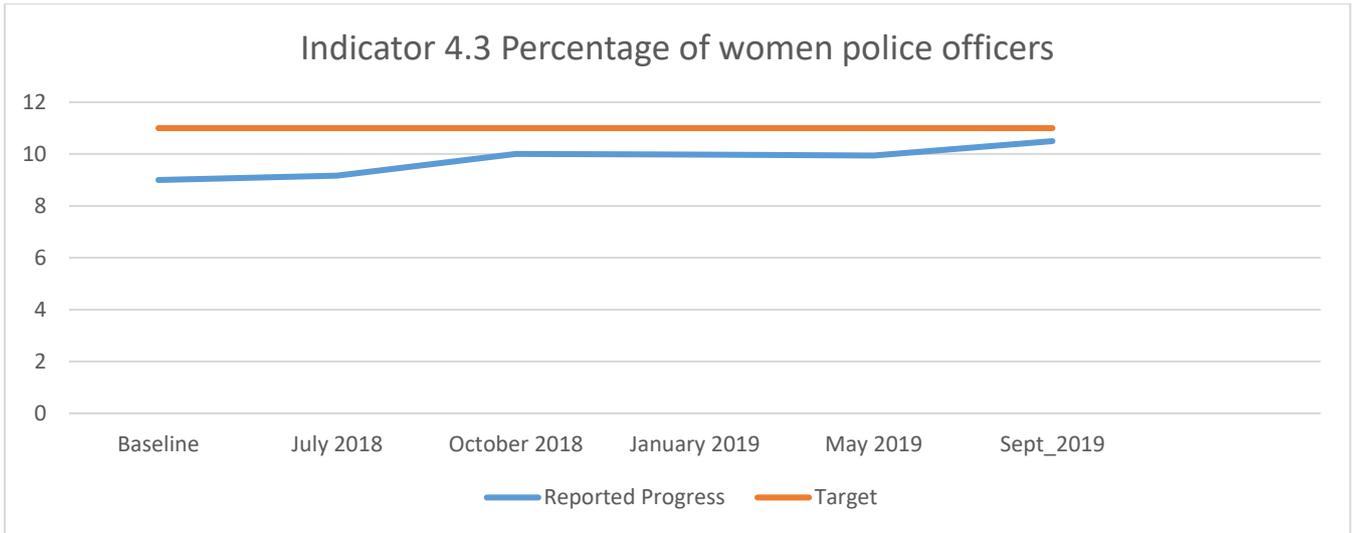
4.2 The Police

I now turn to the reported progress towards the professionalisation of the Haitian National Police. Like the prior discussion on prisons, the research question I attempt to answer here is to what degree MINUJUSTH resulted in the Haitian Police demonstrated “increased professionalism” and “increasingly” complied with international human rights standards, “supported by functioning accountability mechanisms” (S/2018/421, 15). The following table summarizes the relevant desired end state, my selected benchmarks and indicators from MINUJUSTH, and relevant indicators from the Rule of Law Guide:

Category	Desired End State	MINUJUSTH Benchmarks	MINUJUSTH Indicators	Rule of Law Guide Indicators
ii) Police	<ul style="list-style-type: none"> - Demonstrate increased professionalism - Increasingly comply with international human rights standards - Functioning accountability mechanisms 	<p>4. The Haitian National Police responds to public disorder and manages security threats throughout Haiti, demonstrating elevated levels of professionalisms, human rights and awareness and gender sensitivity, without requiring international support</p>	<ul style="list-style-type: none"> - 4.3 Percentage of women police officers - 4.7 Percentage of national budget allocated to national police - 5.2 Percentage of allegations of human rights violations against public officials (national police officers, Directorate of Prison Administration officials) <i>investigated</i> by the General Inspectorate of the national police - 5.3 Percentage of cases of confirmed misconduct by national police and Directorate of Prison Administration officers disciplined by the national police. - 6.6 Number of sexual and gender-based violence cases investigated by national police, reflecting enhanced national police capacity 	<ul style="list-style-type: none"> - Responses to sexual crimes against women and children (5) - Gender balance in police personnel (34) - Strategic planning and budgeting capacity (38) - Crime reporting to the police (8) - Crime reporting by women (9) - Use of police powers (13) - Procedure for investigating police misconduct (16)

4.2.1 Gender balance in personnel

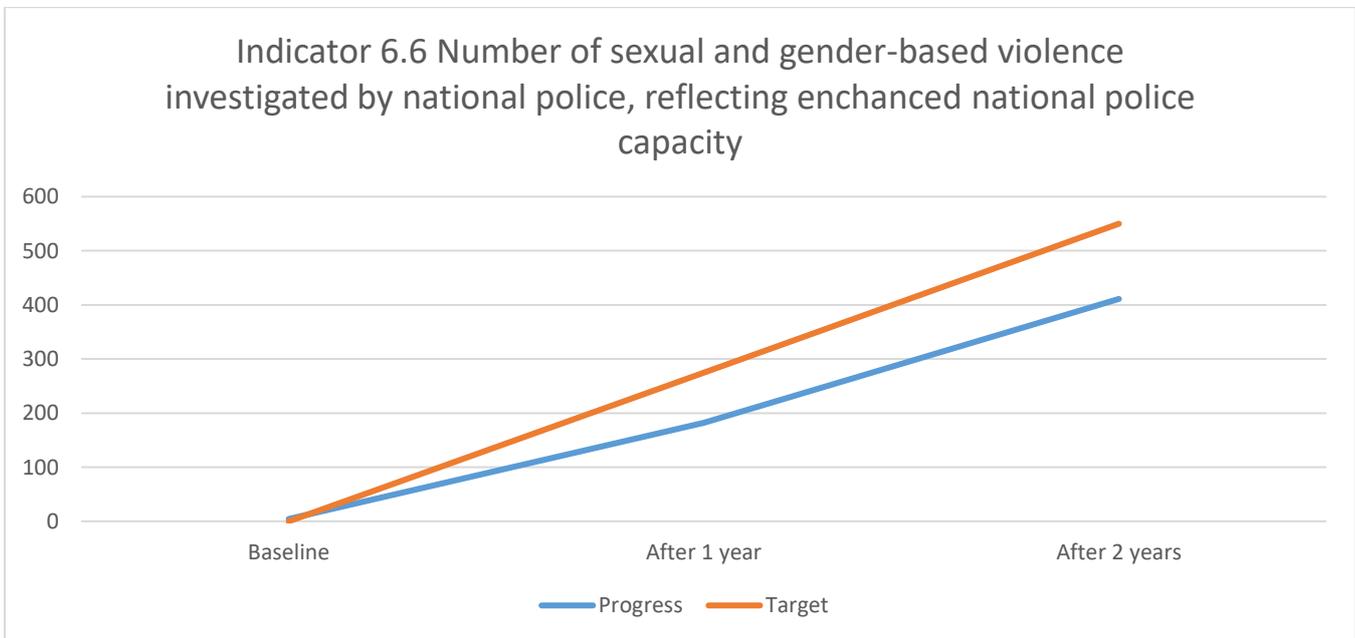
The percentage of women police officers was a MINUJUSTH indicator and is also an indicator in the Rule of Law Guide. The following graphs shows the progress during MINUJUSTH:



MINUJUSTH’s own reporting show an increase in the percentage of women police officers to 10,5 % as of 15 September 2019. Thus, there was an improvement in gender balance in personnel in the reporting period. This increase speaks to a professionalization of the HNP.

4.2.2 Responses to gender-based violence

Responses to gender-based violence is an indicator of the Rule of Law Guide, and MINUJUSTH indicator 6.6 measures a similar concept. Indicator 6.6 measures number of sexual and gender-based violence cases investigated by national police. The progress is summarized in this graph:



UN’s own reports demonstrate an increase in the number of sexual and gender-based violence investigated, despite not reaching MINUJUSTH target of 550 cases per year.

In his general remarks, the SG noted that MINUJUSTH had continued to “strengthen” the national police unit “to combat sexual and gender-based violence” (S/2019/805). MINUJUSTH helped organize several workshops, with the aim of developing a common understanding regarding the best practices on the prevention of such crimes (S/2019/805, 6, § 23).

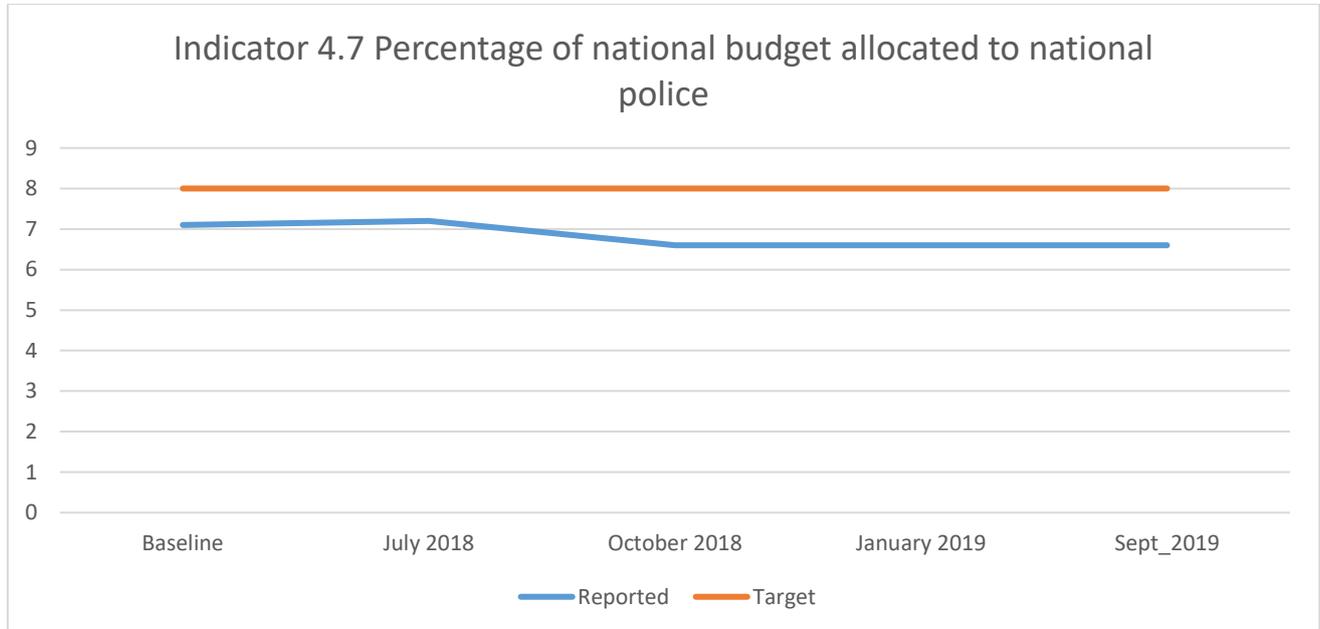
However, in later reports from BINUH, it is noted that – in one jurisdiction – only 36 % of reported complains of gender-based violence in 2020 had been assigned to an investigating judge and none had gone to trial (S/2021/559, § 42). According to BINUH, “similar dynamics” were likely nationwide (S/2021/559, § 42). Haitian NGOs’ report from early 2022, covering the period from 2016 – 2021, concluded that there still exist “persistent biases” against pursuing sexual- and gender-based violence. (IJDH, 2022, 7).

Regarding HNP’s enhanced response to gender and sexual-based violence (SGBV), it is worth to mention the specialized police team (SPT) deployed in MINUSTAH in 2010. SPT’s are, in contrast to individual police officers or members of formed police units, teams with set members that have a specific expertise, such as SGBV. The first SPT SGBV project, SGBV1, lasted from 2010 – 2015 and was followed by SGBV2, which operated from 2015 – 2019. The purpose of the SPT was to help build the HNP’s capacity to “prevent, investigate and prosecute SGBV”, following a dramatic increase in 2010 (Tøraasen, 2021). During the first project, the SPT trained HNP personnel, implementing a SGBV course in the basic training of new cadets from the HNP School, and supported the building and equipping dedicated to special SGBV offices in the HNP Commissariats all over the country. The second project resulted in a specialized unit to combat SGBV, several workshops and seminars.

According to Tøraasen, the SPTs were successful to a large extent. Feedback from counterparts on the quality of services provided by the SGBV offices were that staff were “competent in SGBV” issues, and reportedly treated victims who reported cases with “more care and less discriminatory attitudes than what [was] the norm among HNP”. Yet, Tøraasen concluded that the sustainability of the positive changes from the SGBV teams was threatened by a lack of funding and follow-up (2021, 5). Post MINUJUSTH, “several” of the SGBV offices in regional offices had been closed and “all” lacked necessary equipment” (Tøraasen, 2021, 5). Thus, according to Tøraasen, it is important consider how activities will be sustained and monitored to make sure the positive progress does not faint post mission closure (2021, 5).

4.2.3 Budgeting and budgeting capacity

Strategic planning and budgeting capacity is an indicator in the Rule of Law Guide, and MINUJUSTH indicator 4.7 was the percentage of national budget allocated to the national police. MINUJUSTH target concerning indicator 4.7 was to have 8 % of the national budget allocated to the national police. The following graphs shows the reported progress under MINUJUSTH:



According to MINUJUSTH’s reports, there was a decrease in the percentage during the reporting period, from 7.1 % as of May 2018 to 6.6 % in September 2019. The target of 8 % was not reached. I note that the political climate towards the end of the reporting period made it impossible to adopt a new budget, meaning that Haiti operated on a budget from 2017/2018 for a prolonged period making alterations difficult.

The SG commented in his general remarks that whereas “progress in national police development over the past 15 years of peacekeeping presence” is “evident”, mainlining the momentum of professionalisation “will require greater attention” to the resources of the police. Further, that it was “urgent” to address the acute equipment needs of the police, lacking both ammunition and armoured vehicles. (S/2019/805, 6, § 25.) Thus, the UN was aware of the budgeting problem.

External reports indicate that the UN was right in their comments that it was urgent to address the equipment needs of the police. The HNP remains “below international standards for the size of the country’s population and is underfunded (Congressional Research Service, 2020, 7-8). The police’s limited capacity and staff shortage was subject to complaints from the HNP itself during 2019

(Kolbe, 2020, 51). In November 2019, hundreds of HNP officers took to the streets to demand better working conditions and the right to unionize (Haitian Times, 2019). A member of Haiti's Border Police Unit called their salary, about \$ 208 USD, "meagre" and an "abuse" (Haitian Times, 2019).

4.2.4 Use of force and (lack of) accountability

The use of police powers was not a specific indicator for MINUJUSTH but is an indicator in the Rule of Law Guide. However, MINUJUSTH indicator 5.2 measured the percentage of allegations of human rights violations against public officials (national police officers, Directorate of Prison Administration officials) *investigated* by the General Inspectorate of the national police, and indicator 5.3 concerned the percentage of cases of confirmed misconduct by national police and Directorate of Prison Administration officers *disciplined* by the national police. MINUJUSTH's indicators measure the accountability side of the use of force issue but does not really measure the total numbers of human rights violations committed by the police, as the Rule of Law Guide indicator entails.

On indicator 5.2, investigation of allegations of human rights violations, UN's target was that 80% of all allegations were investigated. There was no data on the baseline, but the General Inspectorate of the National police estimated that 80 % of allegations were investigated at the beginning of MINUJUSTH (S/2018/527). Between 1 January 2018 and 31 August 2019, 87% of all allegations were investigated (S/2019/805). This shows a slight increase if the 80 % was a correct starting point. However, the UN noted in its report that the lack of disaggregated data on the number of allegations of human rights violations "remain[ed] a challenge" (S/2019/805).

On indicator 5.3, disciplined public officers, UN's target was that 60 % of confirmed misconduct was disciplined by the national police. The baseline was 35 %, which was the reported status of misconduct disciplined in 2017 (reported by the General Inspectorate of the national police) (S/2018/527). Between 1 January 2018 and 15 September 2019, the percentage of sanctions implemented was 26 % (163 out of 622 cases of allegations of misconduct) (S/2019/805). Thus, according to MINUJUSTH's own reporting, MINUJUSTH was far from reaching its target of 60 % discipline action and scored lower than the baseline in 2017.

The SG noted in his general remarks that "[s]ignificant challenges" persisted in the ability of national authorities to hold State agents accountable for human rights violations (S/2019/805, 10, § 42). As an example, no criminal prosecutions had been launched in connection with the massacre in La Saline, November 2018, where it is suspected that agents of the Haitian government or police officers were

involved, according to a report of 21 June 2019 by MINUJUSTH and OHCHR (MINUJUSTH and OHCHR, 2019).

Furthermore, the SG notes that there is an absence of “concrete judicial developments to establish accountability and bring justice” to the victims of four major instances of human rights violations: “the killing, arbitrary arrests and forced disappearance of civilians during police operations in October and November 2017, in Lilavois and Grand Ravine, respectively; the beating to death of a disabled 25-year-old man by a police officer in La Victoire, in December 2017; and numerous abuses allegedly committed by the national police during anti-government protests in July, October and November 2018 and February 2019.” (10, § 43).

I now attempt to look at the use of police powers, with reference to the indicator in the Rule of Law Guide. According to HRW, police officers were responsible for three summary executions and 47 injuries resulting from excessive use of force during October 2018 demonstrations. In November 2018, excessive use of force by the police caused six deaths and 15 injuries (HRW, 2020). The UN High Commissioner on Human Rights attributed at least 19 of 42 deaths from September 15 to November 1, 2019, to security forces (HRW, 2020).

HRW’s reports are consistent with reports from Amnesty International. In February 2018, Amnesty International reported that they had received reports of the use of force by police against civilians during protests, and that “several” people were killed and injured as a result (Amnesty International, November 27, 2018). In October 2019, Amnesty International verified evidence of excessive use of force against protesters were “at least 35 people were killed, with national police implicated in many of the deaths” (Amnesty International, October 31, 2019).

A notable point of concern with the HNP’s use of force in November 2019, is the potential involvement of the UN’s forces in the raid of the Grand Ravine area of Port-au-Prince in November 2017 (Johnson, 2018). According to Johnson, the HNP force “carried out a massacre” and was “UN-backed”, and the killings have been “almost entirely ignored” (Johnson, 2018). The UN spokesperson, Sophie Boutaud de la Combe, “distanced the UN mission and its forces” from the massacre and did not admit any responsibility (Kolbe, 2020, 50). The Haitian police force said the raid was planned in conjunction with the new UN mission (BINUH) (Johnson, 2018). Further, according to Committee to Protect Journalists (CPJ), two journalists were shot and killed, out of which one while covering an anti-government demonstration, and two more journalists survived shooting attempts in 2019 (CPJ, 2019).

Kolbe highlights other incidents that demonstrate the HNP's incapability to provide basic services to the Haitian population in the post MINUSTAH period (Kolbe, 2020, 50). In December 2017, a woman reported that, after she went to the police to seek assistance because she had been sexually assaulted, two HNP officers raped her in the backroom of the police station (Kolbe, 2020, 50). Further, in December 2017, a mentally ill man died under "suspicious circumstances" after being detained by the police (Kolbe, 2020, 50). The excessive use of force by the HNP continued post MINUJUSTH. From January to August 2020, BINUH reported 184 cases of human rights violations and abuses by police, including indiscriminate use of tear gas (HRW, 2020).

4.2.5 Other general data on the progress in the police

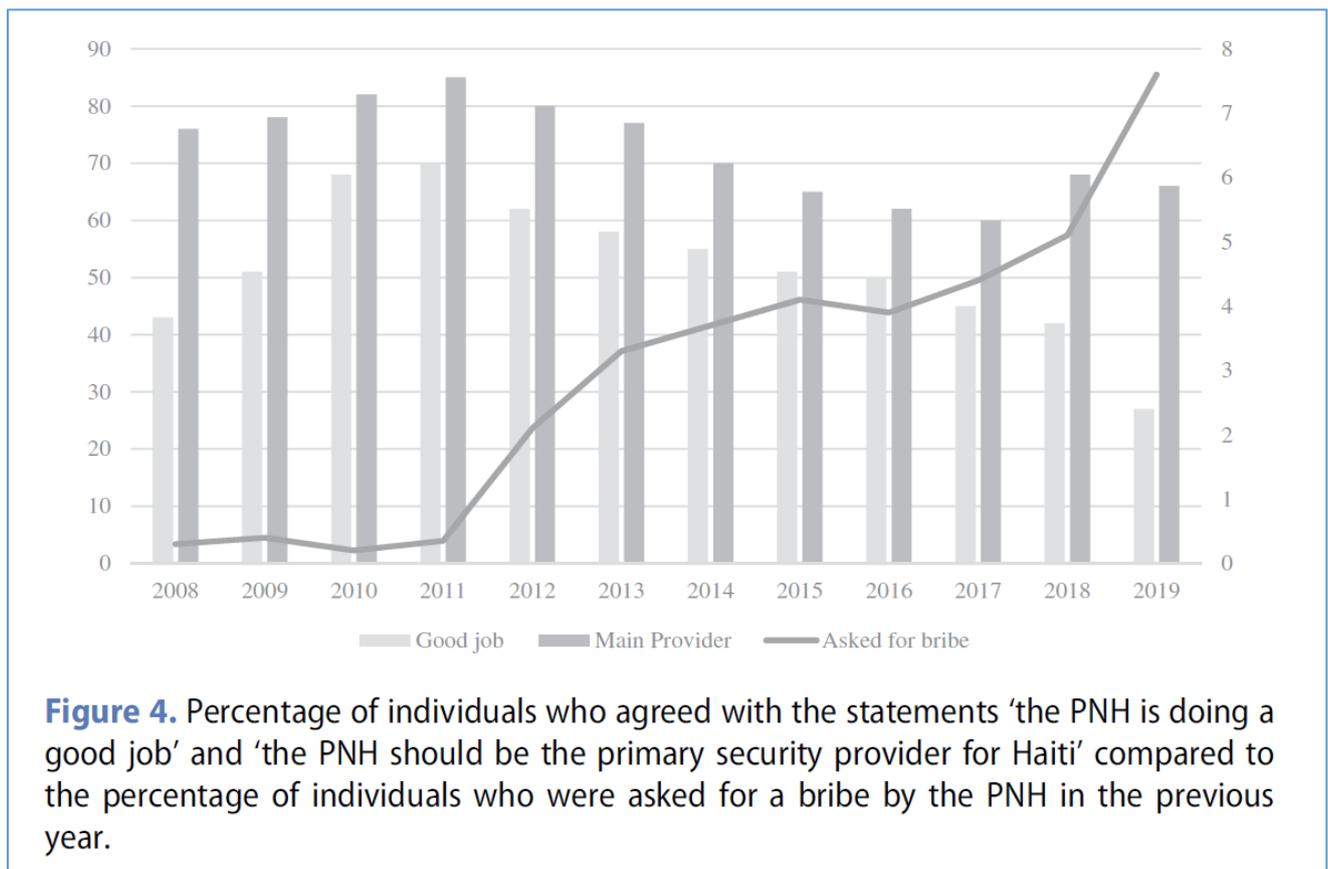
There are relevant general remarks in the MINUJUSTH-reports concerning the professionalization of the HNP that are not necessarily linked to specific rule of law indicators. These are useful to assess the progress towards the desired end state and I therefore include them here.

The Secretary-General reported in October 2019 that since the adoption of the strategic development plan for HNP (2017-2021), 2,370 cadets in total including 453 women, have been incorporated into the police force. At this point, Haiti was well on the way to reach their own target of 18,000 police officers by December 2021. Yet, in other areas of the strategic development plan, implementation was seriously behind, with the second evaluation of implementation showing an overall low implementation rate of 34.5 %. (S/2019/805, 6 § 21-24).

The SPAG reported that the Mentoring Advisory Program (MAP) seemed to have a positive impact on the general professionalization of the HNP (2018, 3-4). The MAP is a program for HNP officers to receive mentoring from MINUJUSTH counterparts. According to SPAG, the "crux of the success seemed to be based on the working relationship between the UNPOL officers and the HNP officers" (2018, 4). Further, the SPAG believed the UN Police mandate was "successful in some areas", although it recommended tailoring it more to the actual needs on the ground (2018, 3). The general observations from SPAG support the conclusion that MINUJUSTH was successful in improving the professionalization of HNP.

External reports paint a different picture of the progress towards professionalization of the HNP. Kolbe's research from 2008 – 2019, including the years of MINUJUSTH, demonstrate that there is a

decrease in the individuals that think PNH is “doing a good job” from 2017 to 2019, illustrated in her figure below⁵:



This data shows a decrease in people that think the HNP are doing a good job, whereas the same time a slight increase for people that think the HNP should be the “primary security provider” for Haiti. One possible explanation for the support for HNP as the primacy security provider might be the Haitian population’s negative experiences with the army throughout Haiti’s history. Moreover, I note the sharp increase in number of people who were asked for a bribe in the reporting period of 2017 – 2019. The reported increase in bribes is consistent with other reports, for example the report from the Haitian NGOs to the Universal Period Review in early 2022 (covering 2016 – 2022). According to the NGOs, the HNP “commonly requests bribes” to investigate reports or to make arrests (IJDH, 2022, 7).

⁵ Figure from Kolbe, 2020, 49.

4.2.6 Summary concerning the progress of the police

Based on the available data, it is difficult to conclude that the Haitian police demonstrated increased professionalism, increasingly complied with human right standards, or had functioning accountability mechanisms at the end of MINUJUSTH.

One can argue there was progress in the HNP's demonstration of increased professionalism from the gender perspective. There was an increased gender balance in personnel and the responses to gender and sexual based violence improved. These elements make the HNP more professional and strengthened them from a rule of law perspective. If any increase is enough to reach the desired end state, ref the term "increased" professionalism, the UN reached parts of its desired end state in this regard. However, one can hardly ignore the high number of human rights allegations towards public officials and the shocking lack of accountability for such allegations/confirmed misconduct. Notwithstanding improvements in gender-areas, the excessive use of force and lack of accountability are fundamental elements of a professional police force. There is no data to support that HNP increasingly complied with human rights standards or that they were supported by functioning accountability mechanisms. The percentage of confirmed discipline against police officers faced with human rights allegations remained low throughout the reporting period, and the UN was far away from reaching its target of 60 %.

4.3 The Judiciary

I now look at the reported progress on the professionalisation of the Haitian judiciary between 2017 and 2019. The research question I attempt to answer here is to what degree MINUJUSTH has resulted in the Haitian Judiciary being able to "demonstrate increased professionalism" and "increasingly comply with international human rights standards, supported by functioning accountability mechanisms" (S/2018/421, 15). The following table summarizes the relevant desired end state, my selected benchmarks and indicators from MINUJUSTH, and relevant indicators from the Rule of Law Guide:

Category	Desired End State	MINUJUSTH Benchmarks	MINUJUSTH Indicators	Rule of Law Guide Indicators
iii) Judiciary	<ul style="list-style-type: none"> - Demonstrate increased professionalism - Increasingly comply with international human rights standards - Functioning accountability mechanisms 	<ul style="list-style-type: none"> 2. The Haitian authorities make timely, gender-balanced and merit-based appointments in the justice sector; 5. Strengthened internal oversight and accountability mechanisms in the justice, corrections and police sectors address misconduct and ensure increased effectiveness and compliance with human rights 	<ul style="list-style-type: none"> - 2.2 Number of seats filled at the Superior Council of the Judiciary, the Court of Cassation and the Superior Court of Audits and Administrative Disputes, disaggregated by gender; - 5.4 Percentage of confirmed crimes or human rights violations committed by national police and Directorate of Prison Administration officers prosecuted by judicial authorities 	<ul style="list-style-type: none"> - Impartiality of the courts (43) - Response to gender-based violence (51) - Pre-sentence detention (54) - Percentage of judges who are women (78)

4.3.1 Timely and gender-balanced and merit-based appointments

Timely and gender-balanced and merit-based appointments was a MINUJUSTH indicator, and the percentage of women who are women is also an indicator in the Rule of Law Guide. The data in the MINUJUSTH-reports do not include data on the female representation of women in the Haitian court system overall but is limited to the three mentioned courts.

MINUJUSTH benchmark nr 2 addresses the capability of the Haitian authorities to make timely, gender-balanced and merit-based appointments in the justice sector. Indicator 2.2 concerned the number of “seats filled at the Superior Council of the Judiciary, the Court of Cassation and the Superior Court of Audits and Administrative Disputes, disaggregated by gender”. The target was to fill all the seats and to secure that 30% of the seats were filled by women. By the end of the target timeline, all appointments to these three courts had been made and that part of the target was fulfilled. However, although not a specific indicator, 40 judicial appointments were still pending in the general judicial system at the end of MINUJUSTH (S/2019/805, 7). Thus, despite a success in reaching the target in 2.2, MINUJUSTH did not secure timely appointments in the judicial system overall.

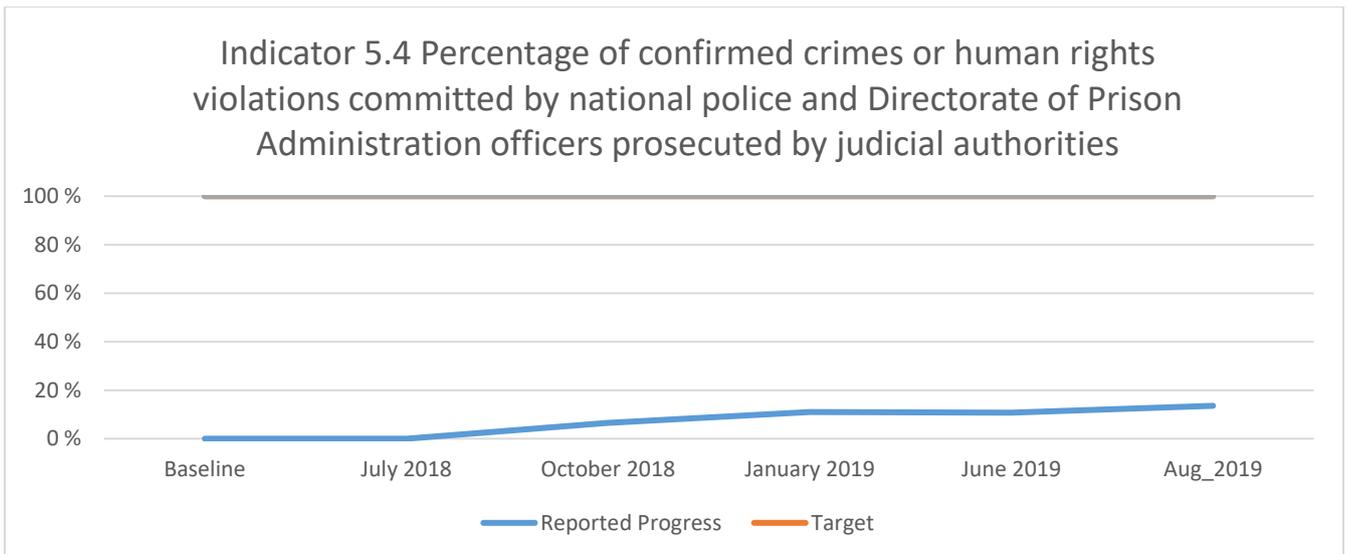
Yet, the gender quota was not respected. In fact, the number of women decreased in the reporting period from 5 to 3 in total (10%). However, I note that the target of 30 % women seems unrealistic:

Judges have long tenures and drastically changing the gender composition within a two-year time frame therefore seemed undoable. I believe the reason the target was set to 30 % was because the Haitian Constitution sets a 30 % target for women in public service. Nevertheless, setting the target at 30 % renders the target and indicator for gender balance less meaningful to measure real progress.

What about the percentage of women judges overall in the Haitian judiciary, not just the three abovementioned courts? According to Tøraasen's research, published in April 2022, the number of women in the Haitian judiciary has increased from 2 % in the 1990s to 12 % in 2020 (Tøraasen, 2022, 3). From her data, one can infer that there was an increase in the exact period of MINUJUSTH (2017-2019), from over 10 % to closer to 12 %. However, according to Tøraasen, the increase in female judges cannot necessarily be credited to explicit gender-target policies but rather to more "gender-neutral" reforms aimed at strengthening the judiciary generally (Tøraasen, 2022). Such general reforms include making recruitment processes of judges more meritocratic and less politicized, which promotes women's participation (Tøraasen, 2022, 22-23). Thus, despite an improvement of the judiciary in terms of gender balance during the reporting period, it seems difficult to credit this positive progress to MINUJUSTH's efforts.

4.3.2 Accountability and prosecution of public authorities

MINUJUSTH's benchmark nr 5 focuses on strengthening *accountability* in the justice, corrections, and public sectors. I assessed indicators 5.2 and 5.3 under the police category, and I include indicator 5.4 here because it concerns the percentage of (confirmed crimes or human rights violations committed by national police and Directorate of Prison Administration officers) *prosecuted* by judicial authorities. The prosecution aspect is more connected to the judiciary than the other indicators under benchmark 5. The graph below shows the progress under MINUJUSTH:



MINUJUSTH’s target was 100 % prosecution rate. The numbers show a substantial increase in percentage of such crimes prosecuted, from 0 % on 15 July 2018, to 15.7 % between January 1, 2018, and 31 August 2019. I note that 15.7 % is far from the target of 100 %, but the target seemed unrealistic to reach within the two-year time frame. Thus, the increase in prosecution might be considered a success for the UN, despite the remaining gap to reach the target of 100 %.

In his general remarks, the Secretary-General commented that internal oversight and accountability mechanisms had been “strengthened” both within the Haitian Ministry of Justice and Public Security and the Superior Council of the Judiciary (S/2019/805, 7). I note this reported positive progress, although it is unclear to me on what basis the Secretary-General concluded that the accountability mechanisms were “strengthened”.

4.3.3 Pre-sentence detention

In the Rule of Law Guide, pre-sentence detention is an indicator to measure the judiciary. I presented the data on this indicator under my prison category above. With reference to my discussion above, I limit myself here to state that pre-trial detention was still a massive challenge at the end of MINUJUSTH as 73 % of Haitian prisoners were awaiting trial in September 2019.

4.3.4 Impartiality and corruption

MINUJUSTH did not have an indicator measuring corruption in the Haitian judiciary. The impartiality of courts – which entails an absence of corruption – is an indicator in the Rule of Law Guide.

There is little data on the progress of corruption in Haitian courts during MINUJUSTH, and it is therefore difficult to measure progress. However, I mention that Haitian NGOs have been concerned about the effects of the insufficient funding of the judiciary. In a report from early 2022, it is stated that the insufficient resourcing of the judiciary “contributed its susceptibility to corruption through bribery and political interference” (IJDH, 2022, 7). Further, the NGOs write that judges and clerks “arbitrarily charge fees to begin proceedings, attorneys and defendants pay bribes “to expedite their cases” and that “defendants who cannot afford bribes languish given large backlogs” (2022, 7). On this background, it seems fair to conclude that Haitian courts were not entirely impartial by the end of MINUJUSTH, because of corruption.

4.3.5 Summary on progress concerning the judiciary

To summarize, the judiciary demonstrated some increased professionalism and had somewhat functioning accountability mechanisms at the end of MINUJUSTH. The improvement in appointments of judges, both timewise and gender-wise, demonstrates increased professionalism. Yet, the lack of data on the impartiality of the courts and the level of corruption makes it difficult to draw more certain conclusions on the increased professionalism. The increased number of prosecutions by judicial authorities of confirmed crimes or human rights violations committed by national police and Directorate of Prison Administration officers constitute a positive progress towards functioning accountability mechanisms. The high percentage of pre-trial detention makes it difficult to conclude that the judiciary increasingly complied with human right standards as long-term pre-trial detention is a serious human rights violation.

Hence, the data above arguably is in line with the remarks of the Secretary-General, who pointed out that “important progress” had been made with regards to the administration of justice, the functioning of judicial institutions and legislative reform, but that “full achievement of justice and rule of law benchmarks” would require a “long-term effort and sustained engagement” by both Haitian authorities and the international community (S/2018/805, 7-8).

4.4 Social trust

I now look at the reported progress towards increased social trust in the Haitian justice system. The research question I attempt to answer here is whether MINUJUSTH reached their target that the Haitian population at the end of the mission’s period expressed a “reasonable level of confidence” in the ability of the rule of law and security institutions to provide security for all Haitians, impartial access to justice and improved prison conditions (S/2018/421, 15). The following table summarizes

the relevant desired end state, my selected benchmarks and indicators from MINUJUSTH and relevant indicators from the Rule of Law Guide:

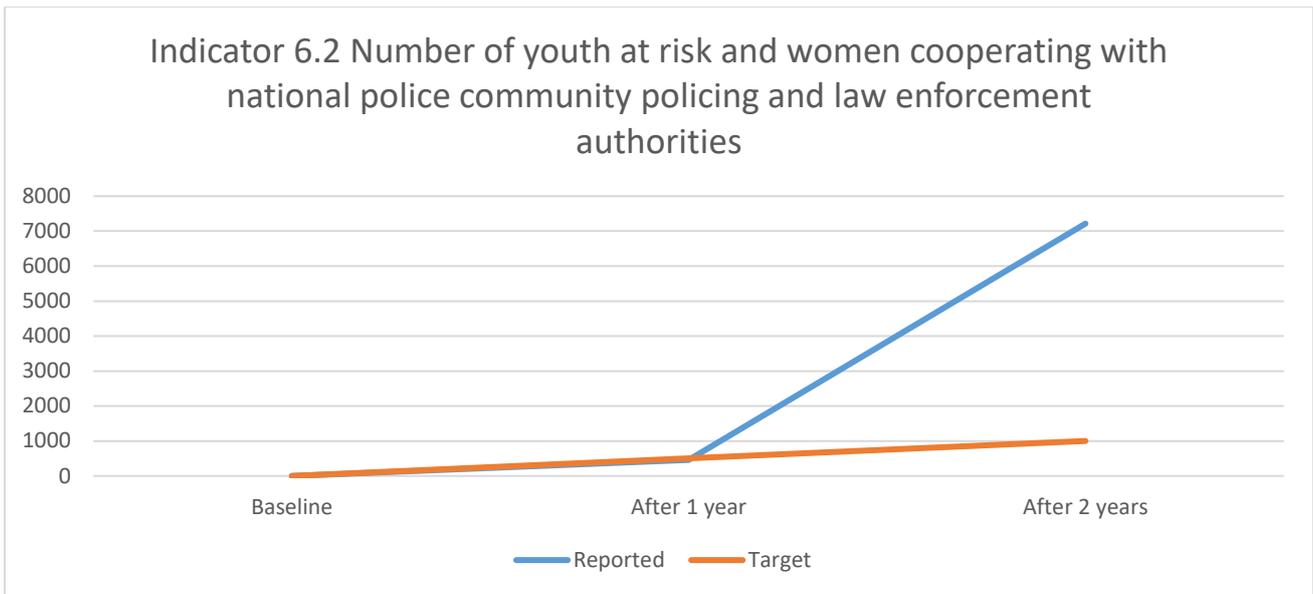
Category	Desired End State	MINUJUSTH Benchmarks	MINUJUSTH Indicators	Rule of Law Guide Indicators
iv) Social Trust	- The Haitian population “express reasonable level of confidence” in the ability for the rule of law and security institutions to provide security for all Haitians, impartial access to justice and improved prison conditions	6. Haitian women and men, in particular those from the most vulnerable and marginalized communities, demonstrate increased trust in the capabilities and willingness of the justice system to address crime and of the Haitian National Police to provide security.	- 6.1 Proportion of population expressing satisfaction on how the national police performs at reducing crime - 6.2 Number of youth at risk and women benefiting from community violence reduction/reinsertion programmes demonstrates willingness to work with national police community police initiatives and law enforcement authorities	- Gender and confidence in the police (11) - Confidence in public prosecution (44) - Crime reporting to the police (8) - Crime reporting by women (9)

MINUJUSTH benchmark nr 6 specifically measures the extent that Haitian women and men, in particular those from marginalized communities, demonstrate trust in the capability and willingness of the justice system to address crime and of the HNP to provide security.

Indicator 6.1 measures the proportion of the population expressing satisfaction on how the national police performs at reducing crime. The baseline for this target was a national police survey conducted by MINUSTAH in 2013, where 88 % of the population had expressed satisfaction on how the national police performed at reducing crime. But the survey was never conducted. As of September 2019, the only progress was that MINUJUSTH had started the process of recruiting a consultant to conduct the survey (S/2019/805). I therefore had to look at other indicators and draw on external data sources.

4.4.1 Gender and confidence in the police

MINUJUSTH indicator 6.2 concerned the number of youth at risk and women cooperating with national police community policing and law enforcement authorities. Similarly, the Rule of Law Guide includes indicators such as gender and confidence in the police, and crime reporting to the police by women. The following graph illustrates the progress on indicator 6.2 during MINUJUSTH:



One can see that there was a sharp increase of number of youth at risk and women cooperating with the national police community, policing and law enforcement authorities in the reporting period. More than 7,000 individuals demonstrate a clear success beyond the UN’s own target of 275 cases annually. This data arguably shows an increase in social trust during MINUJUSTH. However, I cannot find record of whether data on this indicator was collected before MINUJUSTH. If not, this data might not necessarily show an increase in social trust but rather an increase in the numbers collected by MINUJUSTH.

However, the number of reporting crimes reflects only the first step of trust in the authorities. As mentioned in section 4.2.2, the complaints of gender and sexual-based violence remain highly investigated and are not prosecuted. As BINUH notes in their report from 2021, the “pervasive lack of accountability in such cases [leads] to widespread public mistrust of the judicial system and law enforcement agencies” (S/2021/559, § 42).

4.4.2 Crime reporting to the police

Crime reporting to the police was not a MINUJUSTH indicator but is an indicator in the Rule of Law Guide. Kolbe measured the percentage of individuals in Haiti who reported crime against their person from 2006 – 2019⁶:

⁶ Figure from Kolbe, 2020, 47.

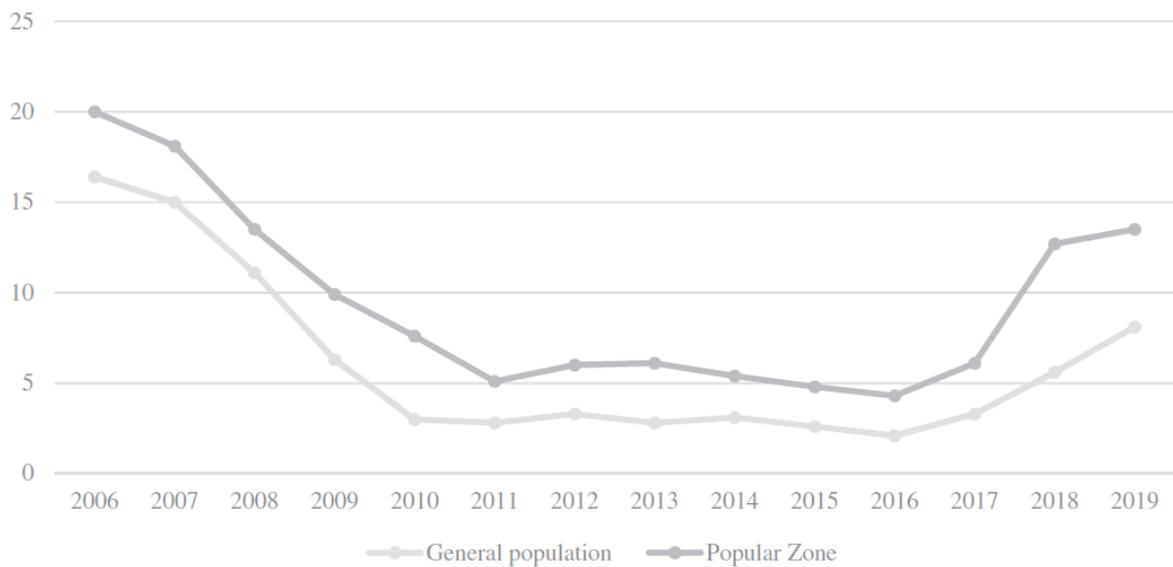


Figure 1. Percentage of individuals who reported crimes against their person – a comparison of the general population with residents of the densely populated, impoverished urban zones.

The graph shows an increase in percentage of individuals who reported crime to the police between 2017 and 2019, both in the general population and the urban zones. This increase arguably speaks to an increased level of confidence in the Haitian population in the rule of law. Yet, I note that the data could possibly also just reflect an increased crime level in Haiti in the reporting period – not necessarily an increased level of public confidence. Moreover, if seen in conjunction with the decrease in people who believed the HNP were doing a good job (see section 4.2.5), it is difficult to draw the conclusion that the increased reports of crime stemmed from an increased confidence in the police.

4.4.3 Confidence in public prosecution

MINUJUSTH did not measure confidence in public prosecution specifically, but it is an indicator in the Rule of Law Guide. However, on a general note, the Secretary-General noted in his report in October 2019, that the “pervasive sense of impunity”, whether with regard to corruption or human rights violations, perpetuated “a lack of trust in judicial institutions and state authorities” (S/2019/805, § 67). Thus, in the view of the Secretary-General, the confidence in public prosecution was low.

4.4.4 Summary: Social trust

As the MINUJUSTH survey was not conducted, it is difficult to assess whether or not the Haitian population at the end of the mission’s period expressed a “reasonable level of confidence” in the ability of the rule of law and security institutions to provide security for all Haitians, impartial access to justice and improved prison conditions. The number of increased reported crime to the HNP does not necessarily mean an increased level of confidence in the population. Supported by the general remarks of the Secretary-General concerning the lack of trust in judicial institutions and state authorities, it seems unlikely that MINUJUSTH improved the level of social trust in Haiti.

4.5 Free and Fair Elections and Anti-Corruption

I now look at the progress towards preparing for free and fair elections and anti-corruption, reflected in MINUJUSTH’s benchmarks nr 10 and 11. The research question I attempt to answer in this section is less clear than the previous sections, as the desired end state does not explicitly mention anti-corruption or free and fair elections. I see both as crucial components to establish a “solid foundation for longer-term political stability, security and development” – which was one of MINUJUSTH’s expressed goals (S/2018/421, 15). The following table summarizes the relevant desired end state, my selected benchmarks and indicators from MINUJUSTH and relevant indicators from the Rule of Law Guide:

Category	Desired End State	MINUJUSTH Benchmarks	MINUJUSTH Indicators	Rule of Law Guide Indicators
v) Free and fair elections and anti-corruption	- [Part of] The establishment of a “solid foundation for longer-term political stability, security and development”	10. Rule of law and anti-corruption institutions demonstrate increased capacity to fight corruption; 11. The Permanent Electoral Council is established through a credible and transparent process and exercises its electoral responsibilities in an independent and transparent manner, without requiring international support	- 10.1 Availability of annual report on public spending (...) - 11.1 Nomination by the three branches of their three members for the Permanent Electoral Council, with a view to establishing the Council as an operational and independent body; - 11.2 Update of the electoral lists in preparation of the next electoral cycle; - 11.3 Existence of the Electoral law in preparation of the next electoral cycle	- Prosecution of public corruption or misconduct (17) - Publicly available reports on court spending (68) - Bribes to judges, prosecutors or court personnel (59).

High levels of corruption are not consistent with a state based on the rule of law. It is therefore surprising that the UN did not include a specific target on decreasing the levels of corruption. The only benchmark that concerns corruption explicitly (10) is framed vaguely; that the rule of law and anti-corruptions institutions demonstrate “increased capacity to fight corruption”. The only indicator was 10.1, “the availability of annual report on public spending”.

I am also critical of the benchmarks and indicators with regards to the preparation towards free and fair elections. The only benchmark connected to the preparation of free and fair elections concerns formalities of the Permanent Electoral Council; there were no benchmark or indicators to measure that the planned elections in 2019 were actually held.

4.5.1 Public reports on spending

MINIJUSTH measured their progress towards anti-corruption solely through indicator 10.1 “the availability of annual report on public spending by Superior Court of Auditors and Administrative Disputes” by April 2019. This indicator is also reflected in the Rule of Law Guide, indicator 68.

This specific target was reached in July 2019 as the report was published on 2 July 2019 (S/2019/563, 28). I consider reaching this specific target a success for MINUJUSTH. Yet, as mentioned, sole the availability of this report is insufficient to measure that the rule of law and anti-corruption demonstrated “increased capacity” to fight corruption, which was benchmark nr. 10.

4.5.2 Prosecution of public corruption or misconduct

MINUJUSTH did not measure the level of prosecution of public corruption or misconduct. This would have been useful, as this is one of the indicators in the Rule of Law Guide. Despite not having specific numbers before and after MINUJUSTH, some general observations provide insight into how Haiti was doing towards this indicator.

On the positive side, the judicial branch investigated several corruption cases and fired 21 assistant prosecutors because of corruption allegations in 2018 (U.S. Department of State, 2019). According to the U.S. Department of State in 2019, the perception of corruption remained “widespread in all branches of government and at all levels” (U.S. Department of State, 2019). Yet the Haitian government had not prosecuted *a single high-level official for corruption* (U.S. Department of State, 2019). From these general observations, although not able to tell us anything about progress before and after MINUJUSTH, one can at least infer that MINUJUSTH did not contribute to a substantial increase in the prosecution of public corruption of misconduct.

4.5.3 Perceived corruption level

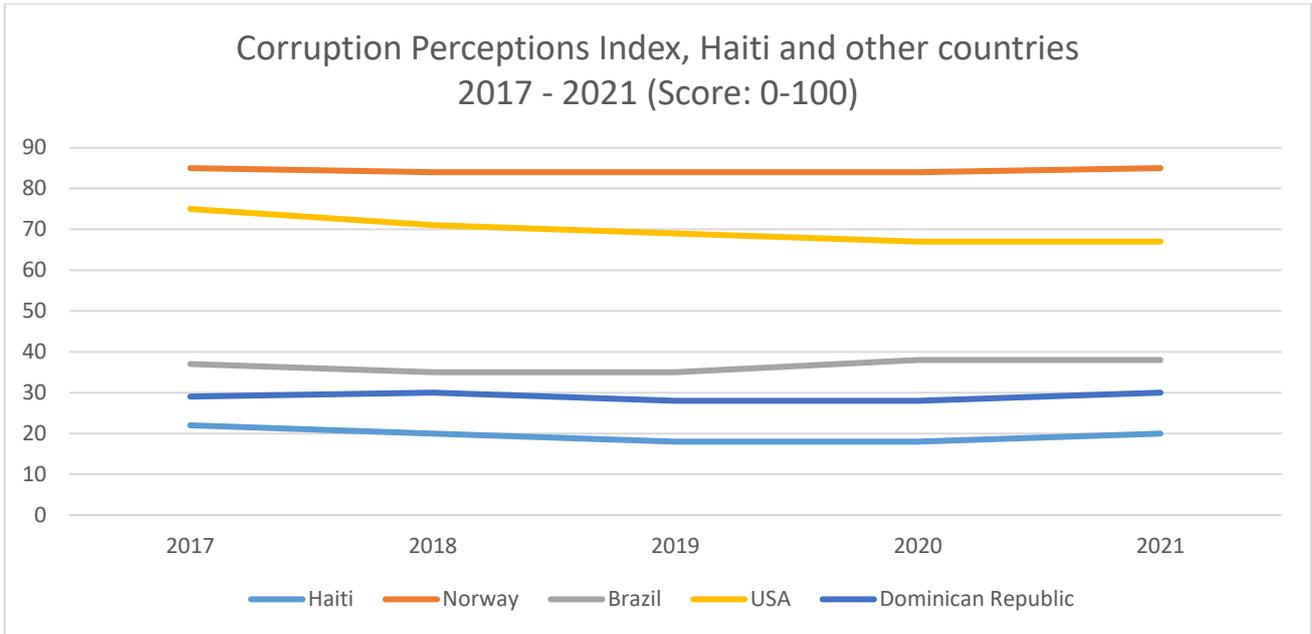
The perceived corruption level in Haiti was also not a specific indicator in the UN Rule of Law Index, but the Rule of Law Guide includes prosecution of police corruption or misconduct as an indicator. The Rule of Law Guide suggests that the indicator is measured through asking the question: “To what extent do you agree that the alleged incident of police corruption or misconduct are seriously investigated, and, when required by law, prosecuted?” The essence of this question is to figure out the *perceived* corruption level, and it is useful to look at the perceived corruption level overall.

Figure 4 from Kolbe (see section 4.2.5) showed a sharp increase in individuals that reported being asked for a bribe in their encounters with the HNP, speaking to a *higher* level of corruption in the police force by the end of MINUJUSTH’s mandate. This data is specifically linked to the police and not the public sector overall and might therefore be consistent with the data in the CPI.

Transparency International’s Corruption Perception Index (CPI) measures the perceived level of public sector corruption, and the results are given on a scale from 0 (highly corrupt) to 100 (very clean) (Transparency International). The CPI measures how corrupt each country’s public sector is perceived to be, according to experts and businesspeople (TI). According to TI, each country’s score is a combination of at least three data sources drawn from different corruption surveys and assessments, collected by a variety of institutions, including the World Bank and the World Economic Forum (TI).

In the CPI from 2017 – 2021, Haiti had a slight decrease in score from 2017 to 2019, and a slight increase again to 2021, as demonstrated by this graph⁷:

⁷ My graphic based on numbers from CPI.



I have included the years 2020 and 2021 because levels of corruption might take some years to show in the result of the CPI (TI). Yet, small variations are normal (TI). Haiti is not on the list of countries having undergone “statistically significant” change in this period (TI). What we can infer from this data, however, is that the corruption level in the overall public sector did *not* change significantly throughout MINUJUSTH’s period. I have included some other countries to demonstrate Haiti’s score in comparison to other countries for a broader understanding of the general corruption level, which is high also compared to other countries.

Based on the CPI, the Haitian population believed the government to be corrupt during the end of the MINUJUSTH period, and the level of perceived corruption did not change significantly during MINUJUSTH’s presence of the years thereafter.

4.5.4 Preparing for free and fair elections

Benchmark 11 seeks to monitor the progress towards establishing a Permanent Electoral Council in Haiti, that will exercise its powers without international support. The three indicators the UN chose to measure progress were: nomination by the three branches of their three members for the Permanent Electoral Council, with a view to establishing the Council as an operational and independent body (11.1); update of the electoral lists in preparation of the next electoral cycle (11.2); and existence of the electoral law in preparation of the next electoral cycle (11.3). Throughout the reporting period, from 2017 – 2019, the SG reported *no progress* on all these indicators.

The Secretary-General wrote in his report of 9 October 2019 (S/2019/805) that it was “materially impossible” to hold elections in 2019. The Secretary-General described the chances of a constitutional crisis as having been “significantly increased” (S/2019/805, 2 § 6). Notwithstanding the difficult political climate, the SG points at progress made towards ensuring security of upcoming electoral contests (S/2019/805, 11, § 45). A joint electoral security cell, with officers from HNP and MINUJUSTH, completed a risk assessment template for voting centers nationwide and planned a two-day training on the electoral process and prevention of violence against women for the benefit of the national police and regional relevant government officials (S/2019/805, 11, § 45). In his report shortly after the closure of MINUJUSTH, on February 13, 2020, the Secretary-General noted that the period between September and November 2019 was the “longest period of continued protests since the President, Jovenel Moïse, assumed office” (S/2020/123, §3).

When it comes to free and fair elections, the factual circumstances speak for themselves: General elections were originally scheduled to be held on 27 October 2019, but were postponed to 26 September 2021, and then again to 7 November 2021 (Coto, 2021). The elections were postponed because the legislature did not pass an elections law (Congressional Research Service, 2020, 3). In February 2022, the elections were still not held, but the Haitian Prime Minister, Ariel Henry, called for renewed efforts to organize elections (Thomas, 2022).

4.5.5 Summary: Free and fair elections and anti-corruption

Based on the limited data available on preparations for free and fair elections and the corruption level in Haiti at the end of MINUJUSTH’s period, it seems MINUJUSTH did not succeed in preparing the country for free and fair elections and did not improve the level of corruption in the country. MINUJUSTH measured no progress on any of the indicators under the benchmark on preparation of free and fair elections, and the only indicator concerning anti-corruption was not able to demonstrate an increased capacity of Haitian institutions to fight corruption. Furthermore, the perceived level of corruption did not change significantly after MINUJUSTH’s presence.

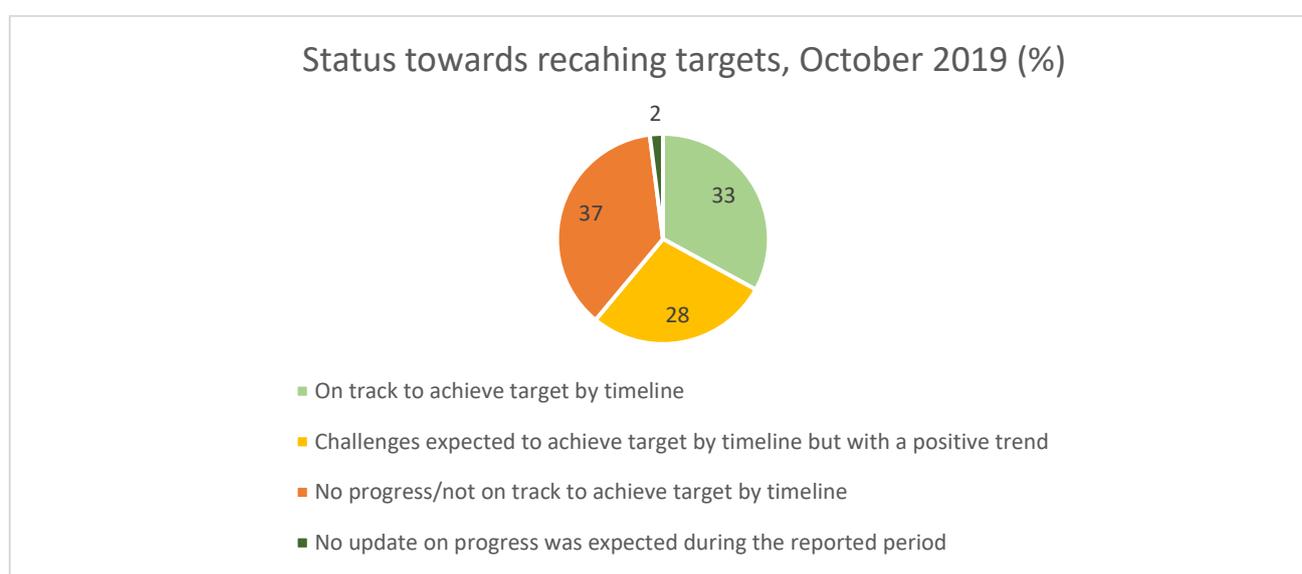
4.6 The Totality of Circumstances

In this section, I attempt to look at progress towards the overarching goal of establishing a “solid foundation for longer-term political stability, security and development” during MINUJUSTH. Although the five categories presented above make up elements towards this goal, they should not be evaluated in a vacuum. It is therefore useful to present data on the overall development of the country to evaluate the circumstances. I first present MINUJUSTH’s final report on its progress and

their press release at the closure of the mission, followed by a brief overview of the political situation in Haiti post MINUJUSTH. I then present data from The Economist Intelligence Unit (EIU)'s Democracy Index and the Fragile States Index, and a report from Haitian NGOs.

4.6.1 MINUJUSTH's final report and final press release

How did MINUJUSTH report its progress towards reaching its overall targets, not just the ones focused on the rule of law? The last report on MINUJUSTH from October 2019 (2019/805), includes a table with an overview of the progress towards each target. I have summarized the table to demonstrate the UN's own reported progress towards its overall targets⁸:



As this data demonstrates, only 33 % of MINUJUSTH's target were reached. Further, 65 % of the targets were *not* reached, notwithstanding that 28 % of these demonstrated a positive *trend* towards the targets. In other words, MINUJUSTH *failed* in reaching around 2/3 of its own targets.

Yet, at the closure of MINUJUSTH in October 2019, the UN issued a press release saying it had completed its mandate, that MINUJUSTH had helped “develop and professionalize” the national police force, “strengthened” judicial processes and built capacity in human rights (MINUJUSTH, 2019). MINUJUSTH included an infographic with the progress in the 24 months (see Annex 1). There are several positive trends noted in the infographic provided by MINUJUSTH. Notable is how MINUJUSTH does not mention the failures of its own mission but mentions only positive numbers.

⁸ My graphic based on S/2019/805.

Some statistics in this infographic even seem to be contradictory to the specific data reported under the individual indicators in the final report of MINUJUSTH, or at least to portray a distorted image of the progress made in the 24 months. For example, according to the infographic, there had been a “reduction in number of detainees in pre-trial detention”, supported by -32 % in the civilian prison in Port-au-Prince, -63% minors at the CERACOL and -14% in the women’s prison. In the final report (S/2019/805), the Secretary-General reports that the number of pretrial detainees in the Port-au-Prince jurisdiction had decreased by “14 per cent since October 2017” (S/2019/805, 7). There is no mention of the failure to decrease prolonged (more than two years) pretrial detention, according to target 1.8, which actually increased throughout the reporting period (see above). This way to report data makes it difficult for outsiders to assess the success of the mission in reaching its targets. See my criticism of the divergence between the data in the Secretary-General’s last report and MINUJUSTH’s press release in Chapter 5.

4.6.2 The political situation after MINUJUSTH

A brief look to Haiti today provides a view into the situation some years after the closure of MINUJUSTH. According to Stuenkel, the country’s security situation has not improved, but has instead “worsened dramatically” since the closure of MINUJUSTH (Stuenkel, 2021). The number of prime ministers between 2017 – 2021 sheds light on the instability: Between March 2017 and December 2021, Haiti had five different prime ministers, most lasting under a year. The parliament has been “dysfunctional” since 2017 (The Economist, 2020). The lower house’s 119 seats were divided between more than 20 parties, which were not able to agree on fundamental issues, such as passing annual budgets (The Economist, 2020).

The assassination of President Moïse in July 2021 triggered further instability in the country (The New York Times, 2021). The assassination left “a political void” that deepened the turmoil and violence in Haiti and threatened to throw the nation into lawlessness (The New York Times, 2021). Moreover, the interim Prime Minister Ariel Henry was attempted assassinated in early January 2022 (The New York Times, 2022). Further, the scheduled elections for October 2019 were not held (Stuenkel, 2021). The acting Prime Minister per January 2022, Ariel Henry, has stated that he hoped to organize new presidential and legislative elections early 2022 (AP News, 2021).

4.6.3 Democracy and Fragile States Indexes

I now look at how different global indexes measure the state in Haiti before and after MINUJUSTH, in order to provide a holistic view on the progress made by MINUJUSTH.

EIU's Democracy Index attempts to measure "democracy", not the rule of law. However, their definition of "democracy" is broad and encompasses many of the elements covered by my definition of the rule of law. EIU sees democracy as "a set of practices and principles" that institutionalise and protect freedom, that include not only governments based on the majority rule and the consent of the governed, but the existence of free and fair elections, the protection of minority rights and respect for human rights (EIU, 2021, 54).

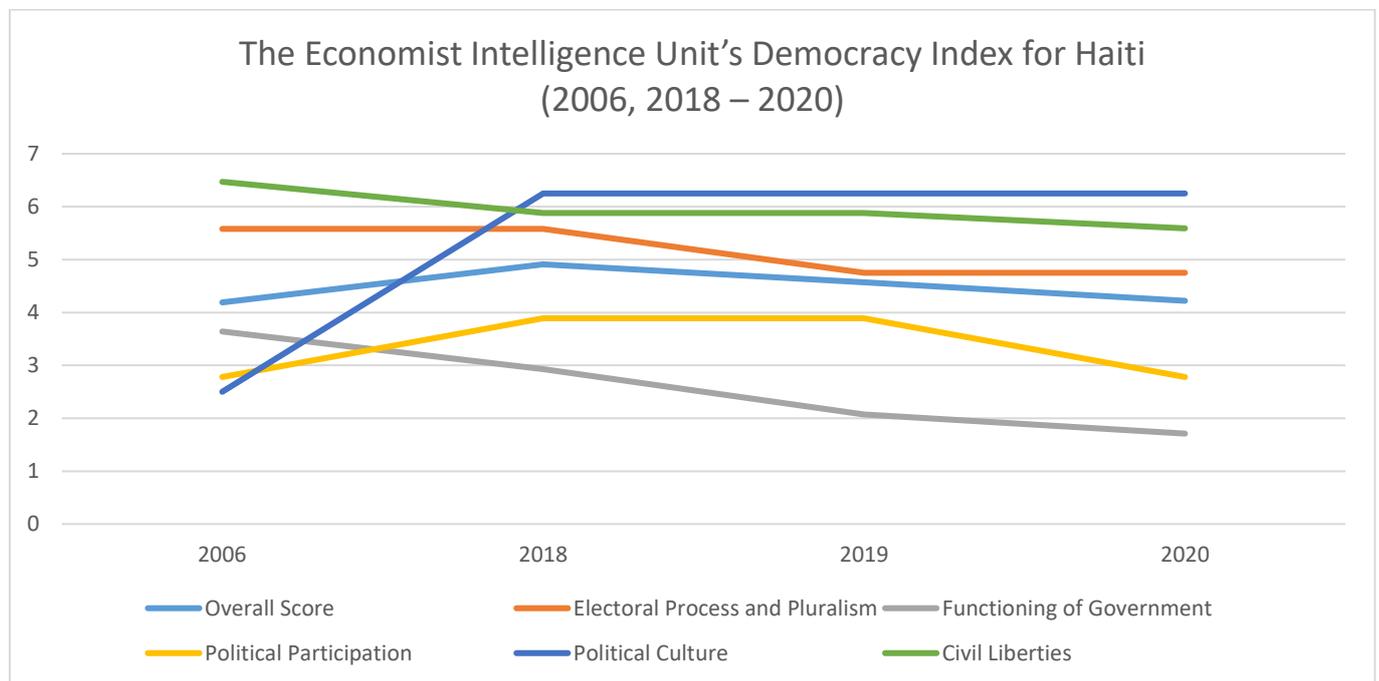
EIU argues that Freedom House's approach to measure democracy is a thinner concept than their approach, view they argue measure more "substantive" elements of democracy (EIU, 2021, 55). Their Index is based on five categories: i) electoral process and pluralism, ii) the functioning of government, iii) political participation, iv) political culture, and v) civil liberties. Countries are scored on a 0 to 10 scale, based on 60 indicators within the five categories.

In EIU's Democracy Index from 2018, Haiti was introduced as being one of the "winners" of 2018, with "notable improvements" (EIU, 2018, 10). However, any slight improvement from previous years should not blind the real state of Haitian democracy at the end of 2017. The country was still ranked globally as 102, and regionally nr 21 of 24 countries (Latin America and the Caribbean). The score in 2018 was 4.91, which was the highest score the country had received since 2006. On the five categories, Haiti got the following scores in 2018: Electoral process and pluralism, 5.58; Functioning of government, 2.93; Political participation, 3.89; Political culture, 6.25; and Civil liberties, 5.88. Ever since 2006, Haiti has been classified as a "hybrid regime", which The Economist describes as:

"Elections have substantial irregularities that often prevent them from being both free and fair. Government pressure on opposition parties and candidates may be common. Serious weaknesses are more prevalent than in flawed democracies—in political culture, functioning of government and political participation. Corruption tends to be widespread and the rule of law is weak. Civil society is weak. Typically, there is harassment of and pressure on journalists, and the judiciary is not independent." (The Economist Intelligence Unit, 2021, 59).

The Economist's Democracy Index reported a slight decrease in Haiti's democracy between 2017 and 2020, with a decrease in the overall score from 4.91 in 2018 to 4.22 in 2020. In 2020, Haiti ranked 106 on global rank of The Economist's Democracy Index, and 21 or 24 regionally. (The Economist Intelligence Unit, 2021, 11). The Index shows that Haiti scores the lowest in terms of functioning of government (1.71) and political participation (2.78, but a bit higher in Electoral

process and pluralism (4.75), political culture (6.25) and civil liberties (5.59). I have summarized the scores from EIU’s Democracy Index in this graph⁹:



The overall impression of Haiti has not changed significantly when looking at the numbers from 2006 to 2020. I am including numbers from 2006 for a broader understanding of the context of the evolution in Haiti, but my focus is on the period in 2017 – 2020. Based on the abovementioned data, there has not been substantive progress in Haiti between 2018 and 2020.

The Fragile States Index (FSI) is an index published and prepared annually by The Fund for Peace (FSI, 2022). Haiti has been one of the countries since 2006. The Index seeks to measure a state’s state of fragility, that is, the state’s vulnerability to conflict or collapse. According to the FSI, fragility might manifest itself in various ways, but common attributes might include:

- The loss of physical control of its territory or a monopoly on the legitimate use of force;
- The erosion of legitimate authority to make collective decisions;
- An inability to provide reasonable public services;
- The inability to interact with other states as a full member of the international community (FSI, 2022).

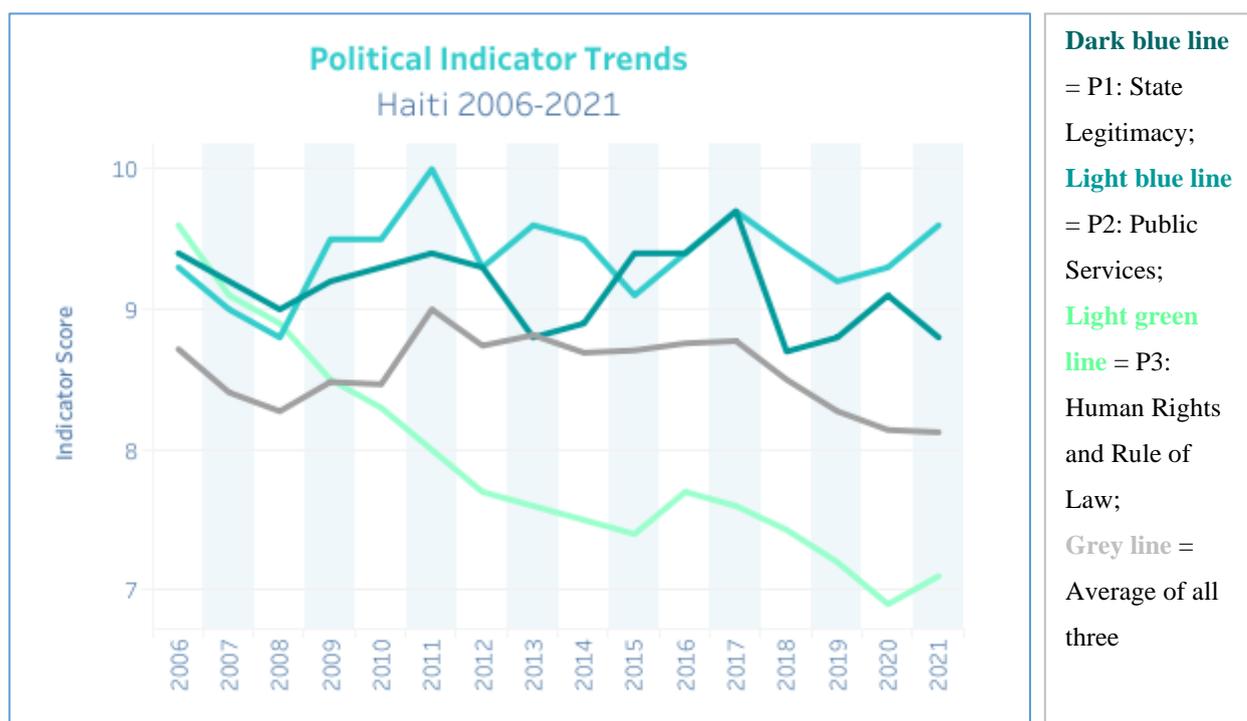
⁹ My graph based on data from the Economist Democracy Index.

The Index uses 12 indicators, categorized in four groups; cohesion, economic, political, and social and cross-cutting indicators. For each indicator, the ratings are placed on a scale of 0 to 10, with 0 being the lowest intensity (most stable) and 10 being the highest intensity (least stable). The total score is the sum of the 12 indicators and is on a scale of 0-120. The FSI shows that Haiti, overall, is *more stable* (less fragile) in 2020 than it was in 2017¹⁰:



¹⁰ Screenshot from Fragile States Index Haiti page.

To be able to research further what changes have happened in Haiti that are relevant to my research question, one can distinguish the measures of the specific indicators by categorization. The third category, political indicators, consists of *P1: State Legitimacy*, *P2: Public Services* and *P3: Human Rights and Rule of Law*. The most relevant indicators to my research are P1 and P3. P1 considers confidence in the political process, political opposition, transparency, openness and fairness of political process, and political violence. P2 looks at civil and political rights, civil and political freedoms, violations of such rights, openness, justice and equality (FSI, 2022). The following figure shows the political indicators trends from 2006 to 2021¹¹:



From this data, one can draw the conclusion that public services have remained overall steady from 2006 to 2021. State legitimacy declined in the later period, from 2017 onwards. With regards to the category “human rights and the rule of law”, the data shows a steady decline from 2006 to 2021, including the period from 2017 – 2020. This category is the most relevant factor to my research question as it reflects an *improvement* in the areas of human rights and rule of law during MINUJUSTH’s period. I note that the indicator P1, on state legitimacy, remained high during and post MINUJUSTH. This indicator supports my observation above that social trust in Haiti did not increase post MINUJUSTH. However, according to the FSI, the totality of circumstances concerning the rule of law improved slightly post MINUJUSTH.

¹¹ Screenshot from Fragile States Index Haiti page.

4.6.4 Report from Haitian NGOs

Lastly, I include a brief summary of the state in Haiti as reported through Haitian NGOs, in order to include a national view of the progress made. Haiti was subject to universal period review (UPR) in 2016 and is under review again in 2022. Although the report from the United Nations Human Rights Council (UNHRC) is not yet available, the submissions from Haitian NGOs' to the UNHRC Working Group in session January-February 2022, provide useful information as to their perceived progress during MINUJUSTH's presence.

In a common report from by The Institute for Justice & Democracy in Haiti (IJDH), The Bureau des Avocats Internationaux (BAI), The National Human Rights Defense Network (RNDDH) and Alternative Chance, the authors express that Haiti has "regressed with respect" to its human rights obligations since the UPR in 2016 (IJDH, 2022). Further:

Impunity for human rights abuses has deepened and is contributing to Haiti's current state of catastrophic insecurity. The judiciary remains in a state of chronic dysfunction, including due to increased political interference, threats against judicial actors, lack of resources, and persistent failures to orient itself towards and make itself accessible to Haiti's poorest and most vulnerable. Corruption is rampant and there are clear indications of the judiciary acting to vindicate political and other ends, rather than those of justice. Further, including as a consequence of these failures, Haiti most of Haiti's prison population is being confined without process in pretrial detention, in conditions that are inhumane and often life-threatening. (IJDH, 2022, 1).

Thus, NGOs in Haiti were still very much concerned about the rule of law situation in Haiti in 2022. In their view, the situation had deteriorated since 2016, which includes the MINUJUSTH-period. I discuss my data presented in this last section as part of my concluding remarks below.

5. Findings and Concluding Remarks

In Section 4, I presented the data on the progress towards the desired end state for Haiti through MINUJUSTH. I also made short summaries of the data presented in each category and drew conclusions on the progress made in each of the categories above. In this section, I draw the general conclusion that MINUJUSTH failed in strengthening the rule of law in Haiti (5.1). Thereafter, I look at the historical, political and cultural context and outline possible reasons for MINUJUSTH's failure (5.2). In section 5.3, I reflect on UN's way of measuring the success of MINUJUSTH and criticize their presentation of MINUJUSTH as a successful peacekeeping mission.

5.1 The Rule of Law Did Not Improve Significantly Post MINUJUSTH

In this section, I summarize my findings above and conclude that MINUJUSTH failed to improve the rule of law in Haiti to a meaningful extent. As a reminder, I framed my research question of looking at the strengthening of the rule of law in Haiti through MINUJUSTH's own desired end state. The overall desired end state was that a solid foundation for longer-term political stability, security, and development in Haiti, which included that the country's rule of law and security institutions – justice, corrections and police – were able to demonstrate increased professionalism, increasingly comply with human rights standards, supported by functioning accountability mechanisms. Further, I added as indicators of the strengthening of rule of law in Haiti depended on the Haitian population expressing a reasonable level of confidence in these rule of law institutions, and that the country was better prepared for free and fair elections and less corrupt.

The prisons and the police were not able to demonstrate a substantial increase in professionalism in the sense of complying with human rights standards, and they both lacked functioning accountability mechanisms at the end of MINUJUSTH. Despite an improvement on certain areas, such as a decrease in death per inmate and a seemingly decrease in pretrial detention (although the data is uncertain), and an improvement in gender balance in the police, the overall impression of the data is that neither the prisons nor the police increasingly complied with human rights standards post MINUJUSTH. Many prisons were characterized by lack of basic conditions, such as staff shortages, food insecurity and general insecurity for the inmates. Towards the end of MINUJUSTH, there was a high level of allegations of excessive use of force by police officers and the accountability mechanisms were not well-functioning. In my view, the improvements in the prisons and the police were more on the formal side of the rule of law but lacked important substantial elements of improvement in the implementation of the changes to ensure *real and effective* rule of law institutions for Haitians.

The lack of data makes it more difficult to draw a general conclusion regarding any improvement of the judiciary in showing increased professionalism, but based on the available data, it is my view that the rule of law within the judiciary was strengthened during MINUJUSTH. There was an improvement in the timely appointment of judges in the high courts and an improvement in the gender balance in the judiciary overall. The increased number of prosecutions of public authorities of confirmed crimes of human rights allegations speak to an increased professionalism and functioning accountability mechanisms within the judiciary.

However, I am hesitant to conclude that the partial strengthening of the rule of law – mostly in the judiciary – will be sustainable long-term in Haiti because of the limited data on the social trust in these institutions post-MINUJUSTH. Based on the little data available and presented above, it seems that social trust in these institutions did not increase significantly during MINUJUSTH. As social trust is a necessary element to sustain state-building efforts, I am worried that the small improvements under MINUJUSTH will not last for long.

The absence of increased trust may be connected to the remaining high level of corruption in Haiti post MINUJUSTH, as measured by the Perceived Corruption Index and as noted by other reports, including the Secretary-General. Moreover, the failure to hold elections – never mind free and fair – in the fall of 2019 and the following years, probably contribute to a lack of trust and belief in change amongst the Haitian population.

My concluding findings align with the democracy and fragile states indexes, and the reports from the Haitian NGOs. According to the EIU's Democracy Index, the situation in Haiti did not change significantly during MINUJUSTH's period. The minor changes, however, reflect a deterioration of the democracy in Haiti post MINUJUSTH, specifically when it comes to functioning of the government. This data supports my conclusion that MINUJUSTH did not strengthen the rule of law in Haiti significantly. According to the Fragile States Index, Haiti was slightly less fragile – which arguably entails a strengthening of the rule of law – at the end of MINUJUSTH. FSI shows that there was an improvement in the areas of rule of law and human rights, which may support my partial conclusion that there was some improvement in the judiciary system.

Yet, the reports from Haitian NGOs from 2022 and the general state of Haiti in the years following the closure of MINUJUSTH, support my concern that any such improvements were short-lived. In the words of the Haitian NGOs, the judiciary – in 2022, remained in a state of chronic dysfunction and were subject to political interference. As the impartiality of the courts is a basic condition to the concept of the rule of law, it seems that the formal improvements of timely and gender-based appointments in the judiciary were not sufficient to improve the judiciary's adherence to the most basic principles of the rule of law.

Hence, it is my conclusion that MINUJUSTH did not strengthen the rule of law in Haiti to a significant extent. Minor improvements were mainly technical and did not improve the overall state of the rule of law, demonstrated mainly by the lack of improvement in the social trust and the remaining – perceived or actual – high level of corruption.

5.2 Possible Explanations of MINUJUSTH's Limited Success

In this section, I offer my reflections on why MINUJUSTH did not succeed in reaching its desired end state, specifically strengthening the rule of law.

One explanation to the limited success of MINUJUSTH in strengthening the rule of law, is the national political context during MINUJUSTH's period. It is difficult to assess cause-and-effect of MINUJUSTH in isolation from the political crises in Haiti during this period. As Mobekk points out, the political context can have a considerable negative impact upon program implementation (2017, 2). The past 4-5 years in Haiti have been quite extraordinary in terms of instability and crises in the Haitian political context, and the limited progress on the indicators of the rule of law might not be a result of MINUJUSTH's failure to implement their programs but could be a result of the internal political instability in Haiti. In addition, I mention the nature disasters that have continued to occur in Haiti post MINUJUSTH, contributing to a fragile state in the aftermaths of MINUJUSTH's exit, such as the earthquake in 2021 and the COVID-19-pandemic. These external factors probably made it more difficult to sustain the progress made during MINUJUSTH in the long-term.

However, being able to adapt the mandate when unexpected challenges arise, is one of the guidelines in the Secretary-General's guidelines in the report "No Exit Without Strategy" from 2000. Arguably, the Security Council could have secured a long-term success for its rule of law efforts by changing and adapting its mandate as the political context changed throughout its period.

Moreover, the historical context of Haiti, not just contemporary events, might provide an explanation of why MINUJUSTH did not succeed to a larger extent in establishing the rule of law in Haiti in two years. Haiti had never had a functioning democracy until the beginning of the 1990s. Considering the time it takes to building the social trust necessary to sustain long-term changes and real progress, as argued by Rothstein, a two-year perspective might have been too short to expect any substantial progress, even after the security situation was improved under MINUSTAH. Thus, an explanation of MINUJUSTH's failure is, in my view, that MINUJUSTH set unrealistic target and goals to achieve in a two-year time frame.

One should also consider that MINUJUSTH's might have been impacted by the lack of trust in the UN in Haiti due to the negative and unwanted consequences of prior UN presence in Haiti, including the cholera outbreak and allegations of sexual abuse and misconduct. With reference to Cruz, Chandler and O'Connor's importance in internal support and social trust in the established rule of law institutions for their sustainability, the lack of support and criticism against MINUSTAH and the

UN as an intervener in Haiti amongst the Haitian population might have been a factor in limiting MINUJUSTH's success. Perhaps MINUJUSTH's efforts to strengthen the rule of law had been more successful if MINUSTAH officers had not perpetrated human rights violations against the Haitian population, the cholera-outbreak had not happened, or the Haitian populations had perceived that there were accountability mechanisms for the damages inflicted by the UN.

Moreover, the formulation of the mandate raises another question, not related to the mandate's timeframe. Would the reforms to strengthen the rule of law have been more successful if the Security Council had considered Haiti's internal, informal justice institutions to a greater extent rather than formulating the mandate on the basis of their Western/Global North definition of what the rule of law looks like? As Desai points out, the effects of peacekeeping operations might be limited as UN rule of law definition does not apply a functional approach to seeking "real" justice reform.

MINUJUSTH had little focus on researching ways to improve existing informal institutions in Haiti that could have been effective in improving justice for the Haitian population overall and their focus was arguably more on their idealistic view of what the rule of law should look like. An example is MINUJUSTH's focus on timely and gender-based to the higher courts of the country instead of focusing on the judiciary in lower-courts in rural areas of Haiti.

In relation to its rule of law efforts, one can raise the question of whether MINUJUSTH had been more successful with the effective aid of OROLSI, the UN's office of the rule of law. It is surprising that OROLSI's role in peacekeeping operations is not clear to the office itself nor the Secretary-General, given the UN's increased focused on state-building efforts in newer peacekeeping mission and specifically concerning MINUJUSTH.

Another explanation of MINUJUSTH's failure can possibly be the reason for exiting Haiti in the first place – was the decision to exit Haiti premature and political rather than based in the needs on the ground? According to Di Razza, the decision to deploy the transition mission was "a political decision made by the Security Council and was not necessarily based on the needs and progress on the ground of aligned with the situation in the country" (Di Razza, 2018, 22). Di Razza argues that the Security Council decided to withdraw MINUSTAH as part of its efforts to "demonstrate the performance of UN peacekeeping and the organization's ability to close its missions" against the backdrop of increased scrutiny of peace operations and budget cuts at the UN (2018, 22). Further, he argues that the decision also resulted from "new dynamics in the council, with the new US administration calling for cuts in peacekeeping" (Di Razza, 2018, 22).

Di Razza also reveals poor organizational choices in the establishment of MINUJUSTH and its mandate following MINUSTAH (2018, 24), not in line with the UN Transition policy (UN DPKO, 2013). The UN Transition Policy recognizes that “when it becomes apparent that a UN transition will lead to the establishment of a new mission, discussion should be immediately among the headquarters offices concerned” and that “the lead department must take on the responsibility to lead the planning for the configuration of the new UN mission prior to mission withdrawal” (UN DPKO, 2013). Di Razza argues that in the case of Haiti, the Secretariat “completely excluded MINUSTAH’s civilian staff from the design of MINUJUSTH” both before and after the passage of Resolution 2350 (2018, 24).

As said by Di Razza, the exclusion “triggered” a number of internal battles (2018, 24). Whereas MINUSTAH staff were focused on closing MINUSTAH, headquarters in New York would “open” MINUJUSTH, (2018, 24). As headquarters did not have much vision from the field in Haiti, they “decided to create the transition narrative themselves” (2018, 24). Some staff members from the field in Haiti complained that there was no “joint planning team”, so that the organizational chart of MINUJUSTH and the number of personnel at each level was not “driven by needs but by artificial quotas” (2018, 24). There was further a misalignment between needs and budget allocations because headquarters defined results-based budgeting indicators without coordinating with the field (Di Razza, 2018, 24).

The impression of the lack of a smooth transition between MINUSTAH and MINUJUSTH is confirmed by the SPAG-report from 2018. In their field trip, the SPAG heard “concerns regarding the transition” from MINUSTAH to MINUJUSTH, out of which one main concern was that “a general discrepancy between the impressions of the mission versus that of UN Headquarters in New York” (2018, 2). More specifically, the report states, “the SPAG was left with the impression that, instead of a transition, one mission was shut down followed by the stand-up of a new mission” (2018, 2). Hence, it appears that SPAG also had concerns in relation to the establishment of MINUJUSTH and the lack of coherent follow-up from MINUSTAH.

Furthermore, an explanation to its limited effect might have been the close link between economic development and the rule of law, its importance noted by Mobekk and Di Razza (2017, 25, 2018, 12). Throughout MINUJUSTH, Haiti continued to rank as one of the poorest countries in the world and was ranked low on UN’s Human Development Index. It is difficult to reform judicial systems and to increase social trust in such institutions without aligning such efforts with economic

development efforts. This thesis has not included focus on the efforts made on economic development and how closely aligned such efforts were with the rule of law efforts but constitutes an interesting study for further research.¹²

I also raise the question on whether MINUJUSTH's failure supports the criticism against state-building efforts in general and if it thereby serves as an example that supports Chandler's argument that state-building weakens states instead of strengthening them. Assessed on today's volatile political situation in Haiti, just under three years after the closure of MINUJUSTH, critics will be able to argue that the long-term goal of a solid foundation for long-term stability was not reached by MINUJUSTH. However, it is difficult to analyse how the situation would have been without MINUJUSTH and the prior peacekeeping operations, and one should be careful with drawing such overarching general conclusions from this case-study.

5.3 A Critical View of UN's Measuring and Self-Reporting of Success

During my work with this thesis, I have become sceptical to UN's way of measuring the progress towards their stated end state and their self-reporting of success post the closure of MINUJUSTH.

First, as I commented various places in Chapter 4 when presenting MINUJUSTH's indicators and benchmarks, there is a discrepancy between the desired end state and the definition of rule of law, on the one hand, and MINUJUSTH's goals, targets and indicators, on the other hand. This discrepancy must make it difficult for the UN to measure the mission's success, but also makes it hard for other actors, such as UN Member States, to assess the mission's failures and successes. In future mission mandates regarding the rule of law, the UN should link their benchmarks and indicators closer to the UN Rule of Law Guide. An alternative is that the UN formulates their desired end state goals less ambitious, so that their indicators and benchmarks are more aligned with the expressed goals.

Moreover, I am critical to the way the UN has presented the results of MINUJUSTH, which in my view diverges from the data found in the Secretary-General reports on MINUJUSTH. The UN should be more honest in portraying the results of their Peacekeeping Missions. Press releases and data presented should be more aligned with all the progress measured, not by cherry-picking the parts of the data that can portray the mission as a success. This way, the UN can avoid (intentionally

¹² See Di Razza 2018 for a brief discussion on the interlinkages between the UN Development Assistance Framework (UNDAF) and MINUJUSTH.

or unintentionally) misleading its member states, the Security Council and other actors assessing the effects of UN Peacekeeping and state-building efforts in general.

References

Literature

- Amnesty International, November 27, 2018. “Haitian authorities must avoid excessive use of force during protests”. <https://www.amnesty.org/en/latest/news/2018/11/haiti-authorities-must-avoid-excessive-use-of-force-during-protests/>
- Amnesty International, October 31, 2019. “Haiti: Amnesty Verifies Evidence of Excessive Use of Force Against Protesters.” <https://www.amnesty.org/en/latest/news/2019/10/haiti-amnesty-verifies-evidence-excessive-force-against-protesters/>
- Ante, Arta. 2010. “State Building and Development: Two sides of the same coin? Exploring the case of Kosovo.” Diplomica Verlag.
- Bratt, Duane. 1996. “Assessing the Success of UN Peacekeeping Operations”. *International Peacekeeping* 3(4), pages 64 – 81.
- Brown, Marjorie Ann. 1993. “United Nations Peacekeeping: Historical Overview and Current Issues”, Report for Congress. Washington DC: Congressional Research Service.
- Caplan, Richard. 2004. “International Authority and State Building: The Case of Bosnia and Herzegovina”, in *Global Governance, Vol. 10, Issue 1*.
- Caplan, Richard. 2012. “Devising Exit Strategies”. *Survival: London*, 54, No. 3 (2012).
- Coto, Dánica, Goodman, Joshua, Luxama, Pierre-Richard, 2021. “The AP Interview: Haiti PM plans to hold elections next year”. AP News. <https://apnews.com/article/elections-caribbean-port-au-prince-haiti-constitutions-f8ca54a40c53bd21057f34952b9508ed>
- Chandler, David. 2005. “How ‘state-building’ weakens states”, in *Spiked Essays*. Accessed on January 7, 2022. Available at <https://www.spiked-online.com/2005/10/24/how-state-building-weakens-states/>
- Charles, Jacqueline. November 22, 2019. “Munity Over Cooking Charcoal in Haiti Prison Led to Gang Rapes, Human-Rights Groups Say”. WLRN. <https://www.wlrn.org/news/2019-11-22/mutiny-over-cooking-charcoal-in-haiti-prison-led-to-gang-rapes-human-rights-groups-say>
- Congressional Research Service, March 5, 2020. “Haiti’s Political and Economic Conditions”. <https://sgp.fas.org/crs/row/R45034.pdf>
- Committee to Protect Journalists (CPJ), 2019. “Radio Panic FM Journalist Found Dead in Haiti” <https://cpj.org/2019/10/radio-panic-fm-journalist-found-dead-in-haiti-foll/>
- Cruz, José Miguel. 2010. “Police Misconduct and Democracy in Latin America”. *Americas Barometer Insights: 2010: No. 33*. <https://www.vanderbilt.edu/lapop/insights/I0833en.pdf>
- Danroc G. and d. Roussiere. 1995. *La Répression au Quotidien en Haiti 1991 – 1994*, Port-au-Prince: H.S.I.
- Desai, Deval & Isser, Deborah & Woolcock, Michael. 2011. “Rethinking Justice Reform in Fragile and Conflict-Affected States: The Capacity of Development Agencies and Lessons from Liberia and

Afghanistan.” In World Bank Legal Review Volume 3: International Financial Institutions and Global Legal Governance, pages 241 – 262. World Bank.

Diehl, Paul F. 1994. *International Peacekeeping*. Baltimore, MD: John Hopkins University Press.

Di Razza, Namie, December 2018. “Mission in Transition: Planning for the End of UN Peacekeeping in Haiti”, International Peace Institute. <https://www.ipinst.org/wp-content/uploads/2018/12/IPI-Rpt-Mission-in-TransitionHaiti.pdf>

Figuera, Mariana Cabrera. Undated. “Peacekeeping in Haiti: Successes and Failures”. Frederick S. Pardee School of Global Studies: The Pardee Atlas Journal of Global Affairs. <https://sites.bu.edu/pardeeatlas/back2school/peacekeeping-in-haiti-successes-and-failures/>

Fukuyama, Francis. 2004. *State-building: Governance and World Order in the Twenty-First Century*. London: Profile Books.

Haitian Times, November 18, 2019. “Haiti Police Call for Right to Unionize”. <https://haitiantimes.com/2019/11/18/haiti-police-call-for-right-to-unionize/>

Human Rights Watch, 2020. World Report, Haiti Chapter. <https://www.hrw.org/world-report/2021/country-chapters/haiti>

IJDH, BAI, Alternative Chance, RNDDH, 2022. Republic of Haiti: Submission to the United Nations Human Rights Council – Universal Period Review 40th Session of the UPR Working Group (January – February 2022): “Justice Challenges in Haiti”. http://www.ijdh.org/wp-content/uploads/2021/12/Updated-Justice-Sector-Challenges-in-Haiti_UPR-Submission_EN-1.pdf

Johansen, Robert C. 1994. “U.N. Peacekeeping: How Should We Measure Success? Review of International Peacekeeping by Paul F. Diehl”. *Mershon International Studies Review* 38 (1), pages 309-310.

Johnson, Jake. January 10, 2018. “A U.N.-backed police force carried out a massacre in Haiti. The Killings have been almost entirely ignored”. *The Intercept*. <https://theintercept.com/2018/01/10/haiti-raid-united-nations-police-grand-ravine/>

King, Charles. 2021. “MINUSTAH is doing positive things just as they do negative things’: nuanced perceptions of a UN peacekeeping operation amidst peacekeeper-perpetrated sexual exploitation and abuse in Haiti”. *Conflict, Security and Development* Volume 21:6, 2021. <https://www.tandfonline.com/doi/full/10.1080/14678802.2021.1997453>

Mines, Keith. 2021. “A Plan for Haiti’s Growing Fragility: U.N. Action That’s Equal to the Challenge”, United States Institute of Peace. <https://www.usip.org/publications/2021/09/plan-haitis-growing-fragility-un-action-thats-equal-challenge>

Ministere Sante Publique et de la Population. 2020. Rapport du Réseau National de Surveillance. Accessed on January 8th, 2021. <https://mspp.gouv.ht/site/downloads/Profil%20statistique%20Cholera%203eme%20SE%202020.pdf>

MINUJUSTH, 2019. “MINUJUSTH completed its mandate, putting an end to 15 consecutive years of peacekeeping in Haiti”, MINUJUSTH. <https://minujsth.unmissions.org/en/minujsth-completes-its-mandate-putting-end-15-consecutive-years-peacekeeping-haiti-0>

- MINUJUSTH and OHCHR, 21, June 2019. “La Saline: Justice pour les victims. L’Etat a l’obligation de protéger tous les citoyens”. <https://minujsth.unmissions.org/en/minujsth-and-ohchr-release-report-violent-events-13-and-14-november-la-saline>
- Mobekk, Eirin. 2017. *UN Peace Operations: Lessons from Haiti, 1994-2016*. New York: Routledge.
- O’Connor, Sandra Day, and Azzarelli, Kim K. 2011. Sustainable Development, Rule of Law and the Impact of Women Judges, in 44 Cornell International Law Journal, Volume 3 (2011). Available at <https://heinonline.org/HOL/LandingPage?handle=hein.journals/cintl44&div=6&id=&page=>
- Osland, Kari M. 2014. “Much Ado About Nothing? The Impact of International Assistance to Police Reform in Afghanistan, Bosnia and Herzegovina, Kosovo, Serbia and South Sudan. A Comparative Case Study and Developing a Model for Evaluating Democratic Policing”, Oslo: Faculty of Social Sciences, University of Oslo/Akademika Publishing.
- Pan, Esther. 2005. *United Nations: Nation-Building*. Council on Foreign Relations. Accessed January 6, 2022. <https://www.cfr.org/backgrounder/united-nations-nation-building>
- Paris, Roland. 2004. *At War’s End: Building Peace After Civil Conflict*. Boulder: Cambridge University Press.
- Peter, Mateja. 2016. “Measuring the Success of Peace Operations: Directions in Academic Literature”. NUPI Working Paper 862. Norwegian Institute of International Affairs.
- Pepinsky, Thomas B. 2019. “The Return of the Single-Country Study”, *Annual Review of Political Science* 2019, Volume 22, pages 187 – 203.
- Reuters, 2020. “A Decade After UN-Linked Cholera Outbreak Haitians Demand Justice”. <https://www.reuters.com/article/us-haiti-cholera-un-feature-trfn/a-decade-after-u-n-linked-cholera-outbreak-haitians-demand-justice-idUSKBN2772RM>
- Rothstein, Bo, 2011. *The Quality of Government*. The University of Chicago Press: Chicago, 2011.
- Stanford Encyclopaedia of Philosophy, 2016. <https://plato.stanford.edu/entries/rule-of-law/>
- Strategic Police Advisory Group (SPAG), 2018. “Report of the Strategic Police Advisory Group (SPAG) on the visit to the United Nations Missions for Justice Support in Haiti (MINUJUSTH)”. 2 May 2018. *Unpublished, internal report*.
- Stuenkel, Oliver. 2021. *Haitians Should Be at the Center of Rebuilding Their Country*. Carnegie Endowment for International Peace. Accessed January 6, 2022. <https://carnegieendowment.org/2021/07/21/haitians-should-be-at-center-of-rebuilding-their-country-pub-85014>
- Stone, Christopher. 2010. “A New Era for Justice Sector Reform in Haiti”. Harvard Kennedy School Working Paper No. RWP10-033, July 2010. <https://www.hks.harvard.edu/publications/new-era-justice-sector-reform-haiti>
- The Economist, 2020. “Jovenel Moïse tries to govern Haiti without a parliament” <https://www.economist.com/the-americas/2020/01/18/jovenel-moise-tries-to-govern-haiti-without-a-parliament>

The New York Times, 2021. “Haiti’s President Assassinated”.
<https://www.nytimes.com/2021/07/07/world/americas/haiti-president-assassinated-killed.html?action=click&module=RelatedLinks&pgtype=Article>

Thomas, Gessika, Ellsworth, Brian. 2022. «Haiti’s Henry urges elections amid calls for transition government». Reuters. <https://www.reuters.com/world/americas/haitis-henry-urges-elections-amid-calls-transition-government-2022-02-07/>

Tøraasen, Marianne, 2021. “The future of UN policing? The Norway-led Specialized Police Team to Combat Sexual and Gender-Based Violence in Haiti 2010-2019”. CMI Report Number 3, August 2021. <https://www.cmi.no/publications/7844-the-future-of-un-policing>

Tøraasen, Marianne, 2022. “Women’s Judicial Representation in Haiti: Unintended Gains of State-Building Efforts”. Politics & Gender. Cambridge University Press, 12 April 2022.
<https://www.cambridge.org/core/journals/politics-and-gender/article/womens-judicial-representation-in-haiti-unintended-gains-of-statebuilding-efforts/FA55EC6D6A6C680277B38D594BFAE87A>

United Nations, 2000. “Security Council Discusses Exit Strategies for Peacekeeping Operations”, Press Release SC/6951, 15 November 2000.
<https://www.un.org/press/en/2000/20001115.sc6951.doc.html>

United Nations, 2011. “The United Nations Rule of Law Indicators: Implementation Guide and Project Tools”, Department of Peacekeeping Operations and Office of the High Commissioner for Human Rights, United Nations: First Edition, 2011.
https://www.un.org/ruleoflaw/files/un_rule_of_law_indicators.pdf

United Nations Peacekeeping s.v. “Office of Rule of Law and Security Institutions”. Accessed January 7, 2022. <https://peacekeeping.un.org/en/office-of-rule-of-law-and-security-institutions>

United Nations Peacekeeping s.v. “Our History”. Accessed January 7, 2022.
<https://peacekeeping.un.org/en/our-history>

United Nations s.v. “Peacekeeping operations timeline 1948-2020”. Downloaded January 7, 2022.
https://peacekeeping.un.org/sites/default/files/un_peacekeeping_operation_list_3_2.pdf

United Nations Peacekeeping s.v. “Reforming Peacekeeping”. Accessed January 7, 2022.
<https://peacekeeping.un.org/en/reforming-peacekeeping>

United Nations Peacekeeping s.v. “ONUCI”. Accessed May 22, 2022.
<https://onuci.unmissions.org/en/documents>

UN DPKO/DFS Division for Policy, Evaluation and Training, April 2, 2013. “Policy on UN Transitions in the Context of Mission Drawdown or Withdrawal”.

U.S. Department of State, March 2019. “Haiti 2018 Human Rights Report”.

Van Der Lijn, Jair. 2006. “Walking the Tightrope: Do U.N. Peacekeeping Operations Actually Contribute to Durable Peace?” Rozenberg Publishers.

V-dem, “The V-Dem Project”. Accessed January 8, 2022. <https://www.v-dem.net/project.html>

Vera Institute of Justice, “UN Rule of Law Indicators Project”. Accessed at January 7, 2022.
<https://www.vera.org/projects/un-rule-of-law-indicators-project/learn-more>

Waldner, David. 1999. “*State-Building in Russia: The Yeltsin Legacy and the Challenge of the Future*”. NY: M.E. Sharpe.

Weber, Max. 1958. “Politics as a Vocation”, in *From Max Weber: Essays in Sociology*, ed. Hans Henrich Gerth & Charles. NY: Wright Mills, Oxford University Press.

Wills, Siobhán, McLaughlin, Cahal, Louis, Illionor. 2017. “Sent to Haiti to keep the peace, departing UN troops leave a damaged nation in their wake”. <https://theconversation.com/sent-to-haiti-to-keep-the-peace-departing-un-troops-leave-a-damaged-nation-in-their-wake-85584>

Wisner, Sarah, 2019. “As the UN leaves Haiti, its victims still wait for justice”. Aljazeera.
<https://www.aljazeera.com/opinions/2019/10/15/as-the-un-leaves-haiti-its-victims-still-wait-for-justice>

World Bank, 2021. Classification of Fragile and Conflict-Affected Situations. Accessed January 7, 2022. <https://www.worldbank.org/en/topic/fragilityconflictviolence/brief/harmonized-list-of-fragile-situations>

The World Justice Project, “About Us”. Accessed January 7, 2022.
<https://worldjusticeproject.org/about-us/overview/what-rule-law>

Indexes

Fragile States Index, accessed 5 March 2022: <https://fragilestatesindex.org/>

The Economist Democracy Index, accessed 5 March 2022:
<https://www.economistgroup.com/group-news/economist-intelligence/democracy-index-2021-less-than-half-the-world-lives-in-a-democracy>

Transparency International, Corruption Perception Index, accessed 10 January 2022:
<https://www.transparency.org/en/cpi/2021/index/hti>

UNDP Human Development Index Ranking 2020, accessed 5 January, 2022.
<http://hdr.undp.org/en/content/latest-human-development-index-ranking>

Security Council Resolutions on the United Nations Stabilization Mission in Haiti

S/RES/2350 (2017), 13 April 2017
https://minujsth.unmissions.org/sites/default/files/sc_2350e_0.pdf

S/RES/2410 (2018), 12 April 2018 https://minujsth.unmissions.org/sites/default/files/scr_2410_-_english_0.pdf

S/RES/2019/311, 12 April 2019
https://minujsth.unmissions.org/sites/default/files/res_2466_e.pdf

S/RES/2476 (2019), 26 June 2019 (regarding the establishment of BINUH)
https://minujsth.unmissions.org/sites/default/files/res_2476_en.pdf

Reports of the Secretary-General on the United Nations Stabilization Mission in Haiti

S/2017/223, 16 March 2017 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N17/061/05/PDF/N1706105.pdf?OpenElement>

S/2017/604, 12 July 2017 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N17/208/36/PDF/N1720836.pdf?OpenElement>

S/2018/241, 20 March 2018 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N18/071/83/PDF/N1807183.pdf?OpenElement>

S/2018/527, 1 June 2018 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N18/162/06/PDF/N1816206.pdf?OpenElement>

S/2018/795, 30 August 2018 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N18/263/88/PDF/N1826388.pdf?OpenElement>

S/2018/1059, 28 November 2018 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N18/391/81/PDF/N1839181.pdf?OpenElement>

S/2019/198, 1 March 2019 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/054/99/PDF/N1905499.pdf?OpenElement>

S/2019/563, 9 July 2019 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/210/18/PDF/N1921018.pdf?OpenElement>

S/2019/805, 9 October 2019 <https://digitallibrary.un.org/record/3830990?ln=en>

Other UN Documents

Report of the Secretary General, “The rule of law and transitional justice in conflict and post-conflict societies”, S/2004/616, 23 August 2004

Report of the Secretary-General. “No exit without strategy: Security Council decision-making and the closure or transition of United Nations peacekeeping operations”, S/2021/394, 20 April 2001

Report of the Secretary-General. “Revised estimates relating to the programme budget for the biennium 2018–2019 under section 3, Political affairs, and section 5, Peacekeeping operations, and the proposed budget for the support account for peacekeeping operations for the period from 1 July 2018 to 30 June 2019 related to the peace and security reform”, A/72/772, 1 March 2018

Resolution adopted the General Assembly, “2005 World Summit Outcome”, A/60/L.1, 15 September 2005

Security Council Resolution 1769 (2007), S/RES/1769

Security Council Resolution 1509 (2003), S/RES/1509

Security Council Resolution 1528 (2004), S/RES/1528

Other

Agreement Signed by Jimmy Carter and Emile Jonassaint, the Military-Appointed President of Haiti, in Port-au-Prince, on 18 September 1994 (“Port-au-Prince Agreement”), 18 September 1994.

Annex 1: Screenshot of Infographic from MINUJUSTH (2019)

Main progress in 24 months

Police



↑ **10 %** HNP force.
15,400 police officers.



↑ **56 %** policewomen
(from 1,028 to 1,601 in September 2019), representing 10.4 % of the total police force.



95 % of the operations conducted without support from MINUJUSTH, which limited its assistance to 127 law enforcement/crowd control interventions and 29 anti-gang operations.



17 infrastructures built with UN support.

171 HPN senior officers benefited from mentoring and transfer of competencies in support of the SDP³ 2017-2021 (34,5 % implementation rate).



Fight against sexual and sexist violence crimes
• A specialized unit created within the DCPJ⁴
• **600** actors of different sectors and the penal system trained.

Rule of law



↑ **300%** court files processed on the same day of their reception by the Port-au-Prince Public Prosecutor's Office. (787 between January-August 2019. 257 in 2018).



2,946 files of prisoners in pre-trial detention addressed by the BAL⁵, (target of 2,300 already exceeded).

4 prisons certified to international standards.



↓ **Reduction of the number of detainees**
In pre-trial detention :
-**32%** Civilian prison of P-au-P
-**63 %** minors at the CERMICOL⁶
-**14 %** Women's prison



18 jurisdictions inspected by the MJSP⁷



Promulgation of the Legal Assistance Law (26 October 2018).

Human rights



• Office of National Ombudsman (OPC) reinforced.
• OPC offices of Jérémie and Saint-Marc opened.



Nomination in September 2018 of one minister responsible for human rights and support to the Human Rights Interministerial Committee (CIDP).



259 members of civil society organizations trained, of which **30 %** are women, to reinforce their capacities to monitor and report on human rights violations.

Community violence reduction

90,800 direct beneficiaries of 39 projects for community violence reduction, of which **44,750** women, with 90 partners (82 local, 4 international and 4 UN agencies).

2,500 youth (1,400 women) benefited from income-generating activities, vocational training and entrepreneurship.

400 women from vulnerable neighbourhoods sensitized about the HNP work, of which **60** trained for the competitive admission process.

4,800 beneficiaries (2,800 women) of activities to promote community dialogue, capacity development and vocational training in Martissant.

1) PNH: Haitian National Police
3) SDP: Strategic Development Plan

4) DCPJ : Central Directorate of the Judicial Police
5) BAL : Legal Aid Office
6) CERMICOL : Reeducation center for minors in conflict with the law
7) MJSP: Ministry of Justice and Public Security