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STRENGTHENING RULE OF LAW

Background:

An improved justice system is essential for establishing stability and security, curbing human rights abuses, enabling economic development, and improving citizen confidence in the Haitian government. Without a well-functioning judiciary, progress in rebuilding Haiti's police force will fail to achieve the desired result of increasing citizen security. Haiti's justice system also suffers from a lack of judicial independence as well as institutional weaknesses that undermine effective court administration and citizens' access to justice. Nevertheless, recent developments including a set of new institutions and reforms launched by the Minister of Justice and Public Security (MJSP) offer hope that Haiti may finally be moving towards an enduring, secure democracy characterized by rule of law. For example, a Presidential Working Group on Justice Reform was initiated as well as a Commission on Pre-Trial detention and a Commission on Penal and Criminal Procedure Code Reform. With USAID support, these commissions are expected to overhaul Haiti's Justice System.



USAID/Haiti Mission Director Beth Cypser, Minister of Justice Jean Joseph Exume, and Magistrates' School Director Lionel Bourgoïn review the new Case Tracking and Management System

Objectives:

USAID's program for strengthening Rule of Law in Haiti seeks to improve justice sector service delivery while supporting the development and implementation of a comprehensive Justice Sector Reform strategy. The program will support the GOH justice sector reform process through technical and logistical assistance to 24 separate institutions including two Presidential Commissions, the Ministry of Justice, the national Magistrates School and associations of justice sector professionals. The program will also strengthen court administration and case-load management as well as citizen access to legal services, confidence in judicial proceeding, and alternative dispute resolution at the local level.

Activities: USAID's Program for Strengthened Rule of Law in Haiti focuses on the following:

- **Strengthen National Justice Sector Institutions:** Under Phase I, Capacity building was central to USAID's Justice Sector Reform program. USAID helped to codify laws establishing new justice sector institutions and standards for justice sector personnel. USAID will continue to work to ensure these laws are implemented. USAID also supported curriculum development and training for the recently reopened Magistrate's School, as well as rehabilitation of the facility. Under Phase II USAID will provide technical and logistical support to the MJPS to develop a nationally-owned strategic reform plan for the justice sector and support the work of Haiti's new Ministerial Commissions on Pre-Trial detention and on Penal and Criminal Procedure Code Reform. District-specific plans will be piloted in Port-au-Prince, St. Marc and Petite Goâve.
- **Improve Criminal Justice Service Delivery:** Technical and logistical support will be provided to judicial personnel including judges, prosecutors, investigative magistrates and their staff to deter crime, enforce the law, protect citizens, identify and protect the innocent, and punish the guilty while protecting their rights in the three target jurisdictions of St. Marc, Petit-Goave, and selected areas of Port-au-Prince. Support will also be provided to improve Court Administration and case-load management and processing to reduce case-load backlogs.
- **Improve Access to Justice:** Training, technical assistance and logistical support will be provided to expand services offered by Justices of the Peace (JP), Notaries, Land Courts and community mediators in the three pilot jurisdictions. This activity will help to reduce the backlog in criminal

cases filed, resolve grievances that could escalate into more violent acts, and develop citizen familiarity with and confidence in the justice system. Alternate Dispute Resolution (ADR) programs will also be piloted after national guidelines and rules are developed with the participation of all donors, the GOH, and civil society.

- **Improve Effective Control and Oversight of Justice Sector Operations:** Training, technical assistance and logistical support will be provided to the new Judicial Inspection Unit and its staff.

USAID Support: \$20 Million

Life of Program: Phase II: April 2009 to November 2014

Geographic focus: Nationwide with particular focus in Port-au-Prince, Petit-Goave and Saint Marc.

Implementing Mechanism and Partner: Phase I: National Center for State Courts. Phase II: TBD

FY 2008 Program Results: Under Phase I, USAID assistance resulted in the following:

- The adoption of three landmark bills in 2008 including: 1) a law creating Haiti's new Judicial Council, which bears sole authority to select new judges and oversee the judiciary; 2) a law that clarifies the respective roles of judges and prosecutors; and 3) a law establishing the new Magistrates School and requiring all prospective judges to attend. Other key draft laws were also advanced, including a law to reduce pre-trial detention time through plea bargaining, parole, and community service.
- Re-opening the Magistrates School through support to design its curriculum and by providing furniture so that classes could begin on schedule. Training was provided to 234 justice sector personnel including judges, prosecutors and investigative judges on criminal procedure, application of a new case registry and case tracking system developed with USAID support, and ethics and coordination with penal system.
- The development of Haiti's first Case Registry and Tracking System. After the system was approved by the Minister, USAID provided training to its users and helped to implement the system in 25 pilot courts and parquets.
- Improving access to justice through an innovative pilot project that deployed roving Justices of the Peace to rural areas in order to resolve disputes and provide legal education. As a result, 9,699 persons received legal assistance or counseling in 82 communities.
- To better protect residents and prosecute offenders, a legal assistance center called *Kay Jistis*, or House of Justice, was established in partnership with the GOH Human Rights Ombudsman's Office. Over 300 indigent persons received legal assistance, and over 800 participated in civic education activities. Additionally, four law clinics and 14 bar associations and other legal institutions, commissions, justice working groups or civic groups were provided technical and logistical assistance so that more Haitians can have access to legal services.
- USAID provided office equipment, supplies, books, codes and other logistical support to 193 courts nationwide.

Expected Results Over the Life of the Project:

- Development and implementation of a comprehensive Justice Sector Strategy.
- Updated criminal and criminal procedural code meets the needs of the Haitian public and is consistent, coherent and ensures that the legal basis for investigations and judgments is solid.
- Improved citizen security in selected high crime areas through criminal justice service delivery,
- Improved access to justice in three pilot jurisdictions reflected in public opinion surveys.
- Improved case-load management, court administration, and a reduction in case back-logs.
- Independence, self-governance and effective control and oversight of sector operations achieved.