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Dysfunction of Parliament and new Constitution announced by the President: Position of principle of human rights organizations and civil society

Human rights and civil society organizations, signatories to this note, take note of the dysfunction of Parliament since Monday, January 13, 2020, following the departure of members of the 50th Parliament and senators whose term of office has expired.

The President of the Republic Jovenel MOÏSE, the main person responsible for this situation of institutional vacuum, quickly pronounced on the caducity of Parliament. He also promised to use the amount allocated by the budget for the operation of Parliament, for the construction of several high schools across the country.

However, having had a majority in the Chamber of Deputies and in the Senate, the President of the Republic has done nothing to ensure that the electoral law, forwarded to the Parliament on September 12, 2018 (convocation to the extraordinary), is voted. However, it passed a law on May 4 and 8, 2017, respectively, organizing and operating the Central Financial Intelligence Unit (UCREF), thereby vassalizing the institution. He also had Prime Minister Jean Henry Céant dismissed on March 18, 2019.

The President has therefore chosen not to conduct the by-elections in 2017 and 2019, to renew two (2) thirds of the Senate (2016-2018; 2018-2020), and the Chamber of Deputies, in accordance with the prescribed articles 95-3:1 and 462 respectively of the Constitution and the Electoral Law. He looked forward to dissolve the Parliament.

For its part, the 50th legislature, instead of listening to the Haitian people and playing its role as a watchdog against government gaps, Lent himself to the game, helping the Executive to dismantle state institutions and gangster the country, granting itself exorbitant privileges and engaging in acts of corruption such as extra-billing, embezzlement, nepotism, and so on.

The President has not ensured the responsibility devolved to him by the Constitution and democratic principles, to promote the smooth running of the institutions. On the contrary, since the dysfunction of the Haitian Parliament, he launched himself in an awareness campaign on the opportunity to change the Haitian Constitution by referendum.

The human rights and civil society organizations, signatories to this note, recall, on the one hand, that the Constitution, while establishing the mechanisms of its amendment, expressly prohibits, in its article 284.3, any consultation by referendum to change or amend it. In fact, this article states: “Any popular consultation aimed at amending the Constitution by means of a referendum is strictly prohibited”. They recall, on the other hand, that it was by referendum organized on June 14, 1964, amending the Haitian Constitution then in force, that President François Duvalier had been proclaimed President for life.

In addition, it should be pointed out to the President of the Republic, Jovenel Moïse, that any violation of the Constitution by those charged with enforcing it constitutes a crime of high treason, in accordance with the provisions of Article 21.

Today, the constitutional order is broken. The achievements achieved at the cost of great sacrifices, for the construction of democracy and the rule of law in Haiti are threatened.

That is why, the current situation of institutional vacuum and this propaganda of the President to lead the population to believe that one of the possible outcomes is the organization of a referendum, In the objective every day a little more unveiled to establish a dictatorial regime in the country, must challenge all the structures of Haitian society, engaged in the construction of democracy and the rule of law.

Port-au-Prince, January 22, 2020

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¹The Senate is renewed by one-third (1/3) every two years. In the event that the elections cannot be completed before the second Monday in January, the elected Senators shall take office immediately after the validation of the vote and their six (6) term of office years shall be deemed to have started on the second Monday of January of the year of commencement.

² The Senate shall be renewed by one-third (1/3) every two (2) years.