



House Foreign Affairs Committee
Tom Lantos Human Rights Commission

Hearing
on

Human Rights in Haiti: Ideas for Next Steps

Statement of Anthony N. Banbury
President and CEO
International Foundation for Electoral System (IFES)

March 4, 2020 – 2:00 p.m.
2255 Rayburn House Office Building

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Co-Chairmen McGovern and Smith, and distinguished members of the Commission: on behalf of [the International Foundation for Electoral Systems \(IFES\)](#),¹ I deeply appreciate this opportunity to testify on the conditions and next steps necessary to achieve credible elections in Haiti.

Political participation – to have a voice in how you are governed – is a human right. But credible elections that reflect the will of the people also underpin resilient, responsive government institutions that can protect and promote human rights and fundamental freedoms.² Only through participatory elections and governance can a Haitian-led recovery and renaissance take hold and secure the country’s future. It is through my own deep experience in Haiti that I know this to be true.

In the 1990s, I was a human rights officer for the joint Organization of American States / United Nations (UN) International Civilian Mission in Haiti. In 2010, the Secretary-General named me as his acting Principal Deputy Special Representative in Haiti just days after the devastating January 12 earthquake. From this position I designed and led the UN system’s operational response to the deadliest natural disaster in the Western Hemisphere in modern history, working closely with the Haitian government, the U.S. military’s Operation Unified Response and nongovernmental organizations to save lives, bring aid to the Haitian people and rebuild the UN Stabilization Mission in Haiti (MINUSTAH), the UN’s peacekeeping mission. It remains one of the most difficult, but proudest, moments of my career, and left me with an indelible impression of not only the unique challenges Haiti faces, but the strength and potential of its people.

Credible elections are but one milestone on a long road to a secure and prosperous Haiti. But achieving an adequate and inclusive legal, logistical and political environment for elections is a journey all its own: According to USAID’s FY20 Journey to Self-Reliance Country Roadmap, Haiti’s commitment to open and

¹ IFES collaborates with civil society, public institutions and the private sector to build resilient democracies that deliver for everyone. As the global leader in the promotion and protection of democracy and electoral integrity, our technical assistance and applied research develops trusted electoral bodies capable of conducting credible elections; effective and accountable governing institutions; civic and political processes in which all people can safely and equally participate; and innovative ways in which technology and data can positively serve elections and democracy. Since 1987, IFES has worked in more than 145 countries, from developing to mature democracies. Our vision is “Democracy for a better future” and our mission is “Together we build democracies that deliver for all.”

² <https://www.state.gov/u-s-relations-with-haiti/>

accountable governance is 0.19 out of one, while its capacity is just 0.09 out of one³ – both political will and technical capacity must be cultivated.

Difficulty should not dissuade us. Beyond the obvious benefits to the Haitian people, a democratic Haiti with regular, credible elections will ultimately uphold our shared democratic values while reducing transnational crime, political instability, vulnerability to chronic crises and the root causes of irregular migration.⁴ Haiti can play a meaningful role in fulfilling the U.S. National Security Strategy’s vision of a “world of strong, sovereign, and independent nations, each with its own cultures and dreams, thriving side-by-side in prosperity, freedom, and peace.”⁵

Ongoing Electoral Assistance in Haiti: Successes and Challenges

IFES has supported Haiti’s electoral and democratic processes over the past three decades. Through funding from the U.S. Agency for International Development (USAID) and in partnership with the people of Haiti, IFES builds the capacity of the Haitian election management body (EMB) and civil society; facilitates management of elections and builds greater confidence in electoral processes; and increases civic participation and the inclusion of traditionally marginalized groups. IFES is committed to a Haitian-led approach, standing behind partners to ensure the local ownership, political legitimacy and sustainability of electoral reforms and new practices. Activities are based on an adaptive approach, tailored to achieve the program’s expected results while maintaining its flexibility and ability to take advantage of opportunities that might arise from the country’s continuous political changes.

Under current programming in Haiti, IFES supports:

- Legislative drafting and the electoral law
- Election dispute resolution
- Voter registration
- Results transmission
- Electoral training
- Internal and external communications

In 2017, IFES started a new phase of its work in Haiti with the “Elections and Political Processes Support Activity” (EPP), a five-year program funded by USAID through the Global Elections and Political Transitions (GEPT) mechanism. In Haiti and all over the world, IFES works with its GEPT partners – including the International Republican Institute and the National Democratic Institute – to deliver comprehensive democracy, human rights and governance (DRG) programming.

Currently, IFES’ focus is on supporting the Provisional Electoral Council (CEP), Haiti’s EMB. The CEP has increased the transparency and efficacy of the country’s electoral process but continues to face obstacles such as limited funding, lack of permanence and poor organizational structure in building its technical capacity and overcoming the population’s entrenched lack of trust. IFES’ support to the CEP under the EPP program has included holistic assistance to the institution’s long-term capacity and short-term ability to hold credible elections.

The adoption of an electoral law and the creation of accurate, updated voter lists are essential precursors to elections. As such, IFES worked with the CEP on an electoral law proposal that was submitted to the executive at the end of 2018 and led a technical legislative drafting training in December 2019 and January 2020. Now, as the National Identification Office (ONI) ramps up efforts to register Haitian citizens and distribute ID cards – voters’ only authorized ID document on polling day – IFES is preparing to support the CEP in the transfer, storage and management of registration information from the ONI.

³ https://selfreliance.usaid.gov/docs/roadmaps/USAID_FY_2020_Haiti_Country_Roadmap_en_US.pdf

⁴ <https://www.usaid.gov/sites/default/files/documents/1862/USAID-Haiti-Strategic-Framework-2018-2020.pdf>

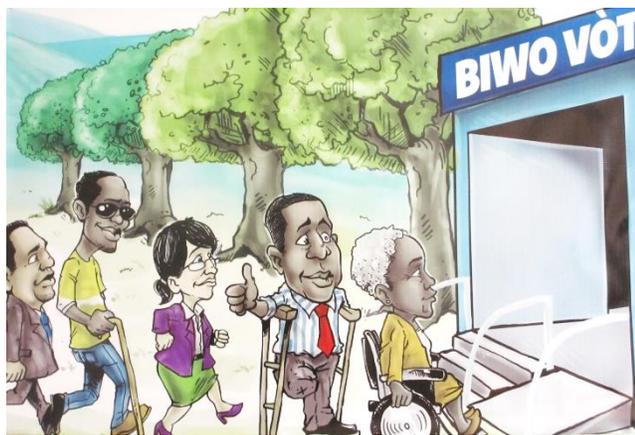
⁵ <https://www.whitehouse.gov/wp-content/uploads/2017/12/NSS-Final-12-18-2017-0905.pdf>

IFES also has a long history of successfully empowering traditionally underrepresented groups in electoral and political participation. In Haiti, the World Health Organization estimates that over 1.5 million people have a disability. Approximately [300,000](#) people acquired a disability as a result of the 2010 earthquake. Because of the long-lasting impacts on a significant number of people who acquired a disability, more attention has shifted toward mainstreaming and advancing disability rights in Haiti.

IFES has empowered disabled persons organizations (DPOs) to connect with government agencies to advocate for disability inclusion strategies. In August and October 2015, IFES supported persons with disabilities in six cities nationwide to conduct two election access observations to ensure that elections are inclusive of and accessible to persons with disabilities. Using findings from the Election Access Observation report, Haitians with different types of disabilities developed recommendations for the CEP and the Secretary of State for the Integration of Persons with Disabilities (BSEIPH). Based on this feedback, the CEP took some steps to address election inclusion and accessibility.

IFES also partners with local women’s and human rights organizations toward the political empowerment of women. IFES has:

- Worked with civil society organizations (CSOs), the CEP and the Ministry of Women’s Affairs and Women’s Rights to update the 2015 National Strategy on Gender and Elections.
- Supported the CEP during the 2017 elections to raise awareness of the importance of women’s participation as candidates. With IFES’ help, the Ministry of Women’s Affairs and Women’s Rights held 100 awareness-raising sessions and the Women’s Radio Communications Network broadcast a radio spot 700 times.
- Conducted a workshop and training for Haitian journalists on advanced investigative journalism; women’s representation and violence against women in elections (VAWE); and the inclusion of persons with disabilities. This was a follow-up to a [previous training](#) that covered investigative journalism during the electoral period.
- In recent years, conducted [a targeted VAWE assessment](#), raised awareness and offered resources to women candidates, including a call-in line and referral service for victims of VAWE. IFES also implemented “Male Allies for Leadership Equality (MALE)” to raise awareness of gender-based violence (GBV) and build a network of allies to stand against GBV.



Recognizing the low literacy rates among much of the population and particularly among Haitians with disabilities, IFES and the CEP developed wordless voter education materials to ensure access for people with all types of disabilities. IFES, in partnership with the Deaf community, sign language experts and BSEIPH, is also currently working to develop a Haitian sign language lexicon to expand access to election-related vocabulary and raise awareness of the right of Deaf communities to participate in public and political life.

A More Democratic, Resilient Haiti Supports American Objectives

The U.S. Congress, administration, nongovernmental organization partners, Haitian diaspora and – most importantly – the people of Haiti are justly frustrated with a lack of progress in country, particularly in proportion to the funding and resources invested. This does and should not lessen, however, the critical importance of continued support for Haiti, particularly in the context of political and electoral assistance. Engagement with Haiti, a neighbor of close geographic proximity, supports:

American national security interests. Stable democracies make for better trading partners, provide new market opportunities, improve global health outcomes and promote economic freedom and regional security. Specifically, a more prosperous and stable Haiti benefits the United States “by decreasing the root causes of irregular migration; lowering the humanitarian costs of recurring disasters and crises; reducing transnational crime; and improving a business climate that provides the U.S. with economic opportunities.”⁶

America and Haiti are already doing business. The U.S. is Haiti’s largest trade partner, “with almost \$2 billion in trade between the two countries in 2016, when the value of U.S. goods exported to Haiti totaled \$1.1 billion, and \$899 million in goods were imported from Haiti.”⁷ According to the latest available data, U.S. exports to Haiti support 4,000 American jobs.⁸

American development goals. Governance is the first programmatic priority identified in the *USAID/HAITI Strategic Framework 2018-2020* and is a crosscutting theme across all development sectors. “Support Haitian-led efforts to strengthen democratic governance” is also mission goal and subobjective one of the U.S. Department of State’s (State) Integrated Country Strategy for Haiti. This is because democratic governance – which is not possible without credible elections – underpins the transparency, accountability and domestic resource mobilization necessary to provide basic service delivery and an environment conducive to economic growth.⁹ Furthermore, weak institutions “leave Haiti vulnerable to external shocks and regularly lead to acute humanitarian crises that trigger international aid.”¹⁰ In other words, an undemocratic Haiti will continue to require the heavy investment of U.S. taxpayer dollars. Developing Haitian capacity to deliver credible elections is critical to eventual self-reliance, a core objective of USAID assistance.

Our historic relationship with the people of Haiti. Many Haitians have close personal ties with the U.S.; approximately 868,000 persons of Haitian descent live in the U.S., of whom about 676,000 were foreign-born; tens of thousands of Haitians travel to and from the U.S. annually.¹¹ America is home to the largest Haitian population outside of Haiti;¹² Haitian immigrants have enriched our communities, particularly in New York and Florida.¹³ They are deeply invested in Haiti’s stability and democratic trajectory.

The National Civil Registry: A Key Obstacle to Elections

The status of the national civil registry – managed by the ONI, not the CEP – is an obstacle to the organization of elections. As the voter lists created by the CEP and used at polling stations across the

“Stable, friendly, and prosperous states in the Western Hemisphere enhance our security and benefit our economy. Democratic states connected by shared values and economic interests will reduce the violence, drug trafficking, and illegal immigration that threaten our common security, and will limit opportunities for adversaries to operate from areas of close proximity to us.”

– December 2017 National Security Strategy

⁶ <https://www.usaid.gov/sites/default/files/documents/1862/USAID-Haiti-Strategic-Framework-2018-2020.pdf>

⁷ <https://www.usaid.gov/sites/default/files/documents/1862/USAID-Haiti-Strategic-Framework-2018-2020.pdf>

⁸ <https://ustr.gov/countries-regions/americas/haiti>

⁹ https://www.state.gov/wp-content/uploads/2019/01/ICS-Haiti_UNCLASS_508.pdf

¹⁰ <https://www.usaid.gov/sites/default/files/documents/1862/USAID-Haiti-Strategic-Framework-2018-2020.pdf>

¹¹ <https://www.usaid.gov/sites/default/files/documents/1862/USAID-Haiti-Strategic-Framework-2018-2020.pdf>

¹² <https://www.migrationpolicy.org/article/haitian-immigrants-united-states>

¹³ <https://www.migrationpolicy.org/article/haitian-immigrants-united-states>

*The civil registry was created in 2005 and has not been updated in over a decade. Young voters who turned 18 in the last decade have yet to be added and the registry still includes the names of deceased voters. Addresses are also outdated, making the proper delineation of voters to specific polling stations difficult. **Holding an election with voter lists derived from the old civil registry would disenfranchise thousands of new voters and complicate the CEP's election administration efforts.***

country are derived from the civil registry, maintaining and updating the civil registry is an essential element of electoral preparation.

To address the civil registry, the ONI has begun a large-scale registration drive. However, as of March 2020, only 1.6 million out of over 6 million voting age citizens have registered in the new civil registry. Of those 1.6 million, only about half have received ID cards so far. The ONI is registering approximately 12,000-14,000 people per day; at this rate, it would take nearly an entire calendar year – working seven days a week – to achieve full registration.

Other Conditions Necessary for Credible Elections

Given current political, social and economic realities, regardless of the work done by the Haitian government, the U.S. Congress and international actors, the next elections in Haiti will be challenging. But to even hold acceptable elections, several basic conditions must be met:

The government and opposition must come to a political agreement. In the current parliamentary void, and given the postponed October 2019 parliamentary elections, any accepted path toward elections must be predicated on a strong political agreement. This agreement will need to detail an electoral timeline and decisions on constitutional reform. Without a political agreement, any attempt at holding elections will be met with strong opposition and mistrust.

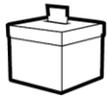
A national budget, including funds for elections, must be approved. The Haitian government is currently operating without a budget. To hold credible elections, the CEP will need to receive an electoral budget delineating expenses and funding election administration.

An electoral law or decree must be adopted. In Haiti, a new electoral law or decree is adopted before each electoral process. Therefore, before elections can be organized, the president will need to adopt an electoral decree – a law is unlikely in the absence of Parliament – to determine the governing rules for elections. The decree – likely based on the 2015 Electoral Decree or the 2018 Electoral Law Proposal – should be revised to incorporate internationally accepted standards and the results of a full consultation with political parties and civil society.

An empowered CEP must be in place. The CEP is constitutionally intended to be permanent, with a clear nominating procedure. It has become standard practice, however, for councilors to be replaced before every new electoral cycle. To hold credible elections, clear criteria should be developed for the selection of new CEP members or the continuation of the current ones. Even after selection, new CEP members must be properly trained in advance of key electoral preparations.

ONI registration completed and system compatibility issues with CEP solved. The ONI must complete the registration of all citizens and transfer the information to the CEP for the creation of voter lists.

The security situation must allow for safe elections. Without significant improvement of the current security situation, safety concerns will further diminish voter turnout and put voters at increased risk of



Necessary steps to credible elections in Haiti

Political Agreement

Constitutional reform
Electoral timeframe

Designation of CEP

Develop clear criteria for selection of new members and nomination procedures

Decide which sectors of society would be represented and nomination of members

Training of new members

ONI and Civil Registry

Registration of all citizens

Distribution of all new ID cards in time for the election

Pre-Electoral Period

Adoption of national budget, including electoral budget

Political Party Law amendments, providing opportunity, for further consultation among political parties

Electoral calendar announced by CEP

Electoral Decree on basis of 2015 Electoral Decree or 2018 Electoral Law proposal or new proposal

Election preparation

Elections

violence and harm. IFES recommends working with political parties and candidates to adopt and sign a code of conduct: e.g., to condemn and not engage in violence and intimidation. To help enforce this, media and civil society should sign a second code of conduct, agreeing to monitor and accurately report on the political parties and candidates who break the code.

In addition to the significant financial and time investment required to meet these conditions, intensive efforts must be made to support the CEP's capacity to administer the elections, increase the participation of all Haitians, especially marginalized groups, and promote peaceful democratic engagement.

Constructive Steps to Mitigate Haiti's Complex Political Crisis

Recommendations for the U.S. Congress

Congress holds the power of the purse and is the consolidated voice of the Haitian diaspora. To this end, IFES recommends:

Congress should continue to exercise its critical oversight function. Given the difficult operating context and a history of implementation challenges, Congress should continue its heightened scrutiny of foreign aid to Haiti. The [Haiti Development, Accountability, and Institutional Transparency Initiative Act](#), for example, would require State/USAID to submit an assessment of assistance to Haiti, including "a description of United States efforts taken to assist Haitian pursuits for free and fair democratic elections." Additionally, conditions on FY20 Economic Support Funds – including relating to rule of law; government reforms; transparency and accountability; and corruption – ensure American taxpayer dollars are spent constructively and wisely.

Provide robust funding for electoral assistance, particularly next-generation challenges. On behalf of IFES, I thank the Congress for its continued support of DRG in even the most challenging budget environments. We ask that the U.S. Congress continue its support for robust levels of democracy assistance, and encourage you to use your oversight role to ensure appropriated funds are obligated and spent. Electoral assistance is a sound investment that pays long-term, tangible dividends. In its FY20 State and Foreign Operations bill, the House mandated that the administration spend no less than \$2.4 billion on democracy programs. This is about 4 percent of the FY20 International

Budget, which represents less than 1 percent of the overall budget.¹⁴ Electoral assistance programs themselves represent a tiny portion of the foreign assistance budget: IFES' component of the Haiti EPP program operates at a budget of \$10 million over five years.

¹⁴ <https://www.usglc.org/the-budget/congress-finalizes-fy20-spending-international-affairs-budget-sees-small-increase-as-global-challenges-grow/>

The problems Haiti faces in making democratic progress are not unique – they are seen worldwide. Indeed, threats to both weak and established democracies are growing much more severe. In FY20, the U.S. Congress required USAID to submit a *Modernization of Elections Assistance Report* to outline the resources necessary to address emerging electoral challenges, including foreign interference; the manipulation of new media platforms; advancements in artificial intelligence; quantum computing and sophisticated cyber threats; and corruption in electoral processes that undermines governance. This report will give Congress information critical to providing election assistance that employs today’s best practices, while preparing for the challenges of tomorrow. We encourage the U.S. Congress to implement the report findings, and to appropriately resource identified gaps. This must be done in addition to and without distracting from ongoing electoral assistance programming.

Cultivate peer-to-peer exchanges and horizontal cooperation. There is an urgent need for the promotion and exchange of international best electoral practices, particularly in the areas of cybersecurity, results transmission and election dispute resolution. The development of local expertise via peer-to-peer learning and exchanges promotes the independence of EMBs from internal and external influence. Through its programming, IFES has brought Haitian EMB members to the Dominican Republic, Guatemala and Mexico for horizontal exchanges. This regional networking is one of the major ways in which elections positively transcend national borders, developing professional electoral officials with high integrity; a strong sense of public service, knowledge and experience; and a commitment to democratic elections.

Recommendations for Our Partners in Haiti

Strong international support can only amplify, not replace, Haitian leadership and political will. To this end, we call upon the government of Haiti and opposition actors to:

Consult with stakeholders across the spectrum to reach a political agreement on the electoral calendar and procedures. For Haiti to achieve timely elections and constitutional order, stakeholders must reach a political agreement, including a consensus on the electoral calendar for local, legislative and presidential elections and procedures for consultations and adoption of the electoral decree and budget.

Intensify civil registration efforts to ensure the CEP receives accurate and complete information for voter lists. It is essential that the CEP receive updated information to avoid disenfranchising huge numbers of voters and inciting allegations of fraud and mismanagement.

Appoint or reappoint CEP leadership, based on clear criteria. This must be done as soon as possible. Various political coalitions need to trust the impartiality and capacity of the CEP to manage elections, and the CEP councilors need sufficient time to organize orderly, transparent elections.

Recommendations for the U.S. Department of State and USAID

Proactive, targeted and sustained investment and political pressure can advance the political process and help consolidate democratic norms. We call on State and USAID to:

Help parties reach a political agreement. State must focus President Jovenel Moïse, his allies and opposition political forces on restoring constitutional order. State must also urge the Haitian government, opposition and civil society actors to reach consensus on the electoral calendar and commit to democratic elections.

Increase technical and financial support to the Haitian National Police. The Haitian National Police must increase and reinforce their capacity to ensure order and enable a peaceful environment during elections. With the end of MINUSTAH after 13 years in October 2017 and of the UN Mission for Justice

Support in Haiti in October 2019 (replaced by the UN Integrated Office in Haiti), continued U.S. and international support to the country in close coordination with Haitian stakeholders will be especially important.

Intensify needed technical and financial support to Haitian civil society. Civil society plays an important role in the electoral cycle – not only for carrying out civic and voter education activities, but also for holding governments and electoral institutions accountable, as empowered citizens drive democratic change and socioeconomic development. Part of this process includes educating citizens about their rights and responsibilities in a democratic society, as well as the role of the government in service delivery across sectors. To ensure that elected leaders are responsive to constituent needs, CSOs can work with citizens to make connections between political party platforms and their own priorities and create space for more constructive multistakeholder dialogues.

Mainstream a focus on inclusion throughout Haitian assistance. Effective electoral assistance empowers traditionally marginalized groups such as youth, women, persons with disabilities and indigenous persons to gain equal access to public institutions; win economic and political self-determination; and fully realize their individual rights. IFES recommends the continuation of electoral assistance that supports inclusive electoral laws and policies; the equal opportunity recruitment and employment conditions for electoral administrators and poll workers as well as recruitment and resourcing for candidates; increased dialogue with DPOs and women-, youth- and indigenous-led CSOs; targeted voter outreach; safe and accessible polling stations, campaign trails and political workplaces; access for all persons to democratic processes (i.e., the necessary ID documents for voting); and leadership training. IFES recommends programs that proactively focus on the ways that intersectional identities impact participation in political life.

Conclusion: Haitian Democracy in the Broader Context

The story of Haiti is the story of democratic governance – it is forever a work in progress. But while Haiti might focus us on the fundamentals of a functioning democracy, it is not exempt from the next-generation challenges that existentially threaten the liberal international order as we know it.

A renewed commitment to supporting the people of Haiti in their pursuit of credible, transparent and responsive democracies that deliver for all will in turn support American interests at home and abroad. Mr. Chairmen, thank you again for this opportunity to testify. On behalf of IFES, we are honored to partner with the U.S. Government and Congress, international aid organizations and the citizens of Haiti in support of a more democratic and prosperous future.



Global Expertise. Local Solutions.
Sustainable Democracy.