Assessment of Legal Aid in Haiti

Lessons Learned

July 2017

With the support of
This report is made possible by the support of the American People through the United States Agency for International Development (USAID). The contents of this report are the sole responsibility of the authors and do not necessarily reflect the view if USAID or the United States Government.
## Contents

I. Introduction ........................................................................................................................................... 9

II. Methodology ......................................................................................................................................... 9

III. Context .................................................................................................................................................. 11

IV. Overview of Impact and Outcomes ..................................................................................................... 13

V. Analysis .................................................................................................................................................. 16
   A. Objectives of the legal aid projects ................................................................................................. 16
   B. Disputes, beneficiaries and services ............................................................................................... 20
   C. Accessibility and quality of services ............................................................................................... 26
   D. Selection and management of service providers ........................................................................... 31
   E. Sustainability ..................................................................................................................................... 33
   F. Ways to involve international partners .......................................................................................... 38

VI. Conclusion ............................................................................................................................................... 42

VII. Recommendations for Haiti .................................................................................................................. 43

VIII. Key lessons for Supporting Legal Aid, with particular reference to Peace Operations .......................................................... 47

IX. Annexes ................................................................................................................................................ 49
   Annex 1: Terms of Reference ............................................................................................................. 49
   Annex 2: Methodology for the study on BAL in Haiti ..................................................................... 57
   Annex 3: List of Interlocutors ............................................................................................................ 62
   Annex 4 : List of Main Documents ................................................................................................... 68
### Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AL</td>
<td>Assistance Légale / Assistants Légaux</td>
</tr>
<tr>
<td>ASF-C</td>
<td>Avocats Sans Frontières - Canada</td>
</tr>
<tr>
<td>BAJ</td>
<td>Bureau d’Assistance Judiciaire</td>
</tr>
<tr>
<td>BAL</td>
<td>Bureau d’Assistance Légale</td>
</tr>
<tr>
<td>BDHH</td>
<td>Bureau des Droits Humains en Haïti</td>
</tr>
<tr>
<td>CIDH</td>
<td>Cour Interaméricaine des Droits de l’Homme</td>
</tr>
<tr>
<td>CSPJ</td>
<td>Conseil Supérieur du Pouvoir Judiciaire</td>
</tr>
<tr>
<td>CVR</td>
<td>Section Réduction de la Violence Communautaire de la MINUSTAH</td>
</tr>
<tr>
<td>DAP</td>
<td>Direction de l’Administration Pénitentiaire</td>
</tr>
<tr>
<td>DP</td>
<td>Détention Préventive</td>
</tr>
<tr>
<td>DPI</td>
<td>Détention Préventive Illégale</td>
</tr>
<tr>
<td>DPP</td>
<td>Détention Préventive Prolongée</td>
</tr>
<tr>
<td>IDLO</td>
<td>International Development Law Organization</td>
</tr>
<tr>
<td>ILAC</td>
<td>International Legal Assistance Consortium</td>
</tr>
<tr>
<td>ISSAT</td>
<td>International Security Sector Advisory Team / DCAF</td>
</tr>
<tr>
<td>JSSP</td>
<td>Justice Sector Strengthening Program (USAID)</td>
</tr>
<tr>
<td>Kay Jistis</td>
<td>Maison de Justice</td>
</tr>
<tr>
<td>MINUSTAH</td>
<td>Mission des Nations Unies pour la Stabilisation en Haïti</td>
</tr>
<tr>
<td>MJSP</td>
<td>Ministère de la Justice et de la Sécurité Publique</td>
</tr>
<tr>
<td>NCSC</td>
<td>The National Centre for State Courts</td>
</tr>
<tr>
<td>OIF</td>
<td>Organisation Internationale de la Francophonie</td>
</tr>
<tr>
<td>OPC</td>
<td>Office de la Protection du Citoyen</td>
</tr>
<tr>
<td>OSC</td>
<td>Organisation de la Société Civile</td>
</tr>
<tr>
<td>PNUD</td>
<td>Programme des Nations Unies pour le Développement</td>
</tr>
<tr>
<td>PTF</td>
<td>Partenaires Techniques et Financiers</td>
</tr>
<tr>
<td>SAIRL</td>
<td>Section Appui aux Institutions et aux Réformes Législatives de la MINUSTAH</td>
</tr>
<tr>
<td>SEAL</td>
<td>Service d’Éducation et d’Assistance Légale</td>
</tr>
<tr>
<td>SYNAL</td>
<td>Système national d’assistance légale</td>
</tr>
<tr>
<td>SJM</td>
<td>Section des Juridictions Modèles de la MINUSTAH</td>
</tr>
<tr>
<td>TDR</td>
<td>Termes de référence</td>
</tr>
<tr>
<td>TP</td>
<td>Tribunal de Paix</td>
</tr>
<tr>
<td>TPI</td>
<td>Tribunal de première instance</td>
</tr>
<tr>
<td>UNCT</td>
<td>United Nations Country Team</td>
</tr>
<tr>
<td>USAID</td>
<td>US Agency for International Development</td>
</tr>
</tbody>
</table>
EXECUTIVE SUMMARY

Legal aid “empowers individuals and communities, contributes to the reduction of poverty and promotes the protection of human rights”\(^1\). It is a vital tool for providing access to justice and promoting the rule of law. Legal aid programs have been implemented in Haiti with the support of international partners for more than 20 years.

Between 2 and 18 February 2017 a joint team from the United Nations Department of Peacekeeping Operations (MINUSTAH and the Justice and Corrections Service) and the USAID Justice Sector Strengthening Program (JSSP), supported by DCAF’s International Security Sector Advisory Team (ISSAT) and the International Development Law Organization (IDLO) undertook a mission to Haiti that examined the MINUSTAH-supported BAL of Port-au-Prince (2012-2017), Cap-Haïtien and Les Cayes (2015-2016), legal aid projects implemented by PROJUSTICE/USAID, and Government-supported BAL established between 2015 and 2017.

The mission focused on three aspects with regard to the provision of legal aid to:

1. provide strategic recommendations to MINUSTAH, UNCT, JSSP and national partners such as the Ministry of Justice and Public Security (MJPS) on how to improve, sustain and expand the legal aid system in Haiti, in the broader framework of the preparation of a National Strategy on Legal Aid and its related draft legislation;

2. assess to what extent support for legal aid contributes to the MINUSTAH mandate and provide recommendations for other peacekeeping and post-conflict settings.

3. examine the extent to which support to the Bureau d’Assistance Légale (BAL) in Haiti has contributed to access to justice, the reduction of pre-trial detention, and community violence reduction with a view to identifying good practices and gaps to inform future programming and implementation of legal aid programs in Haiti and further afield.

This multi-faceted approach not only enabled the Team to provide recommendations to those directly working on legal aid issues in Haiti but also allowed more generic lessons to be captured both with regard to the importance of legal aid in such settings and also how to best support it. The identification of these lessons reflects the commitment of DPKO and JSSP/USAID to strengthen their engagement in this area based on lessons learned and best practices. This report and its findings will be disseminated widely in order to benefit similar engagements in other settings.

This executive summary covers Haiti-specific recommendations, followed by a brief overview of the key lessons learned.

HAITI-SPECIFIC OBSERVATIONS

In Haiti, the right to legal aid has been recognized since the 19\(^{th}\) century. However, the legal framework remains fragmented and is not fully applied. The Constitution and the Code of Criminal Procedure foresee the right to a lawyer for the accused in criminal cases and the mandatory designation of counsel by judges where individuals are not represented. In practice, the Bar Association designates trainee lawyers to defend the accused in criminal cases warranting trial by jury, but there is little to no legal assistance system organized beyond that.

\(^{1}\) https://www.unodc.org/documents/justice-and-prison-reform/LegalAid/Global_Study_on_Legal_Aid_-_FINAL.pdf
MINUSTAH has actively supported legal aid since 2007, through the establishment of, and support to, legal aid offices – Bureau d’Assistance Légale (BAL) - in partnership with the International Legal Assistance Consortium (ILAC), and, since 2012, with Community Violence Reduction (CVR) funding. Since 2007, PROJUSTICE/USAID has also supported similar legal aid services.

- The data provided for this report demonstrates that between 2009 and 2016, the MINUSTAH and USAID/PROJUSTICE legal aid programs delivered legal services to almost 50,000 people, and enabled or contributed to the release of 15,000 detainees and the conviction of 2,700 pre-trial detainees.

- Although prison overcrowding and the high incidence of excessive pre-trial detention remain an ongoing problem in Haiti, the provision of legal assistance through these programs has contributed substantially to relieving the situation. The capacity of legal aid providers to deliver direct services to the population has demonstrated a stronger and quicker impact than other institutional reform initiatives or other efforts aimed at reducing pre-trial detention in Haiti.

- These programs have had a positive impact on the functioning of the justice system, generating national pressure for improved performance of institutions as well as increased demand for justice from the local population.

- Legal aid programs have served to expand the scope of legal advice and services usually provided by local Haitian bar associations to indigent persons (an obligation for the lawyers under Haitian laws).

- Although a legal aid system has yet to be institutionalized, positive steps have been taken, through BAL and other legal aid initiatives, towards the establishment of a national system, including the drafting of a law on legal aid.

- An encouraging indicator of the political will of the Government to engage on legal aid is the initiative taken by the MJPS to establish and fund the BAL in five jurisdictions, as well as the inclusion of the support to the BAL in the roadmap of the Government presented in March 2017.

Recommendations to Haitian and international partners in Haiti:

- **Proceed to the institutionalisation of legal aid**
  - Establish a national interim legal aid coordination committee, pending the adoption of the 2015 draft law on legal aid, as revised in 2017.
  - Finalise and adopt the law on legal aid; favour a system that does not grant a monopoly to the Bar, as provided by the draft law. Advocate for compulsory legal aid for the indigent into the lawyers’ traineeship program.
  - Ensure the progressive allocation of funding under the national budget (20 to 30% per year) into a framework of mutual engagement between the Haitian Government and its international partners.
- **Target and prioritize the beneficiaries and type of cases** to provide legal aid services to all persons in detention and incrementally extend them to the victims of crimes, starting with women and children.
  - Offer assistance to indigent persons in civil and administrative cases prioritizing cases that could trigger violent conflict or seriously affect the economic or social situation of a person.

**Prioritize the involvement of trainee lawyers who have an obligation to provide legal aid services for indigent people**, and limit the use of senior lawyers to more complex cases. Make use of law students in their final year or other paralegals for less complex tasks.

**Reinforce the coaching and training of trainee lawyers/legal assistants**, in particular by putting in place a “cabinet” management approach including regular group and individual discussions of cases with senior lawyers, support to the drafting of procedural acts, and mentoring during court hearings.

**Clarify the scope and substance of legal aid services**, and related tasks to be performed by trainee lawyers/legal assistants.

**Improve the accessibility of legal assistance services**: simplify procedures and develop uniform criteria to determine the status of the indigent, establish an effective system to identify the beneficiaries in detention, promote legal aid services among the public and certain target groups, in particular detainees.

**Standardize procedures**: develop a handbook on the functioning and procedures of the BAL across the country.

**To MINUSTAH/MINUJUSTH:**

- Support the finalization and promulgation of the draft law on legal aid.
- **Assist with the establishment of a national coordination mechanism** on legal assistance as proposed in the draft law on legal aid.
- **Develop a draft handbook on the functioning of the BAL.**
- **Ensure the gradual transfer of BAL management to the Government and other partners**, while continuing support through CVR or programmatic funding available to MINUSTAH/MINUJUSTH.

**KEY LESSONS FOR SUPPORTING LEGAL AID, WITH PARTICULAR REFERENCE TO PEACE-KEEPING OPERATIONS**

Initiatives such as MINUSTAH's BAL programme and legal aid projects implemented by PROJUSTICE/USAID can play an essential role in helping to build public trust and confidence in national rule of law institutions, reducing excessive pre-trial detention, and enhancing the administration of justice, thereby contributing to broader efforts to sustain peace and security. Future engagements should:

- **Ensure that legal aid is a component of any national justice reform strategy.** Legal aid initiatives give voice to the justice needs and demands of the population, by helping to
identify justice reform challenges, therefore reinforcing dialogue with senior officials from the Government and justice institutions.

- **Recognize that legal aid initiatives can contribute to the professional development of a large number of young lawyers**, laying the ground for a progressive and the more in-depth transformation of the justice sector.

- **Advocate for the development of legal aid models favouring the inclusion of existing service providers**, and avoid supporting models that give a monopoly to the local bar associations.

Subject to receiving appropriate mandates and the required cooperation from their host Governments, other United Nations peace operations should consider prioritizing the establishment of similar initiatives, and should:

- **Ensure effective international assistance is provided**, either directly by the Mission or through other national or international partners.

- **Draw upon the good offices of the Mission** to coordinate political dialogue and international support, promote the commitment of the host Government to institutionalize legal aid, and facilitate the adoption of necessary legislation.

- **Consider the key lessons from the Haiti experience to guide efforts in other peace operation settings**. This report identifies concrete and specific lessons learned and best practices in each of the areas under review, for consideration in the event of replication of legal aid programmes in other peacekeeping settings.

- **Based on the successful outcome of this lessons learned study**, JCS should conduct further lessons learned studies in relation to core justice and corrections support efforts in United Nations peace operations.
I. Introduction

1. This study seeks to collect and outline good practices and lessons learned from implementing legal aid projects in Haiti. In particular, it seeks to bring together information regarding successful and not so successful endeavours to support the BAL managed by MINUSTAH and the ProJustice project of USAID or those established by the Haitian Government. On the basis of the available information, the study analyses the projects’ role in ensuring access to justice (i.e. the extent to which the beneficiaries’ needs were met) and reducing violence within the broader context of stabilization efforts. The study aims to develop concrete recommendations for national stakeholders in the ongoing reforms and for their international partners with a view to improving the existing legal aid services, institutionalizing them and putting in place a national legal aid system. It also seeks to provide guidance for those United Nations missions whose mandates include supporting justice or the rule of law when implementing such programmes in similar contexts. The lessons learned from the study are provided in the boxed text. They are intended to apply not only to Haiti but also to other contexts.

2. The study was prepared jointly by MINUSTAH, the Justice and Corrections Service of the United Nations Department of Peacekeeping Operations (DPKO), and the Justice Sector Strengthening Program of USAID. It has benefited from technical support provided by ISSAT and IDLO.3

II. Methodology

3. The team (“Team”) that conducted the study consisted of the following members: Renaud Galand (Justice and Corrections Service, DPKO); Helga Klein, Joël Beauchamp and Augustin Benadieu (Justice Sector Strengthening Program, USAID); Lara Deramaix (International Security Sector Advisory Team, DCAF); and Thomas Vennen (IDLO).

4. The study focused on the support provided by MINUSTAH to BAL in Port-au-Prince (2012-2017) and Cap-Haïtien and Les Cayes (2015-2016); the support provided by ProJustice/USAID for legal assistance and mediation in Port-au-Prince, Cap-Haïtien/Fort-Liberté, Saint-Marc and Croix-des-Bouquets (2009-2016); and the legal assistance provided by the Haitian Government BAL in Miragoâne and Gonaïves. It also looks at the previous legal aid programs of MINUSTAH and other international partners. The study was carried out in three stages:

   Stage 1: Development of methodology and preliminary analysis of documents.
   Stage 2: Conduct of a Field mission to Haiti to collect data.
   Stage 3: Analysis of collected data and drafting of the assessment report.

5. The methodology, annexed hereto, was developed with the support of ISSAT. It consists of six assessment questions. The analysis, observations and recommendations contained below take into consideration the United Nations Principles and Guidelines on Access to Legal Aid in Criminal

---

2 For the purposes of this report, the term “legal aid” is used broadly to include legal advice as well as judicial assistance or representation.

3 http://www.idlo.int
Justice Systems\textsuperscript{4} and the observations and recommendations of the Global Study on Legal Aid published by the United Nations Development Programme and the United Nations Office on Drugs and Crime in October 2016.\textsuperscript{5}

6. The field mission to Haiti took place from 2 to 18 February 2017, in Port-au-Prince and some of the provinces.\textsuperscript{6} A preliminary presentation of the observations and conclusions was delivered at a roundtable organized by JSSP (USAID) on 17 February in Port-au-Prince. The event was attended by a representative of the Bar Association; a consultant from the Ministry of Justice and Public Security, René Magloire; and representatives of MINUSTAH and the Justice Sector Strengthening Program. A preliminary report setting out the main observations and conclusions was submitted in early March and circulated for comment.

7. Certain constraints were encountered while collecting information: it was not possible to visit all of the BAL; some of the offices, and the Service d’Éducation et d’Assistance Légale (SEAL), had already ended their activities; and access to the documentation of ProJustice and the Haitian Government was limited. The only activity report of ProJustice made available to the Team does not make it possible to determine whether the results cited can be attributed solely to the legal assistance services (including the SEAL, Task Force, Kay Jistis and mediation centres), or are equally due to other aspects of the programme. Very little information could be collected from the Ministry of Justice regarding the legal aid programmes put in place by the Government; statistics were available only for the legal aid office of Gonaïves. More generally, it was not possible to fully verify the validity of the available statistics.

8. The Team took the following steps: interviews were conducted with former project staff members and service providers of BAL and the SEAL. In the BAL that were visited, case files were examined at random in order to assess the handling of the cases and the quality of service provided. Beneficiaries, including detainees, were also interviewed. Anonymous questionnaires were completed by assistants at some of the BAL. The various sources of information – namely reports, interviews and statistics of the prison population – were then triangulated. Interviews were also carried out with other actors in the criminal justice system and with members of the Ministry of Justice, the bar associations of Port-au-Prince, Cap-Haitien, Gonaïves, Saint-Marc, and Petit-Goave, the Office of the Ombudsperson and civil society organizations active in the area of legal aid.

\textsuperscript{5} http://www.undp.org/content/undp/en/home/librarypage/democratic-governance/access_to_justiceandruleoflaw/global-study-on-legal-aid.html
\textsuperscript{6} The team visited the MINUSTAH legal assistance offices in Port-au-Prince, Cap-Haïtien and Les Cayes; the locations managed by the SEAL of ProJustice/USAID in Port-au-Prince, Cap-Haitien, Saint-Marc and Croix-des-Bouquets; and the BAL of the Ministry of Justice and Public Security in Miragoâne and Gonaïves.
III. Context

9. Haiti is a country with a rich and complex history characterized by relentless periods of political instability and a low level of economic and human development. The right to legal assistance has long been recognized, but the relevant legal and regulatory framework is piecemeal, and its implementation uneven.

10. Haiti has international obligations in relation to the recognition of the right of defendants to defence and assistance. In criminal cases these commitments are reflected in article 25.1 of the 1987 Constitution (“No one may be interrogated without his attorney or a witness of his choice being present”), article 200 of the Code of Criminal Procedure, which provides as follows: “The defendant shall be requested to state the choice he has made for counsel to help him in his defence. Otherwise, the judge shall appoint counsel on the spot, failing which all of the subsequent proceedings shall be null and void”; and the rules governing the legal profession. In practice, the President of the Bar Association systematically assigns trainee lawyers (stagiaires), who are sometimes assisted by more experienced lawyers (militants), to defend indigent people on a pro bono basis, but only in criminal proceedings. The 1989 Decree on Legal Services provides that legal fees for indigent people shall be covered and that assistance shall be provided, subject to certain conditions, by trainee lawyers. The latter shall carry out two years of obligatory civic service consisting “of placing their professional services at the service of indigent defendants as part of their traineeship obligations”. However, the scope of that obligation (which is not limited to criminal disputes) is not otherwise specified, and it is impossible to form an impression of its implementation in practice.

11. For some 20 years, a number of legal aid programmes have been implemented with the support of international partners. From 1996 to 1999, the non-governmental organization (NGO) RCN Justice & Démocratie established Bureaux d’Assistance Judiciaires (BAJ) in Cap-Haïtien, Fort-Liberté and Hinche. In 2007, the ILAC and MINUSTAH launched a wide-ranging programme with funding from the Swedish International Development Cooperation Agency. The programme partnered with NCSC, funded by USAID from 2004 to 2009, and with the Organisation Internationale de la Francophonie (OIF). The programme supported the establishment of a BAL in the jurisdiction of each court of first instance for a total of 17 offices across the country in 2007, employing up to 300 young professionals (trainee lawyers or law students). It also supported the creation of a maison de justice providing a range of services to residents of the Cité Soleil neighbourhood of Port-au-Prince. From 2008 to October 2011, the ILAC programme assisted 14,023 indigent people. Of those people, 45.73 percent (6,414 individuals) were released and 8.45 percent (1,186 individuals) were convicted. In total, 7,607 people appear to have been removed from a situation of prolonged pretrial detention. By supporting the implementation of the National Legal Assistance System, the programme also laid the foundations for a legal aid system and for

---

7 The human development index for Haiti in 2014 was 0.483, which places the country in the “low human development” category, in 163rd place out of 188 countries and territories. United Nations Development Programme, Human Development Indices – 2015 Report.
8 In 1864, the law guaranteed right to legal assistance for indigent persons in both civil and criminal proceedings, but its application proved too complex: eligibility needed to be recognized by the Secretary of State, and the term “indigent” was not defined.
9 International Covenant on Civil and Political Rights, article 14, paragraph 3(d), and Article 8, paragraph 2(e) of the American Convention on Human Rights, both of which Haiti has ratified.
10 Decree of 29 March 1979 regulating the legal profession.
its institutionalization at the national level. The Ministry of Justice and Social Protection and the bar associations were stakeholders in the programme. The Haitian State committed to progressively taking responsibility for the budget, at a rate of 20 percent a year. Although the Government’s inability to honour its commitments in the wake of the earthquake and subsequent interruptions in funding led to the termination of the programme, the idea of institutionalizing legal aid was planted.

12. From 2009, ProJustice put in place Services d’Education et d’Aide Legale (SEAL) in the jurisdictions of Port-au-Prince (managed by Kay Jistis in Martissant and Task Force in Port-au-Prince proper), Saint-Marc, Croix-des-Bouquets, Cap-Haïtien and Fort-Liberté, in addition to two mediation services in Martissant. ProJustice also supported the establishment of a community mediation centre in Cité Soleil. From 2012, the Institutional Support and Law Reform Section of MINUSTAH supported four BAL in Port-au-Prince and the metropolitan area. The fourth phase of support for those BAL (five of which are operational as of today) ended in March 2017. In 2015, MINUSTAH reopened the BAL of Cap-Haïtien and Les Cayes as part of its activities in support of the model jurisdictions. These BALs were funded until March 2016.

13. In parallel, MINUSTAH has continued to engage in dialogue with the Ministry of Justice and Public Security. At the Ministry’s request, a working group was established under the leadership of René Magloire to formulate a new draft law, which was submitted to the Ministry on 11 May 2017. In 2015, a budget of 10 million gourdes (around $150,000) was allocated to legal aid. The Ministry of Justice and Social Protection reopened five BAL in the jurisdictions of Anse-à-Veau, Gonaïves, Miragoâne, Hinche and Mirebalais respectively.

14. Five BAL are currently active in Port-au-Prince. Owing to lack of funds, two BAL supported by MINUSTAH in Cap-Haïtien and Les Cayes have been providing reduced services using a small number of volunteer unpaid staff. The same applies to some of the BAL established by the Government.

15. It should be noted that the pretrial detention rate in Haiti can be as high as 80 percent. The length of pretrial detention is not limited by law and can be extended indefinitely. Prolonged pretrial detention is a major problem that the Government and international partners have long been attempting to address. The situation is particularly worrying given that prison conditions have become so dire as to be termed a humanitarian disaster. Since January 2017, over 40 detainees have died in prison apparently as a result of disease and malnutrition.

---


12 In October 2016, the United Nations independent expert on the situation of human rights pointed out that 71 per cent of individuals deprived of their freedom had not appeared before judicial authorities. Out 11,012 detainees, only 3,182 had been convicted. His report singles out prolonged pretrial detention and the situation in prisons as one of the major challenges that need to be tackled. Report of the independent expert on the situation of human rights in Haiti (A/HRC/34/73), 8 March 2017.

IV. Overview of Impact and Outcomes

16. The figures provided (see table on page 15) show that between 2009 and 2016, BAL supported by MINUSTAH and legal aid initiatives supported by ProJustice assisted some 50,000 indigent litigants. They have apparently helped to free some 15,000 detainees and to convict some 2,700 people who had been in pretrial detention, many of whom had been in prolonged pretrial detention. Despite the BAL work, many of the case files of prisoners in prolonged pretrial detention have not yet been addressed.

17. In less than 12 months of activity in Cap-Haïtien and Les Cayes, MINUSTAH projects have shown that they can help reduce prolonged pretrial detention, which has decreased by 14.5 percent in Cap-Haïtien\(^\text{14}\) and 1.23 percent in Les Cayes\(^\text{15}\). However, there has been no such decrease in Port-au-Prince. Overall, the effect of legal aid initiatives on the functioning of the criminal justice system, in the last five years has been the release of a number of people considerably greater than the country’s total prison population, which has numbered around 10,000 people over the last five years.

18. BALs have also proved effective in reducing prolonged pretrial detention, as compared with other initiatives supported by MINUSTAH. The Committees that were established to tackle prolonged pretrial detention in Port-au-Prince and Les Cayes – which bring together officials from criminal justice institutions, MINUSTAH and other stakeholders – have secured the release of some 60 persons a year\(^\text{16}\), a relatively low number compared to the figure of over 2,000 people a year reported by the BAL. It is also worth highlighting the economic and social impact of legal aid initiatives; pretrial detention entails a high cost for the Haitian State,\(^\text{17}\) not to mention its effect on prisoners and their relatives.

**Lesson - legal aid and pretrial detention:** Even if legal aid cannot alone bring about a significant decrease in pretrial detention rates, it can act as a safety valve and alleviate the often-grim situation in overpopulated prisons. In Haiti, legal aid projects have proved more effective in securing prisoners’ release than other initiatives to reduce pretrial detention. This type of project can, therefore, form a part of the response to the frequently “inhumane” conditions of detention centres in Haiti\(^\text{19}\) or in similar contexts.

---

\(^{14}\) It should be noted that the statistics kept by the MINUSTAH Corrections Unit show a 10 per cent decrease over the same period.

\(^{15}\) The reason for the more limited results in Les Cayes appears to be that for much of the project’s duration, there was only one investigating magistrate on staff.

\(^{16}\) Interviews with MINUSTAH officials, Port-au-Prince, February 2017.

\(^{17}\) See in particular the studies carried out by the Open Society Justice Initiative and the United Nations Development Programme: *Pretrial Detention*, 2008 and *The Socioeconomic Impact of Pretrial Detention*, 2010.

\(^{18}\) For instance, MINUSTAH has calculated that a family member’s visit to a detainee in the National Penitentiary costs an average of 250 gourdes, whereas the average income in the poorest neighbourhoods of the capital is no more than 100 gourdes per day.

\(^{19}\) The Independent Expert on the situation of human rights in Haiti reports as follows: “If the current trend continues, 229 prisoners can be expected to die in prison in the year 2017, an annual mortality rate of 21.8 per 1,000 people (...). Detention conditions in Haitian prisons are extremely inhumane, cruel and degrading (...) prison overcrowding has reached a rate of 358 per cent or, to put it another way, 1.43 square metres per prisoner. In some prisons, the situation is even worse. A study of the National Penitentiary in 2016 (...) found that 91 per cent of all people held at the prison while awaiting trial were being detained illegally or arbitrarily”. A/HRC/31/77, 12 February 2016.
19. Legal aid initiatives have also enabled indigent people to access a wider range of services than those that have long been provided by the local bar associations as part of the legal aid obligations guaranteed under Haitian law. Whereas the bar associations have generally limited their assistance to representation in criminal trials, the legal aid services supported by MINUSTAH and ProJustice have extended the offer of aid to all stages of criminal proceedings, from arrest until the judgement is enforced. They have also provided their services in other settings, such as police stations and other detention centres, prosecutors’ offices, investigating magistrates’ offices and courts of first instance. Until 2012, the BAL services were even extended to local courts (tribunaux de paix), ensuring that legal aid services had a very broad geographic coverage.

20. A number of people the Team spoke to in Port-au-Prince and in the provinces highlighted the impact of legal aid services on the functioning of the judicial system: prosecutors and investigating magistrates have become more diligent; case files where legal assistants are involved are processed more rapidly; actors in the judicial system communicate better; courts work more smoothly, and magistrates and police officers have been requesting the services of BAL. Although this impact cannot be verified based on available empirical data, numerous and concurrent accounts give it a certain credibility. At the very least, they point to a positive perception of the role of legal aid programmes.20

21. Based on those observations, it should also be stressed that by supporting the “demand for justice”, legal aid initiatives have helped to exert nationwide pressure on the judicial system (the “supply” of justice). This approach gives a voice to Haitian citizens and lawyers, as opposed to international staff, so that they can press for improved performance, and thus for reform. It is therefore especially appropriate in the light of the withdrawal of MINUSTAH and of the new legal assistance initiatives provided by the Justice Sector Strengthening Program in five jurisdictions.

22. With regard to the plan to reduce community violence, many residents of volatile neighbourhoods have reportedly welcomed the support provided to their detained relatives by BAL, the SEAL of Kay Jistis. Moreover, the Team was told that young people who were released thanks to the work of BAL have joined community training initiatives managed by other projects of the MINUSTAH CVR programme.21

23. BAL and similar services have been established through engagement with the Bar Association. Advocacy efforts are also being undertaken and a committee has been formed to draft a law on the national legal aid system. These steps have laid down the foundations for the institutionalization of legal aid in Haiti. The Government’s decision to fund legal assistance offices through public funds in five jurisdictions is a telling example. Although these offices’ performance is still far from satisfactory, this nevertheless represents an encouraging sign that the importance of legal aid is being officially recognized.

24. Lastly, legal aid programmes have a huge potential to train young lawyers, who regard working for BAL as a valuable opportunity to gain professional experience.

20 Interviews with magistrates, lawyers and other actors at the national level in Port-au-Prince, Les Cayes, Cap-Haïtien and Saint-Marc, February 2017.

21 Interviews with MINUSTAH officials, Port-au-Prince, February 2017.
Lesson: Legal aid is an indispensable component of justice reform strategies: By providing a legal avenue for the population’s demand for justice, legal aid initiatives help promote access to justice and improve the functioning of the judicial system. Strategic dialogue with senior Government officials (on questions of reform) can also benefit from legal aid initiatives by leveraging national demands and appeals. International partners supporting justice sector reforms, particularly United Nations peace missions, must ensure that the development of legal aid services and systems is integrated into national strategies and effectively supported.

---

22 The numbers given are those provided by legal teams; it has not been possible to verify them systematically. They have been provided for illustrative purposes, in order to give an overview of the work carried out by the various projects, rather than for comparison among the projects, whose operating methods are markedly different. For instance, this figure includes consultations on all issues and detainees released by police stations, areas that have been tackled mostly by.

23 These figures take into account all of the case files handled by the five legal assistance offices of MINUSTAH across the four phases, from December 2012 to late January 2017. Figures for February are not yet available. The methodology used to count case files of the MINUSTAH operated BALs can cause confusion, and the figures include contradictions that we have been not been able to resolve in the context of this study.

24 The data provided to the team does not make it possible to determine whether, and to what extent, the results given are a result of the legal aid services put in place by ProJustice or can be attributed to other components of the programme. See the final report of ProJustice/USAID, July 2009 to July 2016, p. 29.

25 It has not been possible to obtain overall data regarding the BAL put in place by the Government. The team was able to obtain only limited information regarding the figures for BAL in Gonaïves. Figures for the BAL of Saint-Marc and Miragoâne were not available.
V. Analysis

A. Objectives of the legal aid projects

25. The objectives of different legal aid projects have been defined on the basis of the mandates and priorities of international stakeholders and vary from one project to another, including within MINUSTAH. The projects have not articulated a theory of change explaining how their activities will bring about the desired change, something that would make it possible to verify and validate their impacts. Underlying all of the projects is the objective of strengthening access to justice for the indigent. The more specific objectives focus mainly on the three topics analysed below.

Action against prolonged pretrial detention

26. The objective of reducing prolonged pretrial detention is at the heart of all of the projects. This is timely in view of the high rate of pretrial detention in Haiti. Some 70 to 80 percent of detainees are reportedly awaiting release or sentencing and many have been in that situation for extended periods. Such detention is often, but not always, illegal.26 In some cases, it is simply a result of the slow pace of proceedings and the inefficiency of the judicial system. On the face of it, the underlying assumption that involving lawyers in the proceedings will affect pretrial detention rates, therefore, seems justified. However, although a large number of detainees have been released and the projects have clearly had an effect on the functioning of the criminal justice system, the impact on pretrial detention rates remains somewhat limited. Prolonged pretrial detention appears to have multiple causes,27 and sustainable and systemic changes cannot be expected to be achieved through the provision of legal aid alone. The deficiencies’ in the criminal justice system are such that only a multifaceted approach can have a sustainable impact.28

27. In the BAL in Cap-Haitien and Les Cayes, which receive technical support from the Model Jurisdictions Section of MINUSTAH, legal aid forms part of a set of other initiatives aimed at improving the functioning of the courts. ProJustice has taken the same systemic approach in its endeavour to improve judicial efficiency. This approach is appropriate in that it addresses prolonged pretrial detention from several angles and does not limit interventions to legal aid alone. It is apparently becoming more efficient: BAL can benefit from communication with other actors in the system, or from data collected through other activities. For instance, BALs coordinate effectively with the Direction de l’Administration Pénitentiaire (DAP), and lists of detainees are sent to the BAL. It is also increasingly effective: the BAL of Cap-Haitien has shown an actual decrease in prolonged pretrial detention rates in connection with legal aid activities.

26 Lawyers report that witness examinations and hearings have been repeatedly postponed and deadlines have often been missed. A number of files appear to have been lost or forgotten, and the lawyers are working to retrieve them.
27 Although listed in a study that is already dated, the following causes still seem relevant: there was virtually no obligation of accountability within the Ministry of Justice; the actors of the justice system did not communicate with one another; criminal proceedings were marred by too many obsolete or pointless formalities; and the judicial structure lacked independence. Prolonged Pretrial Detention in Haiti, Vera Institute, July 2002.
28 The causes of the extremely high rate of pretrial detention should be the subject of a new systematic study. A study carried out in 2006 (Pretrial Detention in Haiti, National Center for State Courts / USAID, May 2006), pointed to the need to examine the true causes of prolonged pretrial detention, but no such study appears to have been carried out recently.
Lesson - legal aid projects and other initiatives are mutually reinforcing: legal aid projects are more effective when they form part of a set of other initiatives aimed at improving the functioning of judicial services, such as committees to coordinate the criminal justice process, or support for procedures. Effectively coordinated activities can be mutually reinforcing; legal aid projects can improve the effectiveness of other projects.

28. Whether such an integrated approach is sustainable is a question that is beyond the scope of this study. Moreover, although lawyers play a vital role in stimulating the processing of cases within the justice chain, they are often asked to do more than what would normally be expected of them. This can result in dissatisfied and demotivated lawyers. While it is recommended that the authorities make more frequent use of some underutilized procedures (such as habeas corpus and fast-track trials), lawyers must adhere to their roles, and not fill gaps caused by other actors not delivering on their core tasks. Alongside capacity building activities for those working in the criminal justice system, support for more far-reaching reforms may be necessary. The recent establishment of a High Judicial Council is a positive step, but it has yet to be fully implemented. Assistance in reforming the Criminal Code and Code of Criminal Procedure has also been important. What is missing, however, is greater dialogue with other members of the legal community, who need to show their full and long-term commitment to addressing prolonged pretrial detention. The lack of such commitment to date is clearly reflected by the limited impact of working groups and other mechanisms established to address prolonged pretrial detention.

29. The steering committees set up by the projects are an example of a good practice because they introduce working dialogue with certain stakeholders and encourage them to communicate with each other. However, this alone is insufficient to address the problems of prolonged pretrial detention. International partners need to address this issue at a higher level through enhanced political dialogue.

30. Lastly, the current focus on prolonged pretrial detention has perhaps deviated from the main purpose of legal aid, which is to provide legal assistance to the indigent, and redirect it towards improving the way the criminal justice system works. This is a legitimate aim but must remain subsidiary to the primary goal. In the context of legal aid projects, this situation creates the risk of focusing primarily on numbers and less on beneficiaries and the quality of services provided.

Community violence reduction

31. The aim of reducing community violence is particularly relevant in the context of Haiti, especially in some of the more disadvantaged areas, known as zones sensibles (“hotspots”). Awareness-raising, mediation, legal consultation and activities in support of victims, can certainly play a role in the reduction of violence.

---

29 For instance, lawyers routinely have to return several times for a single case, and often to no avail, in order to call on magistrates or court clerks to act more quickly. Written questionnaires and interviews with lawyers or legal assistants, in addition to interviews with prosecutors, February 2017.

30 A number of country-wide initiatives have already been introduced to counter the issue of prolonged pretrial detention but they have had little or sporadic success. The most recent example is a presidential commission on prolonged pretrial detention which was extended through September and October 2016. Information on other similar initiatives which were carried out between 1995 and 2000, is available in the study by the Vera Institute, Prolonged Pretrial Detention in Haiti, p. 9 ff.
32. In the case of MINUSTAH, however, it seems that this specific objective of community violence reduction (CVR) was identified mainly in order to meet the requirements for accessing earmarked funds.\textsuperscript{31} The almost exclusive focus to date on legal aid for prisoners (and not victims), the exclusion of sensitive civil cases (such as land disputes), and the treatment of community services (such as awareness-raising, mediation and consultations) as subsidiary activities of the BAL\textsuperscript{32}, has prevented the BAL contributing substantively to CVR.

| Lesson – Legal aid and community violence reduction: Legal aid projects contribute more effectively to the aim of reducing community violence if they offer aid services to victims\textsuperscript{33} and address legal disputes that are sources of conflict (for example property disputes or abuse of power by the authorities). The provision of CVR services to those benefiting from legal aid, such as the support to the socio-economic reinsertion of prisoners, would help to further contribute to CVR. Mediation can also be considered since it offers a useful alternative in situations where the legal system is ineffective or difficult to access. In order to avoid abuses, however, it is essential that the mediation service and the conditions in which it can be provided are clearly defined, and that mediators are suitably trained. |

33. ProJustice approached this objective with a view to alleviating social tensions in disadvantaged and so-called “lawless” areas of Martissant and Cité Soleil. The Kay Jistis (House of Justice) approach was part of an attempt to work more closely with communities seeking access to justice. This approach also enabled citizens from those disadvantaged communities to become involved through mediation activities and educational campaigns on responsible citizenship.

| Capacity-building for trainee lawyers |

34. Capacity-building for trainee lawyers is also a relevant objective to which the BAL and other legal aid projects should contribute.

35. Lawyers in Haiti start their career with a compulsory two-year training period, at least one year of which involves working in a lawyer’s office or with another legal body.\textsuperscript{34} In judicial districts where a school of the Bar Association has been established, lawyers must also take and pass a compulsory course in order to join the association. All the stakeholders consulted on this matter identified significant training needs and stressed that university courses and basic training have deteriorated. Alongside the school of the Bar Association and traineeships, BAL present a new opportunity for young lawyers to gain the experience needed to practice law, especially since trainees often struggle to find a supervisor, let alone high-quality supervision.

\textsuperscript{31} Interviews with staff from the Model Jurisdictions Section and the Institutional Support and Law Reform Section in Port-au-Prince and in the provinces.
\textsuperscript{32} The legal aid office in Bel Air is an exception.
\textsuperscript{33} Such services are planned but not yet implemented in BAL supported by MINUSTAH.
\textsuperscript{34} See article 21 of the Decree of 29 March 1979 regulating the legal profession.
36. In existing projects, however, the objective of building the capacity of trainee lawyers is regarded as secondary or supplementary to other aims and is rather a consequence of the operational decision to rely on trainees as the main service providers\(^{35}\). More experienced lawyers act as supervisors for these trainees, giving them guidance and advice. Trainees are also sometimes mentored by a more experienced trainee. The choice of service providers is central to the implementation of legal aid projects and to the conflicting pressures of trying to ensure both high-quality services and sustainability, the latter involving minimizing the cost of staff salaries in particular. The decision to rely on trainees, who are likely to cost less, and to train them is therefore appropriate. It would be even more relevant if the projects were based, at least to a certain extent, on the legal obligation of trainees to provide assistance, in theory on a voluntary basis, to indigent people.\(^{36}\) This is not the case at present, since trainee lawyers working in BAL are paid, and some BAL also call on experienced lawyers.

37. In the past, BAL also called on final-year law students to perform certain simpler tasks. They were paid very little but found it to be a beneficial training opportunity, one that also helped them when it came to writing their dissertations. To a certain extent, ProJustice used the same model in Cap-Haïtien and Fort-Liberté.\(^{37}\) This way of working is an example of a good practice, in that it creates a non-financial incentive among those in charge of legal aid services. The situation seems to be similar in Les Cayes, where the legal aid office has provided access to vocational training for trainees who could not find a supervisor. The vast majority of lawyers surveyed (see questionnaire) indicated that vocational training was their main reason for working in BAL and that they would like to see that aim strengthened. This could be used as a potential leverage to encourage lawyers to participate in legal aid programs and should be reflected in implementation strategies. Capacity-building should be retained as an objective, and it could also be further promoted and developed.

### Lesson – Legal aid and training for a new generation of lawyers:
Legal aid projects can contribute to vocational training for a large number of young lawyers in an environment that encourages commitment, efficiency and integrity. These projects are “transformative” – they can help to bring about a far-reaching change in legal practices by introducing a new generation of legal professionals who have gained a culture of providing high-quality services, including to help the indigent.

### Lesson – The main aim of legal aid projects must be to provide legal aid to the indigent, and primarily to the most vulnerable:
The following supplementary objectives have proven to be appropriate in the context of peacekeeping and stabilization: building the capacity of trainee lawyers and instilling in them a culture of high-quality legal defence, improving how the criminal justice system works (by supporting the "demand" for justice, raising awareness among citizens regarding their rights and duties, and offering mediation services.)

---

\(^{35}\) Most of the existing BAL rely primarily on trainees to provide legal aid services, but some also work with experienced lawyers (particularly in Port-au-Prince or via the ProJustice task force).

\(^{36}\) The Decree of 22 September 1989 on legal services requires trainee lawyers to complete two years of service in the community, during which they offer their professional services to help indigent litigants (article 8). The Decree also makes this service an additional requirement for joining the profession (article 9), although it does not specify the amount of work or number of cases they are expected to complete.

\(^{37}\) Final-year students were called on but they did not receive help with their dissertations.
38. The table below compares the number of lawyers and trainee lawyers employed in BAL supported by MINUSTAH.

<table>
<thead>
<tr>
<th>Projects (time frame)</th>
<th>Number of lawyers employed in the BAL (trainees/experienced lawyers)</th>
<th>Total number of lawyers registered as members of the bar association (trainees/experienced lawyers)</th>
<th>Percentage of lawyers employed in BAL (percentage of trainee lawyers)</th>
</tr>
</thead>
<tbody>
<tr>
<td>MINUSTAH BAL in Port-au-Prince (2016-2017)</td>
<td>81 (71/10)</td>
<td>1 461 (163/1298)</td>
<td>5.5 (43.5)</td>
</tr>
<tr>
<td>MINUSTAH BAL in Les Cayes (2015-2016)</td>
<td>16 (12/4)</td>
<td>110 (80/30)</td>
<td>14.5 (15)</td>
</tr>
<tr>
<td>MINUSTAH BAL in Cap-Haïtien (2015-2016)</td>
<td>13 (9/4)</td>
<td>168 (119/49)</td>
<td>7.7 (7.5)</td>
</tr>
<tr>
<td>Total</td>
<td>110 (92/18)</td>
<td>1 739 (362/1377)</td>
<td>6.3 (25.4)</td>
</tr>
</tbody>
</table>

**B. Disputes, beneficiaries and services**

**Disputes**

39. Almost all legal aid projects have given priority to criminal cases, in line with current international practice.\(^{39}\) The handling of civil disputes has consisted primarily of providing one-time basic legal advice and, to a lesser extent, conciliation and mediation services. This is because international partners and the Government have focused predominantly on the criminal justice system, and more specifically, on the reduction of prolonged pretrial detention.\(^{40}\) The bar associations and lawyers are also reluctant to provide free legal aid in civil matters as they perceive such aid as a threat to an important part of their profession’s source of revenue. For many Haitian lawyers, excluding the provision of legal aid in civil matters could be justified on the basis, albeit a questionable one, that people with civil or administrative claims can afford lawyers’ services.\(^{41}\)

---

\(^{38}\) These figures represent the average number of lawyers employed annually by legal aid offices supported by MINUSTAH in Port-au-Prince. It was not possible for information on the total number of lawyers employed in these legal aid offices to be shared with the team that wrote this report.

\(^{39}\) The first international instrument on the right to legal aid, the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, which was adopted by General Assembly resolution 67/187 (2012), addresses criminal justice, as does the Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa, of November 2004.

\(^{40}\) The MINUSTAH projects refer to, among others, Security Council resolution 2243 (2015), which encourages Haitian authorities to continue to address the issue of prolonged pretrial detentions. However, prolonged pretrial detention is not a new trend, and many sporadic efforts have been made to find a solution. See op. cit., pp. 20 and 21 of the report.

\(^{41}\) Other reasons are legal provisions and practice, according to which a lawyer’s fee consists of a percentage of the value of the assets recovered or preserved in civil matters (article 58 of the Decree of 29 March 1979 on the legal profession).
40. The absence of legal aid in civil matters has resulted in a large share of the population being denied access to justice. As part of the projects of the legal aid offices, aid should be provided at least for those areas identified as sources of conflict, for example, those concerning land and property, inheritance, family law and abuse of administrative power, in order to have a greater impact on the reduction of community violence. The draft law on legal aid explicitly includes aid in civil and administrative matters, and the decree on legal services already provides for this possibility.

**Beneficiaries**

41. In criminal matters, the BAL have almost exclusively assisted persons in pretrial detention, including men, women and minors, the latter not necessarily having priority. Victims, including those of serious crimes, have very rarely benefited from legal aid services such as counselling or support as civil parties, even though the project documents stipulate that they should receive such services.\(^42\) Again, the lack of aid to victims reduces the potential of legal aid contributing to the reduction of violence.

42. Furthermore, the BAL have seldom established priorities in choosing beneficiaries, with the exception of some BAL, where consideration is given to the age of the case file.\(^43\)

---

**Lesson – Determining priorities for legal aid services:** if legal aid projects cannot address all needs, prioritization can make it possible to focus limited resources, both financial and human, on the most important needs of the population. The prioritization of disputes and beneficiaries could also be included in a **legal aid policy.** Such a policy must be realistic: it must take into account both the needs and the economic realities of each context. Moreover, it must be flexible enough to adapt to local specificities. The policy’s goal should not be to exclude disputes or beneficiaries. Rather, it should set priorities, which may be reviewed if more resources become available. In any case, the **prioritization of aid to certain categories of indigent beneficiaries** must be clearly defined and implemented. Such categories include minors, women (specifically victims of violence), sick prisoners, persons who have been in prolonged pretrial detention for over two years, and victims of serious crimes. In civil and administrative cases, priority could be given to situations that can degenerate into violent conflicts, for example, those involving land or property, or that can seriously affect a person’s economic or social status, for instance, if a person no longer has financial means to live.

**Services**

**Legal aid to persons in pretrial detention (women, men and minors)**

43. The service of legal aid entails specific services at various stages of criminal proceedings. The type of involvement varies according to the competent authority, (Justice of the Peace and other

\(^{42}\) The projects of the BAL in Cap-Haïtien and Les Cayes had included the provision of aid to female and child victims as of 2015; however, such aid has not been implemented. The project, which is currently awaiting funding, is intended to strengthen aid to victims.

\(^{43}\) For example, at the BAL of the Model Jurisdictions Section of MINUSTAH in Cap-Haïtien and Les Cayes. The BAL in Les Cayes and Cap-Haïtien also provide that women and children in detention automatically receive services. Although this seems to be the case, in practice, such files are not given priority.
courts of first instance), and the procedural stage when the case file was taken on. These activities include:

a. Conducting visits to persons held in detention centres  
b. Providing legal counselling  
c. Taking measures involving various actors in the criminal justice system, including investigating magistrates, prosecutors and officers of the court, in order to move cases forward  
d. Being present or providing assistance during questioning by investigating magistrates  
e.Defending the accused before Justice of the Peace, “other courts of first instance” and in criminal proceedings  
f. Taking legal measures for the release of accused persons in illegal pretrial detention, such as petitions, habeas corpus and steps taken at police stations.

44. These services seem to be appropriate to meet the needs of persons in detention. All the interlocutors from the criminal justice system who were interviewed unanimously highlighted the importance of the BAL, which guarantee the critical involvement of lawyers in proceedings and unequivocally recognize their role as justice providers, and in some cases, their contribution in reviving “forgotten cases”.

45. There has been some debate regarding whether it is appropriate to take action at the level of local courts, police stations and substations. Most lawyers and many stakeholders would support that approach. Such early involvement seems to be particularly effective in terms of the number of people released. However, it could also be motivated by the need for those providing aid to “have good statistics” or because it is the easiest option: visiting a police station requires less effort than following up on cases that have sometimes been pending for several years. Without a clear policy for determining priorities, there is a risk that persons detained for longer periods will be indigent in favour of those who were recently apprehended.

**Lesson - legal aid at police stations:** if there are sufficient resources, the provision of legal aid to those in custody could result in the release of persons illegally arrested or detained by law enforcement officers and alleviate the work of higher steps in the criminal justice chain. Aid at this stage is relatively brief and inexpensive and could, therefore, help to reduce the pretrial detention. Such measures have the advantage of limiting the duration of detention and its negative impact on detainees. They require the collaboration of competent police authorities to ensure that clear instructions are given to officers authorized to carry out arrests and detain people regarding the right to legal aid.

46. In general, legal assistants appear to spend relatively little time on cases. This was found to be an area requiring improvement. It is not, for example, standard practice to review and prepare

---

44 At police stations and substations within the purview of the MINUSTAH BAL in Port-au-Prince and ProJustice BAL, legal assistants visit detention facilities to identify which persons require aid. When procedural errors are identified, immediate releases are sometimes granted. Counselling is provided on-site and a file is opened if necessary. It should be noted that the BAL of the Model Jurisdictions Section in Les Cayes also provide assistance at police stations since “that’s where it’s needed”, even though the project is not supposed to include that service. The Model Jurisdictions Section of MINUSTAH has focused on supporting the actions taken by prosecutors’ offices, for example by paying regular visits to police stations and local courts, applying real-time processing and ensuring immediate trial.
cases before hearings, including by carrying out a preliminary interview with the defendant, even though such steps are essential for a quality defence. All too often, lawyers will be satisfied with taking on a case on the same day as the hearing, without asking that the proceedings be postponed. Furthermore, the services offered still do not include support appeal to procedures or obtaining enforcement orders.

47. Appeals and recourse to other forms of redress such as habeas corpus are currently underutilized. Yet, it is through such processes that a lawyer’s actions can have the most value and a transformative impact. Certain cases of pretrial detention can be complex requiring both in-depth technical work and perseverance. However, instead of capitulating to the inertia of judges, the legal assistants should be encouraged to exhaust all available legal and procedural recourses, including setting precedents, through the support of their supervisors or other more experienced lawyers. In this regard, it is a matter of concern that no BAL has ever lodged an appeal before the Inter-American Commission on Human Rights, despite the significant flaws that have been identified in the legal system of Haiti. ProJustice had set up a task force of experienced lawyers to take on more complex cases.

48. The establishment of quality services requires the creation of a “defence culture” among trainee lawyers. This undertaking is particularly crucial since trainee lawyers are tomorrow’s lawyers and have the potential to bring about change. In addition to workshop training, a “law firm” approach with consistent support from supervisors is vital. It would be useful to consider developing partnerships and sharing experiences, particularly through relevant programmes, such as the Bureau des Droits Humains en Haïti.45

Lesson - defining legal aid services: in order to strengthen the quality of service delivery, the services and steps expected of legal aid providers should be precisely defined (for example, lawyers should examine case files, interview the beneficiaries before hearings, and resort to the remedies available). A “law firm” approach should be adopted: cases should be examined by groups under the supervision and guidance of an experienced lawyer. A working environment that is stimulating and encourages learning could also attract aid providers (who, in such situations, may have difficulty finding supervisors) for reasons other than financial reward.

Lesson - legal aid in complex cases: the establishment of a task force made up of experienced lawyers who take on more complex cases could enable the most effective use of national and international remedies, for example through strategic litigation and class actions. Nevertheless, younger lawyers should also be trained in using this type of remedies.

Legal and judicial assistance to female and child victims of violence

49. This service is included in certain BAL projects but is not effective. The reasons appear to include the priority given to persons in detention and the providers’ reluctance to assist victims46

45 The Office of Human Rights in Haiti is also doing small-scale work on prolonged pretrial detention. Its approach is to carry out substantive work on cases and to invest in the training of a small number of young lawyers. See bdhhaiti.org. Lawyers Without Borders - Canada plans to relaunch projects that will include strategic litigation. Source: interviews with officials from the organizations.

46 Although various explanations have been offered, no effort seems to have been made to find solutions. Comments include the following: (1) “If services are provided to civil parties, lawyers can take a percentage of the damages
Other possible reasons could be lack of guidance, insufficient training or problems in making the service accessible.

50. This service should be expanded and include support for complainants, assist parties who are victims with representation throughout the proceedings, including appeals and enforcement of decisions. The service should also take into account all of the needs of the victims, for example, those of protection and anonymity. Priority should be given to approaches that facilitate comprehensive services, for example medical, social and psychological services, rather than legal services alone. To achieve this, it is necessary to first identify other sectors’ stakeholders and the potential for partnerships and collaboration with the BAL, especially with organizations that specialize in providing support for victims.

**Legal services for people in hotspot areas**

51. The objective of reducing community violence has shaped the implementation of activities serving neighbourhoods considered to be disadvantaged or hotspot areas.

These include the following:

a. Civic awareness and education: Legal assistants from the BAL of MINUSTAH travel to neighbourhoods that have been identified as hotspots and carry out awareness activities on the rights and duties of citizens (including the right to a fair trial) during forums organized in collaboration with local organizations and community leaders. ProJustice also organized legal education and civic forums led by lawyers and trainee lawyers from the SEAL for grass-roots and social and professional organizations, which were then supposed to transfer the information to other members of their communities. The topics varied depending on the needs identified by the local actors. They included sexual abuse, jury and witness duty, rights and duties of complainants, private prosecution and the role of the judiciary.

b. Counselling: Legal aid clinics are reportedly held on a daily basis in every BAL. They offer consultations that can potentially cover any area.

c. Mediation: A conflict management unit was reportedly established in every BAL in Port-au-Prince. The ProJustice projects in Martissant and Cité Soleil organized community mediation activities (community mediation centres).

52. However, it seems that no assessment of legal aid needs was carried out before those activities were defined. The absence of qualitative indicators (notably for measuring the reduction of community violence), detailed reporting and systematic collection of information on beneficiary satisfaction makes it difficult to determine their impact.47

53. The BAL of MINUSTAH has assessed the success of their awareness-raising sessions based on the high number of participants at each event, in accordance with indicators in the project document. However, none of the indicators measured the impact of the awareness-raising campaign, such as the consequential increase in the making of requests for assistance to detainees. Notably, none of the five community leaders interviewed for this study stated that they had

---

47 A reference to the lack of available documentation, which was mentioned above.
referred potential beneficiaries to the BAL following the awareness sessions. It would be interesting to understand why and to adjust the approach if necessary.

54. In their current form, with figures that vary significantly among locations, the counselling sessions provided at the offices of the BAL have not proven to be effective. The service offered during the counselling sessions is the only one that is not defined in the project documents. In order to clarify what is expected of the lawyers, and in order to train them to provide appropriate services, it would be useful, taking into account the potential needs of beneficiaries, to specify what tasks should be included in the counselling. This could include an explanation of their rights in a given situation, advice, referral to a judge or other competent institution, referral to specialized NGOs, or assistance with certain procedures.

55. Information regarding mediation or conciliation is limited. Despite the establishment of a strengthened unit for phase 4 of the BAL of MINUSTAH in Port-au-Prince, the Team was informed that such mediation was “not working”. It would be useful to ensure that the poor results were not caused by a lack of promotion or accessibility of the mediation services. The ProJustice figures indicate that 1,640 people reportedly benefited from mediation services in Martissant and Tibwa/Grand Ravine (West). 2,991 members of the justice sector (lawyers, court clerks, justices of the peace and magistrates) reportedly benefited from training on the peaceful settlement of disputes, but there is no indication that the training was monitored. Mediation services need to be developed because of their potential in helping to achieve community violence reduction targets. As previously stated in this report, this dispute settlement procedure is a cheaper and useful alternative, particularly in the context of the ineffective legal system. It is nonetheless essential to set out clearly the scope and nature of services to be provided and to provide quality basic training to the service providers. Cases of inappropriate or illegal interventions have been reported, such as conciliation in local courts and prosecutors’ offices for criminal disputes.

**Services based on specific needs**

56. The BAL and the legal aid services can sometimes address specific assistance needs. Two examples have been highlighted: in Port-au-Prince, at the initiative of the bar association and with the support of MINUSTAH, legal assistance services have been developed for the elections. Training sessions have been organized and lawyers have joined forces to respond to potential conflicts and to deal with electoral disputes. In another example, the JSSP plans to establish a legal aid office to assist with civil registration following the damage caused by Hurricane Matthew.

57. These types of initiatives should be encouraged. The BAL must address the needs of the population and, to the extent possible, services must be adapted to meet these needs as and when they arise.

---

48 Interview with the coordinator of the legal aid office in Port-au-Prince, February 2017.
49 The mediation service reportedly worked to the satisfaction of the beneficiaries and the communities of Martissant (ProJustice), and Bel Air (MINUSTAH) in previous phases. However, no documentation or quantitative data is available to substantiate this claim.
C. Accessibility and quality of services

Accessibility of legal aid services

58. Enhancing the accessibility of services requires further review to address the various obstacles faced by beneficiaries, including language, education, difficulties in travelling and disabilities. The advertising and promotion of available services can help improve accessibility but are insufficient on their own, especially for reaching the most vulnerable groups: leaflets have proven useful, but not for those who cannot read or do not speak the language used in the material (awareness-raising sessions are in Creole, but the leaflets for BAL in Port-au-Prince are only in French). The approach must be the one best suited to the beneficiaries.

59. The legal aid counselling clinics at the BAL appear to have received relatively few visitors. There may be several reasons for this, but the accessibility of the legal aid clinics has clearly been an issue. In contrast, lawyers apparently provided a significant number of legal counselling sessions immediately after a community forum, in the same place as the awareness-raising sessions.

60. To strengthen legal aid services for the population of disadvantaged areas, greater consideration should be given to where the BALs are located (or indeed relocated) and whether they are accessible in practice. The underlying question is that of the geographic coverage of BAL, or their operating range, which is currently limited to the urban centres where they are located. This inevitably means that the vast majority of the population, which is situated beyond that range, is unable to access the BAL’s services. This applies to counselling services, but also to some of the more remote National Police stations and substations of local courts that are not covered by the project. It would be worth considering the development of mobile services to enable lawyers to better access beneficiaries.

Lesson - Accessibility of legal aid services: Locating “legal aid clinics” (providers of legal counselling) as close as possible to courts and other judicial services, and developing mobile services for legal aid, (e.g. for remote courts and police stations) improves the accessibility of services. Offering counselling services immediately after awareness-raising activities within the communities should be encouraged, as it offers various advantages: the legal aid service is immediately available, making it possible to build on the awareness-raising sessions, and the service is made accessible to anyone who would otherwise not have travelled to the BAL for whatever reason (such as working hours, lack of transport, or reluctance).

61. The Team also found that more could be done to promote the services of the BAL, particularly for women victims of violence and juveniles in conflict with the law.

62. In terms of notable good practices, many prison directors were well informed about the BAL services, knew the assistants at the BAL, and had their contact details. The accessibility of BAL services in Port-au-Prince is still an issue for detainees at the National Penitentiary, at the Rehabilitation Centre for Minors in Conflict with the Law (CERICOL), and in Cabaret. This accessibility seems to depend upon effective collaboration between the BAL and the Direction de l'Administration Pénitentiaire (DAP), which is currently lacking. The lawyers from the BAL do not have access to all detainees. Access is granted only upon request when the lawyers can access
the lists of detainees, which is not necessarily the case in all detention centres. Nor is every detainee necessarily aware that the BAL services are available. Another challenge reported is the absence of a coordination mechanism between the various legal aid initiatives operating in the detention centres (including between the BAL in Port-au-Prince), something that would guarantee the supply of services to a greater number of indigent detainees. The lawyers also mentioned that it is sometimes difficult to locate beneficiaries in the National Penitentiary and that detainees have no means to contact a lawyer from prison. These obstacles to the accessibility of the services of the BAL also hinder the detainees’ right to a defence and a fair trial and should be raised as such by the lawyers and the BAL in order to encourage systemic responses.

| Lesson - Access to legal aid for detainees: | Collaboration with the prison service and its supporting partners (such as the corrections components of peacekeeping missions) makes it possible to establish effective procedures to identify detainees who could benefit from legal aid, and ensure better coordination of the various assistance projects, in order to avoid duplication and provide services to a larger segment of the prison population. Other good practices include promotional campaigns for the legal aid services in prisons and simple and accessible mechanisms for detainees and the prison administration to contact service providers. |

63. Accessibility is also directly affected by the criteria used to determine whether a person is indigent, which is a precondition for accessing the services of BAL for some projects. Given that the existing regulations cannot be applied due to their impracticability in the country’s current situation, various practices have developed. Usually, the process consists of asking potential beneficiaries a series of questions related to poverty indicators, such as employment, housing and family situation. While this system has some merit, it varies from one legal aid office to another and the procedures for deciding whether or not someone should be eligible remain unclear.

64. The decision-making process should be fair and consistent. The use of overly technical or rigid criteria can restrict access to legal aid services for people who are struggling financially but do not necessarily meet the criteria. Some categories, such as detainees, should be automatically presumed to be indigent. In addition, clear rules should be drawn-up on how to proceed in the event that a beneficiary ceases to be defined as indigent while his/her case is still being handled. For instance, if a case is transferred to a lawyer outside the legal aid system, that process should be organized.

| Lesson - Assessment of status as an indigent person: | The procedure for assessing whether a person is indigent should be adapted to the context. In situations of extreme vulnerability, where administrative constraints could seriously hamper access to justice, it is recommended that standard criteria be introduced together with a simplified procedure for assessing whether a person is indigent, identifying situations where the presumption of indigence should apply. |

---

50 This issue was raised by the lawyers, but also by the Direction de l’Administration Pénitentiaire (DAP). The lack of coordination sometimes means that one detainee is dealt with by different actors, including the legal aid office, the Office of the Ombudsperson and other NGOs offering legal assistance.

51 The procedure set out in the 1989 Decree on Legal Services is administratively cumbersome and is not followed.
Quality of legal aid services

65. One of the striking features about BAL visited by the Team was that there were relatively few mechanisms for assuring the quality of services, even though such mechanisms are essential.

Management, evaluation and monitoring tools

66. Each legal aid office has developed its own management and monitoring tools and its own terminology.\(^52\) As a result, the types of data collected and the way they are organized vary, making it extremely difficult to carry out comparative analysis and evaluate quality and performance. The current tracking systems do not seem to allow for the effective follow-up of older cases and, therefore, the disposal of the backlog from previous phases of projects.

67. The management and tracking tools (such as forms and reports) are not automatically placed in the physical files of the beneficiaries, which can make it difficult to know what stage a case has reached, particularly as the procedural documents are often not included either.

68. Lack of access and the poor management of the databases of some BAL meant that it was not possible to carry out a reliable assessment of their efficiency. Nevertheless, the reports indicate that the BAL of the MINUSTAH Model Jurisdictions Section were able to provide disaggregated data, to enable the preparation of statistics and an initial analysis of the impact of the work of those BAL. Such work is vital and should be developed and introduced to all BAL.

69. The BAL in Port-au-Prince keep count of the legal counselling sessions but do not always distinguish between sessions that take place in connection with criminal proceedings and others, making it impossible to disaggregate them. In the case of consultations on general matters, a consultation form is filled out; but unfortunately, information on the nature of the issue is not included in any of the reports.

70. Legal aid activities, in particular, legal consultations on general matters, can provide valuable information to identify the shortcomings of the justice system. The systematic and confidential collection and analysis of data can help pinpoint the problems and concerns of beneficiaries, raise awareness of alternative conflict resolution methods, gauge confidence in the legal system and identify its deficiencies. This is all useful information that could help to increase the relevance of programmes and services and assist in the development of legal aid policies.

71. The management tools could certainly benefit from being standardized, as many interlocutors suggested, with a view to not only institutionalizing BAL, but also facilitating the comparison between offices, and carrying out joint analysis.

\(^{52}\) Each legal aid office has developed its own tools, which tend to include the following: for the organization of work, weekly assignment sheets and attendance records; for case management, identification forms for each beneficiary, one or more follow-up sheets (by lawyer, by case file or by week, depending on the office) and templates for weekly and final reports; and for reporting purposes, weekly reports and meetings, tables of statistics and databases.
72. The evaluation of the services provided by the BAL does not appear to be systematic. For example, the advice given by lawyers during consultations is not recorded on the consultation form, which makes it impossible to assess the quality of this service. With regard to judicial assistance, the supervisors sometimes discuss cases with the legal assistants beforehand, and in some BAL, they proofread and co-sign procedural documents, which is a good practice. However, they do not always accompany the legal assistants to hearings. The legal assistants are required to report on their cases, but this seems to be limited to listing the steps taken. To date, the bar associations have not shown that they can efficiently assess the services provided by trainees and experienced lawyers in the context of legal aid programmes.

73. Other mechanisms could be considered with a view to more accurately assessing the BAL performance and results, in particular with regard to awareness-raising and training activities, but also to evaluate more effectively the quality of services provided. Accordingly, the monitoring of criminal hearings that is already being carried out by the Model Jurisdictions Section of MINUSTAH could become an effective monitoring and evaluation practice. In other cases, or with a view to making the initiative sustainable, monitoring could be carried out by other stakeholders, such as the Office of the Ombudsperson or human rights NGOs. Gauging client satisfaction is also a useful tool, but, thus far, appears to have been used to a limited extent, focusing exclusively on the impact of awareness-raising campaigns.

Lesson - Monitoring and management tools: The introduction of standardized monitoring and management tools is essential for organizing and systematizing the work, managing case files and assessing the services of legal aid providers. A computerized case management system should be introduced to ensure that cases can be traced so that it is clear what stage each case has reached and what the next step is in the process. Harmonizing data collection systems could help to analyse the functioning of the criminal justice system and average custodial sentences by category of crime. That feature would provide valuable information for improving legal aid services, developing strategies and supporting pleas.

Ethical and regulatory framework

74. Although an ethical and regulatory framework needs to be put in place to ensure the quality of services, few written rules currently exist.

75. There are no terms of employment covering issues such as working arrangements and hours, the use of ID cards, transportation, managing confidentiality and conflicts of interest, and disciplinary measures. There are unwritten rules, but they are vague and imprecise. For example, the question of whether lawyers work full-time for the BAL or are allowed to take on private cases should be clarified. At present, each individual interprets the rules as s/he sees fit.

76. There is no operating manual for the BAL that sets out the working procedures. The BAL of the ILAC and MINUSTAH previously developed a brief manual, but this good practice has not been revived and few of the parties interviewed were aware of the manual’s existence. However, some procedures and job descriptions are contained in project documents and annexes, such as the terms of reference for key positions in the BAL, and these could form the basis of an operating manual.
77. There is no specific code of conduct for the BAL. Lawyers are, of course, subject to the disciplinary procedures of their professional association and have to abide by the rules of the bar, but they need to be reminded that such rules also apply to their work for the BAL. In addition, the professional ethics of lawyers could be enhanced by the introduction of a code of conduct for the BAL. Particular vigilance is needed in the case of vulnerable beneficiaries, as they may not be in a position to identify or complain about any misconduct.

78. Along the same lines, oversight and complaint mechanisms, currently non-existent, should be introduced. Beneficiaries should be able to lodge malpractice complaints against lawyers or any other member of a legal aid office, possibly in collaboration with the Office of the Ombudsperson or other civil society organizations, which could be tasked with receiving complaints. This whistle-blower mechanism could also enable beneficiaries to report any irregularities in interactions with legal institutions. Some parties have raised concerns that bogus case files may have been opened to improve the productivity figures of service providers or BAL. The spread of this practice could be curbed by introducing random checks. Such checks could also be carried out when beneficiaries are surveyed about their satisfaction with the services provided, at the end of their case.

79. A good way to reduce the risk of lawyers requesting financial remuneration from beneficiaries would be to inform beneficiaries that these services are free of charge. Such information could also be included in the identification or consultation form, a copy of which could be given to the beneficiary, together with a telephone number to call in the event of any problems.

Lesson - Need for an ethical and regulatory framework: The adoption of terms of employment and a code of conduct, to complement existing codes of professional ethics and other regulations (such as the rules of the bar association), would improve the quality of legal aid services and prevent malpractice and fraud. The framework should clarify whether service providers can take on private cases and the conditions attached to doing so, how conflicts of interest should be handled, the monitoring and sanction mechanisms, including the measures aimed at preventing and punishing corruption, and verification and complaints procedures.

Training and supervision

80. The provision of adequate training to legal aid service providers is essential to improve the quality of service. The Port-au-Prince bar association applies the principle of selecting the most qualified trainee lawyers from the bar school. The competitive recruitment processes organised by the bar also contribute to the selection of the most qualified lawyers. BALs are commended for training legal assistants in subjects relevant to the services provided. This can help to address deficiencies in the quality of education received in law schools. Another good practice and one that almost all of the BAL have adopted is the supervision of trainee lawyers by more experienced lawyers.

81. Nevertheless, despite some good practices, the training provided by BAL is still in need of strengthening. Various parties expressed concern about the quality of services provided by legal aid lawyers, particularly with regards to the trainee lawyers’ level of training. Many trainee lawyers who had received training felt that it was inadequate and insufficiently focused on professional practice or their specific needs. There must be a clear, comprehensive and
standardized curriculum covering all court procedures (including criminal, civil, administrative and social procedures, and also means of remedy) and other duties (including prison visits, drafting legal documents, consultations and defence strategies), as well as ethics. Courses could be taught by senior lawyers who have experience in the target areas. Additionally, supervision is not always as effective or as extensive as it should be, and trainee lawyers are sometimes left to fend for themselves to the detriment of the quality of the services provided to the beneficiaries. The preferred capacity-building method should be a “law firm” type of management, including the discussion of cases, support when drafting procedural documents and guidance at hearings. For that purpose, supervisors are a key resource and should be selected on the basis of their solid legal and teaching expertise and high moral standards. They should also be committed and available to do the work.

**Lesson - Training:** the quality of legal aid services is improved by training, especially initial training on the functioning of legal aid for all new personnel, ongoing professional training for service providers (for instance, how to draft legal documents and file an appeal) and training in management and coaching for supervisors.  

D. Selection and management of service providers

82. In addition to issues relating to training and supervision, other aspects of the human resources management framework within the BAL remain incomplete and lack clarity.

**Selection and recruitment**

83. The quality of service providers and managers is essential to the quality and effectiveness of services. To that end, selection processes must be transparent, competitive and based on qualifications and competence.

84. A variety of recruitment methods are used for the selection of service providers, managers (coordinators and supervisors) and support personnel in BAL and the SEAL. In Cap-Haïtien and Les Cayes, the recruitment system for every position in the legal aid office is theoretically open and competitive, based on competence. Job profiles are created, a competitive examination is publicly announced, including in law schools and courts, and a number of candidates reportedly applied for the legal assistant positions. A board then pre-screens applicants on the basis of their CVs and an interview is conducted by a separate panel. The board and panel include representatives of the bar association and MINUSTAH.

85. In Port-au-Prince, the recruitment system is exclusive, limited only to the members of the bar association and competitive. The bar association offers positions in the BAL to the best trainee lawyers from the bar school, based on their rankings in the final examinations. Nobody from outside the bar association is involved in the selection process.

86. At the SEAL, ProJustice selects legal assistants from a list provided by the bar association.

---

53 Far fewer candidates appear to have applied for the supervisory and coordinator positions.
87. At the Government BAL, the method of selecting service providers and managers appears to have been left to the discretion of the Ministry of Justice, in consultation with the president of the local bar association, who also manages the legal aid office with the assistance of a supervisor. In Gonaïves, to remove suspicion of nepotism and increase the number of participating lawyers, a lottery is held every three months to select trainee lawyers.

88. Special attention should be given to the recruitment of coordinators for the BAL. Several interlocutors suggested that the coordinators should not be selected by bar associations, even when the latter would be managing them.

**Individual contracts**

89. The contract between the Port-au-Prince bar association and service providers working in the BAL stipulates only that the services consist of undertaking legal and judicial tasks for 35 hours per week. The terms of reference for the Port-au-Prince BAL are equally lacking in detail. Those used by MINUSTAH for projects in Cap-Haïtien and Les Cayes are more detailed.

90. The tasks of service providers working in the BAL generally amounts to full-time work, although this seems difficult to monitor. Regardless of the number of hours spent at the BAL, one issue that needs to be clarified is whether lawyers can take on personal case files in addition to their work from the BAL, and how to manage potential conflicts of interest. Furthermore, it appears that some participating trainee lawyers have a supervisor, while others come to the BAL having been unable to find one.

91. All of the systems have opted for a fixed monthly salary. However, salaries are not standardized: assistants earn $400 in Les Cayes, $650 in Pétion-Ville, $450 in the Government BAL and $400-$500 in the ProJustice BAL. Volunteers are not used, even though the bar association’s system of appointing lawyers for indigent depends on volunteer trainee lawyers, with potential supervisory roles for more experienced lawyers. The duration of the appointment varies by legal aid office, from three months to two years.

**Lesson – Employment status of service providers:** short-term contracts allow for greater participation of trainee lawyers in the BAL, thereby benefiting a greater number of participants. However, they raise the issue of rapid turnover, as the resulting training period is very short. Part-time work over a longer period of time can bring in a greater number of trainee lawyers while extending the duration of supervision.

**Evaluating human resources**

92. In general, very little information is available regarding the rules and methods for evaluating legal aid staff.

---

54 During the interviews, the following approximate amounts were reported: 50,000 gourdes for the coordinator (president of the bar association), 40,000 gourdes for the supervisor and 30,000 gourdes for trainee lawyers. Interview with lawyers from the legal aid office of Miragoâne and Saint-Marc, February 2017. The contract that we viewed stipulated a sum of 45,000 gourdes for the supervisor.
93. In Port-au-Prince, lawyers are reportedly evaluated jointly by the supervisor and the coordinator; there is an evaluation form for that purpose. The supervisors are also evaluated by the coordinator in accordance with their own system, and the coordinator reports to the president of the bar association. It was not possible to access those documents for reasons of confidentiality. The Team could not, therefore, confirm that those procedures have been effective.

Lesson - Selecting and evaluating service providers: the selection of legal aid service providers, or those working within legal aid projects, should be based on principles of transparency, fairness, and competence (e.g. a widely disseminated call for applications followed by a competitive examination that is evaluated anonymously). The selection of senior staff (especially experienced lawyers who supervise and advise junior service providers) and managers (directors and coordinators) should follow the same criteria. If implementing partners are responsible for selection and recruitment, the criteria and selection procedures should be clearly established, and the process should involve external stakeholders who have an interest in the effective operation of the BAL. Those stakeholders might include local magistrates, civil society representatives and donors. Regular evaluations based on objective criteria and quantitative and qualitative performance are essential to ensuring the quality of services, improving staff performance, strengthening capacity, and promoting the best candidates to supervisory and coordinator positions.

E. Sustainability

94. The strategy for sustaining legal aid projects should be listed as a good practice. Such a strategy was defined by MINUSTAH at an early stage in coordination with other partners (especially the International Legal Assistance Consortium) and is also one of the central objectives of the Justice Sector Strengthening Program of USAID.

95. The sustainability of BAL and other legal aid projects for the indigent has yet to have been assured. The lack of continuous funding and the resulting uncertainty have made it far more difficult to build on previous experience and sustain the genuine commitments of implementing partners and service providers to deliver against the project objectives. However, there are signs of potential for sustainability: the BAL “model” has endured for nearly 20 years; there is currently a draft law on legal assistance; State funds have been used to open BAL; and some BAL, such as Cap-Haitien and Les Cayes, have continued to work without external funding and by mainly relying on voluntary work for nearly a year, albeit providing reduced services. It is encouraging that support for BAL was included in the roadmap sent by Prime Minister Lafontant to the new Minister of Justice on 27 March 2017.

55 See the section on sustainability for further details.

56 The management of funding cycles for legal aid offices supported by MINUSTAH (on an annual basis with the Community Violence Reduction funds), has disrupted projects, something that has halted or severely slowed the work of the legal aid offices and caused new projects to be too short. Despite having a clear impact, legal aid offices in Cap-Haitien and Les Cayes have been awaiting funding for nearly a year. Absent resources, those legal assistants who comply with the ban on handling personal case files have suffered economic hardship.
96. The following sections examine the potential sustainability of legal aid from the point of view of institutions, funding and identity.

**Institutional sustainability**

**Legal framework**

97. The right to legal assistance is recognized in Haiti, but it is currently not clearly regulated by a law.\(^{57}\) The Decree on Legal Service of 1989 is not detailed, nor is it fully implemented.

98. The preliminary draft law of December 2015, which was revised in May 2017 and developed under the leadership of René Magloire, proposes a mixed system that takes into account the realities of the context, as well as past legal practices and experiences of Haiti and other countries. However, the reactions of certain parties, including some bar associations, to the proposals in the draft law suggest that there is a lack of consensus on certain issues, thereby requiring further discussion. These include the respective roles of the bar associations and the Ministry of Justice.\(^ {58}\) The obligation of trainee lawyers to provide free services for the poor should be detailed in the bill.

99. The adoption of the law is indispensable for legal aid to be sustained. A formal framework for its adoption should, therefore, be established, setting out mutual commitments for the executive and legislative branches of Haiti and its international partners. These commitments should be supported by political dialogue on the topic of the sustainability of legal assistance.

---

**Lesson – Sustainability (legal framework and budget):** The sustainability of legal assistance programmes depends in particular on the adoption of a law on legal assistance and the allocation of a proportion of the national budget to legal assistance programmes, which may be gradual. The fulfilment of these commitments can be facilitated by formally incorporating the adoption of the law and the allocation of a budget into a framework of mutual commitments agreed between the host Government (specifically, the relevant ministries and Parliament) and its international partners. The mandates of United Nations peacekeeping missions give them a definite comparative advantage in coordinating political dialogue of this kind. Ideally, the legal assistance system should be established following broad consultations with the national partners concerned with legal assistance programmes, namely the Ministry of Justice, the judiciary, bar associations, universities and law schools, NGOs and the police.\(^ {59}\) It is recommended that the law include a requirement for lawyers to provide legal aid to indigent people, and precisely define the content of that obligation. The law should also require the managers of legal aid programmes to make every effort to ensure the quality of the services provided.

---

\(^{57}\) See “Context” section of this report for more detail on the legal framework.

\(^{58}\) Several of the people we spoke to emphasized the genuine risk that the executive power might change the philosophy of the draft law on legal aid, including the autonomous nature of the coordination structure. Some participants recommended that the draft law should be submitted through the Office for Citizens’ Protection and not the Government.

\(^{59}\) It is also possible to consult other service providers, such as national and international NGOs and regional and national associations that support their members and might offer them a legal aid service (for instance, trade unions and farmers’ cooperatives).
National coordination mechanism

100. There is currently no functioning national mechanism for the coordination of legal aid. A legal aid focal point has been appointed within the Ministry of Justice. It chairs the steering committee of the BAL supported by MINUSTAH in Port-au-Prince but does not appear to play a coordinating role.\(^{60}\) Steering committees and platforms for dialogue with the national authorities have been established, but these mechanisms apply only to projects that have already been put in place and do not provide for any exchange of information between or coordination of different initiatives. These committees require a strong commitment on the part of international partners, particularly with regards to organizing meetings and mobilizing the national partners. They have not been convened on a regular basis.

**Lesson – National coordination of legal aid:** A national coordination mechanism for legal aid would facilitate the establishment of a legal aid policy, regulations governing the provision of assistance, and a system to accredit and evaluate the implementing agents. It could also support the standardization and improvement of practices, technical support and advocacy for the adoption of a legal and regulatory framework and the allocation of budgetary resources, coordinate national and international initiatives, facilitate capitalization, and – consequently – reinforce national ownership and sustainability. To the extent possible, it should serve as a coordinating committee for all legal aid projects, and allow for consultations between actors from the areas where legal aid projects operate (for example, members of existing committees whose work relates to the functioning of the criminal justice system or the monitoring of pretrial detention).

**Standardization of models and approaches and preservation and consolidation of institutional memory**

101. As emphasized above, the lack of uniformity of the BAL (in terms of objectives, partnership frameworks, procedures and tools), and the multiplicity of systems, which are difficult for national partners to understand, have made it difficult to consolidate good practices and sustain initiatives. It is therefore essential to standardize approaches and ways of providing support for legal aid to the extent possible, including by adopting a document detailing implementation requirements, and by developing a manual for the BAL (to ensure consistent procedures and tools), an ethical and regulatory framework, that could be further elaborated if necessary, and training modules. This streamlining would also mean that each new BAL does not waste time reinventing its system.

**Involvement of the bar association**

102. The bar associations have been the main implementing partners of the legal assistance projects, either by directly taking responsibility for the comprehensive management of the BAL, as is the case with MINUSTAH projects, or by selecting service providers and, sometimes implicitly, evaluating the quality of their services, as has been the case with Government BAL and ProJustice projects.

---

\(^{60}\) According to the Director-General of the Ministry of Justice, his role is limited to the compiling and verifying the reports received from the projects, and producing reports for his superiors. Several of the people we spoke to on mission in the provinces, including members of bar associations, indicated that they had never met him, or that he had never visited their associations.


**Lesson – Role of the bar association in legal aid:** The choice of a legal assistance model in which bar associations play a major role makes sense in contexts, such as Haiti, where the bar association is a permanent institutional actor that also has legal responsibilities for providing assistance to the most indigent people. As international practice suggests, \(^{61}\) it is, however, not recommended that bar associations be given a monopoly on legal assistance, partly because the number and locations of lawyers on the ground make it impossible for them to meet all legal assistance needs. The choice of a mixed system that allows for the involvement of other service providers, as envisaged in the current draft law in Haiti, may be more appropriate.

103. It is somewhat surprising that, although the bar associations are the principal implementing partners, none of the legal aid projects reviewed build on the existing legal requirements of bar associations to provide indigent defendants with legal assistance in criminal trials. At present, the legal aid system established by the bar associations for criminal trials (which involves pro bono services) exists in parallel to the BAL (which provide a basic remuneration to the service providers), even though the bar associations are the main implementing partners for the latter. This separation is particularly questionable since the objectives are the same, namely, to provide assistance to indigent persons and vocational training to trainee lawyers. It is also confusing: the same legal service could count as paid or unpaid work, depending on whether or not the lawyer is acting as part of a BAL.

104. There should be an integration of the legal aid projects funded by external partners with the services provided by the bar associations. It would showcase the trainee lawyers’ voluntary work while improving the quality of this service, which would be defined, documented and evaluated. Lastly, it would reduce the operating costs of the BAL, since they would benefit from the free services performed by trainees, or even experienced, lawyers. This could take the form of a compulsory six-month unpaid internship in a BAL, and/or the requirement for lawyers to take on a fixed number of cases each year.

**Financial sustainability**

105. Several organizations, including the ILAC and MINUSTAH, have taken initiatives to ensure the financial sustainability of legal aid programmes by advocating for the allocation of State funding for a national programme. In 2008, Michèle Pierre-Louis and René Magloire, then Prime Minister and Minister of Justice respectively, formally committed the Haitian State to gradually take responsibility for the budget of the national legal aid programme, at a rate of 20 percent per year. These commitments were renewed in 2009 by Prime Minister Jean-Max Bellerive and Minister of Justice Jean Joseph Exumé. The earthquake of 2010 made it impossible to fulfil these commitments. Since then, the State and its international partners do not seem to have discussed the issue. The State should be encouraged to gradually resume taking on the costs of legal aid by allocating a share of the national budget for that purpose (at a rate of 20 to 30 percent per year).

106. Two years ago, the outgoing Government established five State-funded BAL. That initiative reflected its commitment to legal assistance, even though the total budget was modest (10 million gourdes out of the 2015-2016 budget) resulting in service providers significantly reducing or suspending their activities after their fees had not been paid for several months.

---

\(^{61}\) United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems; *Global Study on Legal Aid*, cited above.
107. The implementation of the draft law on legal assistance has not yet been costed in detail. The current cost of legal assistance projects is approximately $200,000 per year for the BAL supported by MINUSTAH. The costs of the BAL supported by the ILAC and MINUSTAH were approximately $100,000 per year. Based on these figures, it is estimated that, if it had the same structure, a national legal assistance programme for the 18 jurisdictions in the country would cost between $2,000,000 and $3,600,000 per year. On this basis, legal assistance would account for between 1.1 and 2 percent of the total budget of the justice system, which currently stands at approximately $177 million per year (the total budget of the justice sector, including the police).

Lesson – financial sustainability: International partners can support a detailed cost estimate of the implementation the proposed legal assistance systems and the draft laws on legal assistance. They can also help identify the financing model or models best suited to the context. Only a realistic budget adapted to the financial capacities of the State can ensure the sustainability of legal assistance projects and programmes where, as in Haiti, budgetary resources are limited and poor people make up a high proportion of the population. It is therefore essential to limit the level of salaries, to find alternative incentives as “payment” for service providers (such as reducing the duration of traineeships and providing better access to legal careers for those from deprived backgrounds), allocate the least complex assistance tasks to the least expensive providers (final-year law students), reserve the use of more experienced lawyers for supervision of service providers or intervention in more complex cases (such as appeals, strategic litigation, courts with special competences) and explore synergies with other initiatives of national or international partners that have more experienced lawyers at their disposal (for instance, lawyers of the Office of Human Rights in Haiti, or those working with Lawyers Without Borders - Canada, could be mobilized into a task force to manage the most complex cases).

108. The previous sections of this report mention ways of improving the efficiency and effectiveness of the BAL, including how to prioritize services and reduce costs.

Creating a sustainable identity

109. The successful Bureaux d'Assistance Judiciaires (BAJ) model that was developed in 1996 in Cap-Haïtien as part of a programme of RCN Justice & Démocratie is still used, notably at the 17 BAL established by ILAC in partnership with MINUSTAH, and, more recently, at the BAL supported by MINUSTAH in Port-au-Prince, Cap-Haïtien and Les Cayes. The BAL systems established by ProJustice in Cap-Haïtien, Port-au-Prince, Croix-des-Bouquets and Saint-Marc, and by the Government in Miragoâne, Saint-Marc and Gonaïves, also appear to have been inspired by this model. Although this approach has not been formalized through a manual, rules or standardized tools, its continuity has meant that a large number of lawyers and trainee lawyers have been trained in that manner. An informal network of legal professionals who are familiar with legal aid services has thereby been developed. Former legal aid providers staff have taken pride in belonging to the BAL and have developed a sense of commitment.

110. Consolidating that sense of identity would not only help institutionalize the BAL within the justice sector but could also encourage young lawyers to want to work for them. It would also

---

62 The costs of the activities to support legal assistance of ProJustice have not been communicated to the team, because documents relating to projects at the time were unavailable.
63 Salaries were lower in the joint International Legal Assistance Consortium – MINUSTAH programme.
promote a “culture of legal defence” and enhance professionalism, integrity and commitment. Outreach activities would showcase the community of legal assistance practitioners on the basis of its quality and integrity. Efforts could include the creation of an association for former legal professionals (such as lawyers, trainees, students and alumni), a periodic review, a Facebook page, the exchange of good practices, and the promotion of commitment, integrity and excellence through rewards and incentives.

**Community sustainability: Rooting BAL in their environments**

111. In general, BAL and other legal assistance initiatives have established relationships with members of the judiciary, the police and the prison administration. While this approach should be welcomed, steering committees have not yet shown that they can perform their duties; in many cases, few or no meetings are held, and those that do take place are often called by funding partners. The steering committees’ membership often duplicates that of other committees, such as those on the criminal justice system and reducing pre-trial detention.

112. The BALs are not fully rooted in their communities. Mediation and civic education activities led by the MINUSTAH and ProJustice BAL have managed to create links with communities, but the present study has not been able to establish to what extent this has occurred. Relations with local stakeholders, including local authorities, community leaders, NGOs, hospitals, victim support associations and social institutions, would make it possible to better adapt services to the needs of communities. BAL would be better able to integrate into their environments, and services would be better publicized and more accessible. Joint projects, exchanges and the sharing of experiences with NGOs are particularly recommended.

**F. Ways to involve international partners**

113. The following section outlines some ways in which international partners have become involved. It elaborates on a number of issues already mentioned in the previous sections, including those on the quality of monitoring and evaluation services, which also bear on the responsibility of partners. A more detailed description of the management of BAL by MINUSTAH is the subject of a separate annex to the report.

**Pilot projects**

114. The development of legal aid in Haiti has benefited greatly from the support of international partners, including MINUSTAH, the ILAC and several USAID programmes, which have set up various projects over the past 20 years. Given the limited capacity of the Haitian State to undertake national reforms, most international partners have initiated their engagement through pilot projects.

| Lesson (programme management) – Pilot projects: Although the lack of uniformity in pilot projects has been a setback, it can allow systems and tools to be tested and then replicated or improved in the context of a national programme. |
Coordination of policy formulation and dialogue

115. Despite an absence of national coordination, international organizations involved in legal aid, such as MINUSTAH, USAID and the OIF, coordinated their efforts until 2012. Agreements aimed at harmonizing approaches and schemes were drafted in 2012 but ultimately not adopted.

Lesson (programme management) – Coordination of international partners: Coordination among international partners can help create a legal aid model based on shared experience, and harmonized salaries and allowances. Coordination also promotes the sharing of lessons learned, best practices, results and analysis, so that various projects may be improved and strengthened. In this context, a joint strategic dialogue can help remove impediments to legal aid services (see the circular of the Haitian Minister of Justice on free legal aid for indigent individuals).

116. However, since 2012, both coordination among partners and strategic dialogue on legal aid issues have not been effective. Legal aid is primarily the responsibility of the Haitian State; and yet, surprisingly, the Ministry of Justice and Public Security has not been directly involved in the implementation of recent projects. Its involvement is limited to chairing the steering committee for legal aid projects. However, this steering committee has not fulfilled its dialogue and coordination functions, and the projects’ technical officials have not always been able to provide relevant information or motivate mission leadership to establish an effective strategic dialogue. The working group responsible for preparing the draft law on legal aid appears to have partially fulfilled those coordination and discussion functions, without, however, significantly influencing existing legal assistance projects. A structured political dialogue between the Haitian State and its partners on legal aid issues is essential and must be revived. Such a dialogue should not only address the sustainability issues described in the previous section of this report; it should also identify solutions to legal aid challenges.

117. This study led jointly by MINUSTAH and the ISSP, as well as the funds available for the latter, seems to have created momentum for renewed efforts towards institutionalizing legal aid in Haiti, consolidating gains and standardizing practices. While institutionalization, which is currently in its infancy, requires commitment from the Haitian State, efforts at sharing and harmonizing practices have already begun.

Definition of mutual expectations and formalization of the partnership framework

118. At MINUSTAH-supported BAL, the bar associations are “project partners” and in charge of activities and financial management.

119. The partnership framework and the obligations of the parties are set out in two types of documents that govern the BAL supported by MINUSTAH: a partnership agreement between the bar associations and MINUSTAH, and the annual project documents annexed thereto (which contain the project description, budget and timetable). These documents set out, in varying degrees of detail (according to each office), the obligations of the bar associations and of MINUSTAH with respect to programme implementation. They also include the job descriptions for each post to be filled at the BAL.

120. ProJustice has concluded memorandums of understanding with the local bar associations, setting out the rights of each party. For example, it was agreed with the Saint-Marc Bar...
Association that ProJustice would provide technical, material and financial support to the bar association’s Education and Legal Assistance Services, while the bar association would provide free, high-quality legal consultation, represent the poor and provide civic education for grassroots and socio-professional organizations in their jurisdictions.\textsuperscript{64}

121. At the BAL established by the Government, the only document that sets out such obligations is an individual employment/service provider contract between the lawyers and the Ministry of Justice.

122. At MINUSTAH BAL, steering committees are expected to provide a platform for dialogue on project implementation. However, due to the low number of meetings, the steering committees have yet to fulfil this function. Bar associations also receive technical support from three separate MINUSTAH sections (the Model Jurisdictions Section and the Institutional Support and Law Reform Section on substantive matters and the Community Violence Reduction Section on project management matters). Those sections also conduct regular follow-up and monitoring activities such as field visits, regular exchanges at meetings, and narrative and financial reports. As part of that follow-up, MINUSTAH formulates recommendations on the basis of periodic reports that are not necessarily formalized. The MINUSTAH CVR Section has organized training for the bar associations in project management and technical support.

123. However, despite this basic framework, the operations of the BAL, and their management by the bar associations have not always proved as efficient or effective as would be expected.

124. In order to overcome these shortcomings, the MINUSTAH Model Jurisdictions Section delivered a series of notes to the bar association and legal aid office staff recommending certain procedures and ways in which the offices could improve their work and the stakeholders better fulfil their commitments. In particular, the notes called for the bar association of Les Cayes to improve transparency in recruitment procedures. In addition, lessons learned from the first implementation phase of the Cap-Haïtien and Les Cayes BAL, which were carried out by the Model Jurisdictions Section, have led to improvements in the new project documents that are under development but have not yet been implemented.

\begin{table}[h]
\centering
\begin{tabular}{|l|}
\hline
**Lesson (project management) – “Scope of work”:** the implementation of legal aid projects is improved when project documents provide a specific “« cahier des charges»” that details the relationship of the partners, the obligations of the financing institution and the project that is being implemented. This framework should set out clear qualitative and quantitative performance expectations (a precise definition of the results and benchmarks to be achieved), responsibilities, requirements for the management of human and financial resources, tools and procedures, control mechanisms and the consequences of non-performance or non-compliance. It would be useful to attach all project documents, including the partnership agreement, job descriptions, notes and recommendations, and possibly the manual for BAL.
\hline
\end{tabular}
\end{table}

\textsuperscript{64} Memorandum of understanding between ProJustice and the Bar Association of Saint-Marc, January-December 2014.
Fund management

125. In the BAL supported by MINUSTAH, funds are transferred to bar associations, which manage them as part of the project implementation process. Regular reports are required, and subsequent instalments of their budgets are transferred only if these reports are approved by MINUSTAH. The CVR Section has also organized training courses for bar associations, on topics such as accounting and financial reporting.

126. Despite this framework, some of the practices reported in one BAL supported by MINUSTAH were inconsistent with sound financial management practices. Even if a convincing explanation or a valid financial reason were to be found, this case raises the issue of how much flexibility and discretion the bar association should be allowed. It also raises the possibility of taking remedial action if budget agreements are not respected, provided that such action does not jeopardize relations between the partners or the future of the project. To date, owing to the lack of transparent management, not all parties are convinced that the bar association would be able to prove that all the funds earmarked for legal aid have indeed been used for that purpose. The fact that bar associations use their general bank accounts to manage funds makes it difficult to trace money or ensure transparency.

127. According to project agreements and documents, the accounts of bar associations must be inspected annually by an external auditor. It appears, however, that MINUSTAH had yet to commission an audit, except for general audits of all its CVR programmes.

Preserving and capitalizing on institutional memory

128. There is a limited institutional memory with regards to legal aid. Although this is mainly due to the impact of the earthquake in 2010, some resources are no longer being used despite having been developed by staff members who still work for MINUSTAH. Examples include the early draft of a manual for BAL and a draft decree creating a national legal aid coordinating committee. As MINUSTAH withdraws from Haiti and the transition to the United Nations Mission for Justice Support in Haiti (MINUJUSTH) takes place, it is crucial to preserve this institutional memory and capitalize on the experience gained, as the present study seeks to do. The same applies to legal aid programmes supported by USAID, as shown by the difficulty the team writing this report faced when trying to access documents from the ProJustice programme.

129. Moreover, there appears to have been little or no use of qualitative and quantitative data that BALs produce (or could produce) for the purpose of developing policies and strategies or providing legal defence. For example, the number of detainees thought to have been released thanks to the work of BAL is a likely indicator of the number of people who should not have been deprived of their liberty.

65 It is alleged that some of the funds contractually earmarked for lawyers’ salaries were, depending on the version of events, either forwarded to or held back by the bar association. Similarly, communication and transport fees intended for aid services were allegedly not paid to their recipients.

66 In this set-up, the loss of institutional memory is inherent in the reliance on private contractors to implement institutional reforms that outlast their work contracts.
VI. Conclusion

130. BAL and other legal aid projects supported by MINUSTAH and ProJustice/USAID have proven their ability to provide assistance to the most vulnerable people, to help secure the release of detainees, and, more generally, to improve the delivery of a largely ineffective legal system. The legal aid systems that have been set up by these projects can be improved as described in this report. However, they remain a strong foundation for future engagement in this area. Legal aid has yet to be institutionalized in Haiti, but 20 years of commitment on the part of international partners and Haitian stakeholders have helped to progressively develop the core of a nationwide system and a culture of legal aid. The preliminary draft law on legal aid and the opening of several BAL by the Government represent a willingness at the national level to institutionalize legal aid in Haiti.

131. There are strong reasons in favour of maintaining international commitments to legal aid services until they are institutionalized by the State, both in Haiti and in similar contexts where other United Nations operations are deployed.

132. Firstly, supporting legal aid provides a direct service to individuals, in particular, the most vulnerable. BAL and SEAL have assisted 50,000 people and secured the release of more than 16,000 people. This has therefore resulted in an immediate impact that could not have been achieved through a focus on long-term structural reforms alone. Although legal aid services may sometimes come across as ad hoc “humanitarian activities” in the justice sector (if services provided are not sustainable), they have also proven to be an essential element of more structural strategies to bring about systemic changes, such as those aimed at reducing prolonged pretrial detention.

133. In the field of criminal justice, support for legal defence is a vital complement to any action in support of the police and prosecutors’ offices, as indicated in the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems. In contexts where power is frequently abused and large numbers of people are illegally arrested or detained, it remains essential to support initiatives aimed at limiting such abuses and strengthening the principle of equality of arms.

134. These programs have had a positive impact on the functioning of the justice system.

135. By empowering the most vulnerable, support to legal aid demonstrates an added value compared to other programmes and projects seeking to strengthen legal institutions, which are often restricted to dialogue with the elites controlling these. By supporting the “demand” for justice, legal aid programmes offer a powerful resource to generate national pressure for improved performance of institutions. In some ways, legal aid service providers also monitor the performance and integrity of magistrates, police officers and other members of the legal community. This approach, through which national stakeholders rather than international actors press for the legal system to be improved and potentially reformed, is more sustainable and offers

---

great potential for change. Support for legal aid programmes from international partners, including United Nations peace missions, is therefore highly appropriate.

136. As such, it is essential to ensure that legal aid is a component of an exit strategy for international partners. Legal aid initiatives give voice to the justice demands of the population, supplementing efficiently the dialogue with senior officials from the Government and justice institutions. The effective use of quantitative and qualitative data from legal aid programmes can also lead to a better understanding of both the population’s needs in the area of justice and the shortcomings of the system. These forms of data are valuable indicators that can be used to frame national policies or the strategies of United Nations missions and other international partners.

137. Support for legal aid programmes can also play a role in the training and supervision of a large number of young professionals in the justice sector, who are able to start their careers in an environment that is more conducive to commitment, efficiency and integrity. By supporting a new generation of legal professionals, legal aid projects offer the potential for a far-reaching, long-term transformation of the justice sector that few other projects could claim to achieve.

VII. Recommendations for Haiti

1. Support sustainability efforts by institutionalizing legal aid in Haiti:

1.1 Pending the adoption of the draft law on legal aid, establish a temporary (independent) national legal aid coordinating committee, based on the model proposed in the draft law. The Ministry of Justice and Public Security and the Superior Council of the Judiciary should be associated to the committee, as should other stakeholders such as bar associations, the Federation of Lawyers, the Office of the Ombudsperson and civil society representatives, including law faculties. As far as possible, it should serve as a focal point for all legal aid projects and coordinate efforts to establish and implement a legal aid policy, regulations governing the provision of assistance, a system for the accreditation and evaluation of the implementing partners, and a mechanism for coordination and exchange of good practices.

1.2 Finalize and adopt the law on legal aid (the preliminary draft law of December 2015 was revised in May 2017); encourage a mixed system with no monopoly for the bar associations; argue for the compulsory provision of legal aid to indigent to be clearly spelled out in the requirements of lawyers’ traineeships (through legislation): Support a detailed estimate of the cost of implementing the draft law on legal aid and identify the most suitable funding model(s) for Haiti.

1.3 Formally link the adoption of the law and the progressive allocation of a proportion of the budget (20 to 30 percent per year) to a framework of mutual commitments agreed between the Haitian State (Ministry of Justice and Public Security and Parliament) and international partners.

1.4 Reduce the running costs of BAL: Limit salaries and look for other incentives as “payment” for service providers (such as reducing traineeships), use less expensive providers for certain tasks (final-year law students), and explore synergies and partnerships, such as the use of experienced lawyers employed by NGOs for the most complex cases.
2. More effectively target and establish priorities among beneficiaries and disputes, through a preliminary study of legal aid needs and how they can help to reduce violence in targeted areas:

2.1 In criminal cases, continue to provide assistance services to detainees and gradually extend them to victims of crime and the most vulnerable groups, in particular women and minors.

2.2 Offer assistance to the indigent in civil and administrative cases, in particular in cases or situations that can degenerate into violent conflict, for example, those involving land or property, or situations that can seriously affect a person’s economic or social status, for instance, if a person no longer has financial means to survive.

3. Develop a legal aid policy that enables the prioritization of certain disputes and categories of vulnerable beneficiaries in a manner that does not exclude others: Such categories include minors, women (in particular victims of violence), sick prisoners, persons who have been in prolonged pretrial detention for more than two years, and victims of serious crimes (such crimes should be identified). This policy should be one that takes into account local specificities.

4. Give priority to the use of trainee lawyers who are required to offer their services to help the indigent (and pay them modest salaries).

4.1 Reserve the use of more experienced lawyers for supervising legal aid providers, intervening in more complex cases (such as appeals and strategic litigation) or resolving cases that have been delayed despite the efforts of trainee lawyers (such as cases of persons who have been in prolonged pretrial detention for more than two years). Use duly authorized final-year law students or other paralegal staff for less complex tasks.

5. Strengthen supervision and training for trainee lawyers/legal assistants:

5.1 Standardize training modules to the extent possible, and make training modules more practical, with exercises and simulations including:

- Initial training on BAL operations (based on the “BAL operating manual”), for all personnel upon entry into service.
- In-service training on professional practice (e.g. drafting procedural documents, the appeals process).
- Specific training in management and coaching for coordinators and supervisors (teaching and mentoring abilities should be taken into consideration during recruitment).
- Support the Federation of Haitian Bar Associations in the development of a standardized and strengthened curriculum for the training provided to trainee lawyers at the school of the bar association.

5.2 Strengthen the supervision of trainee lawyers, particularly by implementing a “law firm” type of management involving regular one-on-one and group discussions of cases with the supervising lawyers, support in drafting procedural documents, and guidance in hearings. Ensure that the work provides a stimulating environment, in order to create interest that is not solely financial.
6. Better define the legal aid services and the services expected from the legal assistants to promote a beneficiary-centred approach.

6.1 These services should include the following:

- **For victims**: advice, complaints procedures, demands for reparation, support in enforcement of court’s decision, guidance towards psycho-medical-social services;
- **For defendants**: assistance for arrested or detained persons in police stations, legal representation and support in the enforcement of court’s orders.

6.2 **Promote the delivery of a high-quality service**, including: consulting case files, preparing for cases with beneficiaries prior to hearings, lodging appeals, and having recourse to standard measures, such as habeas corpus, to address prolonged pretrial detention;

6.3 Consider establishing a **task force** composed of **more experienced lawyers**, to take on more complex cases (including prolonged pretrial detections that have not been resolved by the legal assistants), strategic litigation, and appeals.

6.4 Increase the number of legal assistance staff at the court of first instance during **criminal trials** with or without a jury.

7. **Improve access to legal aid services**:

7.1 Introduce a **simplified procedure and standard criteria for assessing whether a person is indigent** and identify situations where the presumption of indigence should apply.

7.2 Work with the DAP to establish **efficient identification systems for detained beneficiaries**, particularly to ensure more effective coordination of the services provided by various legal assistance projects thereby ensuring broader coverage of the prison population.

7.3 **Locate “legal aid clinics” (legal counselling sessions)** as close as possible to court services.

7.4 **Ensure the promotion of legal aid services** to the public and to certain target groups, including all detainees. Inform parties and intermediaries, including police, courts, prosecutors’ offices, the DAP, civil authorities, NGOs, community and religious leaders, about legal aid services in a broader, systematic manner.

7.5 Develop **mobile services**, such as:

- **Counselling sessions within communities** in disadvantaged areas, combining awareness-raising and counselling activities, if possible.
- **Mobile units** of legal assistants at police stations and substations and remote local courts.

8. **Standardize procedures**: develop a BAL office operating manual and management tools, including:

8.1 A **detailed description of the services offered** (and the types of actions that can be taken).
8.2 A description of the organization of work within the BAL (legal aid clinics, meetings, an organization of a typical day).

8.3 The selection criteria for beneficiaries and for the establishment of priorities among disputes and beneficiaries, in accordance with existing regulations.

8.4 The terms of reference detailing the duties and responsibilities and the qualifications required for all functions: including a description of the various tasks, quality and quantity standards and the expected outcomes, the issues of supervision and reporting lines, the obligation to use the appropriate tools, and the consequences in case of violation.

8.5 Clear instructions and tools to keep a complete case record for every beneficiary containing all procedural documents and reports relating to each case.

8.6 Information mechanisms for beneficiaries (particularly highlighting the fact that services are free), from when aid is first provided and at every stage in the procedure, and surveys of their satisfaction after cases are concluded.

8.7 Models for files, forms and reports to be completed by all parties in the BAL.

8.8 A nomenclature/typology of terms used.

8.9. A standardized IT system for records and management of cases, including a tracking system for cases and a schedule so that at any time, the person concerned can find out what stage the case has reached and what the next step is in the process. Use this system for strategic data analysis. Explore the possibility of integrating the system into the support project for the Legal Case Management Software, and of coordinating with computer systems that are already in operation in prisons.

8.10 Terms of employment and a code of conduct, establishing a strengthened ethical and regulatory framework (particularly to clarify whether private cases can be taken on and the conditions attached to doing so), identifying monitoring and sanction mechanisms, how conflicts of interest will be handled, and oversight and complaints procedures, including measures aimed at preventing and punishing corruption.

8.11 A clear and comprehensive management framework for human resources, including the qualifications required, the procedures for selection and evaluation, for rotation, and for promotion (open, transparent and competitive, based on principles of competence and merit), models for employment and service contracts, and salary and service scales.

8.12 Budget management rules for the BAL.

9. Strengthen good governance and the management capacity of the implementing partners:

9.1 Establish a scope of work (“cahier des charges”) detailing the relationship and the obligations of the institution that funds the BAL and that which operates them. This framework should specify that the BAL manual is an integral part of the scope of work. It should clearly define qualitative and quantitative performance indicators (including a more precise definition of the results to be
achieved), responsibilities, management requirements for human and financial resources, tools to be put in place, control mechanisms, and the consequences of non-performance or non-compliance.

9.2 Continuously strengthen the training of all partners in project management, particularly the management of funds, for the full duration of the project.

9.3 Ensure strengthened and regular oversight of administrative and financial management, including expenses, for the full duration of the project.

9.4 Create specific accounts for the BAL, separate from the general accounts of the bar associations or other implementing agents.

9.5 Establish a whistle-blower mechanism:

- In cases of irregularities in the BAL and with beneficiaries.
- In cases of irregularity in interactions with legal institutions.

**Short-term recommendations for MINUSTAH and MINUJUSTH:**

- Support the finalization and adoption of the law on legal aid – establish the adoption of the law and the gradual allocation of a proportion of the budget (20 to 30 percent per year) within a framework of mutual commitments agreed between the Haitian State (Ministry of Justice and Public Security and Parliament) and international partners.

- Support the establishment of an (interim) legal assistance national coordination committee on the basis of the model proposed in the law – provide technical expertise and logistical support.

- Finalize a manual for the BAL (see recommendation 8).

- Assist in the gradual handover of the management of the BAL in Port-au-Prince, and Cap-Haïtien to other partners (the USAID Justice Sector Strengthening Program and the United Nations Country Team) – consider reassigning a more substantial part of the funds for legal aid ($265,000 was allocated to access to justice in 2016-2017); and, if those funds were to prove insufficient, continue to fund BAL through community violence reduction funds.

**VIII. Key lessons for Supporting Legal Aid, with particular reference to Peace Operations**

138. Initiatives such as MINUSTAH's BAL programme and legal aid projects implemented by PROJUSTICE/USAID can play an essential role in helping to build public trust and confidence in national rule of law institutions, reducing excessive pre-trial detention, and enhancing the administration of justice, thereby contributing to broader efforts to sustain peace and security. Future engagements should:
• **Ensure that legal aid is a component of any national justice reform strategy.** Legal aid initiatives give voice to the justice needs and demands of the population, supplementing efficiently the dialogue with senior officials from the Government and justice institutions.

• **Make legal aid initiatives part of the professional development of young lawyers,** laying the ground for a progressive and more in-depth transformation of the justice sector.

• **Advocate for the development of legal aid models favouring the inclusion of existing service providers,** and avoid supporting models giving a monopoly to the Bar Associations.

139. Subject to receiving appropriate mandates and the required cooperation from their host Governments, other UN peace operations should consider prioritizing the establishment of similar initiatives, and should:

• **Ensure effective international assistance to legal aid is provided,** either directly by the Mission or through other national or international partners.

• **Draw upon the good offices of the mission** to coordinate political dialogue and international support, promote the commitment of the host Government to institutionalize legal aid, and facilitate the adoption of necessary legislation.

• **Consider the key lessons from the Haiti experience to guide efforts in other peace operation settings.** This report identifies concrete and specific lessons learned and best practices in each of the areas under review, for consideration in the event of replication of legal aid programmes in other peacekeeping settings.

140. **Based on the successful outcome of this lessons learned study,** JCS should conduct further lessons learned studies to help inform and guide the justice and corrections support efforts of United Nations peace operations.
IX. Annexes

Annex 1: Terms of Reference

Lessons Learned Study of the Bureaux d’Assistance Légale (BAL), Haiti

Study was undertaken by the United Nations Justice & Corrections Service (JCS), the Office of Rule of Law and Security Institutions, DPKO and MINUSTAH in partnership with JSSP/USAID, and supported by DCAF ISSAT and IDLO

Terms of Reference (final 30 January 2017)

Background

The United Nations Security Council has mandated the United Nations Stabilization Mission in Haiti (MINUSTAH) to, inter alia, “assist with the restructuring and maintenance of the rule of law, public safety and public order and to provide assistance and advice to the Haitian authorities, in consultation with relevant actors, in monitoring, restructuring, reforming and strengthening of the justice sector” (S/RES/ (2014), renewed by S/RES/2243 (2015).

Support to legal aid has been at the core of MINUSTAH’s engagement in the rule of law sector since 2007 to help increase stability and security in the country. In particular, the Mission has been working with other international partners to expand the establishment of the Bureaux d’Assistance Légale (BAL) across Haiti.

A key partner of MINUSTAH, in this regard, is the USAID-funded, Haiti Justice Sector Strengthening Programme (JSSP/USAID). To facilitate the access of Haitians, particularly those who are indigent and vulnerable, to legal advice, legal representation and mediation services, JSSP/USAID has a legal assistance component in its programme which aims to support improvements to the BAL and explore alternative dispute resolution mechanisms.

Managed by the local bar associations, the objectives of the BAL generally are to:

- provide legal assistance to indigent persons including those held in pre-trial detention;
- reduce the length of pre-trial detention;
- reduce the level of violence and criminality in disadvantaged neighbourhoods;
- ensure access to justice is respected as a right, and that it is systematically enforced in criminal proceedings;
- deliver civic education including the training of community leaders; and
- provide mediation services as alternative dispute resolution method.

MINUSTAH-supported initiatives have consisted of the opening of the BAL in Cité Soleil in 2008 and Gonaïves in 2009 as part of the mission-wide strategy to stabilize the so-called “zones de non-droit”. These have been regarded as a good example of how justice support efforts can contribute to the immediate strategic and stabilization objectives of peace operations. Following the interruption of these efforts after the 2010 earthquake, MINUSTAH supported the establishment of five offices in Port-au-Prince, and more recently in Cap Haïtien and Les Cayes, all financed

68 The International Legal Assistance Consortium, RCN Justice & Démocratie, NCSC/USAID, OIF, UNDP and others.
through the MINUSTAH Community Violence Reduction (CVR) program\textsuperscript{69}. The BAL in Cap Haitien and Les Cayes have focused on the reduction of prolonged pre-trial detention while the BALs in Port-au-Prince offer a broader range of services, including legal awareness, contributing to the reduction of community violence by promoting alternative dispute settlement and the training of community leaders. As all seven BALs are managed by the local bar associations, they also provide a platform to enhance the professional practice of young lawyers.

Legal Assistance Offices (BAL) were also established under the USAID/ProJustice Program in Port-au-Prince, Croix-des Bouquets, St.Marc, Cap Haitien and Fort-Liberte. JSSP/USAID aims to provide support and assistance to improve quality access to justice for Haitian citizens.

In addition, Ministry of Justice and Public Security-supported legal assistance offices are now operating in five jurisdictions - Anse a Veau, Miragoane, Gonaives, Hinche, and Mirebalais. JSSP/USAID plans to enter into a partnership with the Ministry of Justice and Public Security to support this Government initiative with a view to ensuring that, over time, Legal Assistance Offices throughout the country become Government funded. JSSP/USAID and MINUSTAH are also planning to support the adoption and implementation of the Public Defender’s Law, in coordination with partners such as the Federation of Haitian Bar Associations.

\textit{Justification}

In light of these developments in the area of legal assistance and the need for further improvement, the streamlining of procedures and methodology, as well as the strengthening of programme coordination, development and operational effectiveness, and, as MINUSTAH proceeds with its transitional planning, it is opportune to take stock of good practices and the lessons learned from the BAL initiatives.

Such a lesson learned study will feed into planning for the MINUSTAH transition and help to consolidate the legacy of the United Nations in developing the rule of law sector in Haiti. It will also help inform DPKO Headquarters, other United Nations peace operations and United Nations funds and programs regarding the approaches applied in Haiti.

This initiative will also complement the Global Study on Legal Aid that has recently been finalized by UNDP and UNODC in partnership with other international actors working on legal aid (including DPKO), to establish a better understanding of how the right to legal assistance has been addressed by different countries in a variety of contexts. The Global Study has not focused specifically on the challenges faced by post-conflict countries in providing effective legal aid. An in-depth study on Haiti is therefore particularly timely.

\textsuperscript{69} In his report on MINUSTAH of 8 March 2016 (S/2016/225 para. 29)., the United Nations Secretary-General noted that between 31 August 2015 and 1 March 2016, “MINUSTAH provided financial and technical support to legal aid offices in Cap-Haitien and Les Cayes, targeting detainees in pre-trial detention. As a result, 980 cases were processed, of which 46 per cent were closed, resulting in 340 releases. In Port-au-Prince, the five offices supported by the Mission […] dealt with 3,929 cases, resulting in the release of 1,462 persons”. According to another recent report (Evaluation Qualitative des BAL - Rapport 2014-2015, MINUSTAH), the BAL provided assistance to 7728 individuals in 2014-2015 and was regarded as innovative in its approach and acknowledged as a “transformative project” by external partners and experts.)
**Purpose/Outcomes**

**Purpose**

The purpose of the study is to gather and collate information on what has and has not worked during the BAL strategic planning, programming and implementation. The study will look at the services delivered by the BAL and, depending on the availability of data, their contribution to crime reduction and increased security within a framework of broader peace and stabilization efforts; as well as “user/victim satisfaction if such data is made available to the team. The study will be presented in such a way as to help inform future programming, particularly the National Strategy on Legal Assistance and its related draft legislation. Multiple audiences are expected to benefit from the study: MINUSTAH, the Government of Haiti, JSSP/USAID and other partners supporting rule of law efforts in Haiti. The study will not only help inform the future support efforts and programming of MINUSTAH, UNCT and the strategic national reform agenda in this area but also the planning and implementation of similar programs in other peace operation settings.  

The study will be published as a JCS/DPKO, MINUSTAH, and JSSP/USAID lessons-learned report, drawing on the technical support of the International Security Sector Advisory Team (ISSAT) and the International Development Law Organization (IDLO).

**Outcomes**

The study will:

- identify good practices, reasons for success, and gaps to fill in future programming and implementation, supported by available quantitative and qualitative data, in core fields where the BALs have performed their activities, particularly legal aid, and contributed to the reduction of pre-trial detention and community violence;
- provide strategic recommendations to MINUSTAH, UNCT, JSSP/USAID and national partners such as the MJPS on how to improve and potentially sustain and replicate the model and the work of the BAL, in the broader framework of the preparation of a national strategy on legal aid; and
- assess how and to what extent MINUSTAH support to the BAL is contributing to its mandate delivery; and provide recommendations for future programming of legal aid projects in other peacekeeping and post-conflict settings.

---

70 Other peace operations are engaged to varying degrees in providing support for legal aid. In Darfur, UNAMID, together with UNDP, has built the capacity of 90 community paralegals working in IDP camps to provide basic legal support and serve as a referral mechanism for victims of crime including sexual crimes. In addition, UNAMID and UNDP established legal aid desks in six prisons which provided individualized legal advice to over 553 pre-trial and convicted prisoners from June 2013 to June 2015. Prior to the recent crisis in South Sudan, UNMISS supported the development of a national legal aid strategy, the promotion of a pool of lawyers to provide *pro bono* legal aid services and training of paralegals to render quasi-legal support to pre-trial detainees and convicted prisoners. In Mali, UNDP and MINUSMA are supporting the Government in drafting a national legal aid strategy, the establishment of free legal aid services to the lower level courts and a national legal aid trust fund. Through the Justice and Corrections Section’s access to justice QIPs and mobile courts programmes, support is being provided to legal aid in northern Mali. 

71 Between 2008 and 2009, a strategy and a plan for the gradual transfer of the financial responsibility of the BAL to the Government were agreed with the Ministry of Justice.
**Team composition, reporting lines, division of labour**

A team comprised of one representative of JCS/OROLSI (team leader, under the supervision of the MINUSATH Rule of Law Coordinator, and supported by JSSP/USAID’s team lead), two international experts deployed by ISSAT\(^{72}\) (including one expert provided by IDLO), two JSSP/USAID staff members (one international – see above - and one national), and one national staff member of MINUSTAH Rule of Law team (the Team) will jointly conduct the Study, with the financial, technical and logistical support of MINUSTAH Rule of Law and JSSP/USAID and the technical support of JCS/OROLSI HQ in New York. The study will be led by OROLSI/JCS (New York), MINUSTAH Rule of Law) and JSSP/USAID.

ISSAT, in close collaboration with OROLSI/JCS, MINUSTAH, and JSSP/USAID, will develop the initial methodology framework, which will be finalized by the Team before deployment in Haiti. The team will collect the necessary data, undertake the analysis, formulate the findings and recommendation and draft the initial report.

The Haitian Ministry of Justice, MINUSTAH Rule of Law, and JSSP/USAID will respectively nominate focal points who will provide the team with all relevant documentation for the BAL that their entities have been supporting, including those that the team will not visit. The focal points will also provide support to the team to establish contact with relevant entities and partners, as well as setting up meetings.

After review of the Study/Report by the team of international and national experts, OROLSI/JCS (New York), MINUSTAH, and JSSP/USAID will be responsible for finalizing and disseminating the Study, in consultation with ISSAT.

All Team members must be fluent in oral/written English and French.

**Methodology**

The study will focus on the BAL that are currently being supported by MINUSTAH, as well as the support to the BAL of Cité Soleil and Gonaïves between 2008 and 2010 (depending on the data available). It will also include the BAL supported by the Ministry of Justice and Public Security as well as BAL formerly assisted by ProJustice/USAID. The study will address issues relating to common procedures, improved coordination and greater effectiveness and sustainability of legal assistance support and improved access to justice for Haitian citizens with particular regard to indigent and vulnerable groups. The study will also contribute to the development of a JCS/OROLSI efficient and practical approach to conducting lessons learned studies.

The study will be undertaken through a desk review of all relevant and available documentation on the BAL, as well as field visits in Haiti. The team will not be able to conduct field visits in all locations and, while it will consider information and data made available for all BAL, it will focus its efforts and visit the BAL established in: Port-au-Prince (UN and USAID), Croix des Bouquets (USAID), Cap Haïtien (UN and USAID), Gonaïves (GoH), Les Cayes (UN), as well as one

---

\(^{72}\) ISSAT experts are expected to bring first hand-experience in legal aid programming in countries in transition, as well as methodological support for the collection of lessons learned and best practices.
additional Government BAL if time and resources allow (Mirebalais, Hinche or Miragoane). The work will be divided into three phases:

**Preparation**

- Methodology and tools, including the questions to be addressed during the visits of BALs and focus group as well as meetings with a number of stakeholders.
- Desk review.

**Field mission (17 days) – 2 to 18 February 2017**

Data collection:

- **Visits**: The Team will be based in Port-au-Prince and visit the BAL and other sites relevant to the study (prison facilities, community settings, Bar Association, Tribunals, etc.).

- **Interviews with key actors**: Haitian authorities, Federation of Haitian Bar Associations, BAL lawyers and staff, relevant MINUSTAH, UNCT and JSSP/USAID leadership and staff, USAID and other international partners who supported the establishment and operations of the BAL, and other key interlocutors potentially impacted by the BAL (such as police and judiciary).

Presentation of preliminary findings to key national and international stakeholders (MINUSTAH, JCS, ISSAT, MJPS, USAID, JSSP/USAID).

Lessons for peacekeeping (JCS and ISSAT). Based on the data collected and initial observations, the team member representing OROLSI/JCS will consolidate specific recommendations for future support efforts on legal aid projects in other peace operations settings.

**Workshop and report**

Preliminary findings will be discussed in a one-day workshop with directly involved stakeholders such as the Ministry of Justice, senior national experts (such as Me Magloire, former Minister of Justice, and Me. Gaston, President of the Federation of Haitian Bar Associations), MINUSTAH, USAID, and UNDP. JSSP/USAID will take care of arranging the meeting.

The first draft of the report will be developed in French by the Team. Preliminary findings and recommendations will be submitted by the Team to JCS/OROLSI, MINUSTAH and JSSP/USAID no later than Tuesday 28 February. The full draft report will be submitted no later than Monday 13 March 2017. The drafting of the report will be the joint responsibility of the JCS/OROLSI representative and JSSP/USAID international staff, drawing on the contributions of all team members and in close coordination with them.

JCS/OROLSI, MINUSTAH and JSSP/USAID will provide consolidated comments on the draft to the Team no later than 7 April 2017. The report will be finalized by the Team and shared with JCS, MINUSTAH, JSSP/USAID, and ISSAT no later than 10 working days after the receipt of the consolidated comments (21 April 2017).
The final report in French will be translated into English by MINUSTAH and JSSP/USAID no later than two weeks following the completion of the French version. The English version of the report will then be reviewed and finalized by JCS Headquarters, MINUSTAH and JSSP/USAID.

**Deliverables**

The team will produce the following deliverables:

- methodology note outlining the approach and steps to be taken by the Team for data collection and analysis. (The note will be finalized at least 10 days prior to the field mission);
- presentation to key national and international stakeholders in-country on the preliminary findings of the study;
- report of 30 pages maximum, excluding executive summary and annexes;
- list of relevant data and information supporting the analysis, organized in tables/charts;
- summary note (4 pages) on key lessons for future legal aid programs targeting peace operations.

Within 2 months of the completion of the final report, ISSAT will produce a note on the JCS lessons learned methodology. This will be developed in collaboration with JCS.

**Support and funding**

The Team will be supported by OROLSI/JCS (New York) as well as MINUSTAH and JSSP/USAID staff. Costs will be borne by MINUSTAH and JSSP/USAID. MINUSTAH and JSSP/USAID will make all necessary travel, logistical and security arrangements for the Team. Focal points for this purpose will be designated within the MINUSTAH Rule of Law Pillar and the JSSP/USAID program, with whom the Team can liaise on any given issue. MINUSTAH and JSSP/USAID, in close consultation with JCS and ISSAT, will develop an itinerary, propose a list of key interlocutors for the Team and arrange relevant meetings for them in advance of the Team’s visit. MINUSTAH and JSSP/USAID will also make office space and other assets available to the experts as required, including organizing or providing secure accommodation and transportation options in Haiti.

Estimated Budget for the Mission (borne by MINUSTAH and JSSP/USAID)

**A. JSSP/USAID coverage:**

*Two specialists from ISSAT and IDLO* (Biodata and CV required). Staff costs for the specialists will be covered by their respective organizations.

**Costs including:**

- Travel from and to Geneva/New York;
- Travel within Haiti (except if and when MINUSTAH transportation is available);
- Per diem in Haiti (for days spent in the country, the exact number of days dependent on travel arrangements): including hotel costs and food allowance).
Two JSSP/USAID staff member (one international and one national - (full time).

Costs including:
- Per diem for covering lodging and food when outside of Port-au-Prince;
- Transportation (except if and when covered by MINUSTAH-provided transport);
- Provision of office space if required for the mission members;
- Translation of the final report (jointly with MINUSTAH).

A. MINUSTAH coverage:

One MINUSTAH national staff member (full time)

Costs including:
- Per diem for covering lodging and food when outside of Port-au-Prince
- Transportation (except if and when covered by MINUSTAH-provided transport)

One Judicial Affairs Officer from JCS/OROLSI - United Nations New York

Costs including:
- Travel from New York;
- Travel within Haiti (except if and when JSSP/USAID transportation is available);
- DSA in Haiti (12-15 days);
- Translation of the final report (jointly with JSSP/USAID);
- Provision of office space for the team members.

Logistics and administration

The following are in line with the arrangement for cost sharing when ISSAT supports its multilateral Governing Board members.

Security – the ISSAT advisors will be included on the MINUSTAH security plan and as such, MINUSTAH will take all responsibility for security whilst the advisors are deployed, including evacuation if necessary.

Flights – Flight costs will be covered by MINUSTAH and JSSP/USAID. International flights will be booked by JSSP/USAID for ISSAT team members and by UNHQ for OROLSI/JCS team member.

In-country travel – All in-country travel will be arranged and covered by MINUSTAH and JSSP/USAID., including transport to/from the airport.
**Personnel costs** – Personnel costs for deploying the ISSAT/IDLO advisors will be covered by their respective organizations.

**Hotel/Per diem** – This will be covered by MINUSTAH and JSSP/USAID. Booking of a suitable hotel will be facilitated by MINUSTAH and JSSP/USAID.

Post-mission follow-up:

ISSAT will undertake a standard After Action Review (AAR) once the mandate has ended. JCS and JSSP/USAID commit to take part in the AAR, if possible via skype/phone, or otherwise through providing feedback to specific questions provided by the ISSAT Knowledge Management Team. In addition, JCS will complete an ISSAT mission feedback from within one month of the end of the mandate. The mission AAR report will be shared with JCS and JSSP/USAID.

**Background documents**

- Evaluation qualitative des BAL - Rapport 2014-2015, MINUSTAH;
- MINUSTAH strategic documents and reports on support to the BAL between 2008 and 2010;
- MINUSTAH strategy to stabilize the “zones de non-droit”;
- Evaluation of MINUSTAH CVR activities;
- Draft Law on the Public Defender’s Office (Legal Assistance Bill) if available;
- Relevant USAID documentation;
- Relevant Government of Haiti documents.
Annex 2: Methodology for the study on BAL in Haiti

Introduction:

The methodology that will be used for the study on BAL in Haiti aims to address the main objectives identified in the terms of reference, including the collection of information regarding successful and not so successful endeavours in the BAL (planning, programming, functioning, and support). This work should contribute to more standardized programming, effective functioning and sustainable support for the BAL in Haiti, but should also provide the other United Nations peacekeeping missions with information regarding this type of support.

Several BAL have been developed in Haiti since the beginning of the 2000s. Various partners have supported these BAL, including the United Nations, the United States of America and the European Union, and, for nearly two years, the Ministry of Justice and Public Security of the Government of Haiti. Certain regional BAL in certain contexts have been more successful than others, and have either met or exceeded their goals. In other words, the aim of the study is to determine how the BAL can be developed in order to improve access to justice for everyone, and to formulate findings and recommendations for this purpose. The first part will describe the various BAL and the circumstances in which they were established. The second part will set out six research questions, subdivided into further questions. These questions will allow information to be collected in a targeted manner, using relatively traditional tools for this type of study, including document analysis, interviews, in situ observations, and questionnaires and teleconferences when in situ visits are not possible, given the duration of the mission and the number of BAL, of which there are 17.

I. Descriptive section (ideally for each legal aid office)

The responses to the questions in this section should be brief and descriptive, as opposed to analytical. However, innovative elements and good practices should be mentioned briefly, either in the sections below or in a supplementary section.

1. Location
   a. Place of establishment (metropolitan area, provinces)
   b. Area of operation (geographical)

2. Duration of activities/programme
   a. Start date
   b. End date

3. Partner/implementing agent
   a. Name
   b. Selection methods and framework of partnership

4. Objectives and outcomes
   a. Objectives
   b. Expected outcomes/indicators and outcomes achieved
i. Quantitative: e.g. the number of beneficiaries, reduction in the rate of pretrial detentions and number of disputes.

ii. Qualitative: provide the information available, for example in project documents and monitoring systems. Do not begin to analyze the results: this should be done in the analytical section.

C. Potential impact on the legal system/criminal justice system. Please answer if data, including anecdotal data, are available. Examples include more equitable procedures, respect for due processes, respect for prisoners’ rights, time taken to process cases and the training of new generations of legal professionals.

5. Beneficiaries and disputes
   a. Beneficiaries targeted – selection methods
   b. Disputes targeted

6. Service categories and expected outcomes
   a. Reception/guidance (including referrals to other service providers)
   b. Legal counselling
   c. Assistance or representation before courts and tribunals
   d. Coverage of legal costs/costs related to motions
   e. Actions taken at detention facilities (e.g. visits to detainees)
   f. Other steps that do NOT involving legal aid (e.g. accompaniment, letters, drafting of legal documents, pressing for decisions to be enforced)
   g. Mediation and conciliation
   h. Dissemination of legal information to the public/awareness-raising
   i. Other, if any.

7. Management, structure and staff
   a. Structure – organizational chart and hierarchy
   b. Programme managers
      i. Functions and number
      ii. Profile: training and experience
      iii. Selection methods
      iv. Types of contracts and employment, including duration
      v. Staff evaluation
   c. Legal aid providers
      i. Categories and number (lawyers, trainee lawyers, students)
      ii. Profile by category: training and experience
      iii. Selection methods
      iv. Training and supervision/coaching
      v. Types of contracts and employment, including duration
   d. Support staff (reception, administration, accounting, and drivers)
   e. Mechanisms for reporting and quality control

8. Operating budget (if available from BAL no longer in operation)
   a. Implementation costs
b. Recurring costs (operation and maintenance)
c. Salaries and compensation (scales)
d. Fees

9. Partners
   a. Technical and financial partners/funding provider
      i. Partners
      ii. Type of support (technical, financial or other)
      iii. Management arrangements

II. Analytical section

Main issues: Based on past and present experiences, which features of the BAL are best suited to the current Haitian context or United Nations operations in similar contexts? How do the implemented systems avoid the main obstacles identified? What are the good practices?

Below are six research questions and their subsidiary questions:

1. How do the various BAL and their objectives align with the Haitian context and with the format required by support programmes to provide optimal legal aid?
   a. How appropriate are the main objectives (e.g. reduction of violence and pretrial detention; access to justice, particularly by vulnerable groups; improvement of the legal system)?
   b. How appropriate are the strategies that are being implemented in order to reach the main objectives?

2. How is the selection of beneficiaries (specifically, priority beneficiaries) and disputes to be handled by the BAL most appropriate for pursuing objectives? This includes the suitability of programmes and how they align with set objectives, needs and the local context.
   a. How appropriate is the selection of beneficiaries (priorities should be determined based on the local context)?
   b. How appropriate is the selection of disputes (criminal, civil or administrative; priorities should be determined) and means for peaceful conflict resolution?

3. To what extent do the services provided (including their accessibility and quality) meet the needs of beneficiaries?
   a. What services should be offered? See the categories in the descriptive section.
   b. Accessibility: What steps should be taken to make the service accessible, including for people in vulnerable situations? How should activities be organized to take into account specific needs, for example, those relating to gender, level of education and disabilities? See the questions regarding the location of BAL, working languages, selection of beneficiaries and so on.
   c. Quality: What measures should be taken to ensure the quality of services? Please provide examples of:
      i. An ethics and regulatory framework (e.g. legal framework, code of ethics, code of conduct and work regulations)
      ii. Activities for monitoring and quality control of services (oversight)
iii. Training, coaching and mentoring that can be provided to service providers
iv. Tracking systems that can be used to ensure the continuity of services at the various stages of proceedings, or among the various programme phases
v. Activities for reporting and evaluation
vi. Activities for data collection and analysis
d. Is satisfaction measured? If so, how?

4. To what extent have the internal procedures of the BAL improved the quality of services and encouraged optimal management?
   a. Structure – organizational chart and hierarchy
   b. Programme managers
      i. Functions and number
      ii. Profile: training and experience
      iii. Selection methods, including consideration of gender
      iv. Types of contracts and employment, including duration
   c. Legal aid providers
      i. Categories and number (lawyers, trainee lawyers and students)
      ii. Profile by category: training and experience
      iii. Selection methods
      iv. Training and supervision/coaching
      v. Types of contracts and employment, including duration
   d. Support staff (reception, administration, accounting and drivers)
   e. Mechanisms for coordination and management
   f. Mechanisms for reporting and quality control
   g. Implementing parties: selection, framework and mechanisms of partnerships

5. To what extent have the BAL succeeded in integrating with existing institutions and associations, and in ensuring their sustainability?
   a. Institutional sustainability
      i. Legal and regulatory framework. Please indicate expected reforms.
      ii. Institutional coordination (role of the Ministry of Justice, Federation of Haitian Bar Associations and legal system)
      iii. National institutional partnerships
      iv. Local institutional partnerships – integration of BAL into their environment (e.g. detention centres, the judiciary, the police, city halls, municipalities, neighbourhoods and hospital centres)
      v. Accountability of stakeholders at each level
      vi. Plans for the Haitian State to take over responsibility
   b. Community integration and sustainability (links with non-governmental organizations, civil society organizations and communities)
   c. Financial and budgetary sustainability

6. To what extent has support from the international community (the United Nations and USAID) enabled the BAL to function in an efficient and sustainable manner?
   a. Describe the mechanisms for coordination with the Government and inter-donors
   b. What mechanisms and monitoring systems should be implemented by partners?
c. What should technical support be provided?

d. How can local ownership be strengthened? How could this type of programme contribute to the mandate of a United Nations peace mission?

e. What added value does a United Nations peace mission bring to this type of programme? What specific roles can a United Nations mission take on? What structures and means should it have? What essential steps should a United Nations mission take for implementation and support? How should these efforts be integrated into and coordinated with efforts of other partners of the United Nations system, such as the partners of the United Nations Global Focal Point for Police, Justice and Corrections?
### Annex 3: List of Interlocutors:

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Nom</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>BALs de Bel Air et de Port-au-Prince</td>
<td>Marie Lucie Gay</td>
<td>Encadreur (BAL PAP 020)</td>
</tr>
<tr>
<td></td>
<td>Jean Getro Pepe</td>
<td>Encadreur (BAL Bel Air)</td>
</tr>
<tr>
<td></td>
<td>Inola Etienne</td>
<td>Encadreurs Adjoints (BAL PAP 021)</td>
</tr>
<tr>
<td></td>
<td>Jean Rony Bien Aime</td>
<td>Encadreurs Adjoints (BAL PAP 020)</td>
</tr>
<tr>
<td></td>
<td>Samuel Pierre</td>
<td>Encadreurs Adjoints (BAL Bel Air)</td>
</tr>
<tr>
<td></td>
<td>Bazile Marie Yvonne</td>
<td>Assistant Légal</td>
</tr>
<tr>
<td></td>
<td>Jacques Mereus</td>
<td>Assistant Légal</td>
</tr>
<tr>
<td></td>
<td>Myrtha Louissaint</td>
<td>Assistant Légal</td>
</tr>
<tr>
<td></td>
<td>Lochard André</td>
<td>Assistant Légal</td>
</tr>
<tr>
<td></td>
<td>Gracien Nounouce</td>
<td>Assistant Légal</td>
</tr>
<tr>
<td></td>
<td>Avril Markens</td>
<td>Assistant Légal</td>
</tr>
<tr>
<td></td>
<td>Ody Michel</td>
<td>Assistant Légal</td>
</tr>
<tr>
<td></td>
<td>Bruno Sylvestre</td>
<td>Assistant Légal</td>
</tr>
<tr>
<td></td>
<td>Metellus Mariola</td>
<td>Assistant Légal</td>
</tr>
<tr>
<td></td>
<td>Alexandre J.L Sylvera</td>
<td>Assistant Légal</td>
</tr>
<tr>
<td></td>
<td>Durin Jhimmy</td>
<td>Assistant Légal</td>
</tr>
<tr>
<td></td>
<td>Désir Alexandre</td>
<td>Assistant Légal</td>
</tr>
<tr>
<td></td>
<td>Carmen Volmar Yves</td>
<td>Assistant Légal</td>
</tr>
<tr>
<td></td>
<td>Cassagnol Natessa</td>
<td>Assistant Légal</td>
</tr>
<tr>
<td></td>
<td>Denis Pierre Louis</td>
<td>Leader communautaire</td>
</tr>
<tr>
<td></td>
<td>Dorestant Guerlin</td>
<td>Leader communautaire</td>
</tr>
<tr>
<td></td>
<td>Jean Denis Stevenson</td>
<td>Bénéficiaire direct</td>
</tr>
<tr>
<td></td>
<td>Chery Fedler</td>
<td>Bénéficiaire direct</td>
</tr>
<tr>
<td>Nom</td>
<td>Titre</td>
<td></td>
</tr>
<tr>
<td>----------------------------</td>
<td>------------------------</td>
<td></td>
</tr>
<tr>
<td>Valere Oderson</td>
<td>Bénéficiaire direct</td>
<td></td>
</tr>
<tr>
<td>Rebecca Boursiquot</td>
<td>Bénéficiaire direct</td>
<td></td>
</tr>
<tr>
<td>Cazile Garincha</td>
<td>Bénéficiaire direct</td>
<td></td>
</tr>
<tr>
<td><strong>BAL de Carrefour</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eliézer CHÉRISMÉ</td>
<td>Encadreur</td>
<td></td>
</tr>
<tr>
<td>Anièce RENARD</td>
<td>Encadreur Adjoint</td>
<td></td>
</tr>
<tr>
<td>Tardieu Junior Lalane</td>
<td>Assistant Légal</td>
<td></td>
</tr>
<tr>
<td>Johny Borange</td>
<td>Assistant Légal</td>
<td></td>
</tr>
<tr>
<td>Gladimy DABRÉZIL</td>
<td>Assistant Légal</td>
<td></td>
</tr>
<tr>
<td>Énorché BAYONNE</td>
<td>Assistant Légal</td>
<td></td>
</tr>
<tr>
<td>Fougère DALLEMAND</td>
<td>Assistant Légal</td>
<td></td>
</tr>
<tr>
<td>Marie Monique DESSEJOUR</td>
<td>Assistant Légal</td>
<td></td>
</tr>
<tr>
<td>Hakins HENRY</td>
<td>Assistant Légal</td>
<td></td>
</tr>
<tr>
<td>Emmanuel JACOTIN</td>
<td>Assistant Légal</td>
<td></td>
</tr>
<tr>
<td>Marino JEAN</td>
<td>Assistant Légal</td>
<td></td>
</tr>
<tr>
<td>Carlo JOSEPH</td>
<td>Assistant Légal</td>
<td></td>
</tr>
<tr>
<td>Marie France JULES</td>
<td>Assistant Légal</td>
<td></td>
</tr>
<tr>
<td>Jephté LAZARE</td>
<td>Assistant Légal</td>
<td></td>
</tr>
<tr>
<td>Alex LISSAINT</td>
<td>Assistant Administratif</td>
<td></td>
</tr>
<tr>
<td>Paul CIVIL</td>
<td>Messager</td>
<td></td>
</tr>
<tr>
<td>Denièse THÉLOR</td>
<td>Méниagère</td>
<td></td>
</tr>
<tr>
<td>Elie Alexandre Pétion</td>
<td>Leaders communautaires</td>
<td></td>
</tr>
<tr>
<td>Myrlande R. ARMAND</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Samson GERMAIN</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jean Auguste SINCERE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emmanuel LOUIS Inas DORVIL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Richel THERMIDOR</td>
<td>Bénéficiaire</td>
<td></td>
</tr>
<tr>
<td><strong>BAL de Petionville</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Velon Zamor</td>
<td>Encadreur</td>
<td></td>
</tr>
<tr>
<td>Auguste Amboise</td>
<td>Encadreur Adjoint</td>
<td></td>
</tr>
<tr>
<td>BAL de Miragoâne</td>
<td>Me Saurel Frantz</td>
<td>Coordonnateur du BAL de Miragoâne</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>-----------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>Michelson Civil</td>
<td>Assistant Légal</td>
<td></td>
</tr>
<tr>
<td>Joseph Chenel</td>
<td>Assistant Légal</td>
<td></td>
</tr>
<tr>
<td>Vilsaint Claudy</td>
<td>Assistant Légal</td>
<td></td>
</tr>
<tr>
<td>Tropnas Fignole</td>
<td>Assistant Légal</td>
<td></td>
</tr>
<tr>
<td>Saint Louis Fritz-Nel</td>
<td>Assistant Légal</td>
<td></td>
</tr>
<tr>
<td>Cadet Gerald</td>
<td>Assistant Légal</td>
<td></td>
</tr>
<tr>
<td>Saint vil Jean Hubert</td>
<td>Assistant Légal</td>
<td></td>
</tr>
<tr>
<td>Jocelin Louis</td>
<td>Assistant Légal</td>
<td></td>
</tr>
<tr>
<td>Rousseau Lubin</td>
<td>Assistant Légal</td>
<td></td>
</tr>
<tr>
<td>Jean Phillipe</td>
<td>Assistant Légal</td>
<td></td>
</tr>
<tr>
<td>Ninel Sourissin</td>
<td>Assistant Légal</td>
<td></td>
</tr>
<tr>
<td>BAL des Cayes</td>
<td>Me Evald Siprice</td>
<td>Coordonnateur du BAL</td>
</tr>
<tr>
<td></td>
<td>Me Roosvelt Louis</td>
<td>Coordonnateur adjoint du BAL</td>
</tr>
<tr>
<td>Yolette Alexis</td>
<td>Assistant Légal</td>
<td></td>
</tr>
<tr>
<td>Closel Bernard</td>
<td>Assistant Légal</td>
<td></td>
</tr>
<tr>
<td>Nathalie Cius</td>
<td>Assistante Légale</td>
<td></td>
</tr>
<tr>
<td>Louis Domingue Tecito</td>
<td>Assistant Légal</td>
<td></td>
</tr>
<tr>
<td>Sébastien Douyon</td>
<td>Assistant Légal</td>
<td></td>
</tr>
<tr>
<td>Jean Jerry Hans</td>
<td>Comptable,</td>
<td></td>
</tr>
<tr>
<td>Paciana Hyppolite</td>
<td>Assistant Légal</td>
<td></td>
</tr>
<tr>
<td>Pierre Jean Georges</td>
<td>Assistant Légal</td>
<td></td>
</tr>
<tr>
<td>Villerest Joint</td>
<td>Assistant Légal</td>
<td></td>
</tr>
<tr>
<td>Kides Julnor</td>
<td>Assistant Légal</td>
<td></td>
</tr>
<tr>
<td>Yonald Pierre</td>
<td>Assistant Légal</td>
<td></td>
</tr>
<tr>
<td>Jose Jean-Pierre</td>
<td>Assistant Légal</td>
<td></td>
</tr>
<tr>
<td>Simon Rhaude</td>
<td>Assistant Légal</td>
<td></td>
</tr>
<tr>
<td>Noël Pierre Wendor</td>
<td>Assistant Légal</td>
<td></td>
</tr>
<tr>
<td>BAL de Cap-Haïtien</td>
<td>Me Guito Mésidor</td>
<td>Coordinateur</td>
</tr>
<tr>
<td>BAL des St Marc</td>
<td>Mme Altiné L...</td>
<td>Secrétaire</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BAL des Gonaïves</td>
<td>Me Chesnel Pierre,</td>
<td>Bâtonnier et Coordonnateur du BAL</td>
</tr>
<tr>
<td></td>
<td>Me Faustin Cupidon</td>
<td>Superviseur du BAL</td>
</tr>
<tr>
<td>Barreau de Port-au-Prince</td>
<td>Stanley Gaston</td>
<td>Bâtonnier de l’ordre des avocats de Port-au-Prince</td>
</tr>
<tr>
<td></td>
<td>Me Fritz Gabriel</td>
<td>Conseiller</td>
</tr>
<tr>
<td></td>
<td>Marie Flore</td>
<td>Coordonnatrice des BAL</td>
</tr>
<tr>
<td>Barreau de Cap-Haïtien</td>
<td>Gérard P. Septimus</td>
<td>Bâtonnier sortant du barreau du Cap-Haïtien</td>
</tr>
<tr>
<td>Barreau des Cayes</td>
<td>Me Paul Jumy JACQUES</td>
<td>Bâtonnier</td>
</tr>
<tr>
<td>-------------------</td>
<td>----------------------</td>
<td>-----------</td>
</tr>
<tr>
<td></td>
<td>Me Gaspard MARCELLUS</td>
<td>Trésorier du barreau</td>
</tr>
<tr>
<td>Barreau de Saint Marc</td>
<td>Me Chesnel Fils Lovy</td>
<td>Bâtonnier de l’ordre des avocats de Saint Marc</td>
</tr>
<tr>
<td></td>
<td>Me Pressoir Saintilmé</td>
<td>Secrétaire général</td>
</tr>
<tr>
<td></td>
<td>Me Emmanice Lormeus</td>
<td>Trésorier</td>
</tr>
<tr>
<td></td>
<td>Me Smith Séraphin</td>
<td>Conseiller</td>
</tr>
<tr>
<td></td>
<td>Me Fritz Gabriel</td>
<td>Conseiller</td>
</tr>
<tr>
<td>Tribunal de 1ère Instance de Port-au-Prince</td>
<td>Bernard Saint-Vil</td>
<td>Juge Doyen et membre du Conseil Supérieur du Pouvoir Judiciaire</td>
</tr>
<tr>
<td></td>
<td>Beige O. SURPRIS</td>
<td>Juge et Juge d’instruction</td>
</tr>
<tr>
<td></td>
<td>Mozart TASSY</td>
<td>Greffier en chef</td>
</tr>
<tr>
<td></td>
<td>Jean Danton Leger</td>
<td>Commissaire du Gouvernement près le tribunal de première instance de Port-au-Prince (TPI/PAP)</td>
</tr>
<tr>
<td>Tribunal de 1ère Instance de Cap Haïtien</td>
<td>Lynx Jean</td>
<td>Commissaire du Gouvernement et Doyen du TPI du Cap-Haïtien</td>
</tr>
<tr>
<td></td>
<td>Jacquelin Tadeus</td>
<td>Juge</td>
</tr>
<tr>
<td>Tribunal de 1ère Instance des Cayes</td>
<td>Juge Richard Toussaint</td>
<td>Doyen par Intérim</td>
</tr>
<tr>
<td></td>
<td>Juge Yvon Auguste Pierre</td>
<td>Juge du siège</td>
</tr>
<tr>
<td></td>
<td>Me Flanel Fortuné</td>
<td>Greffier en Chef</td>
</tr>
<tr>
<td></td>
<td>Me Yvon Pradel</td>
<td>Commissaire de Gouvernement par intérim</td>
</tr>
<tr>
<td></td>
<td>Me Vital Brunet</td>
<td>Substitut du CG</td>
</tr>
<tr>
<td></td>
<td>Me Wilnoce Sanon</td>
<td>Substitut du CG</td>
</tr>
<tr>
<td></td>
<td>Me Kabe Maner</td>
<td>Commissaire en Chef</td>
</tr>
<tr>
<td></td>
<td>Me Odilon Seide</td>
<td>Juge et Juge d’instruction</td>
</tr>
<tr>
<td></td>
<td>Me Julien Claude</td>
<td>Juge et Juge d’instruction</td>
</tr>
<tr>
<td></td>
<td>Me Josias Jean-Pierre</td>
<td>Juge et Juge d’instruction</td>
</tr>
<tr>
<td>Tribunal de 1ère Instance des Gonaïves</td>
<td>Me Phonie Charles Norgaisse</td>
<td>Doyen du TPI</td>
</tr>
<tr>
<td>Tribunal de 1ère Instance de Croix des Bouquets</td>
<td>Me Lionel R. Dimanche</td>
<td>Doyen et le greffier en chef du TPI de la Croix des Bouquets</td>
</tr>
<tr>
<td>Tribunal de 1ère Instance de Saint Marc</td>
<td>Noé Pierre Louis Massillon</td>
<td>Doyen du TPI</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>--------------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Prison civile des Cayes</td>
<td>Me Gary Aurélien</td>
<td>Commissaire de Gouvernement de Saint Marc</td>
</tr>
<tr>
<td>Prisone civile des Cayes</td>
<td>Michel Azor</td>
<td>Inspecteur, responsable de la prison</td>
</tr>
<tr>
<td></td>
<td>Etienne Bonkoungou</td>
<td>MINUSTAH, Correction Officer</td>
</tr>
<tr>
<td></td>
<td>Diouf</td>
<td>MINUSTAH, Correction Officer</td>
</tr>
<tr>
<td></td>
<td>Armand Sanou</td>
<td>Corrections</td>
</tr>
<tr>
<td>Prison civile de Port-au-Prince</td>
<td>Homage Malon</td>
<td>Directeur de la prison civile, inspecteur</td>
</tr>
<tr>
<td></td>
<td>Jacob Mathieu</td>
<td>Assistant légal de la DAP</td>
</tr>
<tr>
<td></td>
<td>Marie Rose Rock</td>
<td>Assistant légal de la DAP</td>
</tr>
<tr>
<td></td>
<td>Exumé Marguerite</td>
<td>Assistant légal de la DAP</td>
</tr>
<tr>
<td>Prison du Cap-Haïtien</td>
<td>Louis Magloire</td>
<td>Assistant Légal de la prison du Cap-Haïtien</td>
</tr>
<tr>
<td>Ministère de la Justice et de la Sécurité Publique (MSJP)</td>
<td>Jean Roudy Aly</td>
<td>Directeur Général du ministère de la justice et de la sécurité publique (MJSP)</td>
</tr>
<tr>
<td></td>
<td>Me Genel Pierre</td>
<td>Responsable du Service de Détention et Point Focal du MJSP pour les BALs</td>
</tr>
<tr>
<td></td>
<td>Me René Magloire</td>
<td>Consultant</td>
</tr>
<tr>
<td>Office de la Protection du Citoyen</td>
<td>Elie Florence</td>
<td>Protecteur du Citoyen</td>
</tr>
<tr>
<td></td>
<td>Eugene Exilhomme</td>
<td>Agent de terrain de l’OPC</td>
</tr>
<tr>
<td>MINUSTAH</td>
<td>Susan D. Page</td>
<td>Représentante spéciale adjointe du Secrétaire Général</td>
</tr>
<tr>
<td></td>
<td>Djibril Ly</td>
<td>Coordonnateur du Bureau État de droit de la MINUSTAH</td>
</tr>
<tr>
<td></td>
<td>Matar Diop</td>
<td>Chef de la Section Responsabilité et Appui aux Institutions et aux Réformes Législatives (SRAIRL/MINUSTAH)</td>
</tr>
<tr>
<td></td>
<td>Louis Nkopipie DEUMENI</td>
<td>Chef de l’Unité Accès à la justice de la MINUSTAH</td>
</tr>
<tr>
<td></td>
<td>Marie Johanna L. Louis</td>
<td>Officier des Affaires Judiciaires</td>
</tr>
<tr>
<td></td>
<td>Carline Philistin</td>
<td>Officier des Affaires Judiciaires</td>
</tr>
<tr>
<td></td>
<td>Mme Fatima Boulneumour</td>
<td>Chef de la Section des Juridictions Modèles de la MINUSTAH</td>
</tr>
<tr>
<td></td>
<td>Jose-Angel Gomez Fernandez</td>
<td>Coordonnateur du Bureau de l’Ouest de la SJM</td>
</tr>
<tr>
<td>Name</td>
<td>Position/Role</td>
<td></td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Corbeil T. Siakam</td>
<td>Coordonnateur du Bureau Régional des Juridictions Modèles – Les Cayes</td>
<td></td>
</tr>
<tr>
<td>Jean Maxi PIERRE</td>
<td>Membre du Bureau Régional des Juridictions Modèles – Les Cayes</td>
<td></td>
</tr>
<tr>
<td>Marcello Jean Louis</td>
<td>Membre du Bureau Régional des Juridictions Modèles – Les Cayes</td>
<td></td>
</tr>
<tr>
<td>Jean Guerson ALEXANDRE</td>
<td>Membre du Bureau Régional des Juridictions Modèles – Les Cayes</td>
<td></td>
</tr>
<tr>
<td>Joel César</td>
<td>Membre du Bureau Régional des Juridictions Modèles – Cap Haïtien</td>
<td></td>
</tr>
<tr>
<td>Serge Gagnon</td>
<td>Chief of Corrections Unit</td>
<td></td>
</tr>
<tr>
<td>Moussa Diomande</td>
<td>Regional Supervisor, Corrections Unit</td>
<td></td>
</tr>
<tr>
<td>Marie Josiane Lherisse Bel</td>
<td>Chargée des Affaires Judiciaires, Corrections Unit</td>
<td></td>
</tr>
<tr>
<td>Francis James</td>
<td>Coordinator, Rule of Law Project</td>
<td></td>
</tr>
<tr>
<td>Me Jean Cheler Pierre</td>
<td>Ex-Coordonnateur du SEAL/PROJUSTICE</td>
<td></td>
</tr>
<tr>
<td>M. Marceau Edouard</td>
<td>Ancien Chef de Projet de PROJUSTICE</td>
<td></td>
</tr>
<tr>
<td>Belleus Jean Milfort</td>
<td>Assistant Légal du SEAL/PROJUSTICE</td>
<td></td>
</tr>
<tr>
<td>Todt Royer</td>
<td>Assistant Légal du SEAL/PROJUSTICE</td>
<td></td>
</tr>
<tr>
<td>Manzonie Valbrun</td>
<td>Ancien assistant Projustice</td>
<td></td>
</tr>
<tr>
<td>Pascal Paradis</td>
<td>Directeur</td>
<td></td>
</tr>
<tr>
<td>Cathie Elvaniste</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pauline Lecarpentier</td>
<td>Secrétaire Générale</td>
<td></td>
</tr>
<tr>
<td>Marie Rosy K. Auguste Ducena</td>
<td>Assistante Responsable des Programmes</td>
<td></td>
</tr>
<tr>
<td>Vilès Alizar</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marie Yolène Gilles</td>
<td>Assistante Responsable des Programmes</td>
<td></td>
</tr>
<tr>
<td>M. Berthony Philippe</td>
<td>Réseau Artibonite du RNDDH</td>
<td></td>
</tr>
<tr>
<td>Antonal Mortimer</td>
<td>Directeur</td>
<td></td>
</tr>
</tbody>
</table>

**UNDP**

**PROJUSTICE**

**Avocats Sans Frontières - Canada**

**AFASDA (Asosyason Fanm Soley Dayiti) à Cap Haïtien**

**Bureau des Droits Humains en Haïti**

**Réseau National de Défense des Droits Humains (RNDDH)**

**Défenseur +**
Annex 4: List of main documents:

- Décret du 29 mars 1979 Règlementant la Profession d’Avocat
- Décret du 29 Mars 1979 règlementant la Profession d’Avocat
- Décret du 22 septembre 1989 sur le Service Légal
- Agenda Législatif pour l’année 2017, République d’Haiti
- Plan d’Action du Ministère de la Justice et de la Sécurité Publique, 2012-2016
- Avant-Projet de Loi sur l’assistance Juridique, Décembre 2015

Documents de projet, rapports et autres documents internes (liste non-exhaustive) :

- Protocole d’accord entre PROJUSTICE et le Barreau de Saint-Marc, janvier à décembre 2014.
- Rapport d’évaluation Finale, le BAL du Cap-Haïtien, avril 2016
- Projet de création d’une maison de la justice à Gonaïves, février 2009.
- Résumé exécutif du Système National d’Aide Légale, 2008, ILAC

Etudes, évaluations et analyses :

- Haiti in Distress: The Impact of the 2010 Earthquake on Citizen Lives and Perceptions, Vanderbilt University, USAid, March 2011.
• *Analyse du fonctionnement de la Justice au regard du Droit aux Garanties Judiciaires* Réseau National de Défense des Droits Humains (RNDDH), 8 novembre 2016
• *Impacts de la détention préventive prolongée sur la société haïtienne*, Réseau National de Défense des Droits Humains (RNDDH), 28 Octobre 2011

**Presse** :


**Autres documents pertinents sur l’AL à consulter** :

Principes de base relatifs au rôle du Barreau, Rés. UNODC, 8e congrès des Nations unies pour la prévention du crime et le traitement des délinquants, La Havane (Cuba), 22 août – 7 septembre 1990.