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STATUS REPORT OF THE  
ELECTORAL OBSERVATION MISSION IN HAITI ON THE  
LEGISLATIVE, PRESIDENTIAL, MUNICIPAL AND LOCAL ELECTIONS

(Presented by the Director of the Department of Electoral Cooperation and Observation  
at the special meeting of the Permanent Council of January 27, 2016)



## **Status Report of the Electoral Observation Mission in Haiti on the Legislative, Presidential, Municipal and Local Elections**

Ambassador Ronald Sanders, Chair of the Permanent Council;  
Ambassador Bocchit Edmond, Permanent Representative of Haiti to the OAS;  
Mr. Luis Almagro, Secretary General of the OAS;  
Mr. Nestor Mendez, Assistant Secretary General of the OAS;  
Dr. Francisco Guerrero, Secretary for Strengthening of Democracy;  
Representatives of OAS member states and permanent observers:

On March 24, 2015, the Government of Haiti sent an invitation to the Organization of American States (OAS) to observe the legislative, presidential, municipal, and local elections scheduled to be held in that country on August 9, October 25, and December 27, 2015. To lead the Electoral Observation Mission (EOM), the OAS Secretary General appointed the former Minister of Foreign Affairs of Costa Rica, Enrique del Castillo (for the parliamentary elections), and the former Minister of Foreign Affairs and Minister of Defense of Brazil, Celso Amorim (for the presidential elections).

The Department of Electoral Cooperation and Observation (DECO) of the General Secretariat has maintained a permanent presence in the country since June 2015 in order to observe the progress of the electoral process firsthand. A total of 274 observers of 27 different nationalities were deployed on three occasions across all the country's departments. In addition, the chiefs of mission, the deputy chief, and I traveled to Haiti on a number of occasions for high-level meetings with senior officials and political actors.

On August 9, OAS observers were present at 171 polling places and noted that the electoral materials were available when the polling stations opened. As the day progressed there were numerous violent incidents that forced the Provisional Electoral Council (CEP) to close a number of polling places, and the Mission to withdraw seven of its observers, who were thus unable to complete their work. However, the violence was not widespread and did not affect the process overall.

The Mission lamented the low turnout at the elections (less than 20 percent) and issued several appeals to the Haitian people to participate in their elections in greater numbers. After the polls closed, the ballot was declared void in 25 electoral districts, affecting six seats in the Senate and 25 seats in the House of Deputies. The reason for the foregoing was that more than 30 percent of the returns for the districts concerned failed to reach the Vote Counting Center.

Following the election, the OAS/EOM released a preliminary report in the country and sent the CEP a list of recommendations to make improvements for the other two elections scheduled.

On October 25, OAS observers were present from the time the polls opened until the votes were counted in all 10 of the country's departments, and visited a total of 487 polling places. The EOM noted that the voting proceeded more peacefully than the previous time and saw increased voter turnout, despite still being below 30 percent.

The Mission noted irregularities, which it mentioned in its preliminary report that was presented to the press by the Chief of Mission on October 26. It is worth pointing out the large presence of political party representatives, known as *mandataires*, at polling places. The Mission recorded a large number of political parties and that more than 900,000 mandataires were accredited. Observers also reported throngs of people crowding around polling stations, making it hard to ensure ballot secrecy. The OAS/EOM issued a series of recommendations to the CEP, with a view to improving conditions for the second round of the presidential elections set for December 27.

Following a delay in the announcement of the results, a number of political parties alleged fraud and that the contest had been rigged. They called for the elections to be annulled and for an independent evaluation commission to be set up. In an attempt to address those demands, the CEP established an internal committee composed of four of its members to receive and examine complaints. The committee received 162 complaints, of which 43 were forwarded to the vote counting center for verification. Political actors were not satisfied with the actions of this internal committee set up by the electoral authority.

On November 5, 11 days after the election, the CEP published the preliminary results of the presidential elections, placing Jovenel Moise the candidate of the ruling PHTK party in first place with 32.81 percent of the votes, trailed by the Lapeh candidate, Jude Celestin, with 25.27 percent. In third place was Moise Jean-Charles of Pitit Dessalines with 14.27 percent, with Maryse Narcisse of Fanmi Lavalas in fourth place with 7 percent. All of the other candidates got less than 5 percent. Given that none of the candidates obtained 50 percent plus one of the votes, it was decided, in accordance with the law, that a second round would be held.

It is worth mentioning that the results published by the CEP coincided with those of the statistical sample taken by the OAS observers. In view of the amount of doubts raised about the official results, the Mission performed three additional statistical cross-comparisons, taking into consideration the official returns and incident reports by our observers, while also eliminating discrepancies between the Mission's data and the official results. In all four statistical cross-comparisons made by the Mission, the order of the first four places remained unchanged.

Having said that, the Mission recognizes that there were organizational shortcomings in this election, such as, for example, lack of training for polling station members, inadequate conditions for ensuring the secrecy of the ballot, and the fact that the indelible ink did not function properly in all instances.

In addition, there was evidence of vote buying and voter substitution, as well as the excessive presence of political party representatives who were authorized to vote at polling places other than those at which they were registered. That irregularity made it difficult to control how many times

party representatives voted. The EOM was unable to determine how many of the 900,000 turned out to vote, how many actually voted, and where they did so. The CEP had the tools to verify that information.

The results of the presidential election were not accepted by Jude Celestin and seven other presidential candidates who formed a coalition known as the G8 and issued renewed calls for an independent electoral evaluation commission to be set up. Some weeks later, on December 16, President Martelli decided to establish a commission, which was installed on December 22. One day before its installation, the CEP announced the postponement of the elections without setting a date.

The Mission received several invitations to play an active part in the independent commission. On the principle that national actors should not be substituted and in the interests of maintaining the impartiality and neutrality of the EOM, it was decided only to observe the commission's work. In spite of the fact that the independent commission had little time to perform its task and its members lacked technical expertise in electoral matters, it found irregularities in the process and recommended the immediate implementation of a series of measures in preparation for the second round.

On January 1, the President of the Republic announced, prior to the publication of the commission's report, that the elections would be held on January 17. However, three days later, the CEP announced that for technical reasons it will not be possible to organize the elections in time for that date. In light of the foregoing, on January 6, the President of the Republic issued a decree inviting the population to go to the polls on January 24. The president also announced that the presidential elections would be held separately from local elections, in keeping with a recommendation repeatedly made by the EOM.

In spite of the concessions won in terms of the creation of an independent commission, the change of date, and the separation of the elections, in addition to a number of measures adopted by the CEP to improve the process, the candidate Jude Celestin established further conditions for this participation in the second round. He demanded the resignation of all the members of the CEP, 30 more days to campaign and, lastly, that the election not be held while President Martelli remained in office. In spite of his public declarations that he would not stand in the second round, at no point did he formally withdraw his candidacy.

On January 11, the senators and deputies of the ruling and opposition parties elected in the polls held on August 9 and October 25, respectively, took office. However, as of this report, the two houses had not met jointly in session in order to establish a national assembly, a condition *sine qua non* for the transfer of power on February 7.

The new Senate passed a non binding resolution requesting the CEP to postpone the elections and open an inquiry into the irregularities found by the independent commission. Civil society organizations, the Catholic Church, the Protestant Church, domestic electoral observation groups, and human rights organizations progressively backed that position. In the meantime, the CEP moved forward with its preparations despite the resignation of two of its members and the fact that two others refused to work on the organization of the elections without first formally submitting their resignations.

The CEP, originally a nine-member body, was thus left with five active members. This situation, coupled with accusations of corruption, bias, and incompetence, undermined the credibility of the CEP as an electoral arbiter.

On January 18, Jude Celestin confirmed in a televised address that he would not be taking part in the second round. In that context, the EOM urged the political actors to hold a dialogue in a bid to find a solution to the political impasse. The Mission also underscored the importance of improving conditions to ensure a competitive process, bearing in mind that Article 3 of the Inter-American Democratic Charter provides that access to power should be in accordance with the rule of law and the holding of periodic, free, and fair elections based on secret balloting and universal suffrage.

As a result of the escalation in violence, on January 22, the CEP announced that it was unable to guarantee the elections and requested the president to postpone the ballot. Regrettably, the Mission also fell victim to violence. Over the course of two days, six of our observers sustained attacks that threatened their personal safety and physical integrity, as well as causing significant damage to the vehicles in which they were traveling. The EOM is particularly grateful to the United Nations Stabilization Mission in Haiti (MINUSTAH) for its rapid response in those incidents and for the security they provided us.

The Mission would like to thank the CEP officials and members for their openness in furnishing all the information that it needed to perform its tasks.

The Mission's permanent presence in the field and the deployment of three teams of experts and observers was possible thanks to the generosity of Argentina, Brazil, Canada, China, France, Italy, Kazakhstan, Korea, Mexico, Peru, Spain, Switzerland, and the United States, whose contributions surpassed US\$2 million.

Thank you very much.