“WHEN YOU HAVE MONEY, YOU GET JUSTICE”
POWER AND DISADVANTAGE IN ACCESSING FORMAL AND INFORMAL JUSTICE IN HAITI

ABSTRACT
Justice system reform in Haiti aims to reduce corruption and build public trust. Researchers conducted a formative evaluation to characterize how individuals in three communities resolve conflicts. Few respondents accessed the formal justice system to address conflicts. Wealth and status affect citizens’ entry into and obtaining favorable resolutions from the formal system. Women who experienced gender-based violence commonly sought informal justice and the system treated them differently based on marital status. This evaluation identified the existence of parallel justice systems accessed differently depending on individual’s “power.”

STUDY QUESTIONS
• What types of conflicts are most common and concerning?
• How are conflicts resolved in practice?
• How do people perceive and trust in the formal justice system?
• How do vulnerabilities (e.g., poverty, remoteness, gender, sexual orientation, age) influence access to justice?

METHODOLOGY
A multiple method triangulation (4055 household surveys, 24 focus groups, 48 interviews and 21 key informant interviews) with religious leaders, judges, community organization leaders) was used in this study, with a particular focus on understanding the needs and barriers for community members as they seek justice. The innovative approach was in conducting a cultural survey of 810 households. Enumerators were trained on all tools. Study took place in three locations: Ouanaminthe, Cornillon, and Martissant.

BACKGROUND
FORMAL JUSTICE MECHANISMS:
• Derive power from government laws, policies, and regulations
• Are state-funded
• Resolve conflicts under laws through official courts
• Include formal legal actors such as judges, prosecutors, defense attorneys, civil attorneys, court staff

INFORMAL JUSTICE MECHANISMS:
• Derive power from social groups or community structure
• Are not part of the government
• Include decision-makers chosen by the community, such as mayors, religious leaders, gangs, community organization leaders

CONTEXT
THE HAITI JUSTICE SECTOR STRENGTHENING PROJECT is a four-and-a-half year (September 2016 to February 2021) USAID project to support the Haitian government and civil society to expand access to high-quality justice for Haitian citizens. The project supports the professionalization, independence, and efficiency of the Haitian justice sector; advancing core justice system strengthening while building the foundations of judicial reform, fostering political support, and addressing relevant justice issues in the short to medium term. To accomplish this, JSSP has four overarching objectives: (1) improving Haiti’s legal, policy, and regulatory framework; (2) strengthening the judiciary as an independent, credible, and effective authority; (3) improving access to justice and protection of rights; and (4) strengthening civil society constituencies for reform.

DEFINITIONS
HOW DO PEOPLE DEFINE “JUSTICE”?
• Freedom from fear
• Having enough to eat
• Lack of daily worries
• Social harmony

HOW DO PEOPLE DEFINE A QUALITY JUSTICE SYSTEM?
• Is fair and correct
• Restores community harmony
• Is speedy
• Is affordable

THE WAY FORWARD
CITIZEN PERCEPTIONS. Interviewees agreed that Haiti needs formal justice system reform, qualified and impartial judges, a national legal assistance system, and civic education on informal justice boundaries.

PROJECT APPLICATION OF FINDINGS. This study was presented to community leaders, judicial authorities, and citizens in two remote areas. Proposed ideas led to low-cost, sustainable community-oriented initiatives that are being implemented:
1. Town hall meetings with formal and informal justice actors and citizens to exchange information
2. Civic education to the public on legal rights, mechanisms to claim them, and limits of informal justice
3. Mobile units for civic education in remote areas
4. Regular meetings of legal aid offices, civic society, and the media to spread information on legal services