



FREEDOM  
IMAGINARIES



# PETTY OFFENSES, MAJOR CONSEQUENCES

## Decoding the Criminalization of Poverty in Haiti

### A Caribbean Conversation

WITH SIMULTANEOUS INTERPRETATION : ENGLISH | FRENCH

In association with



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# Research Objectives

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Produce accessible knowledge on the criminalization of poverty and status in Haiti through a profile of Haitian detainees.

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Enhance the understanding of the criminalization of poverty and status through trans-Caribbean dialogue and collaboration.

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Establish connections between studies on Haiti and global studies on the criminalization of poverty and status, as well as potential actions to end it.

# What is this about?

"Criminalization of poverty" refers to the use of the criminal justice system to punish certain practices or groups associated with poverty.





# Criminalization of poverty

- Theoretical framework :
  - Richard Quinney, Émile Durkheim, Loïck Wacquant, Laurent Bonelli, Gilles Chantraine, Michel Foucault, Grace-Edward Galabuzi, Mario Berti et Jeff Sommers, Ted Gordon, Val Marie Johnson...
- Research questions
  - What is the current situation in Haiti regarding the criminalization of poverty and status?
  - What is the significance of minor offenses within the Haitian penal and correctional system?
  - Who are the individuals targeted and punished for minor offenses?
  - What are the underlying reasons behind this targeting and punishment?

# Methodology

## Recension

- Literature review and existing data

## Quantitative survey

- Data analysis for 3,648 cases (including 2,070 within the public prosecutor's offices).
- Survey of a representative sample of 1,000 inmates at the National Penitentiary (2016).
- Data analysis for 25,651 cases at the National Penitentiary (2010-2023).

## Qualitative survey

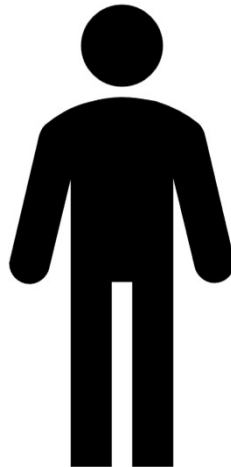
- 2 focus groups
- 7 semi-structured interviews



**DATA ANALYSIS IN PROGRESS !**

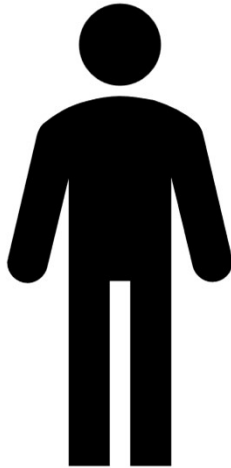
# RESULTS

# WHO ARE THEY?



POLICE NATIONALE D'HAITI						
DIRECTION DE L'ADMINISTRATION PENITENTIAIRE						
Mouvement Quotidien de la Population Carcérale, 2023-02-06						
Colonne1	EFFECTIF ANTERIEUR	TOTAL PREVEN	TOTAL CONDAM	EFFECTIF ACTUEL (	EFFECTIF ACTUEL (	
Arcahaie	5	0	0	0		
Croix des bouquets	1059	771	296	1067		27,74%
Cermicol	99	93	6	99		6,06%
Cabaret	82	60	22	82		26,83%
Carrefour	183	118	63	181		34,81%
Petion Ville	0	0	0	0		0,00%
Petit Goave	241	213	28	241		11,62%
Port-au-Prince	3649	3 309	344	3653		9,42%
Cap Haitien	871	685	193	878		21,98%
Fort-Liberté II	280	1	294	295		99,66%
Fort-Liberté	308	254	17	271		6,27%
Gde Riv.Nord	73	70	6	76		7,89%
Port-de-Paix	326	275	39	314		12,42%
Gonaives	517	469	15	484		3,10%
Hinche	505	339	166	505		32,87%
Mirebalais	415	305	107	412		25,97%
Saint-Marc	593	462	138	600		23,00%
Anse-à-Veau	236	183	46	229		20,09%
Aquin	0	43	0	0		0,00%
Cayes	755	694	73	767		9,52%
Coteaux	0	0	0	0		0,00%
Jacmel	614	555	63	618		10,19%
Jérémie	433	425	14	439		3,19%
Miragoane	0	0	0	0		0,00%
Région Sud	2038	1900	196	2053		9,55%
Total	11244	9324	1930	11211		17,22%

# WHO ARE THEY?

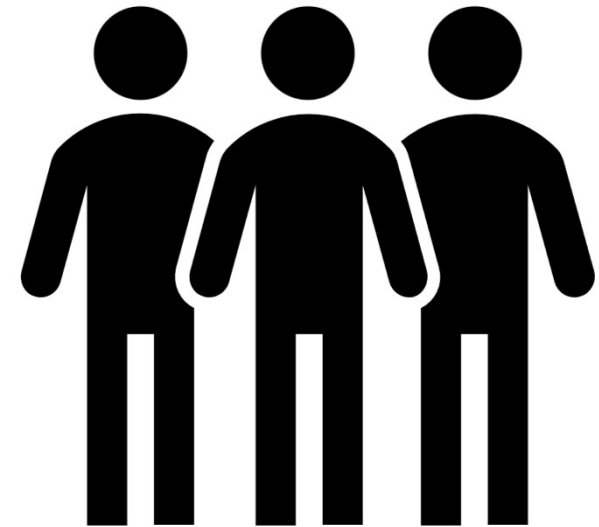


- Young population: 20-40 years old, with a peak at 25-29 years old.
- Low level of education: 15% illiterate, 39% with up to 9th grade education, average education cessation at 18 years old.
- Employment status: 42% unemployed.
- Pre-incarceration activity: 64.3% were employed in various sectors (11% as masons, 7% as mechanics).
- Low income: 50% earning  $\leq$  5000 HTG per month, many of whom support their families.
- Leaving the family home: A quarter were minors when they left.
- Family status: 27% in a common-law union, 60% single, 11% married.



# How many are they?

- Prison population as of February 6, 2023: 11,211 inmates.
- Incarceration rate: 95 inmates per 100,000 residents (137 in Jamaica; 276 in Trinidad and Tobago).
- Prison overcrowding: 5,500 inmates in 2007.
- Gender distribution: 94% male, 2% female, and 1% minors.
  
- Total inmates at the National Penitentiary (2010-2023): 25,650.
- Release rate: 73%.
- 7,789 inmates incarcerated for minor offenses (30%).



32% were incarcerated for minor offenses.



## WHY ARE THEY INCARCERATED?

Petty offences	Occurrences	%
Theft	4 949	64%
Assault	1 922	25%
Larceny	464	6%
Breach of trust	154	2%
Vagrancy	148	2%

64% in pre-trial detention



# WHAT CONSEQUENCES?

- Impact on society
- Impact on Inmates
  - Occupancy rate: 332% (June 30, 2023)
  - Per capita prison space: 0.42 m<sup>2</sup>
  - Mortality: 623 individuals have died in prison
- Impact on Inmates' Families (Secondary Prisonization)



## *Kote kob petro caribe a?*

- Misappropriation of USD 3.8 billion from the PetroCaribe Fund
- Accusations of fund embezzlement during the presidencies of Michel Martelly and Jovenel Moïse
- Majority of planned social projects left unfinished

HOW DOES IT WORK?

## *The Criminalization of poverty as a legal production*

- The Haitian Penal Code criminalizes vagrancy and begging.
- The Haitian Penal Code provides for severe penalties for some minor offences, especially if they infringe on private property.
- Haitian law and certain municipal by-laws penalize certain subsistence economic activities.
- Many of these laws are a colonial legacy.





## The criminalization of poverty as a result of discriminatory police and judicial practices

- Profiling based on discriminatory practices
- Intensified military-police surveillance of disadvantaged neighborhoods
- Indiscriminate arrest (docking)
- Mischaracterization and criminalization of non-criminal acts
- Discretionary power of authorities



Clientelism and corruption within the judiciary as levers for the criminalization of poverty



# The criminalization of poverty as a power mechanism

- Punishing the poor and their way of life
- Managing social insecurities
- Ruling populations deemed dangerous to the social system
- Keeping the poor available for cheap labor in Haiti and elsewhere in the region



What are the key issues for the campaign?



- **Importance of judicial guarantees**
  - Lawyers and bars must be involved in the fight against the criminalization of poverty
- **A Diagnostic Error**
  - We cannot end the criminalization of poverty solely by decriminalizing minor crimes.
- **Beyond the Law**
  - The criminalization of poverty is not only a legal and judicial issue. It has other ramifications, functions and deeper roots.