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# Assessing Haiti's Electoral Legitimacy Crisis – Results of a 2016 Survey

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# Assessing Haiti's Electoral Legitimacy Crisis – Results of a 2016 Survey

Athena R. Kolbe and Robert Muggah

## Abstract

Haiti currently faces a political crisis without precedent. The country has a president with no clear constitutional provision for leadership after his term expires on February 7, 2016. A disputed first round presidential election has undermined the confidence of Haitians in electoral process with street protest and legal challenges resulting in cancellation of the runoff election. There is a widespread cynicism among citizens that individual votes will not count. This Strategic Note presents the results of a national survey of 1,766 Haitian adults conducted between January 17 and 22, 2016. Respondents were asked about their participation in voting, barriers to participating in the voting process, their choice for president, and their opinions about a variety of possible solutions to Haiti's electoral impasse. It finds that there is widespread pessimism about the direction the country. It also detects that voter turn-out in October 2015 was likely considerably less than officially reported. However, the survey shows that most Haitians would vote if they were confident that elections were free and fair. The most important issues that Haitians believe the next president should tackle are jobs and the economy, followed by corruption, regaining trust, and education.

# Introduction

Haiti is at the crossroads, again. Allegations of irregularities and fraud marred the first round of Haiti's presidential election in late 2015. Today the country confronts a political crisis without precedent. Haiti has a president with no clear constitutional provision for leadership after his term expires on February 7, 2016. The road to this impasse is widely known. Shortly after the Haitian Provisional Electoral Council (CEP) announced the first round presidential election results early last November, mass protest erupted with political party activists, political candidates, and ordinary citizens taking to the streets to show their disapproval. PEC announced that the incumbent party's candidate came in first, however two candidates challenged the results in court and others made public statements alleging fraud at the polls and in the vote counting process.

The dispute over the October 2015 elections has undermined the confidence of Haitians in the second round. There is a widespread cynicism among citizens that individual votes will be counted. Popular protest in the subsequent months forced the cancellation of the presidential runoff election just two days before it was scheduled on January 24, 2016. This Strategic Note presents the results of a national survey of 1,766 Haitian adults conducted between January 17 and 22, 2016. Respondents were asked about their participation in voting, barriers to participating in the voting process, their choice for president, and their opinions about a variety of possible solutions to Haiti's electoral crisis. It builds on previous research conducted in 2015<sup>1</sup> and is intended to offer an independent assessment of popular sentiment in the country.

Key findings include:

- **There is a widespread sense of pessimism about the direction the country is taking:** A considerable majority of those surveyed (n=1525; 86.3%) believe that the country is headed in the wrong direction.
- **Most Haitians are registered to vote:** Overall, 82.7% (n=1,460) of those surveyed were, at one time, registered to vote though 5.83% (n=103) were unsure of their current voter registration status. Young people aged 18-25 were least likely to be registered to vote.
- **There was considerably less voter turnout in October 2015 than officially reported:** Though the CEP claimed a 26.6% voter turnout for the

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<sup>1</sup> See Kolbe et al (2015).

October 2015 election, only 285 respondents (16.2% of all respondents; 19.5% of registered voters) indicated that they had voted in that election. Respondents cited concern with fraud, intimidation by monitors, and a sense that their vote didn't count as key reasons.

- **Less than 3% of respondents said they planned to participate in the January 24 2016 elections.** 68% of respondents cited election fraud and corruption as the principle reason they would not participate in the voting process.
- **Three quarters of Haitians said they would vote if they were confident the elections were free and fair.** Nearly all respondents said they had made a choice about who they favored for president, with Jude Célestin as the most popular presidential choice.
- **The most important issues that Haitians believe the next president should address are jobs and the economy, followed by corruption, regaining trust, and education.** When asked about possible solutions to the current political crisis, respondents favored options that included taking their opinions into account at the voting box over alternatives that included a negotiated power-sharing option.

## Background

Fair and transparent elections are crucial benchmarks of a healthy democracy. When the electoral process is regarded as tainted and fraudulent, the democratic process comes under threat. These are facts that the people of Haiti know all too familiar with.<sup>2</sup> Haiti's long electoral history is fraught with instability and corruption due to domestic meddling within Haiti as well as from external forces. There is a feeling of wary pessimism with democracy in Haiti. Prior to every election, the international community of donor governments, non-governmental organizations and the media turns its eyes on Haiti with every expectation that the electoral process will go awry. The most recent electoral cycle has, unfortunately, met these expectations, with the presidential election being postponed after mass street demonstrations against suspected foul play.

Haiti typically undergoes first and second round elections for both the legislative branch (House of Deputies and the Senate) as well as for the office of the president.

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<sup>2</sup> See Dandicat (2015).

The first round legislative election occurred on August 9, 2015.<sup>3</sup> From the beginning, the August 9th elections faced widespread problems that undermined their legitimacy. These problems included fraud, intimidation at the polls, and early closing of polling places due to unrest. The ink markings designed to safeguard against fraudulent voting actually washed off with water, thus undermining their effectiveness. Voter turnout was low overall and elections failed to take place in 22 voting districts. Even so, the results of the election were accepted by the international community (who fund most of the elections) and the CEP.

The second round of legislative elections were held together with local elections and the first round of the presidential election on October 25, 2015. First round legislative elections were also held on that day in the aforementioned 22 voting districts that had cancelled the August 9 election. As before there were reports of fraud including, notably, ballot box stuffing and illegal voting by mandataires (political party representatives who are authorized to observe the polling place and the tallying of votes at the end of the election). The United States and other supporters of Haiti's elections were quick to declare the October first round presidential vote a success. However, after the final vote count was released several weeks later, public opinion turned. Protesters demanded a recount, an investigation into fraud and ballot box tampering, and a recall of the election results. The official CEP results placed Jovenel Moïse first with 32.81 percent of the vote (n=508,761), Jude Célestin second with 25.27 percent (n=392,782), Jean-Charles Moïse third with 14.27 percent (n=222,109) and Maryse Narcisse forth with 7.05 percent of the vote (n=108,844).



Demonstrators chant anti-electoral council slogans during a protest against the country's electoral council.

AP Photo/Dieu Nalio Chery

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<sup>3</sup> According to a March 2015 decree, the House of Deputies should have 118 (rather than 99) members; deputies are elected using the two-round system only if no candidate gets 50% plus one in the first round. The Senate has a new election every two years for ten of its 30 members; three senators serve each of Haiti's ten geographic departments. However the May 2012 Senate elections were cancelled leaving 20 seats open for the August 9, 2015 legislative election.

As the date for the second round presidential election approached, public protest escalated with tens of thousands of Haitians marching in major cities.<sup>4</sup> A surprisingly united coalition of presidential candidates from across the political spectrum demanded a thorough investigation into allegations of systemic corruption and intentional fraud in the electoral process. The date of the presidential runoff election was pushed back in response to the demonstrations and then the election was cancelled indefinitely, just two short days before the scheduled voting day, January 24, 2016. The country is sliding into a political crisis without precedent.



A Haitian demonstrator flees after Brazilian peacekeepers fired teargas during a protest against the country's electoral council marking the 25th anniversary of first democratic election.

AP Photo/Dieu Nalio Chery

On January 29 the president of the Senate, Jocelerme Privert, and the president of the House of Deputies, Cholzer Chancy, announced plans to move to a transitional government to prevent a presidential power vacuum after current president Michael Martelly's term expires on February 7. The proposed "crisis schedule" was to begin January 30 with receipt of President Martelly's letter of resignation confirming that he intends to leave office when his term expires on Sunday, February 7. Though President Martelly did not produce this letter as requested, he is still expected to leave office at the end of his term.

It is possible that President Martelly is delaying announcing his departure to influence the choice of a new prime minister. The current prime minister, Evens Paul, is to be replaced within the first week of February 2016. He is constitutionally mandated to step down shortly before the end of the president's term in office. A new prime minister is expected to be recommended by the Senate and the House of Deputies with the expectation that he or she would be confirmed along with other members

<sup>4</sup> See AFP (2015), Al Jazeera (2016), BBC (2015) and Robles (2016).

of the legislature before President Martelly's term expires. A vote on the new, as of yet unnamed prime minister, is scheduled to be held on Wednesday, February 3. On February 4 the new National Assembly is to be installed and new members of the CEP are scheduled to be sworn in. However this plan does not resolve the other issues with the current political situation related to the legality of head of state after February 7.

Haiti's current crisis is not just about the elections, but the constitution itself. There is no provision in the Haitian constitution for a transition of power after a president's term expires in the event that elections have not been held. If a president leaves office or is removed from office during the first four years of his or her term the head of the Supreme Court is appointed provisional president. An earlier version of this constitutional provision was evoked in 2004 after the overthrow of Jean Bertrand Aristide by a coalition of armed insurgent groups with leadership from the disbanded Haitian Army.

The current constitution contains an amendment that allows the Senate and the House of Deputies (collectively referred to as the National Assembly) to choose and appoint a provisional president who would serve a time-limited period in office with the purpose of overseeing a new election. This period of transitional government is not to exceed four months. However the appointment of a provisional president by the National Assembly is only provided if the president leaves office or is removed from office during the fifth and final year of his or her term. Since the Haitian constitution does not provide any guidance on presidential powers outside of the bounds of being elected to office, any option will be extraconstitutional, whether it is President Martelly's continued rule by decree or the appointment of either the head of the Supreme Court or a person chosen by the National Assembly as the new head of state.

An Igarapé Institute team of Haitian and North American researchers administered a nationwide survey of Haitian households to explore the political opinions and experiences of ordinary Haitian adults. The focus was on both voters and others who had elected not to participate in the elections. This survey is part of a wider research project focused on better understanding the process of democratization and associated public opinion in Haiti.



People gather to cast their votes at a polling station in a market in Port-au-Prince, Haiti.

Photo STRINGER/Reuters



# Methodology

The team adopted a multistage process to sample communal sections, households, and primary respondents. The sample was drawn from all ten of Haiti's geographic departments with representation of urban, suburban and rural areas. The most current population figures for Haiti nationally are from 2012; they are based on projections from the national census and published by the Institut Haitien de Statistique et d'Informatique (IHSI).<sup>5</sup> These figures were used to calculate sample size. The number of individuals who would be sampled from each department was determined by population density. A weighted random sample of communal sections was generated using SPSS.

The second phase of sampling involved the random selection of households within each communal section. A random GPS coordinate within the communal section was generated and a research team member was sent to the location. The spin the pen method was used to determine the direction from the GPS coordinate in which the research team traveled.<sup>6</sup> Every *n*th household was selected using a Kish number table until ten households had been interviewed. If no adult was home, or the randomly selected adult household member was unavailable, the research team returned to the home three more times before labeling the home a non-responding household. Child-headed households were excluded from the study.

The third stage of sampling involved the random selection of an adult household member. The adult with the most recent birthday was invited to participate in the study. In cases where a member of the household's birthdate was unknown, one member was randomly selected by drawing straws. The adult household member was invited to sit for a short time with the enumerator and complete a survey. The survey instrument was created collaboratively with Haitian researchers participating in all phases of the survey design including sampling methodology, survey protocol development and survey creation. Survey questions were translated into Haitian Creole and then back-translated into English to assure accurate thought-for-thought translation.<sup>7</sup> Survey questions were orally administered by university-educated Haitians with extensive experience in survey research.<sup>8</sup> Fielding began on January 17 and concluded on January 22, 2016. The orally administered survey took approximately 20 minutes. It included questions about voting attitudes, opinions about political issues and the government, and experiences with state agents.

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5 See IHSI (2012).

6 The "spin the pen" method involves the enumerator putting a pen on a hard surface and spinning it. The enumerator then follows the trajectory of the pen as he or she visits households at the randomly selected interval.

7 Responses were recorded on tablets using a dedicated software application designed for use on Apple devices.

8 Prior to fielding, all team members participated in 26 hours of training on research ethics, the study methodology, and the survey instrument.

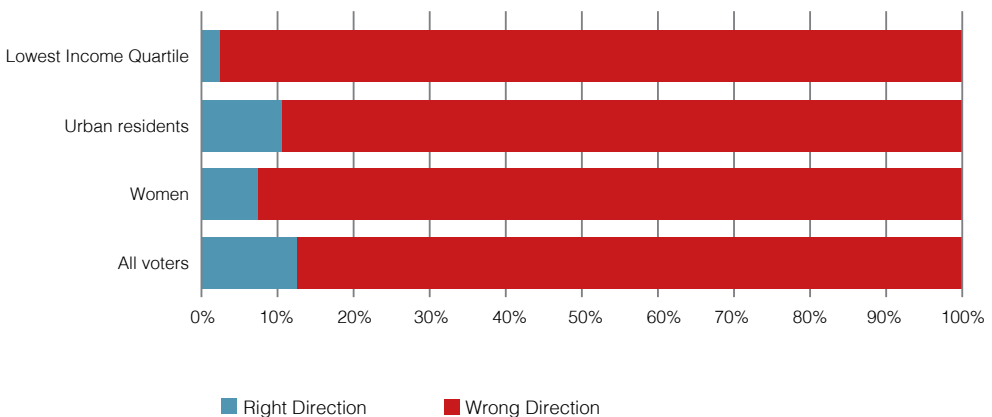
A total of 2,038 households were invited to participate in the study. Of these, 1766 were eligible and agreed to respond to the 20-minute survey. The overall response rate was 86.7%, which is within the norm for national household surveys in Haiti. Data was cleaned and analyzed using SPSS v.22. During the initial analysis, while enumerators were still in the field, data was analyzed for plausibility. For instance, year of birth was compared to the age and the total number of household members was compared to the number of adults plus the number of children in the household. During cleaning, data was also checked for entry errors. The demographics of those surveyed were similar to the population as a whole. Findings were weighted based on existing data collected in the national census.

## Findings

# Attitudes about governance

Most Haitians surveyed (n=1,525; 86.3%) believed that the country is heading in the wrong direction (figure 1). Young people, individuals in the lowest income quartile, agricultural laborers, and factory workers were most adamant that the country is heading in the wrong direction. When asked if President Martelly should step down on or before February 7th 2016, more than three quarters of respondents said that he should resign as president, even if a new president has not yet been elected. Those least likely to support President Martelly's departure included civil servants, people employed by NGOs, men between the ages of 45 and 55, and Haitians in the highest income quartile.

**Figure 1.** Responses to the Question “Generally speaking, is the country heading in the right direction or is the country going in the wrong direction?”



# Political Participation and Voting

Overall, 82.7% (n=1,460) of those surveyed said that they had, at one time, registered to vote. Some respondents (5.83%, n=103) were unsure if their registration was still valid because they lacked their voter registration card, because they had moved, or because they had not actually voted after registering. Men were more likely than women to say they had been registered to vote, though this difference was not statistically significant. Young people aged 18-25 were most likely to say they had not registered to vote. Dominicans of Haitian descent that were deported to Haiti or fled racial oppression in the Dominican Republic also comprised a portion of non-registered adults.<sup>9</sup>

Most of those who were not registered to vote said the main reason they had failed to do so was because they had yet to get around to it (n=113) or their vote did not matter (n=95). Others claimed that didn't know how or where to register (n=27) or that they were from the Dominican Republic and lacked Haitian citizenship or citizenship documents (n=21), they were disabled (n=20), or for another reason (n=26). Of those who were disabled, 95% (n=19) said they would register and vote in the election if they were provided with accommodations such an alternative voting site that was closer to home or a voting site which was wheelchair accessible. Dominicans of Haitian descent were confused about if they were considered Haitian citizens, if they were eligible to vote, and about the process for voting.<sup>10</sup>

## Current Electoral Crisis

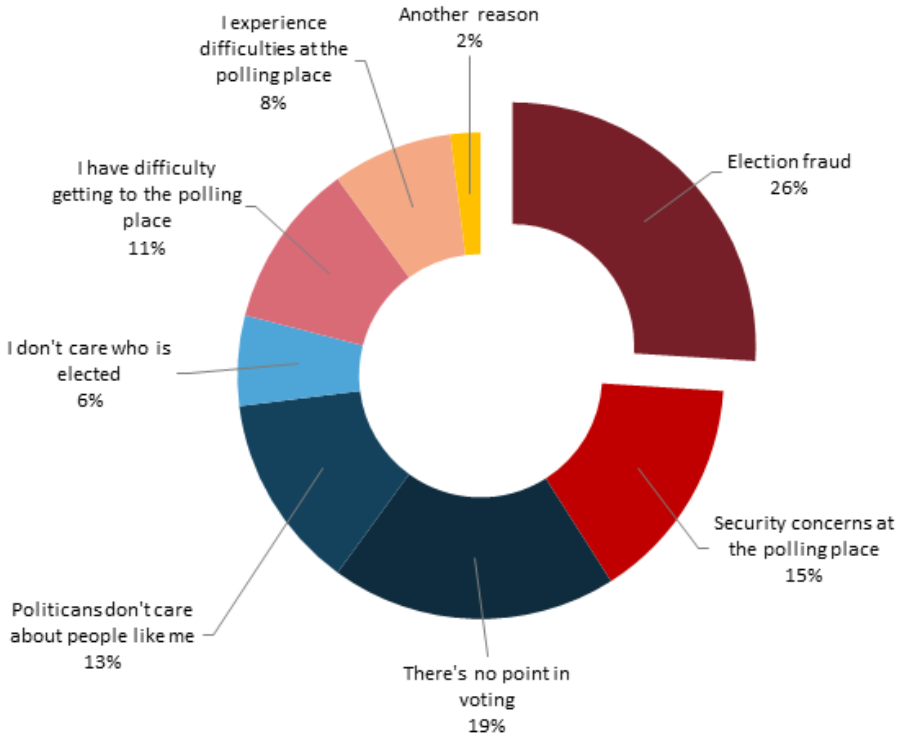
A surprising number of respondents claimed not to have voted in the October 2015 elections. When asked if they had voted in the first round presidential election, only 285 respondents (16.2%) indicated that they had voted. This is considerably lower than expected since turnout for that election was officially listed as 26.6% percent. Of those who were registered but did not vote, the reasons given included barriers such as concerns about fraud/lacking confidence that their vote would be counted, difficulties getting to the polls, difficulties at the polling place in the past including intimidation by political party monitors, fear of security problems at the polls, and a belief that there is “no point” in voting (figure 2).

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<sup>9</sup> See Granitz (2015) and Martin (2015).

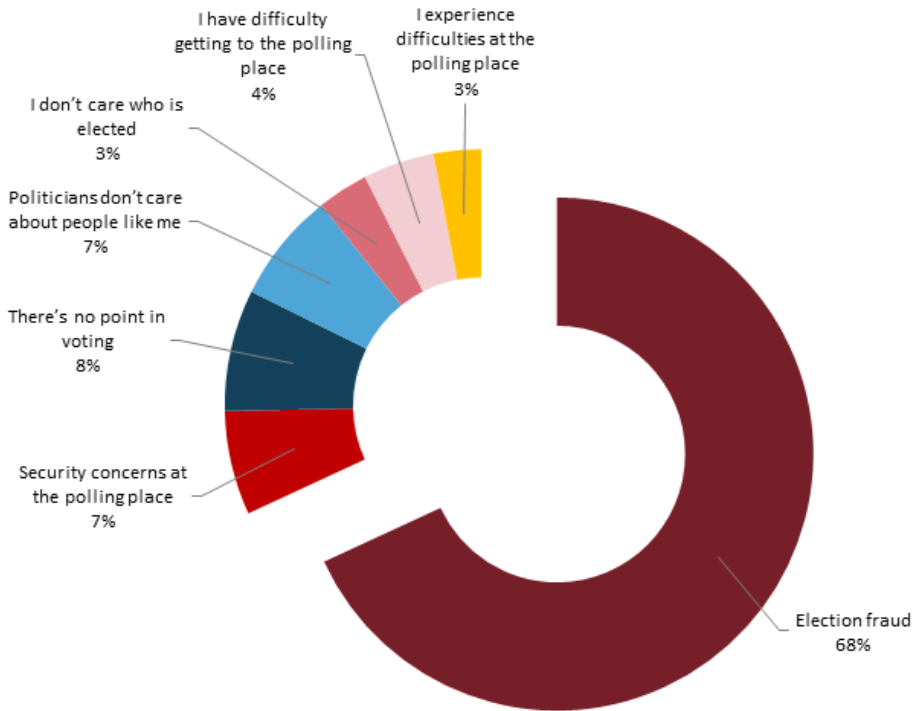
<sup>10</sup> Some spoke neither Creole nor French; others spoke a mixture of Creole and Spanish but said they were unable to navigate the process of registering to vote because they could only read in Spanish and the government office had provided them with voter registration documents in French.

**Figure 2.** Responses by registered voters to “What’s the main reason you didn’t vote in the October 2015 election?”



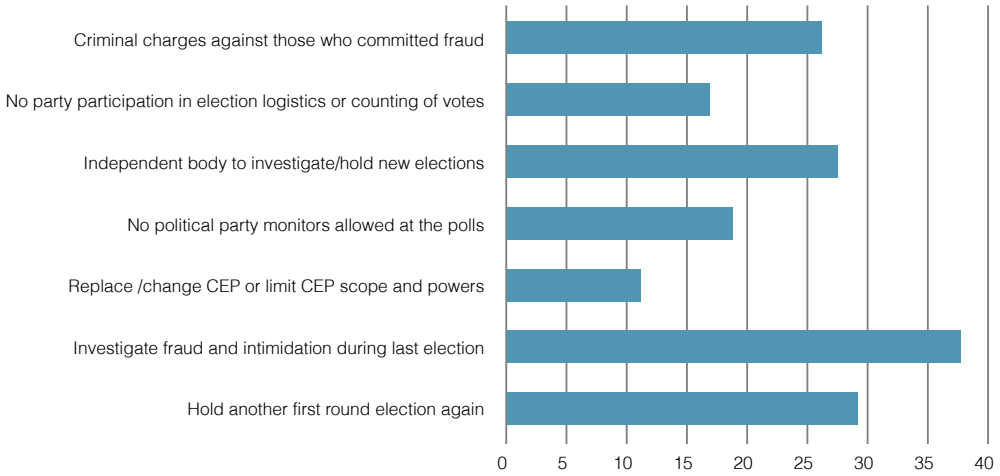
This study was fielded between January 17th and 22nd at which time the second round presidential elections were still scheduled for January 24, 2016. Of those surveyed, only 3.0% (n=53) indicated that they planned to participate in the January 24th elections. When asked the main reason why respondents said they would not vote in the January 24th elections, the most common reason given was election fraud (68.0%; n=1,164). Concerns over corruption and fraud were expressed in responses to other survey questions as well. When asked “How confident are you that the elections, if held today, would be free and fair?” Only a tenth of respondents (n=196; 11.1%) said that they were very or somewhat confident of having free and fair elections.

**Figure 3.** What's the main reason you said you won't vote in the January 24 election?



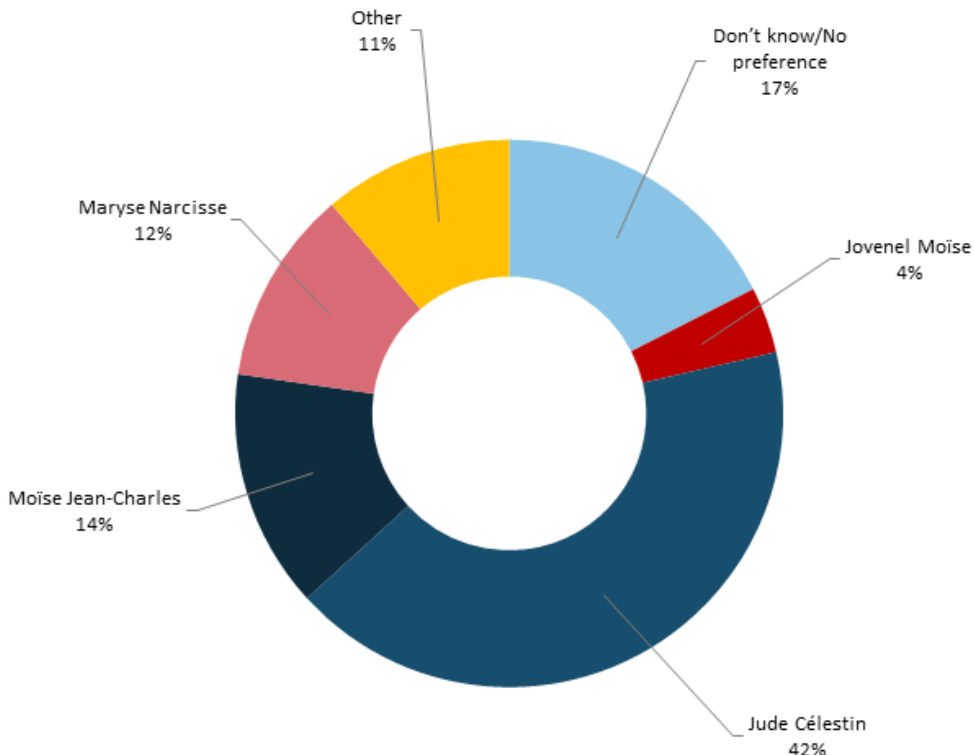
When asked an open-ended question about what needed to be done to assure free and fair elections, respondents issued a variety of suggestions (figure 4). These included redoing the first round elections held in October 2015, investigating fraud, replacing the members of the CEP, changing the way that the CEP operates without public oversight, restricting access to the polling places by political party representatives, appointing an independent body to investigate fraud and to oversee the elections, restricting politicians and political parties from participating in the organizing of the election and the counting of ballots, and criminal charges against those who committed fraud.

**Figure 4.** What needs to be done to assure free and fair elections?



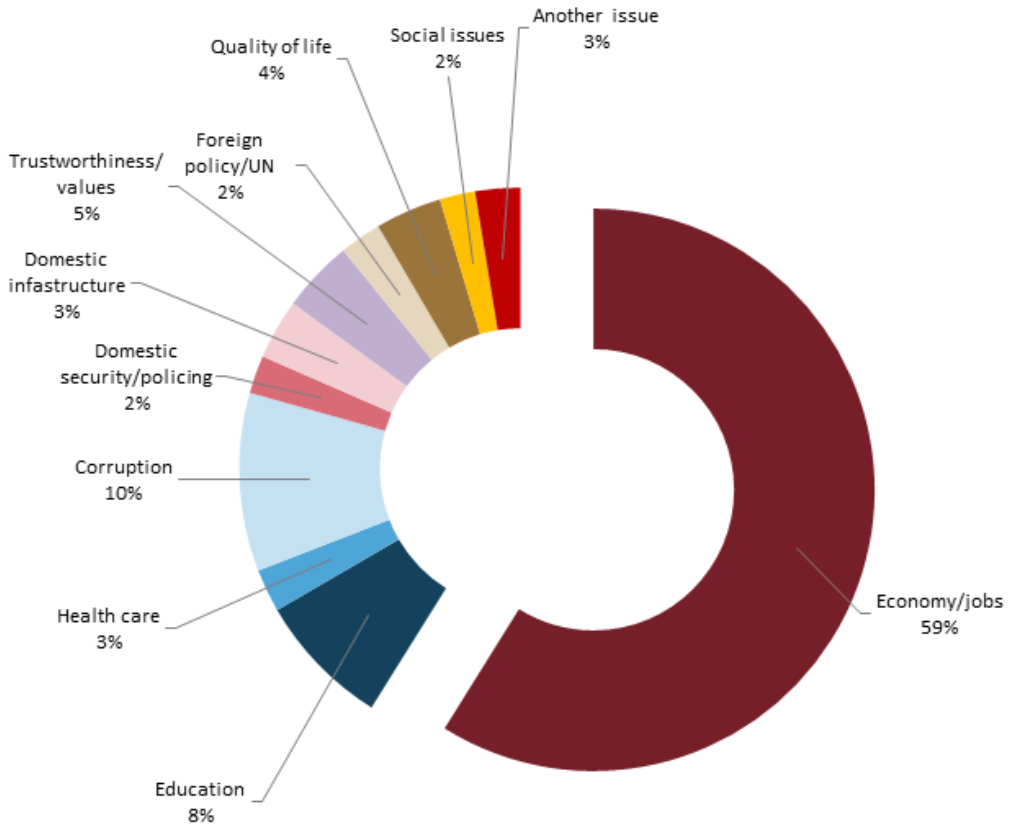
Though respondents were understandably concerned with corruption, they had not lost all faith in democracy. Three quarters said they would vote if they were confident the elections were free and fair. Nearly all respondents said they had made a choice about who they favored for president, with Jude Célestin as the most popular presidential choice (figure 5). When asked if they had to choose between Jovenel Moïse and Celestine, 91% chose Jude Célestin. When registered voters were asked to choose between all candidates included on the October 25th ballot, Jude Célestin continued to be the most popular choice followed Jean-Charles Moïse and Maryse Narcisse, with the incumbent party candidate Jovenel Moïse garnering support from only 3.9 percent of those registered to vote.

**Figure 5.** If you voted today and you were confident that the election would be free and fair, who would you choose for president?



Haitian respondents also demonstrated a balanced assessment of the future president’s priorities. When asked an open-ended question about what issue matters most when deciding who to vote for president, jobs and the economy were the most often cited concern with corruption, trustworthiness/personal values, and education also commonly reported issues (figure 6). When asked about possible solutions to the current political crisis, respondents favored options that included taking their opinions into account at the voting box over alternatives that included a negotiated power-sharing option (figure 7). This was true even when given the option of the most popular presidential choice, Jude Célestin, being appointed president through a negotiated settlement. Respondents, overall, preferred for options that excluded Jovenel Moïse from automatic participation in a second round election.

**Figure 6.** What one issue matters to you most in deciding who to vote for president?





**Figure 7.** Agreement with solutions to Haiti's election crisis (weighted)

“Please tell me if you approve a lot (1), approve a little (2), have no opinion (3), or disapprove (4) of possible solution or outcome for the political problem we have right now.”	Mean	SD
The EU, the UN, or the OAS negotiate a deal where President Martelly steps down on February 7 and there is a new second round election including Jovenel Moïse and Jude Célestin, overseen by foreigners to assure that it is free and fair.	3.21	1.63
President Martelly steps down on February 7 and a transitional government is put in place to organize new elections.	1.31	0.50
CARICOM negotiates a deal where President Martelly steps down on February 7 and there is a new second round election including Jovenel Moïse and Jude Célestin, overseen by foreigners to assure that it is free and fair.	2.89	1.57
A power-sharing arrangement is negotiated with representatives of all four major political parties instead of a new election.	3.97	0.41
Results of the October 2015 legislative election are accepted but results of the first round presidential election are rejected; a new first round presidential election is held.	1.32	0.64
President Martelly remains in power until a new first-round and second-round election is held, even if that election takes place after February 7th.	3.85	0.44
President Martelly steps down and a new first round election is held without an independent committee to monitor and prevent fraud.	3.24	1.82
President Martelly steps down and a new first round election is held with an independent committee to monitor and prevent fraud.	1.39	0.90
A new election is held, starting with the first round, with an independent committee to monitor and prevent fraud.	1.61	0.53
The EU, the UN, the OAS or CARICOM negotiate a deal where President Martelly steps down on February 7 and Jude Célestin becomes president, without a second round election.	2.66	1.19
The EU, the UN, the OAS or CARICOM negotiate a deal where President Martelly stepped down on February 7 and Jovenel Moïse becomes president, without a second round election.	4.02	0.45
President Martelly steps down on February 7 and the head of the Supreme Court becomes the new president until a new first-round election can be held in March or April.	2.62	1.66
President Martelly steps down on February 7 and the head of the Supreme Court becomes the new president until a second-round election can be held in March or April.	2.91	1.88
A new general election is held, with Jovenel Moïse on the ballot.	3.17	1.22
A new general election is held, without Jovenel Moïse on the ballot.	1.97	1.62

# Concluding Thoughts

This study, and public sentiment more generally, lead to a basic conclusion. Haitians desperately need to restore their confidence in the electoral process. While violence by and directed towards street protestors is cause for alarm, the postponing of the runoff presidential elections provides a second chance at getting the electoral process right. It is essential not to have the electoral process drag on too long. The first and foremost priority, however, is increased transparency in election-related decision making. Haitian citizens need to be informed of the process behind every key decision made for the resulting actions to have a chance of being viewed as legitimate. And ordinary Haitian people need to be confident that their needs, opinions, and votes are driving the democratic process.

An essential first step in this process is honest reflection on what happened in the last two elections. Fraud and the role of the mandataires (political party representatives at the polls) needs to be independently and thoroughly investigated. Though an investigation into fraud and intimidation is costly in time and political capital, its importance cannot be underestimated. With an electorate stymied by concerns of corruption and widespread complaints about specific experiences at the polls, a well-organized, trustworthy, and timely investigation into fraud complaints would resolve much of the concern voters have regarding any future elections.

Going forward, every step in the election planning process must be transparent and must be clearly and honestly communicated to the population through television and radio. Doing so will reduce much of the uncertainty and anxiety held by the Haitian electorate. The radio, in particular, offers a unique opportunity to conduct voter outreach. There should be radio ads that explain to the Haitian people that their opinion and a free and fair vote do matter and which acknowledge past failures to assure a legitimate election. These ads should encourage people to vote when the election is held again and should specifically target demographics with low voter turnout in the previous elections.

A crucial component that has been overlooked is the issue of voter registration. For the elections to be viewed as legitimate, all citizens must feel like they have an opportunity to participate. Young people in particular were more likely than other age groups to lack voter registration cards; barriers to voting for this population should be addressed. Radio outreach can also be conducted in both Spanish and Creole to specifically reach those repatriated from the Dominican Republic encouraging voter registration and participation. These individuals are incredibly vulnerable and unlikely to be integrated into the existing voter registration infrastructure without concentrated assistance. Special efforts should be made to train the identification bureau on how to determine the eligibility and how to register Dominicans of Haitian descent who may qualify for citizenship and voting rights in Haiti.<sup>11</sup>

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<sup>11</sup> The International Organization on Migration (IOM) could offer expertise based on similar migration issues in elections internationally.

In addition to increasing transparency on the electoral process, a cautious approach should be adopted to rescheduled elections. Though elections should not be delayed for more than a few months, voters need to be assured that when elections do take place that there will only be one vote for each individual. This means stricter and more systematic monitoring of voter rolls is needed, particularly at the polls. There must also be safeguards in place to ensure that election monitors are not tampering with election results. Many people point to them as a source of polling place fraud, so the process of election monitoring should be rethought.



Two protesters carrying Haitian flags on their heads march during a demonstration against the electoral process in Port-au-Prince, Haiti.

Photo REUTERS

Given the history of repeated coup d'états in Haiti, it is absolutely crucial that President Martelly step down on February 7th, as planned. This would help renew trust in the democratic process and demonstrate a commitment to the peaceful transition of power despite the lack of constitutional guidance for this specific situation. Martelly has made statements indicating that he intends to step down, and fulfilling these promises would be healthy for Haitian democracy. Furthermore, Martelly should not play an active role in the upcoming election, since many point to him and his political party as a source of fraud in the last two elections.

Ultimately, every stage of the new election process needs to be planned by people whose decisions are respected by the Haitian people. Though only two parties have formally contested the election through the legal system there is general consensus among Haitians that the elections were illegitimate. The CEP is the body which has the most authority in the electoral process. Amidst the controversy surrounding the planned Jan 24th elections, the head of the CEP and many of its members resigned. To proceed with the elections, the CEP has to be re-formed and new members must be sworn, trained, and must establish their commitment to democratic elections. The CEP can become a legitimate and transparent body that has the capacity to make independent electoral decisions. To do so it needs to be independent of internal influences as well as external attempts to hijack the electoral process.

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# Other Strategic Notes by Igarapé Institute

**STRATEGIC NOTE 20 - Impact of Perceived Electoral Fraud on Haitian Voter's Beliefs about Democracy**

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# IGARAPÉ INSTITUTE

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The Igarapé Institute is an independent think and do tank devoted to evidence-based policy and action on complex social challenges in Brazil, Latin America, and Africa. The Institute's goal is to stimulate debate, foster connections and trigger action to address security and development. Based in the South, the Igarapé Institute undertakes diagnostics, generates awareness, and designs solutions with public and private partners, often with the use of new technologies. Key areas of focus include citizen security, drug policy and international cooperation. The Institute is based in Rio de Janeiro, with personnel across Brazil, Colombia and Mexico. It is supported by bilateral agencies, foundations, international organizations and private donors.

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