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# Digital Governance and the Rule of Law in Haiti

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**Abstract:** The rule of Law in Haiti is in a dismal situation. In the 2024 rule of Law Index published by the World Justice Project, Haiti ranks 139th out of 142 states. While the world is currently undergoing a digital revolution, Haiti is lagging far behind in this area. It is therefore worth considering how digital technology can contribute to improving the rule of law in the country. This study aims to determine how e-governance can help strengthen the rule of law in the country. This paper highlights the limitations and obstacles in the application of the concepts of e-governance and rule of law in Haiti, while identifying possible solutions. It shows how public administration practices in Haiti do not meet the requirements of these two concepts. Analysis of available data on Haiti shows that the Haitian government can use digital technologies to promote better access to the law for citizens. Indeed, the country does not yet have an official website for publishing legal texts, and until now, apart from a few laws published on the websites of various public institutions, citizens must pay fees to the country's official Journal to access laws in paper format. Furthermore, it has been noted that the country's public and private institutions are not sufficiently exploiting digital technologies to popularize the law and thus help citizens better understand their rights. The country's judicial archives exist mainly in paper format. They must be digitized to strengthen their protection and allow legal professionals to have better access to them. Based on the observation that corruption is a factor hindering the strengthening of the rule of law in Haiti, the article examines how e-governance can contribute to the fight against corruption. In this sense, digital public services can help stem corruption by significantly reducing the opportunities for racketeers to exploit their corruption channels. Haiti therefore has an interest in digitizing its public services as much as possible. Given that the requirements of an open government are far from being met in the country, this paper examines how digital technologies can be used to help the country better comply with them.

**Keywords:** corruption; digitization; electronic governance (e-governance); open government; Rule of Law

## Introduction

Haitian intellectuals widely admit that Haiti missed the industrial revolution. This statement means that the country missed the ideal time for the creation and reception of large companies, even multinational firms. Yet, it seems that the country's elites have learned nothing from this deplorable experience. While the world is currently undergoing a digital revolution, Haiti is lagging far behind in this area. One aspect that can illustrate this lag is electronic governance. Also called e-governance, it is defined as the integration of information and communication technologies (ICT) and digital technologies in the governance of a country<sup>[1]</sup>. In the context of the public sector, e-governance or e-government refers to the use of digital technologies in the functioning of a country's public administration to enable it to deliver public services while respecting the criteria of good governance. In other words, it is about using digital technology to serve good governance. This concept is defined by the World Bank as *a predictable, open, and enlightened policymaking (that is, transparent process); a bureaucracy imbued with a professional ethos; an executive arm of government accountable for its actions; a strong civil society participating in public affairs; and all behaving under the rule of law*<sup>[2]</sup>. In this same vein, the *Office of the United Nations High Commissioner for Human Rights* recognizes the following pillars of Governance: transparency, responsibility, accountability, participation, and responsiveness to the needs of the population<sup>[3]</sup>. Furthermore, it states that good governance can have a positive impact on human rights through the strengthening of democratic institutions, the delivery of public services, the strengthening of the rule of law, and the fight against corruption. *LexisNexis* defines

the Rule of Law as follows: “In its simplest form, the rule of law means that no one is above the law. For the rule of law to be effective, there must be equality under the law, transparency of law, an independent judiciary, and access to legal remedy.” According to the same institution, 57% of the world's population lives outside the protection of the law<sup>[4]</sup>. Haiti is one of the States constituting this percentage. The Rule of Law situation in the country, which was already dismal, has worsened significantly since the assassination of President Jovenel Moïse in 2021. In the Rule of Law Index 2024 published by the *World Justice Project*<sup>[5]</sup>, Haiti is ranked 139th out of 142 States. Regionally, the country is ranked 31st out of 32 countries in Latin America and the Caribbean. The Rule of Law is index number 3 of Sustainable Development Goal number 16 aimed at peace, justice, and strong institutions. With 2030 being the deadline set for achieving the Sustainable Development Goals (SDGs), the international community must work more effectively in this sector in Haiti. Hence the interest in considering how digital technology could help the rule of law in Haiti. The question that then arises seems to take shape in these terms: How can e-governance be used to strengthen the Rule of Law in Haiti? Based on the observation that electronic governance is in an embryonic state in the country, it appears that the Haitian State must use digital technologies to allow citizens to enjoy a better protection of laws (I). Furthermore, given that corruption within the Haitian public institutions has a strong impact on non-compliance with the law, it is also necessary to consider how e-governance can help combat this scourge (II).

### **Digital technology, a tool to enable the Haitian population to better enjoy the protection of the Law**

As already mentioned in the introduction, the rule of law is in a dismal state in Haiti. Given that the latter is a broad concept, considering how digital technology can help strengthen it in the country is a titanic task. Our article therefore cannot claim to be exhaustive. Since the protection of the law is a crucial aspect of the Rule of Law, the focus is on it in this first part of the article. The protection of the law requires that citizens are informed of their rights and can seek redress in the event of a violation. Hence the need to use digital technology to ensure citizens have better access to Law (A) and Justice (B).

#### **Improving Access to Law**

Access to Law refers to the idea that citizens are aware of their rights and obligations; that they are informed about the means to assert their rights and fulfill their obligations<sup>[6]</sup>. Access to Law is in a deplorable state in Haiti and with the help of digital technology many improvements can be made.

For citizens to understand their rights and obligations, laws must be accessible to them. However, the dissemination of these laws within the Haitian legal system leaves much to be desired. Regarding the publication of laws in the traditional format (paper version), the institution that manages the issue, the *State Printing House of Haiti (Presses Nationales d'Haïti)*<sup>[7]</sup>, has never, in our opinion, been able to ensure normal and regular distribution of the official journal of the Republic "*Le Moniteur*" throughout the national territory. Indeed, in practice, public and private institutions and citizens pay fees to the *State Printing House of Haiti (Presses Nationales d'Haïti)* to obtain the paper version of a law<sup>[8]</sup>, even though it is the duty of the State to make laws available to citizens free of charge. This is a requirement for the State that stems from the general principle of law '*ignorance of the law is no excuse*' (*Nemo censetur ignorare legem*). Thus, almost all countries in the world make their laws freely available online. It is therefore scandalous that Haitian citizens must pay a fee to access legal texts in paper format. The digital dissemination of legal texts can help us greatly improve their accessibility. In this sense, Article 11<sup>[9]</sup> of the Decree of January 6, 2016, recognizing the right of every citizen to contact the Public Administration by electronic means, requires that laws be published in paper format and in electronic form on the website of the official journal "*Le Moniteur*". To the extent that in the current practice of the said Journal the delivery of legal texts to citizens is done for a fee, the article should have specified the free public service of digital distribution of laws to avoid ambiguity. The problem of the non-free services provided by the *State Printing House of Haiti (Presses Nationales d'Haïti)* stems from the fact that this institution was created as a commercial public service, so to operate and provide services, the institution must generate its own resources. Such an institution should preferably be created as an administrative public service. It is therefore understandable why it is not rushing to put the texts of laws online for free for citizens, since its operating budget comes partly from fees collected for the issuance of legal texts in paper format. In such a context, despite the provisions of the said article, the Official Journal "*Le Moniteur*" does not yet have a website. It should be noted, however, that some public institutions have put online a set of legal texts based on their areas of intervention and their interests. For example, on the website of the *Ministry of Economy and Finance (Ministère de l'Économie et des Finances or MEF)* (<https://www.mef.gouv.ht>), there are some legal texts relating to public administration and public finance. The website of the *Office of Management and Human Resources (Office de Management et des Ressources Humaines or OMRH)* (<https://www.omrh.gouv.ht/>) contains legal texts relating to public law, particularly those relating to the civil service. However, this is far from sufficient to resolve the problem of the inaccessibility of laws in Haiti. Moreover, the *General*

*Secretariat of the Council of Ministers (Secrétariat Général du Conseil des Ministres)* had begun to publish legal texts on its website, but the latter has been unavailable for several years due to the non-renewal of the hosting plan<sup>[10]</sup>. Furthermore, on the Prime Minister's office website (<https://www.primature.gouv.ht/>), there is a 'legal texts' tab, but when you click on it, it leads to nothing. This clearly demonstrates the Haitian State's lack of concern for the dissemination of the law<sup>[11]</sup>.

In 2011, as part of a project funded by the *International Organization of the Francophonie (OIF)*, the *Canadian International Development Agency (CIDA)* and the *European Union (EU)*, the *National Printing House of Haiti (Presses Nationales d'Haïti)* made a digitization effort by publishing a DVD titled “*Two Centuries of Haitian Legislation*”<sup>[12]</sup>. A first volume containing legal texts dating from 1904 to 2004 was published. A second volume containing laws from 1803 to 1903 was supposed to be published but this never happened. However, this project was not effective in promoting greater accessibility to laws for citizens. Indeed, not only did the second volume never see the light of day; but also, the first volume published in the form of a DVD was not free but was put on sale. Finally, this DVD is no longer on the market today. When it was released in 2011, the *State Printing House of Haiti (Presses Nationales d'Haïti)* considered making the laws published there accessible online through a paid subscription. The European Union, which funded this project to the tune of €150,000, should, in our humble opinion, have requested that the texts be published free of charge online on the website of a public institution. This would have had the advantage of perpetuating this work. At the same time, from a comparative law perspective, it should be noted that most countries are moving towards free online access to legal texts and legal sources in general. Thus, their governments have created websites and mobile applications that systematically publish legal texts. In the French Republic, this is the case with *Légifrance*, for example.

Nowadays, to strengthen the accessibility of the law, countries or federated states recognize law publication sites as official collections of legislation. In Ontario (Canada), On November 30, 2008, a regulation under the *Legislation Act, 2006*, came into effect, making copies of statutes and regulations published on e-Laws (<https://www.ontario.ca/laws>) official copies of the law<sup>[13]</sup>. Either of the following two formats constitute official copies: an on-screen copy of a law or regulation, which is viewed or downloaded from the e-Laws website; or a copy obtained by printing the text of a law or regulation which is displayed on screen or downloaded from the e-Laws website. Haiti seems to be moving in the same direction insofar as the second paragraph of Article 11 of the aforementioned decree provides that the publication of the Official Journal “*Le Moniteur*” on the corresponding electronic site has an official and authentic character, the effects of this publication being governed by Article 1 of the Civil Code and Articles 125 and 125-1 of the Constitution. Such a measure could facilitate access to legal texts in traditional and virtual trials because lawyers and judges could consult the laws online during the trial. However, citizens, litigants and legal professionals cannot enjoy the benefits of the said article because, as we have already noted above, the website mentioned in the said article has not yet been created. Moreover, many parliaments today have websites on which one can find all the legal texts passed by them. The Haitian Parliament has had a website ([leparlementhaitien.info](http://leparlementhaitien.info)) for over 10 years. However, when you go to it and click on the tab that allows you to search for the country's laws, the site only states, “*Please note that this site is under construction. You may not find information by clicking on certain links*”<sup>[14]</sup>. Haiti is therefore lagging far behind in the digital dissemination of laws.

Based on the above considerations, the Haitian government must reform its public service for disseminating legal texts. The *State Printing House of Haiti (Presses Nationales d'Haïti)*, by its nature as a commercial public service, is not an adequate institution to fulfill the function of disseminating legal texts. The Haitian State must create an administrative public service ensuring free digital dissemination, and if necessary, in paper format of all legal texts and official acts issued by the country's authorities. Such a reform would allow the country to improve its compliance with two fundamental requirements of Open Government: publicized laws and government data and the right to information. From a comparative perspective, it should be noted that France has an institution called the *Directorate of Legal and Administrative Information (Direction de l'Information Légale et Administrative or DILA)*. It is a central administration department of the Prime Minister's services, placed under the authority of the Secretary General of the Government. It manages digital projects such as [service-public.fr](http://service-public.fr), [legifrance.gouv.fr](http://legifrance.gouv.fr), and [vie-public.fr](http://vie-public.fr), etc. In addition to posting laws and official documents online, it conducts regular audits to ensure the accessibility of all its websites. Regarding Haiti, while it is true that the *National System of Public Statistics and Informatics (Système National de Statistique et d'Informatique publiques or SyNSIP)*, created by decree in 2020, could do such work, given the specific nature of legal issues, an administrative structure created specifically to manage legal and administrative information would be more effective.

Access to the law is not limited to the availability of laws for citizens. Other sources of law must also be accessible to citizens. Hence the need to digitize all sources of law. Regarding case law, courts and tribunals must publish their

decisions and rulings online. While it is true that the *Superior Court of Auditors and Administrative Disputes (Cour Supérieure des Comptes et du Contentieux Administratif or CSCCA)* does this work on its website, it does so only partially, as only certain rulings are published, and publication is not done systematically and regularly. Furthermore, the Court's current website is no longer operational due to maintenance<sup>[15]</sup>. The *Court of Cassation of Haiti (Cour de Cassation d'Haïti)*, the country's supreme court, does not yet have a website. Currently, a small portion of its rulings are available online through the website of *Juricaf* (the French-language jurisprudence of the Supreme Courts)<sup>[16]</sup>. But this is not enough to solve the problem of accessibility of court decisions for at least two reasons. First, as a sovereign country, it is the responsibility of the Haitian State, more specifically the courts and tribunals, to make all decisions available to citizens. Second, *Juricaf* only publishes decisions transmitted to it by higher courts. It is therefore up to them to provide the data. In the case of the *Haitian Court of Cassation*, it does not regularly provide data to *Juricaf*. Only a small fraction of the rulings published by the Court, namely 121, are listed on the website in question and the most recent ones date back to 2014. However, between this date and 2025, it has issued quite a few rulings. All this leads us to the conclusion that the *Court of Cassation of Haiti*, as well as the Tribunals and Courts in general, must ensure the digital dissemination of their notices, opinions, decisions and rulings. Moreover, Article 10 of the decree of January 6, 2016, recognizing the right of any citizen to address the Public Administration by electronic means authorizes all its entities to have a website.

Regarding the doctrine, since it is a set of studies and opinions of authors expressed in books and scientific articles, we cannot demand that these works be published online for free. However, there are still research groups and institutions that put articles online for free. Moreover, in some countries, to popularize the law, public and private institutions make websites available to the public aimed at explaining legal concepts and principles in a simple and clear manner. This helps citizens better understand their rights and duties. In Haiti, legal doctrine is poor. Jurists publish very few books and articles in paper or digital format. We admit the existence of institutions, especially private ones, that publish articles aimed at popularizing the law<sup>[17]</sup>. There are also television programs or webcasts organized mostly by private institutions or individuals aimed at explaining certain legal concepts to people. Despite this, in our opinion, the popularization of law requires much more effort in Haiti. The Haitian government must be much more involved in this work. The Ministry of Justice, due to its area of intervention, is in an ideal situation to do law popularization online. However, its website (*msjp.gouv.ht*) is no longer functional<sup>[18]</sup> and even when it was, this work was not done. Furthermore, the Haitian government could form partnerships with universities so that they can, through their law schools, create or develop their websites to do Law popularization. For example, the *State University of Haiti (Université d'État d'Haïti or UEH)*, through the *Faculty of Law and Economics (Faculté de Droit et des Sciences Économiques or FDSE)*, could do this but unfortunately the meager budget allocated to it by the Haitian government does not allow it to carry out such work.

Once the digitization of legal sources allows citizens to have better access to them, they will become more aware of their rights. They will therefore be more inclined to seek legal redress in the event of a violation. This will increase the number of complaints received by judicial institutions. Given that the Haitian justice system is slow and difficult to access, this could further aggravate its situation. It is therefore appropriate to consider whether digitizing it can improve its accessibility for citizens.

### **Improving Access to Justice<sup>[19]</sup>**

According to the *National Center for Access to Justice at Fordham Law School*, this concept means that when people encounter life problems that touch the law they will be able to understand and assert their rights in a neutral process pursuant to the fair rule of law and enforce the result<sup>[20]</sup>. Indeed, Citizens' knowledge of their rights and obligations is not enough to consider them fully protected by the law. They must also be able to enjoy their rights and, if necessary, claim them in court. This ability to seek justice is called justiciability. The Republic of Haiti is lagging far behind in this regard. Digital technology can enable the country to make significant improvements in this area.

Legal aid is an important aspect of access to law and justice. The Haitian system in this area lacks effectiveness. While the law of October 10, 2018, creating a national legal aid system established *Legal Assistance Offices (Bureaux d'Assistance Légale or BAL)*, they are not particularly dynamic. They were created under the recommendation and with the technical and financial support of various international institutions as part of projects<sup>[21]</sup>. As a result, once there is no more funding, these offices cannot really work. However, legal assistance is an obligation of the State that should be financed by the budget of the Republic. If the Haitian State had committed to gradually financing the *BAL* until they are fully funded so that they can exist sustainably<sup>[22]</sup>, this commitment remained a pious wish. The *BAL* are, however, headed by a *National Council of Legal Assistance (CNAL)* which should ensure their regular operations. In such conditions, we understand why the Haitian legal assistance system does not have any digital platform to make

Law popularization and receive citizens' complaints to assist them legally. It should also be noted that some *NGO* and other civil society organizations provide legal assistance to vulnerable Haitian citizens thanks to funding from donors. It should be noted, however, that they are forced to stop providing it once the funding stops. It is therefore up to the Haitian State to assume its responsibility to provide legal aid to vulnerable people.

Digital technology is not being used well enough to organize trials in Haiti. While some countries have already begun conducting e-trials after filing complaints online (e-filing), in Haiti, court registries do not have any real digital databases. Worse still, a significant number of the country's courts do not have computers. In this regard, the *National Human Rights Defense Network (Réseau National de Défense des Droits Humains or RNDDH)* states in a 2021 report that 96 out of 144 *Peace Courts (Tribunaux de Paix)*, or 66.6%, do not have computers<sup>[23]</sup>. As part of *USAID's Justice Sector Strengthening Program (PROJUSTICE)*, a database called *Computerized Management of Judicial Cases (Gestion Informatisée des Cas Judiciaires or GICAJ)* was made available to Haitian judicial institutions starting in 2013. It is designed to receive and gather criminal court documents from the country's various jurisdictions<sup>[24]</sup>. It aims to promote better case management and help combat prolonged pretrial detention by facilitating the search and study of cases for the main judicial actors involved. In 2015, during the official launch of this computerized management system, the national director of the project declared: “*The day of October 1 will be unforgettable in the annals of Haitian justice. It will have marked the era of modernity. We would say: the time of old handwritten registers is over, now it's time for technology.*”<sup>[25]</sup> He was wrong. 10 years later, the use of *GICAJ* and digital technologies in general is still struggling to establish itself in Haitian judicial institutions to the point where many legal and justice professionals are unaware of the existence of this computerized management system and continue to use only traditional registers. Several obstacles prevent the systematic use of *GICAJ*: electricity and internet problems, theft of computer equipment from judicial institutions during regular burglaries, fires in their premises, problems with regular maintenance, etc.

Court files are sometimes stolen during burglaries, and sometimes it is impossible to reconstruct them. This promotes impunity for criminals. For example, in October 2020, the assassination file of the President of the Port-au-Prince Bar Association, Mr. Monferrier Dorval, was stolen. Similarly, on the night of October 27 to 28, 2021, yet unidentified individuals entered the courthouse to vandalize the office of the then investigating judge, Garry Orélien, who oversaw the President Jovenel Moïse assassination case<sup>[26]</sup>. An online database in which judges, lawyers, and other legal professionals could exchange court documents<sup>[27]</sup> would have the advantage of ensuring their preservation in the event of fire, natural disaster, vandalization, burglary, etc.

The Port-au-Prince Palace of Justice is now located in an area controlled by armed groups. The same is true of the Court of Cassation. The courts and tribunals have been relocated to unsuitable spaces. The situation regarding access to justice, which was deplorable before the assassination of President Jovenel Moïse and the control of many territorial areas by armed groups, has worsened considerably since his death. Due to the dysfunction of the justice system, citizens tend to turn to forms of popular justice, such as *bwa kale*<sup>[28]</sup>. Citizens are increasingly distrustful of State justice. To preserve, as far as possible, its authority and the culture of respect for the requirements of the rule of law in Haiti, judicial institutions could use digital technologies to promote greater access to justice for Haitian citizens. Like other countries, we should consider providing citizens with an online complaint system (e-filing) accompanied by an online trial platform (e-trial). The *Office for the Protection of the Citizen (Office de la Protection du Citoyen or OPC)* is one of the few public institutions to which a Haitian citizen can file a complaint online if he believes he is the victim of abuse by a public institution<sup>[29]</sup>. However, this commendable effort is not enough to conclude that justice is easily accessible in Haiti. Indeed, the OPC, as Ombudsman, makes recommendations aimed at helping to compensate a victim but it does not render court decisions and, moreover, it has a very specific area of expertise. Consequently, all judicial institutions should create online complaint mechanisms, or even platforms to provide digital judicial services and, where possible, conduct online trials.

It should be noted that even if the country were functioning normally, without a political crisis and with an acceptable level of security and the courts were functioning normally, the need for the possibility of online complaints and trials would be necessary because in any case this would promote better access to justice. This shows that the issue of the digitalization of Justice is of capital importance. However, as illustrated by the *GICAJ* project, political authorities, judicial authorities and legal professionals are not inclined to promote the emergence of digital justice in the country. This can be explained by the fact that it is easier to engage in corrupt practices in the current system without leaving traces<sup>[30]</sup>. However, the digitalization of justice, or at least of judicial archives, can help combat impunity. We therefore assume that corruption within the justice system in Haiti is a major obstacle to its digitalization. The fight against corruption is therefore an essential necessity for the emergence of the rule of law in Haiti. How can digital technology help in such a struggle?

### Digital Governance, an important concept in the fight against corruption

The principles and concepts arising from e-governance are, for the most part, contradictory to corruption and integral to the rule of law. In this regard, it is important to note that digital public services can prevent or at least curb corruption in public institutions (A) and that the use of digital technologies can help the country better comply with the requirements of open government (B).

#### The potential positive impact of digital public services in the fight against corruption

In 2020, as part of its 75th anniversary celebrations, the United Nations recognized that digital technologies can help promote justice and peace around the world and that digital advances can support and accelerate the achievement of each of the 17 *Sustainable Development Goals (SDG)*<sup>[31]</sup>. In Haiti, digital technologies are underutilized by the government. However, Haitian authorities have acknowledged in various statements that they can contribute to good governance in Haiti. In this vein, Haitian authorities have acknowledged in various statements that these can contribute to good governance in Haiti. In this vein, the Prime Minister's Office and other public institutions, with the technical and financial support of certain international partners, have tried several projects aimed at providing digital public services to the population. While it must be recognized that the idea is good, it must also unfortunately be said that often these services for the most part end up disappearing or at least become dysfunctional over time. For example, the *General Directorate of Taxes (Direction Générale des Impôts or DGI)* launched its e-declaration service in 2016<sup>[32]</sup>, i.e. the possibility for taxpayers to pay their taxes on the website <https://dgi.gouv.ht/>. However, at the time of writing this article (2025), this service is not available on the website<sup>[33]</sup>. However, e-declaration can help combat tax corruption. Indeed, it happens that public officials, in complicity with racketeers, charge taxpayers undue fees when paying certain taxes. In the online payment system, this would be practically impossible. In addition, online declaration could facilitate the State to have digital archives in tax matters to better monitor acts of corruption and tax fraud. The reluctance of the country's political and administrative authorities to implement e-declaration can be explained by the fact that some have an interest in maintaining the status quo, which provides a fertile environment for corruption.

An e-government project launched in 2011, called the *Haitian Government Integration Platform (Plateforme d'intégration Gouvernementale d'Haïti or PIGH)*, was implemented in Haiti with technical and financial assistance from the *Inter-American Development Bank (IDB)* and *Microsoft*<sup>[34]</sup>. The goal was to modernize public services and facilitate users' online access to them. Funding for the project ended in 2016. This was a failure, as the platform no longer exists. Also noteworthy is the attempt by the *Third-Party Vehicle Insurance Office (Office d'Assurance Véhicules Contre Tiers or OAVCT)* in 2013 to allow vehicle owners to renew their insurance policies online<sup>[35]</sup>. However, in 2019, the *Digital Observatory in Haiti (Observatoire du numérique en Haïti or ObNH)* noted that the website proposed to provide this service, like many websites of Haitian public institutions, was not reliable<sup>[36]</sup>. The website in question, namely <https://e-oavct.gouv.ht/oavctPortal/> is no longer functional. In addition, the institution has another website which is <https://oavct.gouv.ht/> but the home page displays 'the site will be available soon. Thank you for your patience'<sup>[37]</sup>. We can therefore conclude that the attempt made by *OAVCT* to establish an online payment system to pay for insurance policies has failed. Furthermore, it should be noted the launch on March 31, 2023, of the *DELIDOC* platform which allows citizens to carry out administrative procedures online to have their identity cards and/or passports. This has helped reduce queues at the *National Identification Office (Office National d'Identification or ONI)* and the *Immigration and Emigration Directorate (Direction de l'Immigration et de l'Émigration or DIE)*. However, to this day, users continue to report technical problems with the platform that delay their procedures. Furthermore, during the first days of the platform's launch, racketeers sabotaged immigration offices to prevent public agents from receiving citizens who had completed their initial procedures online and had their *DELIDOC* records<sup>[38]</sup>. This platform can help block fraudsters from operating their corruption circuits. The Haitian government must therefore improve this platform by considering the comments and criticisms made.

To promote its digital transformation, the Haitian State began to modify its institutional architecture under the presidency of René Préval. Indeed, during the HT Summit in May 2008, Prime Minister Jacques Edouard Alexis read a speech for the President saying: "I therefore announce to you, as I have just done for other sectors such as education, sports, justice, the creation of a multi-sectoral working group on information technologies whose mandate will be to produce an agenda of innovative actions intended to boost the new technologies industry in Haiti"<sup>[39]</sup>. A few months later, the president moved from words to actions by adopting the decree of January 5, 2009, creating a *Working Group on Information and Communication Technologies (Groupe de Travail sur les Technologies de l'Information et de la Communication or GTIC)*<sup>[40]</sup>. In the same year, the decree of May 25 on the organization and operation of the Office of Management and Human Resources (*Office de Management et des Ressources Humaines or OMRH*)<sup>[41]</sup>, in its article 13<sup>[42]</sup>, creates within it the *Cell for the Promotion of Electronic Administration (Cellule de promotion de*

*l'Administration Electronique*) and entrusts it with the missions, among others, of providing technical support to institutions on issues relating to electronic administration, designing and coordinating the implementation of tools capable of strengthening the online presence of the Public Administration, designing and ensuring the development of communication systems for better collaboration and better sharing of information within and between institutions, designing and implementing mechanisms for access to administrative information, ensuring the development and application of the public information management system in administrations. The decree of July 9, 2014, established the *Interministerial Committee on Information Technology (Comité Interministériel sur les Technologies de l'Information or CITI)* responsible for the coordination and harmonization of public policies in the field of information technology, the related basic infrastructure and the necessary administrative functionalities, as well as the supervision of the implementation of the guiding principles approved by the Government in this field. It is chaired by the prime minister or a minister designated by him, assisted by certain ministers designated by the said decree<sup>[43]</sup>. According to Article 5, it meets once a month or at extraordinary meetings. The *CITI* has contributed to the development of several laws on e-governance in Haiti. Article 7 of the said decree provides: “*The CITI is assisted by a Technical Secretariat provided by the General Secretariat of the Prime Minister's Office, through its e-Governance Unit.*” While the *OMRH* - a body under the hierarchical authority of the Prime Minister - already had, before the creation of the *CITI*, an electronic governance unit whose mission is to promote the emergence of this concept in the country, the said article creates another electronic governance unit within the General Secretariat of the Prime Minister's Office. This situation may create coordination problems between these two electronic governance structures of the Prime Minister's Office. Furthermore, a decree of June 10, 2020, reorganizes the *Haitian Institute of Statistics and Informatics (Institut Haïtien de Statistique et d'Informatique or IHSI)* and places the *National System of Public Statistics and Informatics (Système National de Statistique et d'Informatique publiques or SyNSIP)* under its control. It is a grouping of a set of national statistical entities and IT entities (IT departments) of all ministries and public bodies responsible, according to Article 5 of the said decree, for developing and deploying the technological services of the said administration in terms of information and public services as well as optimizing technological resources. Article 6 of the same decree specifies that it has a government IT purpose consisting of the implementation of the organizational model for governance of the digital transformation of the State, the facilitation and promotion of e-services of the public administration as well as support for the process of managing the induced changes. Article 24.9 of the said decree states: “*The Directorate for the Coordination of the National System of Statistics and Public Informatics (Direction de Coordination du Système National de Statistique et d'Informatique Publique or DCSyNSIP)*<sup>[44]</sup> is responsible for ensuring the liaison between the *IHSI* and the partner entities of *SyNSIP*. This Directorate disseminates and ensures the application of standards, codes, nomenclatures and statistical techniques. It also ensures, in the field of IT, the implementation of the organizational component of the digital transformation of the State both regarding the appropriate model of electronic governance and about national projects of technological infrastructure and the development of e-services.”

Furthermore, it is up to the *National Council of Statistics and Informatics (Conseil National de Statistique et d'Informatique or CNSI)*<sup>[45]</sup>, under the supervision of the *Ministry of Economy and Finance (Ministère de l'Économie et des Finances or MEF)*, to make recommendations aimed at the development of e-governance and the digital transformation of the Public Administration<sup>[46]</sup>. With the creation of *SyNSIP*, the decree seems to make the *IHSI* the institution par excellence responsible for managing the issue of e-governance and the digital transformation of the Haitian State. However, the *National Council of Telecommunications (Conseil National des Télécommunications or CONATEL)*<sup>[47]</sup> is supposed to play a leading role in this area as well. While it is true that *CONATEL* was specifically designed to regulate and manage telecommunications issues and the laws governing it are outdated<sup>[48]</sup>, it must be admitted that telecommunications constitute an aspect of *ICT*<sup>[49]</sup> and that there is a kind of interpenetration or convergence<sup>[50]</sup> between the two. For example, smartphones and tablets integrate the functions of telephony, television and computer. Thus, the decree of October 12, 1977, granting the monopoly of telecommunications services to *CONATEL*, although outdated, is relevant in some of its articles to regulate *ICT* in Haiti. Furthermore, Article 6 of the law of 14 February 2017<sup>51</sup> on electronic signatures gives *CONATEL* the power to determine the natural or legal persons under private or public law authorized to provide electronic certification services. Noting that the electronic certification service is not effective in Haiti so far<sup>52</sup>, the *Presidential Transitional Council (Conseil Présidentiel de Transition or CPT)* adopted the decree of August 20, 2025 amending the law of February 14, 2017 on electronic signature. Among the changes made by this new decree, the notion of 'electronic certification service' used by article 6 of the said law is replaced by the notion of 'trust service', a concept used within the framework of the European Union. In this context, Article 6 is now worded as follows: “*The National Telecommunications Council (Conseil National de Télécommunications or CONATEL)* is the accreditation and control authority for Haitian and foreign Trust Service Providers. Furthermore, its role in regulating the latter is strengthened. Indeed, while Article 8 of the law of February 14, 2017 had only provided for a power of inspection against them, the new decree modifies the

forementioned article and provides for a power of audit, inspection, control and sanction. An implementing decree completes the said decree. However, knowing that one of the major problems of the Haitian legal system is the non-enforcement of laws, it is very likely that this new decree will not really be applied. Given its recent adoption, it is important to wait and see if it will produce the expected effects. In practice, *CONATEL* is making efforts on cybercrime issues. This is evidenced by a workshop it organized from December 13 to 15 2012 to discuss the issue. It should be noted that the decree of April 30, 2018, setting out the rules relating to the protection of personal data, makes the *Citizen Protector (Protecteur du citoyen)* the guarantor of fundamental freedoms regarding offenses related to the use of *ICT*. We therefore note the existence of several structures within the Public Administration responsible for managing the issue of e-governance and therefore promoting the digital transformation of the country. Among these, it appears after analysis of the legal texts relating to e-governance that *IHSI (SyNSIP)* and *CONATEL* must play a leading role in this matter. This explains the fact that these two institutions work together in the field of e-governance<sup>[53]</sup>. Despite the institutional reforms in the field of electronic administration brought about by various normative documents, the observation is that today the country is still very behind in the use of digital technologies<sup>[54]</sup>. However, the latter can promote the emergence of open government in Haiti, an important element in promoting good governance and the rule of law in the country.

### **The need to improve open government and create a public digital identity system in the country**

The concept of open government, through its content and requirements, can help combat corruption in Haiti. The *World Justice Project* considers that this term implies four requirements for the state: publicized laws and government data, the right to information, civic participation, and complaint mechanisms<sup>[55]</sup>. The Haitian government has much to do to meet these standards. If we take, for example, the requirement to respect citizens' right to information, public administration practices are at odds with this. However, the current trend within the international community is to consider access to public data as a right for citizens and a duty for governments. United Nations Sustainable Development Goal 16 recommends public access to information as a criterion (target) for ensuring accountable and inclusive institutions. In 2011, political leaders from several countries and civil society advocates came together to create an *Open Government Partnership (OGP)*. Currently, 77 countries and 150 local governments are members. The *OGP* is a broad partnership that brings together member states at national and local levels, as well as thousands of civil society organizations<sup>[56]</sup>. Through this partnership, these powerful forces collaborate to develop biennial action plans with concrete measures (commitments) on a wide range of issues. Unfortunately, Haitian institutions have not yet joined this partnership. Civil society organizations and the Haitian State have an interest in joining it. This would have the advantage of allowing the country to have clear commitments aimed at improving transparency in public affairs. As part of such a partnership, we believe that the country could commit to making digital governance effective in the country while setting a deadline for all public institutions and civil society organizations to have websites to share all relevant information on public life with citizens. It is unacceptable that in 2025 several of the country's public institutions do not have websites to inform citizens and provide them with certain services; and often when these Websites exist, essential information and services are missing from most of them. Worse still, some of them become dysfunctional over time for various reasons including non-payment of hosting fees.

Data on the salaries of senior civil servants, the allowances to which they are entitled, decisions taken in the Council of Ministers, public spending, etc. are not clearly and systematically accessible to citizens. This context is conducive to corruption. However, Article 4 of the Decree of January 6, 2016, recognizing the right of any citizen to contact the Public Administration by electronic means, considers access to information and public services by electronic means as a general principle<sup>[57]</sup>. Furthermore, Article 40 of the Haitian Constitution provides that the State is obliged to publicize, through the spoken, written, and televised press, in Creole and French, laws, orders, decrees, international agreements, treaties, conventions, and everything related to national life, except for information relating to national security. Despite the creation of *the SyNSIP* in 2020, all public data is not yet systematically made available to citizens. Like the *Interministerial Digital Directorate (Direction Interministérielle du Numérique DINUM)* in France, the *SyNSIP* should create one or more websites to share public data produced in Haiti with citizens. When they have access to information on public life, they can better evaluate the work of political leaders and thus better choose them during elections. This therefore contributes to strengthening democracy. It should be noted that the said article of the Constitution does not designate digital publication as a means to be used by the State to inform citizens.. However, nowadays, digital publishing is the main channel used by governments to inform citizens. Article 40 of the Constitution must therefore be rewritten to take digital publishing into account. This would have the advantage of imposing a constitutional obligation on the Haitian State to use digital technologies to inform citizens and provide them with services.

Despite the aforementioned legal provisions, there is still a great deal of opacity in public data in Haiti. We hypothesize that this is a choice by political leaders not to communicate information to citizens that will allow them to better evaluate their work, better judge the relevance of state spending, and better identify acts of corruption. As much as citizens are not informed or are poorly informed, they will not be able to defend their rights. If we take, for example, the case of expense allowances granted to senior government officials, they are granted in an opaque manner so that citizens cannot judge their relevance. Moreover, according to many, they constitute a source of corruption. To correct such abuses and promote the emergence of transparency in public affairs, all public data, including those relating to public finances, must be published online<sup>[58]</sup>. Moreover, Article 8-b of the decree of January 6, 2016, recognizing the right of any citizen to contact the Public Administration by electronic means, requires the latter to create a Portal Site through which citizens can, in their dealings with the public administration, access all information and all available services. The Haitian State has taken a first step in this direction because it has been created within the framework of the *Office of Management and Human Resources (OMRH)* an *Administrative Information Center (Centre de Renseignements Administratifs or CRA)* which manages an electronic site called <http://www.servicespublics.gouv.ht/>. This is a project that is part of a perspective of modernization of the Haitian State and promoted jointly by the Prime Minister's Office and the *Ministry of Economy and Finance (Ministère de l'Économie et des Finances or MEF)* and financed by the *Inter-American Development Bank (IDB)*<sup>[59]</sup>. However, since the creation of the said center in 2014, there has been no significant progress. The website only provides preliminary information on a few public institutions, the services they provide, and the steps to access them. The website is neither a platform for sharing information on public life nor a platform providing digital public services. For the information work of the center in question to be relevant, it would have to make all public data available to citizens on the website in question while practicing open data technology. In addition, the portal <http://www.servicespublics.gouv.ht/> must be able to provide a gateway for those who need to access online services. It should also be noted that the *Technology and Digital Directorate of the Ministry of Communication (Direction de Technologie et du Numérique du Ministère de la Communication)* manages the website <https://communication.gouv.ht/> and does a better job of informing citizens than the website mentioned above, managed by the *OMRH*. According to what is displayed on its homepage, the website [communication.gouv.ht](https://communication.gouv.ht/) is a government information system that brings together in a single portal, government news, useful information for citizens and public services<sup>[60]</sup>. This work constitutes an important step but unfortunately it is not really an open data platform containing all public data and the said site does not constitute a means of accessing digital public services. We believe that the Haitian State must embark on the practice of Open Data. This involves the creation of a digital platform in which all public institutions and civil society organizations can share public data about them to facilitate their accessibility and guarantee their reliability<sup>[61]</sup>. Under President Jovenel Moïse, with the support of the *IDB*, the *Center for Facilitation of Investments (Centre de Facilitation des Investissements or CFI)* created an open data platform on economic and commercial matters in October 2017 to facilitate investors needing reliable information on Haiti<sup>[62]</sup>. Although the available data concerned a very specific sector, this was a step in the right direction. However, the web page of this platform (<http://opendata.investhaiti.ht/?lang=fr>) is no longer accessible. Furthermore, the *National Center for Geospatial Information (CNIGS)* manages an open data platform for geospatial matters accessible at <https://haitidata.org/>. This platform is too specialized to meet the needs of making public data available to citizens.

It should be noted, however, that the implementation of e-government in Haiti must be accompanied by measures by the country's authorities to protect the digital identity<sup>[63]</sup> of citizens. From a broader perspective, it is necessary to implement the digital rule of law in the country. While it is true that online public services guarantee better access for users, this is not without drawbacks for them. Examples include identity theft, theft of personal data, online payment fraud, damage to e-reputation, etc. States have therefore taken measures and created institutions to prevent such abuses. Nowadays, several countries have created a public digital identity system with the creation of an electronic identity card. For instance, every person registered in Belgium will be able to request a digital copy of their physical identity card for their smartphone from November 2026<sup>[64]</sup>. The digital version, which will not be mandatory, will be as valid as the physical card. Concerning the French Republic, *France Identité*, a public digital identity service, has the mission of allowing citizens to guarantee their official identity and authenticate themselves online with the same security as the paper identity card. The user can have online access to several public services such as taxes or social security. *FranceConnect* allows secure connection to government services with a unique identity<sup>[65]</sup>. In Morocco, every citizen holding a national electronic identity card has a public digital identity allowing them to simply and securely access online services<sup>[66]</sup>. Regarding the Republic of Haiti, the decree of January 6, 2016 recognizing the right of any citizen to contact the Public Administration by electronic means provides in its article 15: "Citizens may use secure electronic signatures to identify themselves and authenticate their documents. The secure electronic signature must be certified by an electronic certificate issued by a qualified electronic certification service provider." The article 14 of the same decree recognizes that the *National Identification Office (Office National d'Identification*

or *ONI*) has a natural vocation as an electronic certification service provider<sup>[67]</sup>. Once it is qualified by *CONATEL*, it will be able to provide the electronic certification service to citizens holding a national identification card who request it. It is also up to him according to the same article to study the ways and means for the incorporation of the electronic signature in the national identity card of citizens. As a result, *CONATEL*, *IHSI* and *ONI* can intervene in the question of electronic signature. This can therefore result in contradictions in this matter if the 3 institutions do not coordinate their work. Electronic certification, as provided by the decree on electronic signature, delegates to natural and legal persons (public and private) after approval by *CONATEL*, to manage the identity verification (electronic signature) of individuals and institutions. While the electronic certification system established by the decree in question is not even yet effective in Haiti, we believe that it is already outdated as a means of digital identification. Indeed, as we have already noted above, more and more States are establishing a public digital identification system managed directly by the Public Administration. This system is more reliable and can allow the State to have better control over the digital environment and therefore better combat cybercrime. It can also promote the emergence of digital culture in Haiti. In addition, it facilitates secure access for citizens to online services such as the issuance of documents, the payment of taxes, etc. The Haitian State should therefore draw inspiration from countries that are very advanced and efficient in the field of public digital identification to establish it in the country.

### Conclusion

The preceding considerations show us that e-governance, open government, and the Rule of Law are similar concepts in that they refer to common requirements. Compliance with e-government and open government standards are therefore ways to strengthen the Rule of Law. In many countries, electronic governance is so advanced that their public administrations are already using artificial intelligence (AI) to increase the performance of their digital public services. Unfortunately, the concept of e-government is more theoretical than practical in Haiti. As for the concept of open government, it is not really used in public debates in the country. However, the country's media uses the concept of transparency, which, like open government, contains the requirement to inform citizens about public affairs. Furthermore, digital technologies are underutilized within the Haitian public administration. In addition to the corruption mentioned above, several other factors can explain this: the lack of electricity, the lack of telecommunications infrastructure, the gaps in the regulatory framework, the lack of coordination in e-governance projects, etc. This study clearly shows that the Rule of Law in Haiti can be strengthened if the requirements of e-governance are respected. However, we note that political leaders are not making this issue a priority. In such a context, it is up to civil society organizations to exert strong pressure on political authorities to force them to effectively digitize Haitian public institutions. To achieve this, the country's civil society must first be made aware of the great importance of e-governance. How can we raise their awareness?

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[2] World Bank (1994). *Development in practice: Governance – the World's Bank experience*. Report n° 13134, p. vii.

[3] Office of the High Commissioner for Human Rights, *About good governance*, OHCHR and good governance <https://www.ohchr.org/en/good-governance/about-good-governance>

[4] LexisNexis. The rule of law: What is the rule of Law and why is it important? <https://www.lexisnexis.co.uk/about-us/rule-of-law>

[5] World Justice Project (2024), *Haiti Ranks 139 out of 142 in the World Justice Project Rule of Law Index*, [https://worldjusticeproject.org/sites/default/files/documents/Haiti\\_1.pdf](https://worldjusticeproject.org/sites/default/files/documents/Haiti_1.pdf) and <https://worldjusticeproject.org/rule-of-law-index/global>

[6] Departmental Council for Access to Law (Conseil Départemental de l'accès au Droit or CDAD, Alpes de Haute-Provence. *what is access to law?* <https://www.cdad04.fr/>

[7] Ronald Saint-Jean (2022). The National Presses of Haiti and Le Moniteur, two twin sisters, more than 2 centuries old (Les Presses Nationales d'Haïti et le Moniteur, deux soeurs jumelles, vieilles de plus de 2 siècles). *In Le Nouvelliste* <https://lenouvelliste.com/article/235070/les-presses-nationales-dhaiti-et-le-moniteur-deux-soeurs-jumelles-vieilles-de-plus-de-deux-siecles> (The National Presses of Haiti constitute the headquarters of the official newspaper of the Republic “Le Moniteur”)

[8] Pélissier F. (2022). Do you know the role of the National Press of Haiti? (Connaissez-vous le role des Presses Nationales d'Haïti?). *In Ayibopost*. <https://ayibopost.com/connaissez-vous-le-role-des-presses-nationales-dhaiti/>

[9] Article 11 of the said decree: *Whenever publication is required by law or regulations in the Official Journal, publication on the electronic website of the Official Journal “Le Moniteur” will have the same effects as that made in the printed edition. The publication of the Official Journal “Le Moniteur” on the corresponding electronic website has an official and authentic character, the effects of this publication being governed by Article 1 of the Civil Code and Articles 125 and 125-1 of the Constitution.*

[10] Pierre-Louis J. (2021). The inaccessibility of laws in Haiti, an obstacle to democracy (l'inaccessibilité des lois en Haïti, un obstacle à la démocratie). *Village de la Justice*. <https://www.village-justice.com/articles/inaccessibilite-des-lois-haiti-obstacle-democratie,39105.html>

[11] The dissemination of law is a matter of general interest. Hence the creation in several countries of a public service for the dissemination of law. (France: <https://www.legifrance.gouv.fr/>, Canada: <https://laws-lois.justice.gc.ca/eng/>, USA: <https://www.usa.gov/laws-and-regulations>)

[12] Daudier V. (2011). ‘Le Moniteur’ in digital mode (Le Moniteur en mode numérique). *In Le Nouvelliste*. <https://lenouvelliste.com/article/92265/le-moniteur-en-mode-numerique>

[13] Attorney General (2008). e-Laws Becomes an official source of Law. <https://news.ontario.ca/en/release/533/e-laws-becomes-an-official-source-of-law>

[14] We don't know the exact reasons why the website remains in place at this stage. However, we hypothesize that parliamentarians have not followed up on the project. Haitian public institutions often refuse to pay IT specialists or firms working to set up their websites. E-governance projects also sometimes fail after the departure or dismissal of one or more IT specialists.

[15] As part of writing this article, we consulted the website <https://csc.ca.gouv.ht/> on April 19, 2025, its homepage stated: “Website under maintenance”. When we returned to the site on May 12, 2025, judgments, an article on the history of the institution and relevant information had unfortunately disappeared. If this data does not return to the site, we can conclude that the institution is regressing in terms of accessibility of the law (of its judgments). We consulted the institution’s website on May 29, 2025, the site was not accessible (all tabs lead to a page saying ‘file not found’). If it really is maintenance, it should be noted that its duration is problematic because it calls into question the right of access of citizens to the public data of the said Court.

[16] *JURICAF* is a project of *AHJUCAF*, the Association of French-speaking Supreme Judicial Courts, initially carried out in partnership with the *Laboratory of Normology, Linguistics and Computer Science of Law of University of Paris I (Laboratoire Normologie, Linguistique et Informatique du droit de l'Université Paris I)*, with the support of the *International Organization of La Francophonie*. *AHJUCAF* has decided to provide legal professionals and citizens of the French-speaking judicial area with a case law database allowing free access to court decisions written or translated into French. The dissemination of French-speaking law thus strengthens the rule of law and democracy. Source: <https://juricaf.org/static/apropos>

[17] We can cite the example of the newspaper *Le Nouvelliste* which popularizes the law through the column 'Legal Parenthesis' (*Parenthèse juridique*) resulting from a partnership between the newspaper in question and the firm *Patrick Laurent et Associés*.

[18] On May 31, 2025, by clicking on the link [mjsp.gouv.ht/](https://mjsp.gouv.ht/), we were redirected to the website <https://mjsp.crossmedias.co/> serving as the official website of the Ministry of Justice and Public Security. This is a demo website that is not professional at all and most of the tabs return the message "404 an error has occurred". The height of the lack of professionalism of this site is manifested by the contact email displayed to write to the Ministry which is not even a professional email ([ministerejustice509@gmail.com](mailto:ministerejustice509@gmail.com))

[19] We recognize that the concept of 'access to justice' is an aspect of the concept of 'aspect of law', which we believe is broader. Indeed, some authors use the two terms interchangeably. However, for the sake of clarity, we address access to justice separately.

[20] *NCAJ* (2023). What is Access to Justice? <https://ncaj.org/what-access-justice>

[21] *MINUJUSTH* (2018). Legal Assistance: *MINUJUSTH* supports the opening of two offices at the Port-Au-Prince Court. <https://minujsth.unmissions.org/assistance-1%C3%A9gale-la-minujsth-soutient-1%E2%80%99ouverture-de-deux-bureaux-au-tribunal-de-port-au-prince>

-*UNDP* Haiti (2021). Official launch of the first Legal Assistance Offices (Bureaux d'Assistance Légales or BAL) in Petit-Goâve and Les Cayes. <https://www.undp.org/fr/haiti/communiqués/lancement-officiel-des-premiers-bureaux-d-assistance-legale-bal-de-petit-goave-et-des-cayes>

[22] ReliefWeb (2009). Haiti: The BAL - a public justice service. <https://reliefweb.int/report/haiti/ha%C3%AFTi-le-bal-un-service-public-de-justice>

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[24] Derat D. (2022). The problems hampering the digitization of the justice system in Haiti. In *Ayibopost*. <https://ayibopost.com/the-problems-hampering-the-digitization-of-the-justice-system-in-haiti/>

[25] Fleury J. R. (2015). Official launch of the computerized judicial case management system (GICAJ). In *Le Nouvelliste*. <https://lenouvelliste.com/article/150583/lancement-officiel-du-systeme-de-gestion-informatise-des-cas-judiciaires-gicaj>

[26] Adely M. (2022). Can stolen court records really be "reconstructed"? In *Ayibopost*. <https://ayibopost.com/les-dossiers-de-justice-voles-peuvent-ils-reellement-etre-reconstitues/>

[27] It would not be accessible to the public but to legal and justice professionals in the context of the cases they handle.

[28] A mob justice system that emerged in response to the rise of gangs in Haiti. Gang members or people suspected of having ties to them are executed by citizens or members of police brigades. Innocent people are sometimes victims of this system because police brigades do not use rational methods of proof to verify the affiliation of the accused to the gang in question.

[29] The link <https://opcht.com/plainte/formulaire> (accessed April 17, 2025) leads to a form for filing a complaint. However, we have not verified whether complaints received online are processed by the institution and the processing time for this.

[30] Political authorities who have committed acts of corruption or crimes have a habit of sending people to steal or make disappear legal files implicating them. It would be more difficult to make digital files disappear.

[31] UN (2020). The impact of digital technologies. <https://www.un.org/en/un75/impact-digital-technologies>

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- [32] Joachim D. (2016). Haiti, pay your taxes online. <https://lenouvelliste.com/article/154578/haiti-payer-ses-impots-en-ligne>
- [33] When we visited the website <https://dgi.gouv.ht/> on May 18 and June 2, 2025, the message "maintenance mode, site will be available soon" was displayed. We visited it on June 13, 2025, the e-declaration service was still not available.
- [34] Albert H. A. (2019). Where has the e-governance project gone? In *Ayibopost*, <https://ayibopost.com/ou-est-passe-le-projet-e-gouvernance/>
- [35] Lambert D. (2013). Renew your insurance policy in one click. In *Le Nouvelliste*. <https://lenouvelliste.com/article/119778/renouveler-votre-police-dassurance-en-un-clic>
- [36] ObNH (2019). The ObNH advises against any online transactions via this government website. <https://www.obsnumerique.org/presse/communiqués/lobnh-deconseille-toute-transaction-en-ligne-via-ce-site-web-gouvernemental%EF%BB%BF/>
- [37] We consulted the site in question on May 15 and June 2, 2025
- [38] According to one interviewee, these racketeers were charging people who needed a passport between 50,000 and 60,000 gourdes in undue fees. See the article: Zéphir D. (2023). Racketeers oppose the DELIDOC platform, the ordeal continues for passport applicants. In *Gazette Haiti*. <https://gazettehaiti.com/index.php/node/9753> , and the article: Bertrand R. (2023). *DELIDOC*, the bet is not won. In *Haiti24*. <https://haiti24.net/delidoc-le-pari-nest-pas-encore-gagne>
- [39] Noël J. M. R. (2008). Information Technology in Haiti: When Will Concrete Measures Be Made to Turn Words into Action? In *AlterPresse*. <https://www.alterpresse.org/spip.php?article7719>
- [40] Subsequently, there will be the decree of January 6, 2010, for the renewal of the mandate of the Working Group on Information and Communication Technologies (GTIC)
- [41] This is an organization attached to the Prime Minister's Office.
- [42] Article 13 of the said decree: "The Electronic Administration Promotion Unit is responsible for: 13.1- developing and proposing a public information management system; 13.2- ensuring the development and application of the public information management system in administrations; 13.3- contributing to the re-engineering of existing administrative processes and procedures in collaboration with the Organization and Method Unit; 13.4- designing and proposing training activities to accelerate the process of integrating new information and communication technologies (ICT) in the Public Administration; 13.5- designing and ensuring the development of communication systems for better collaboration and better sharing of information within and between institutions; 13.6- providing technical support to institutions on issues relating to electronic administration; 13.7- designing and coordinating the implementation of tools capable of strengthening the online presence of the Public Administration; 13.8- putting the electronic directory online of the Haitian Public Administration; 13.9- design and ensure the online publication of forms, administrative and transactional formalities of the public administration in order to simplify and streamline administrative procedures; 13.10 - design and implement mechanisms for access to administrative information; 13.11- propose and conduct studies aimed at simplifying and streamlining administrative procedures through ICT; 13.12- make all recommendations relating to legislative and regulatory measures to facilitate the use of ICT, the use of electronic documents, electronic administrative acts in the Public Administration."
- [43] Article 3 of the said decree: "The CITI is chaired by the Prime Minister or by a Minister designated for this purpose. It is made up of: 1. The Minister of Public Works, Transport and Communications; 2. The Minister of Communication; 3. The Minister of National Education and Vocational Training; 4. The Minister of Justice and Public Security; 5. The Minister of the Interior and Local Authorities; 6. The Minister of Economy and Finance; and 7. The Minister of Trade and Industry." Article 4: "In order to accomplish its mission, the CITI has the following responsibilities: 1. 3 Ensure the coordination and monitoring of public policies in the field of information technologies; 2. Make proposals on

government policy in the field of information technologies; 3. 4. Propose the national strategy and roadmap for the implementation of government policy in the field of information technologies; Take measures and actions intended for the implementation of information technologies in relations between the Administration and the citizens and between the citizens [...]” Article 5: “The CITI meets once every three months or, in extraordinary circumstances, if necessary, upon convocation by its President or at the request of the Technical Secretariat. The decisions taken by the CITI are recorded in a register kept for this purpose and are binding on the Ministries concerned, which ensure their implementation.”

[44] It is a permanent structure, unlike the CITI or the CNSI, which are ad hoc structures that meet periodically. In this sense, it must ensure the administrative monitoring of the policies and strategies defined by the ad hoc structures.

[45] It is composed of a group of directors general from several Ministries. We deplore the fact that Article 13 of the decree in question does not include the Director General of the OMRH among the members of the CNSI, even though this institution is supposed to play an important role in e-governance. This same remark could also apply to the Secretary General of the Prime Minister's Office and the Director General of the Ministry of Communication. However, since The Secretary General of the Prime Minister's Office has the rank of Minister, he could sit on the Administrative Council of the IHSI - the strategic body par excellence of the institution.

[46] Article 12 of the decree of June 10, 2020, creating the national system of public statistics and information technology (SyNSIP); reforming the National Council of Statistics and Information Technology (CNSI) and reorganizing the Haitian Institute of Statistics and Information Technology (IHSI).

[47] Organization under the supervision of the Ministry of Public Works, Transport and Communications

[48] It is necessary to cite the decree of September 27, 1969 creating CONATEL and the decree of October 12, 1977 granting the monopoly of telecommunications services to CONATEL.

[49] Telecommunications is a subset of ICT. Telecommunications involve the transmission of information, while ICT involves the storage and processing of information. ICT encompasses not only telecommunications technologies such as telephones, radio, television, satellites, and the Internet; but also, all other technologies used to create, store, process, and communicate information, such as computers, software, databases, emails, websites, etc.

[50] The term refers to the fact that, through digitization and compression, we can combine and integrate previously separate technologies such as telecommunications, media and computing. A single network or device can therefore handle different types of communication.

[51] This law was adopted to replace the decree of January 9, 2015 on electronic signatures. It simply reproduces the same articles of said decree with the same numbering.

[52] Electronic certification is not yet effective in Haiti. *CONATEL* and *IHSI* are making efforts to make it so. See the article: Rezo Nòdwès (2024). Haiti – Electronic signature: Conatel and IHSI want to adapt the law of evidence to new technologies <https://reznodwes.com/?p=340067>

[53] A *CONATEL - Haitian Institute of Statistics and Informatics (IHSI)* working group was created in July 2023 to work on the issues of Electronic Signature, Cybersecurity and Electronic Commerce. See the article: Haïti Libre (2024). *Telecommunications: Review of the first year of the Director General of CONATEL* <https://www.haitilibre.com/article-41668-haiti-telecommunication-bilan-de-la-premiere-annee-du-directeur-general-du-conatel.html> and the article : *CONATEL. Launch of the CONATEL - IHSI working group on electronic signature, cybersecurity and e-commerce* <https://conatel.gouv.ht/node/556>

[54] Since February/March 2024, gangs have occupied a large part of the capital, Port-au-Prince, and most public institutions have been forced to vacate their premises. This could have prompted the government to provide more public services through digital means. But currently, this is not the case. Most public services have become even slower and less accessible than before because they are provided in even less adequate premises.

[55] World Justice Project. *Open Government around the World*. <https://worldjusticeproject.org/our-work/wjp-rule-law-index/wjp-open-government-index/global-scores-rankings>

[56] Open Government Partnership. *Find out how to join and participate in OGP and how reforms are co-created by reformers inside and outside government*. <https://www.opengovpartnership.org/about/approach/>

[57] Article 4 of the said decree: “*The principle of access to information and public services by electronic means through systems that allow them to be obtained in a secure and understandable manner; universal access is particularly guaranteed regardless of media, channels and environments so that all persons can equally exercise their rights; A Prime Ministerial Order will specify the methods of access for persons with disabilities to information and electronic public services.*”

[58] Exceptionally, public data that could be classified as a 'State secret' because it could compromise the security or strategic interest of the country may not be published.

[59] CRA. Who are we? <http://www.servicespublics.gouv.ht/site/staticContent/typeContent/QUISOMMESNOUS>

[60] The two websites mentioned above do the same job and may require coordination or merger in the future. However, in the current situation, we find that the Ministry of Communication website is more dynamic and efficient, whereas normally, in our opinion, the website of the OMRH – the coordination body of the Prime Minister's office - should, due to its positioning, be in an ideal situation to receive information from all public bodies. (both sites were consulted on May 22, 2025)

[61] For example, <https://search.open.canada.ca/data/> for Canada, <https://data.gouv.ci/> for Ivory Coast <https://www.data.gouv.fr/fr/> for France; <https://data.gov/> for the United States of America, <https://nigeria.opendataforafrica.org/> for Nigeria, <https://senegal.opendataforafrica.org/> for Senegal, <https://southafrica.opendataforafrica.org/> for South Africa, etc.

[62] Haiti Libre (2017). Haiti - Economy: "Haiti Open Data" a small revolution in the country. <https://www.haitilibre.com/article-22468-haiti-economie-haiti-open-data-une-petite-revolution-au-pays.html>.

[63] It is defined by many as the set of traces left by an individual on the internet.

[64] Walker L. (2025). People in Belgium can request digital ID cards from November 2026. *In The Brussel Times*. <https://www.brusselstimes.com/1481293/people-in-belgium-can-request-digital-id-cards-from-november-2026>

[66] Kingdom of Morocco. Digital Identity. <https://www.identitenumérique.ma/login.html>

[67] The said article states: “*The National Identification Office has a natural vocation as an electronic certificate on service provider. To this end, it meets all the conditions prescribed by the Implementing Order of the Law on electronic signatures with a view to its qualification by the National Telecommunications Council. Once qualified, it provides its services exclusively to natural persons holding the National Identification Card who request it. It studies ways and means and will implement the financial, technical and human resources for the incorporation of the electronic signature of citizens in the National Identification Card.*”

