

REPUBLIC OF HAITI

(REPUBLIQUE D'HAITI)



BACKGROUND AND LEGAL SYSTEM

LEGAL SYSTEM	Based on the Napoleonic Code of 1804. Other elements of the Haitian code were adopted either directly or with very little modification from the French code.
POLITICAL SYSTEM	Democratic Republic.
HEAD OF STATE	President, elected by popular vote for a five-year term (may not serve consecutive terms)
HEAD OF GOVERNMENT	Prime Minister, appointed by the President, ratified by the National Assembly.
SUBNATIONAL ENTITIES	9 departments. Each department is divided into 27 <i>arrondissements</i> .
TRANSLITERATION SYSTEM	Roman.
LANGUAGES	French, Creole.

CONSTITUTION

ENACTMENT	March 10, 1987.
CITATION FORMAT	CONSTITUTION OF 1987 article <article number>, Moniteur No. <issue number>, <month> <day>, <year>, at <page>. (Previous constitutions are referred to by their respective year; the remaining portion of the citation remains the same.)
<i>Example</i>	CONSTITUTION OF 1987 article 13, Moniteur No. 23, Mar. 10, 1987, at 1.

STATUTES

GOVERNMENT STRUCTURE	The President is elected directly by the population. Ministers are appointed by the President. These ministers form a ministerial council, which advises the President and runs each of the different departments of the government. Members of the Legislative Chamber are elected for six-year terms. Supreme Court justices are appointed for ten-year terms. (Currently this is in theory only. There is currently a transitional government in place following the departure of former President Aristide.)
LEGISLATIVE PROCESS	Both the Legislature and Executive may propose laws, but the Executive has sole authority to propose fiscal laws. The President may veto all or part of any bill. A unanimous vote from the Legislature is required to override the Presidential Veto. (This also is in theory only. The Legislative branch exists, if at all, in name only, following the departure of former President Aristide.)

REPORTER The Haitian Code was adopted directly from the Napoleonic Code. Variations in the code were adopted from almost identical changes in the French Code. Haitian law provides that all legislation is to be published in the official government gazette, *Le Moniteur*, and inserted under the special bulletin, *Bulletin de Lois et Actes*. Unfortunately the *Bulletin de Lois et Actes* has not been published since 1957.

There are private law books that compile selections of these laws by subject, but none seem widely used. The Bar Association of Port-au-Prince publishes a book which classifies laws by subject and cross-references these laws to the *Le Moniteur* issue in which the law is published. *Le Moniteur* is a biweekly publication.

CITATION FORMAT *Moniteur* No. <issue number>, <month> <day>, <year>, at <page number>.

Example *Moniteur* No. 23, Sept. 13, 1996, at 23.

ADMINISTRATIVE REGULATIONS

ADMINISTRATIVE SOURCES The executive branch has the power to promulgate decrees that are them published in the official gazette. According to the 1987 constitution, these laws would have to be approved by the legislative branch. However, the force that these decrees actually have is uncertain. Between 1983 and 1987, these decrees had the force of law without being approved by the legislature. In theory, they now need to be approved by the legislature, but it is unclear if this necessary in practice.

The power to create these decrees extends not only to the President but also to his ministers (heads of the administrative departments). It is necessary that the council of ministers and the President agree for the law to be enforceable. Therefore there is little difference between an administrative rule and laws, as both are equally enforceable.

REPORTER *Le Moniteur*.

CITATION FORMAT Moniteur No. <issue number>, <month> <day>, <year>, at <page number>.

Example Moniteur No. 23, Sept. 13, 1996, at 23.

CASE LAW

JUDICIAL OVERVIEW

The lowest level courts are the Courts of Conciliation; at least one is in each municipality. The next highest level of courts is the Civil Courts. There are 13 Civil Courts. Above these are the four Courts of Appeal. The highest court is the Supreme Court.

Special courts exist for different subject matter and are at the same level as the Civil Courts. The special Courts are as follows: Commercial Courts, Criminal Courts, Labor Courts, Land Courts, Juvenile Courts, and (before the military was disbanded) Military Courts.

A special High Court of Accounts and of Administrative Litigation, with jurisdiction over appeals from the enforcement of certain fiscal laws and appeals of citizens against the state.

(This division of courts exists in theory only. Most courthouses were destroyed during the first attempt to overthrow former President Aristide, and have yet to be rebuilt.)

HAITIAN CASE LAW

The Supreme Court previously published opinions in the *Bulletin des Arrêts de la Cour de Cassation*. However, this publication was discontinued in the mid-1980's. Currently, the only way to obtain Court decisions is from the clerk of the court in question, with the exception of those published in secondary sources.

DOCTRINE

Haitian law is very similar to French law. It is therefore proper to cite *French Jurisconsults*. (For citation forms, see "France.")

SOURCES

Le Juriste Haitien, <http://www.juriste.ht.st>.

[Kenneth R. Redden](#) & [William E. Brock](#), *Haiti* in MODERN LEGAL SYSTEMS CYCLOPEDIA, vol. 7, ch. 9, (Buffalo, N.Y., 1989).

CIA Factbook – Haiti, <https://www.cia.gov/cia/publications/factbook/geos/ha.html>.

Foreign Law; Current Source of Codes and Legislation in Jurisdictions and Legislation, Vol. 1A, Thomas H. Reynolds, Arturo A. Flores. (1997).

Embassy of the Republic of Haiti in Washington, D.C., <http://www.haiti.org>.

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