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Human Rights Council takes up situation of human rights in Cambodia, Haiti and Somalia

Speakers Call for an End to Country Specific Mandates, Independent Expert on Situation in Haiti Receives Wide Praise

The Human Rights Council took up the situation of human rights in Cambodia, Haiti and Somalia this afternoon, hearing repeated calls for an end to country specific Special Procedures, but also support for the Independent Expert on the situation in Haiti.

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Louis Joinet, the Independent Expert appointed by the Secretary-General on the situation of human rights in Haiti, said that there had been important changes since the report had been submitted in December, including the return to Constitutional legality with the election of a President and a Parliament without any major irregularities for the first time in the history of Haiti. There had been progress on the reform of the police and of justice, and a process of vetting of the police in general would take place shortly. There had also been progress in the fight against gangs, with efforts made to improve security. There had been a major break-through with regards to drug trafficking, and a number of police officers and judicial police had been arrested.

Speaking as a concerned country, Haiti expressed its gratitude for the work of the Independent Expert and asked that the mandate be extended. Since coming into power, the Government had set itself the goals of fighting poverty and strengthening of the rule of law, through the reform of the judiciary system, among others. In parallel, the Government was actively working to implement policies for the protection of human rights, and to improve the status of women. A plan of action on security had been adopted and, these days, peace had almost returned to the streets. The Government was also stepping up its activities for national and foreign investments to fight poverty.

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During the interactive dialogues on the situation of human rights in Cambodia, Haiti and Somalia, several speakers criticized the country specific mandates, saying that they did not promote human rights, and had a negative effect on the country concerned. However, others pointed to the apparent success of the dialogue between the Haitian Government

and the Independent Expert on the situation of human rights in that country. In that regard, Algeria wondered if the Council could think of a constructive way of expressing appreciation to mandate holders who were able to engender dialogue.

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Speaking in the interactive dialogue on the situation of human rights in Haiti were Representatives of Canada, Germany on behalf of the European Union, Luxembourg, Algeria, the United States, Chile and Brazil.

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At the end of the meeting, the following non-governmental organizations made statements on the country specific reports presented during the day: National Commission of Human Rights of France; Asia Pacific Forum; Centrist Democratic International; Amnesty International; Human Rights Watch; International Federation for Human Rights; World Federation of Trade Unions; Asian Legal Resource Centre; Centre Europe – Tiers Monde; Indian Council of South America; International Helsinki Federation for Human Rights; and Comision juridica para el autodesarrollo de los pueblos originarios andinos.

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Report on the Situation of Human Rights in Haiti

The Council has before it the report on the situation of human rights in Haiti (A/HRC/4/3), prepared by the Independent Expert, Louis Joinet, who says there has been an undeniable return to constitutional legality in Haiti, but there remains a long way to go to achieve a consolidated State based on the rule of law. The chronic malfunctions of the State – and their impact on human rights – must be reduced as a matter of priority in the areas of the police, the judicial system, prisons and in efforts to combat the impunity of perpetrators of particularly serious crimes which, at the end of 2006, took the form, in addition to drug trafficking, of waves of murders and kidnappings for ransom. In order to achieve this, it is necessary to strengthen, through vetting, the police and justice services, and to launch an ambitious plan of action to reform the judicial system. Following joint operations conducted by the Haitian National Police and the UN Stabilization Mission in Haiti (MINUSTAH), a decline in this type of crime seems to have begun. However, certain milieus are in favour of restoring capital punishment or re-establishing the army instead of giving priority to the sustainable creation of a professional and democratic police force. This is why it is important that Parliament adopt the judiciary regulations, establish the Supreme Council of Justice, reform the Judicial Training College and undertake the constantly postponed reform of the Institute of Forensic Medicine. The Independent Expert stresses the importance of the reform and activation of the Office of the Ombudsman in order to enable it to take over the functions of the MINUSTAH Human Rights Section when that Mission's mandate comes to an end. Major progress also remains to be achieved in efforts to prevent violence against women (including

criminalization of rape and the elimination of extenuating circumstances in cases where a wife is murdered by her husband) and with regard to civil status (admissibility of paternity proceedings, regulation of the status of concubines (plaçage) and domestic work, and preparation of a family planning programme).

Introduction of the Report on the Situation of Human Rights in Haiti

LOUIS JOINET, Independent Expert appointed by the Secretary-General on the situation of human rights in Haiti, said that there had been important changes since the report had been submitted in December, including the return to Constitutional legality with the election of a President and a Parliament without any major irregularities for the first time in the history of Haiti. This update was very important in the discussion on Special Procedures. His mandate included two facets: monitoring, and cooperation. Progress had been made in the country in those regards.

The Independent Expert had made a list of all the recommendations he had made since the beginning of the mandate, and had noted that there had been progress in many fields. There had been progress on the reform of the police and of justice, and a process of vetting of the police in general would take place shortly. There had also been progress in the fight against gangs, with efforts made to improve security.

With regard to the reform of justice, there were three initiatives which had followed the recommendations that had been made. There had also been coordination between police bodies on the international level. There had been a major break-through with regards to drug trafficking, and a number of police officers and judicial police had been arrested, Mr. Joinet concluded.

Statement by Concerned Country

JEAN-CLAUDE PIERRE (Haiti), speaking as a concerned country, expressed the gratitude of the Haitian Government for the work and the recommendations of the Independent Expert. He had been continuously observing the evolution of the human rights situation in the country, and had produced results that were all relevant. Since it took power, the Government had set itself the goals of fighting poverty, and strengthening of the rule of law, through the reform of the judiciary system, among others. In parallel, the Government was actively working to implement policies for the protection of human rights and the improvement of the status of women. With regard to the protection of the rights of the child, Parliament had ratified two conventions of the International Labour Organization. The Government believed that the rule of law and good governance went hand in hand.

The Government was firmly struggling against corruption as well, Haiti stressed. A plan of action on security had been adopted and, these days, peace had almost returned to the streets. The Government was also stepping up its activities for national and foreign investments to fight poverty. Wherever there was poverty, democracy and the rule of law were jeopardized. The international community must pay important attention to the

social, economic and cultural rights and to the right to development. Haiti more than ever needed justice, peace and solid institutions of civil, political and economic rights. Haiti asked that the mandate of the Independent Expert be prolonged.

Interactive Dialogue on the Situation of Human Rights in Haiti

PAUL MEYER (Canada) said there were weaknesses in the justice and prison systems in Haiti, and those should be priority areas. Canada wanted to see reform of those areas, and also within the police force. It would be useful to know the Special Representative's position concerning the challenges that Haiti would have to face in that regard.

ANKE KONRAD (Germany), speaking on behalf of the European Union , said that the Independent Expert had been able to develop a constructive relationship with the Haitian authorities, and that had helped with the overall situation. The Independent Expert had mentioned that advances could be compromised by the inability of the police to maintain security, and he was asked to clarify that issue, as well as the implementation of certain recommendations linked to it. Had those recommendations been followed by the Government or Parliament, and how had support by the international community been manifested?

JEAN FEYDER (Luxembourg) said that Luxembourg aligned itself with the statement made by Germany on behalf of the European Union regarding Haiti. Luxembourg thanked the Independent Expert for his support of Haiti's journey down the difficult path to democracy. However, in view of the dire poverty in Haiti, Luxembourg wished to draw attention to the grave problem caused by the economic liberalization of the country, as had been noted in reports by non-governmental organizations. In the 1990s, the International Monetary Fund and the World Bank had invited Haiti to take measures to liberalize its trade. Today, Haiti had one of the most liberalized economies. The case of rice was perhaps the most emblematic of that situation, with tariffs on rice falling from 50 per cent to just 3 per cent in a couple of months. The price of imported rice had fallen drastically, leading to the destruction of local cultivation to the detriment of local farmers. The same thing had happened in the textile and shoe industries. Luxembourg hoped that an examination of the impact of such policies on the situation in the country would be included in future reports.

IDRISS JAZAIRY (Algeria) said that there had been a wide variety of reports by Special Rapporteurs – some harmonious, others antagonistic. It would be necessary for the Council to give a premium to those Experts who were able to engage best in dialogue. Could the Council think of a constructive way of expressing appreciation to mandate holders who were able to engender dialogue? The Haitian situation was a case in point. The idea of an embargo was not the best way of ensuring human rights. Those who were able to propose more creative solutions should be recognized.

JAN LEVIN (United States) said the Independent Expert should be commended for providing a detailed overview of the situation of human rights in Haiti. Haiti's restoration of democratic institutions was a significant achievement, and the elections had been free

and fair. Stabilization had proceeded under relatively calm conditions, but much remained to be done with regard to the establishment of the rule of law. The United States continued to provide funding towards training the Haitian police. The United States welcomed the anti-gang efforts of the police, with the arrest of over 700 gang members, including several important gang leaders, with an important increase in public confidence. However, confidence in the judiciary remained a concern, as did the situation in Haiti's penal facilities. Haiti needed to continue to progress to achieve a situation in which the rule of law would prevail.

EDUARDO CHIHUALIAF (Chile) thanked the Independent Expert for his presentation. The progress in Haiti had been a result of important institutional reforms carried out by the Haitian authorities with the help of the international community. However, one could see that there were still practices incompatible with human rights. The Haitian Government should address that situation. Worthy of note was a national plan for the prevention of violence against women. Economic aid was important to solve the problems that remained.

Chile was heavily committed to the construction of peace and stability in Haiti, and the Chilean Congress had therefore renewed the contracts of 600 Chilean peacekeepers there. Chile shared the view of the Independent Expert that there was no need to re-institute the penalty of capital punishment to deal with the situation. Chile asked if the Independent Expert had any information regarding the enforcement of the implementation of the priority reform plan.

SERGIO ABREU E LIMA FLORENCIO (Brazil) said the report by the Independent Expert on the situation of human rights in Haiti had shown the importance of information gathered from social organizations and the United Nations Stabilization Mission in Haiti (MINUSTAH). MINUSTAH, in which Brazil had participated, had ensured a return to constitutional legality. Brazil's role extended also to technical cooperation and social programmes. Continued international support was also needed. Deteriorating relations between the police and the judicial system could be an obstacle to the positive outcome of the crisis. A democratic and effective police force was vital and efforts should concentrate on training of police officers and the fight against corruption.

Concluding Remarks by the Independent Expert on the Situation of Human Rights in Haiti

LOUIS JOINET, Independent Expert on the situation of human rights in Haiti , responding to the interactive dialogue, said, with regard to the vetting operations for the police and justice services, that was something he had not really gone into. It was a difficult matter, as it was not enough just to clean up the police. The problem was that the rate of corruption was such that many judges, magistrates and police officers should be suspended. However, if all were to be imprisoned, progress would be jeopardized. There was no forensic laboratory in the country, as chemicals were out of date and the laboratory had been vandalized, and that was also a problem. With regard to the state of the prisons, the Independent Expert had visited one, and it was a case of human bodies

stacked upon each other like worms on a clod of earth. Once there could be a reabsorption of those in pre-trial detention, then there should be an improvement of the situation.

In his plan for development, the President of Haiti had given priority to security and to sustainable development. In order to fight against poverty, investors needed to be attracted, and security was important in that regard. With regard to women, there were many issues being dealt with by the Parliamentary Assembly. The magistracy needed to be cleaned up, but their statute needed to be clarified first. Things were progressing very well, but Mr. Joinet said he could not go into further detail due to the lack of time.

In the past there had been a certain level of mistrust between the Independent Expert and the Government, but that had changed. Things were improving also with regard to cooperation between the Government and the inhabitants of the country with United Nations organizations and civil society organizations.

Right of Reply

JEAN-CLAUDE PIERRE (Haiti) said every report produced by the Independent Expert had provided a working tool for the Haitian authorities and society. Haiti wished to thank its partners and assistance from Canada, Germany, Luxembourg, Algeria, the United States, Chile, Brazil and others.

Report of the Independent Expert on the Situation of Human Rights in Somalia

The Council has before it the note by the Secretariat on the report of the independent expert appointed by the Secretary-General on the situation of human rights in Somalia, Ghanim Alnajjar (A/HRC/5/2), which explains that, owing to the security situation in Somalia, the independent expert has been unable to undertake his mission to Somalia, and is therefore unable to submit a report to the fifth session of the Council. The independent expert intends to give the Council an oral update on the situation of human rights in Somalia during his interactive dialogue with the Member States.