

# **Human Rights Council discusses human rights situation in Haiti**

AFTERNOON

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## **Council Also Holds General Debate on Technical Assistance and Capacity Building**

The Human Rights Council this afternoon discussed the situation of human rights in Haiti, hearing from the Deputy High Commissioner for Human Rights, the Independent Expert on the situation of human rights in Haiti and the Special Rapporteur on contemporary forms of slavery on behalf of Special Procedure Mandate Holders. The Council also held an interactive dialogue on Haiti, followed by a general debate on its agenda item on technical assistance and capacity building.

Kyung-Wha Kang, United Nations Deputy High Commissioner for Human Rights, said the protection and promotion of human rights was above all a State's responsibility, but it was also increasingly a cooperative global effort in the face of today's daunting challenges such as poverty, impunity, democratic deficits, exclusion, violence and discrimination. Weak State institutions were one of the challenges Haiti faced well before the earthquake struck; the State was further weakened by the heavy losses, both in terms of personnel and infrastructure, as a result of the earthquake. The reconstruction efforts in Haiti must be based on the respect and promotion of all human rights.

The Independent Expert on the situation of human rights in Haiti, Michael Forst, said Haiti was living through a crisis without precedent, in a country already hit by extreme poverty and a State that was still fragile, both of which had amplified the disaster caused by the earthquake. Mr. Forst said the scale of needs, the confusion that reigned in camps between displaced persons and persons living in extreme poverty, and the delays in the identification of terrains and the difficulties related to property rights, had only led to further delays in the installation of displaced persons in shelters or permanent structures.

The Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shahinian, speaking on behalf of the Special Procedure mandate holders, said that beyond grappling with the direct effect of this disaster, many Haitians continued to face human rights violations and abuses that were rooted in the long-standing lack of capacity, commitment and awareness. More than half a million people had been displaced to other parts of the country and they, and the families hosting them, were often forgotten and needed more support. Ms. Shahinian expressed concern about violence against women, in particular rape and domestic violence, which were on the rise in camps for internally displaced persons and elsewhere.

Speaking as a concerned country, Haiti said that the priority of the Government in the coming months was to re-establish the justice system and public security

throughout the territory. This included guaranteeing access to justice and security for the affected communities, creating favourable conditions to ensure the administration of justice and public safety and thus the framework for reconstruction, and the consolidation of the rule of law by increasing the numbers of the national police and having better qualified national police.

In the interactive dialogue, speakers stressed the importance of protecting particularly vulnerable groups, including women, children, the elderly and the disabled. Many delegations also noted the need to increase the participation of women in reconstruction efforts in the country as they were traditionally important drivers of the economy in Haiti, but thus far had been excluded from discussions surrounding rebuilding. Speakers pointed out that the earthquake highlighted the structural weaknesses of national institutions in Haiti that were there before the natural disaster, and the Haitian Government, along with the international community, should take this as an opportunity to address those issues including reform of the judiciary, combating corruption, strengthening the rule of law and good governance and re-establishing a professional and well-trained national police force.

Speaking in the interactive dialogue were France, Brazil, the United States, Costa Rica, the European Union, Peru, Canada, Mexico, Senegal, Cuba, Argentina, Japan, Australia, Algeria, the United Kingdom, Uruguay, Norway, Switzerland, Venezuela, Sweden, the Russian Federation, Chile and China.

The following national human rights institutions and non-governmental organizations also took the floor: Comité International de Coordination des Institutions Nationales des Droits de l'Homme, Human Rights Watch, Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco, Save the Children, the European Disability Forum, the International Federation of Human Rights Leagues and Interfaith International.

During the general debate on technical assistance and capacity building, speakers expressed concern about the violence that had erupted in Kyrgyzstan and echoed the calls of the High Commissioner for all involved to show restraint. Speakers welcomed the decision by the Government of Nepal to extend the mandate of the Office of the High Commissioner for Human Rights' office in Nepal, while many speakers expressed alarm about the volatile political situation in Burundi. There was concern that the elections currently taking place in Burundi would be conducted in an atmosphere of politically motivated killings and amid tensions between different political actors. The Office of the High Commissioner for Human Rights was urged to continue to play a pivotal role in helping countries build and strengthen their capacity for good governance and rule of law.

Speaking in the general debate on technical assistance and capacity building were Spain on behalf of the European Union, the United States, Algeria and Denmark. Human Rights Watch, the Asian Forum for Human Rights Development, United Nations Watch, the Cairo Institute for Human Rights Studies, International Educational Development and the World Union of Progressive Judaism were the non-governmental organizations that took the floor during the general debate.

On Thursday, 15 June, the Council will meet at 3 p.m. to begin taking action on draft resolutions and decisions.

## Documents

The Report of the Independent Expert on the situation of human rights in Haiti (A/HRC/14/44) is currently unavailable in English. 6/16/10

Mission to Haiti (A/HRC/14/44/Add.1) is currently unavailable in English. 6/16/10

## Opening Statements

KYUNG-WHA KANG, United Nations Deputy High Commissioner for Human Rights, said the protection and promotion of human rights was above all a State's responsibility, but it was also increasingly a cooperative global effort in the face of today's daunting challenges such as poverty, impunity, democratic deficits, exclusion, violence and discrimination. Weak State institutions were one of the challenges Haiti faced well before the earthquake struck; the State was further weakened by the heavy losses, both in terms of personnel and infrastructure, as a result of the earthquake.

The international community must ensure that the continued strengthening of the Haitian State remained the central aim of action. In this regard, an independent and effective judiciary and a law enforcement apparatus respectful of human rights, together with a reliable national human rights institution, were the pre-conditions for a State to comply with the rule of law. Throughout the years, the different human rights mechanisms, and in particular the Independent Experts on the situation of human rights in Haiti, had made important recommendations to ensure the rule of law in Haiti.

The Deputy High Commissioner emphasized that the reconstruction efforts in Haiti must be based on the respect and promotion of all human rights. The authorities in Haiti, with the support of the international community, must ensure not only that the necessary international cooperation and assistance for Haiti was consistent with human rights standards, but also that human rights considerations were integrated into their design and implementation. Above all, non-discrimination should be ensured. At a minimum, appropriate mechanisms must adequately prioritize the supply of essential levels of food, water, sanitation, education, health and housing for all. A focus on those most in need must be a priority.

The Deputy Commissioner went on to point out that Haitian women had been predominately responsible for meeting the needs of the most vulnerable, including children, the elderly and the disabled. Their displacement in the aftermath of the earthquake exposed them to heightened risks, including sexual violence. It was therefore essential to assist the Government of Haiti to strengthen its national plan of action to eliminate violence against women that included legal measures, service programmes, redress and prevention strategies and encouraged the participation of civil society and local communities.

Children were among the most vulnerable members of society. In this regard, the Deputy High Commissioner could not overstate the importance of immediately ensuring access to education for all children, and rebuilding without delay a quality education system. Education was not only a right in itself; it also enabled the enjoyment of other rights. In situations of emergency, education not only gave a sense of normalcy to children and helped them cope with trauma, it also provided a

vehicle of support to whole communities. Education was an investment in a country's future, and an essential element of State building.

It was a matter of concern that despite calls by the High Commissioner for Human Rights and the High Commissioner for Refugees to suspend deportation for Haitian migrants until the situation in the country returned to normal, deportations from some countries had continued. The earthquake exposed the long-standing core causes of human rights challenges in Haiti. Thus, a human rights framework must be adopted in the reconstruction efforts to improve the living conditions of Haitians and the accountability of the State in developing sustainable systems. Sustained and long-term progress for poverty reduction required large scale social investments that created social and economic opportunities. In this regard, the Office of the High Commissioner for Human Rights recommended using the business and human rights "Protect, Respect and Remedy Framework" as proposed by the Special Representative of the Secretary-General on human rights and transnational corporations and other business enterprises, John Ruggie.

Ultimately, the goal of human rights based development was to empower individuals to take charge of their own lives, claim their rights, and demand accountability for actions taken or omitted. The State and other relevant actors, including private business, must foster and support the necessary conditions for sustainability.

MICHEL FORST, Independent Expert on the situation of human rights in Haiti, said the Council's Special Session in January had permitted the international community to raise the alarm concerning the human rights crisis that had accompanied the humanitarian crisis that Haiti had suffered since 12 January. The country had been living through a crisis without precedent, in a country already hit by extreme poverty and a State that was still fragile, both of which had amplified the disaster caused by the earthquake. Mr. Forst repeated his concern and the necessity to maintain a sense of urgency as within such a humanitarian crisis the infringement and threat to rights remained a very present danger. The international community must be particularly vigilant with respect to the situation of persons with special needs. In fact, internally displaced persons were numbered in hundreds of thousands and had been living in miserable conditions for over five months. The scale of needs, the confusion that reigned in camps between displaced persons and persons living in extreme poverty, and the delays in the identification of terrains and the difficulties related to property rights, had only led to further delays in the installation of displaced persons in shelters or permanent structures.

As for women, they were not only a vulnerable group but it was also upon their shoulders that had fallen the bulk of tasks of day-to-day survival, care of children, and the preparation of meals in the context of food scarcity and the distribution of food. It would therefore be normal that women be closely involved in the different steps of the reconstruction process of the country, which would also do justice and recognise the role they played and would continue to play in ensuring the country's stability. Threats also continued to weigh on children, older persons and persons living with disabilities, or those that had been amputated after the earthquake. Those groups were under the category of "vulnerable persons" and represented hundreds of thousands of Haitian women and men, each of whom had a personal history marked by death, fear, hunger, and more than anything more the quest for survival. Mr. Forst went on to say that the place of human rights in reconstruction had not been sufficiently visible although rights-based approaches had proven themselves in

many contexts. It was first from the Human Rights Council that a strong message had to be addressed to the international community. To place rights at the centre of reconstruction meant to start from the needs of beneficiaries; that reconstruction should aim to restore a sustainable environment that was more equitable and mindful to protect the population from natural risks; and that reconstruction must be fair and aim to reinforce the system of protection of rights and liberties.

GULANRA SHAHINIAN, Special Rapporteur on contemporary forms of slavery, including its causes and consequences, speaking on behalf of the Special Procedures mandate holders of the United Nations Human Rights Council, said that the devastating earthquake that had hit Haiti last January had exacerbated the numerous problems that Haitians had faced for decades: extreme poverty, inequality, instability and a dire economic situation. The Special Procedure mandate holders welcomed the efforts of the Government of Haiti to respond to the humanitarian crisis and initiate a recovery process. The situation in Haiti remained one of the worst humanitarian crises in the world. Beyond grappling with the direct effect of this disaster, many Haitians continued to face human rights violations and abuses that were rooted in the long-standing lack of capacity, commitment and awareness. An estimated one million people were living in makeshift shelters in areas close to the epicentre, and with the arrival of the rainy season conditions had deteriorated. More than half a million people had been displaced to other parts of the country and they and the families hosting them were often forgotten and needed more support. Ms. Shahinian expressed concern about violence against women, in particular rape and domestic violence, which was on the rise in internally displaced persons camps and elsewhere.

The current reconstruction process provided the country with an opportunity to further reform and strengthen the justice sector, remove corrupt elements from the police force and remove obstacles to access to justice for all and particularly women and poorest sectors of society. National food production that had been greatly affected by factors such as tariff reductions over the past decade must be actively encouraged in order to limit Haiti's dependency on international markets and aid. Sustainable investment in agriculture must prioritise ecologically friendly modes of production that prevented soil erosion and contributed towards reforestation. The situation of *restavèk* children had further deteriorated and their numbers had increased as the earthquake left many children orphaned or separated from their families. Extreme poverty in which the majority of Haitians lived must be addressed and investment must be made in social protection, particularly for vulnerable groups such as children, persons with disabilities or the elderly. International solidarity was critical to protect the human rights of Haitians and the Special Procedures mandate holders applauded the many bilateral creditors who forgave Haiti's external debt, welcomed the initiatives to forgive multilateral debt and called on all international creditors to take steps towards cancelling the remaining external debt of Haiti as a matter of urgency. All States should temporarily suspend the deportation of Haitian migrants to their home country, as that would force the victims into a life of immediate peril and deprive the remainder of the population of remittances that were needed more than ever. Rebuilding efforts must be designed and implemented in full consultation with the community and accountability, transparency, justice, equity and non-discrimination must be fully guaranteed throughout the process.

Statement by Concerned Country

JEAN-CLAUDE PIERRE (Haiti), speaking as a concerned country, thanked the Office of the High Commissioner for Human Rights for its support in the recovery of Haiti. Haiti also welcomed the participation of the Special Procedures and thanked the Independent Expert for his report and for the missions he had carried out to Haiti between March 2009 and May 2010. Thanks to the friendly and sincere cooperation of the Haitian authorities, the Independent Expert met with the Haitian President, the Prime Minister and members of the Government and Parliament. The Independent Expert noted the damage in the provinces devastated by the January 12 earthquake. Before the earthquake, significant progress had been made toward civil and political rights. The security situation had been under control, the number of kidnappings had diminished, and the main gang leaders had been arrested. Under the economic plan, agricultural production had improved with an increase in the exportation of textiles in 2009 by approximately 2 per cent, and inflation had decreased by 5 per cent. The earthquake destroyed this progress: more than 220,000 dead; 200,000 injured; almost a million left homeless and half a million displaced; and the collapse of public institutions, including the Presidential Palace, the Ministry of Justice and Police Commission buildings.

Justice officials were also concerned that hundreds of prisoners had escaped in the aftermath of the earthquake and were still at large. The insecurity in camps continued despite increased patrols and there was considerable trafficking of children on the border with the Dominican Republic. The number of people with disabilities had also increased after the quake. Over the next months the Government of Haiti and the international community would work to create jobs, re-house victims, rebuild schools and institutions of higher learning that collapsed and give access to health services, support the agricultural sector, protect vulnerable populations during the next hurricane season and make good the gap in tax receipts for the State and re-launch public administration to restore normality and economic life, including access to credit and the stability of the economic system.

The priority of the Government was to re-establish the justice system and public security throughout the territory. This included guaranteeing access to justice and security for the affected communities, creating favourable conditions to ensure the administration of justice and public safety and thus the framework for reconstruction, the consolidation of the rule of law by increasing the numbers of the national police and having better qualified national police.

#### Interactive Dialogue on Haiti

JEAN-BAPTISTE MATTEI (France) thanked the Independent Expert on the situation of human rights in Haiti for the presentation of his report and repeated that France had trust in him and attached importance to his work. Next September, the Council would need to speak about renewing that mandate and France would work towards achieving that. Mr. Forst's report stressed the vital role of women in recovery and reconstruction, but noted that their role in governing Haiti was still minimal. Could the Independent Expert explain what in his view were the most effective measures allowing such participation of women? The Independent Expert had also highlighted the need to consolidate the rule of law and had made a number of recommendations regarding the police and justice sectors. Given the large scope, it would be useful to define priorities – could the Independent Expert give advice in that regard?

MARIA NAZARETH FARANI AZEVEDO (Brazil) said that the Special Session of the Human Rights Council on Haiti had demonstrated the capacity of the Council to address a human rights situation and to support a country in difficulty. Brazil had conducted a mission in Haiti last March in order to assist the Government to establish a national plan to assist persons with disabilities. Brazil also supported the United Nations Children's Fund in coordination with the Government of Haiti. Children were extremely vulnerable in situations of disasters and their situation must be highlighted, especially in order to protect them from illegal adoption and trafficking. A joint declaration was signed with the International Labour Organization which would hopefully further contribute to the protection of children in Haiti. The mandate on the situation in Haiti had been in existence for over 15 years and now there was an opportunity to start the real work and to maintain the central role of human rights in the reconstruction process in Haiti. There must be an interdependent and indivisible vision of human rights. Brazil had started a project in Geneva of identifying and documenting Haitians and hoped this project would be supported by a number of governments. Brazil said that the independence of the Independent Expert must be used to move the Council forward and to start a new cycle.

JOHN C. MARIZ (United States) said the United States shared the concern of the Independent Expert that the earthquake had negatively impacted respect for human rights in Haiti, and acknowledged that the Haitian Government and the international community must redouble efforts to tackle this problem. The United States had been working with the Government of Haiti and international non-governmental organizations for many years to build institutional capacity to address shortcomings in many of the areas highlighted in the Independent Expert's report. Over the past three years alone they had provided more than \$1 billion in assistance to Haiti to protect human rights and improve food security, foster economic development and strengthen democratic governance. Since the January 12 earthquake, the United States had provided over \$1 billion to assist internally displaced persons and other vulnerable groups, especially women, children, the elderly, the disabled and victims of trafficking, including children in indentured servitude known as restaveks. The United States noted the Independent Expert's comments on corruption and difficulties facing the disabled, and it welcomed the Independent Expert's views on how the Government of Haiti and donors could better address these issues. The United States also welcomed a larger role for women and civil society organizations in democratic governance, and would appreciate an exchange of views on how to increase their participation in the reconstruction efforts.

EUGENIA GUTIERREZ RUIZ (Costa Rica) said Costa Rica welcomed the interactive dialogue between the Council and the Independent Expert on the situation of human rights in Haiti. Before the earthquake, Haiti had been making valuable progress towards ensuring the enjoyment of human rights. The earthquake should be seen as an interruption in that regard, not as a break. During the thirteenth session of the Council Costa Rica had highlighted the need for collective work to strengthen national institutions in Haiti and that priority attention should be given to vulnerable groups, particularly through prevention of violence, particularly sexual violence which had significant effects on rehabilitation, reconstruction and development. Therefore, Costa Rica was particularly pleased to hear the recommendations made by Mr. Forst and called for all measures to be taken to implement those. It also stressed the importance of other recommendations in this context, such as those contained in the report of the Special Rapporteur on the right to education.

JOELLE HIVONNET (European Union) thanked the Independent Expert and the Special Procedure mandate holders on their presentations. During his presentation the Independent Expert on Haiti said that it was necessary to put human rights at the centre of the reconstruction process in Haiti and that it was important to strengthen the national system of protection of human rights. The European Union asked what could be the role of the Office of the High Commissioner for Human Rights for the protection of citizens in this process. The independent Expert particularly stressed the need to combat violence against women, the need to protect children and the internally displaced persons. The European Union shared this concern and was glad that there was a number of Special Procedures and other human rights mechanisms that addressed those issues. Good coordination between the different actors was essential, particularly with a view to guarantee that necessary technical assistance was provided to Haiti. The European Union asked what the role of the Independent Expert could be in this coordination process. The European Union hoped that the mandate of the Independent Expert on Haiti would be renewed this September, in full agreement with the Haitian authorities.

CARLOS SIBILLE (Peru) said it was just a year ago, during the regular session of this Council, that they had welcomed the advances made in Haiti in the area of civil and political rights, particularly in the area of security, as well as the reform process of the political and justice sectors. They also had an opportunity to hear about the progress made in economic, social and cultural rights as well as the strengthening of judicial and institutional capacities. After the terrible earthquake of 12 January, the reality was different. The advances that had been produced had been interrupted. The large loss of life, the injured and displaced, and the destruction of the basic infrastructure of Haiti had created a very precarious situation. The Government and people of Haiti, with the assistance of the international community, had undertaken efforts to deal with this reality and to move forward. The delicate situation now must lead the Government and the international community to guarantee the basic needs of the population. State management must be re-established as that was a prerequisite to any rebuilding efforts and the Human Rights Council must ensure that the process of reconstruction was carried out with respect for all human rights, especially the rights of the most vulnerable groups. It was essential that efforts undertaken should be in conformity with the national priorities established by the Government of Haiti, with input from all stakeholders. The delegation of Peru requested that the Independent Expert go deeper into the earthquake's impact on economic, social and cultural rights in Haiti in future reports.

ALISON LECLAIRE CHRISTIE (Canada) said the progress made by various actors in Haiti in defending human rights was now facing serious obstacles. In fact, the disaster had interrupted progress in many areas, institution building, reform of the security sector, and improving the overall stability of the country, all of which were essential preconditions for a sustainable improvement for the situation of human rights. Canada recognized the importance that reconstruction did not unintentionally strengthen structures that perpetuated inequality, as the Independent Expert had mentioned in his report. Canada supported the Independent Expert's recommendations that aimed to protect the most vulnerable people in these uncertain times, with the situation of people living in camps being of particular concern. Canada also noted that recovery was a long-term process and asked Mr. Forst how the international community could ensure that a human rights perspective was taken into account in that process? Also, how could the international community balance the need to support non-governmental organizations and civil society in Haiti with the need to reinforce capacity-building of Haitian State institutions?



MARIANA OLIVERA (Mexico) reaffirmed Mexico's solidarity with the Haitian people and reaffirmed its determination to cooperate closely with the authorities in order to ensure rapid reconstruction of Haiti. Mexico welcomed the cooperation with the Independent Expert in ensuring the protection of human rights of most vulnerable populations and in integrating the human rights perspective in reconstruction and recovery processes. Mexico agreed with the Independent Expert and the Deputy High Commissioner that the protection of vulnerable groups in Haiti, such as women, children, the disabled and the elderly must be a priority. Mexico had been actively involved in the response to the earthquake, both through bilateral cooperation with the Haitian Government and through civil society. Mexico had taken part in the recent summit on the future of Haiti and had contributed not only to emergency response, but also to durable reconstruction and housing. As a non-permanent member of the Security Council Mexico was ensuring that the mandate of MINUSTHA was adapted to the needs of the Haitian people and that it contained a strong human rights component. Mexico was concerned that the latest United Nations Flash Appeal showed a decrease in contributions from governments. Finally, Mexico asked the opinion of the Independent Expert on the transversal integration of the protection of human rights in all reconstruction efforts in Haiti.

ABDUL WAHAB HAIDARA (Senegal) said Senegal wanted to take this opportunity to pay tribute to the brave men and women of Haiti who had shown such courage and determination in the face of the numerous challenges still confronting their country. The Senegalese delegation wanted to focus their intervention during the interactive dialogue on two points: the situation of women and the protection of human rights within the framework of rebuilding the country. Concerning the situation of women, the Independent Expert mentioned in his report the important role traditionally played by women in a number of sectors of economic life in Haiti and at the same time he indicated that the consequences of the January 12 earthquake were doubly difficult for women. Could he provide specific measures that could be undertaken to allow Haitian women to participate in national reconstruction? At the same time, Senegal shared the view that human rights must be protected during the period of reconstruction, and particular attention must be paid to vulnerable groups, to women, children, the disabled and elderly, but it also seemed useful to think about the effective enjoyment of economic, social and cultural rights of the people of Haiti including in the reconstruction of education and health services. The delegation concluded by reaffirming the solidarity of the people of Senegal with the population of Haiti and ensured their continued support.

JUAN ANTONIO QUINTANILLA (Cuba) said after three centuries of colonialism the international community had an enormous debt to Haiti. Five months had passed now since the tragedy in Haiti which had not left a single human right unaffected. Cuba had recognised very early on that the most important thing was to preserve the right to life. Four hundred Cuban doctors had been in Haiti since 1998 as part of a vast programme of cooperation between Cuba and Haiti, and they had reached 14 million people. Cuba had also immediately decided to provide help in terms of education and setting up an integrated health system that had shown tangible results. The programme included the development of a health system, high-tech hospitals, and electro-medicine workshops. As a consequence of the country's underdevelopment, the right to education and the future of the country was ever more endangered. The international community must provide the necessary assistance to Haiti so it could overcome that situation. Cuba had not left the country alone in that situation and had trained hundreds of students, and many were currently studying in Cuba. Generosity and political will were required.

HECTOR RAUL PELAEZ (Argentina) said that for some years now Argentina had been involved in international cooperation with Haiti, which had been doubled after the devastating earthquake in January this year. Once the critical stage in the response had been over, all States must be firm in cooperation with the Haitian Government, and must integrate a human rights approach in the response. During the Conference of Santo Domingo that had taken place in March, Haiti had requested significant budgetary assistance that would bring the country out of the structural vulnerabilities affecting it. With this objective in mind, Argentina had participated in the Donor Conference in New York and had pledged \$ 16 million that would be used through the Union of South American Nations (UNASUR). At the last UNASUR Summit, a number of countries confirmed they would reorient their activities according to the priorities established by the Government of Haiti, namely basic infrastructure, agriculture and food security, and institutional capacity. The Secretary-General of UNASUR was asked to set up a Technical Secretariat in Port-au-Prince, and this and other efforts would make it possible to extend the efforts in the promotion and protection of human rights of all Haitian population.

EIJI MINEMURA (Japan) said it was clearly shown in the Independent Expert's report that the human rights situation in Haiti, of those who were displaced and forced to live in camps, of those who were vulnerable, especially women, children and the disabled, was still serious. These vulnerable people should be protected from criminal activity, sexual violence, food shortages and disease. It was also noted that security was a precondition for the protection of human rights. For that reason, perpetrators should be brought to justice, and judicial institutions, including the police system, should be reformed. All these human rights related activities should be mainstreamed in the reconstruction efforts in Haiti. The international community continued to show its commitment to Haiti in Montreal, New York and the Dominican Republic earlier this year. Japan announced \$100 million in assistance this March, and had deployed 350 troops to the United Nations Stabilization Mission in Haiti. Japan believed that Haiti should support its people's needs on education, employment, the rule of law and so on. As a country that had survived a series of earthquakes, Japan was willing to support the Haitian people and Government with their experience. Japan asked the Independent Expert what would be the priority for the Haitian Government in protecting the human rights of its people, taking into account the fact that the Government's functions had been severely damaged by the earthquake and therefore its absorption capacity for international aid was still limited.

ROBYN HODGKIN (Australia) said the Independent Expert's report reaffirmed the need for the international community to remain engaged in seeking to improve Haiti's situation. Following the devastating earthquake in Haiti, Australia stood ready as part of the international community to support the reconstruction efforts. The Australian Government had committed over 24 million Australian Dollars in relief efforts. Further, to assist in the efforts of international partners during the immediate aftermath of the earthquake, Australia had provided a small group of emergency Australian Defence Force Air Traffic Controllers and other disaster response specialists. Also, Australia's High Commissioner and non-resident Ambassador to Haiti had visited Haiti earlier this month to discuss the situation on the ground and how reconstruction was progressing. Australia would be interested to hear the views of the Independent Expert on how the international community's involvement was helping to progress reconstruction efforts in Haiti and what were the remaining main challenges?

BOUALEM CHEBIHI (Algeria) said Algeria noted with satisfaction the cooperation between the Government of Haiti, the Independent Expert on Haiti and the Office of the High Commissioner for Human Rights, and said it had already had positive results in the promotion and protection of human rights. Fortunately, thanks to multifaceted international solidarity, lots of progress had been made in emergency assistance and Algeria now called for efforts in reconstruction, particularly in restarting of the Haitian economy. The security situation was very important and the United Nations Stabilization Mission in Haiti (MINUSTAH) played a decisive role in ensuring public order and in facilitating distribution of humanitarian aid. Algeria called upon the international community to guarantee the necessary support to Haiti and said it was important for the Council to renew its engagement and respond to the difficulties in the promotion and protection of human rights in Haiti.

CHRISTOPHER LOMAX (United Kingdom) said the United Kingdom shared the Independent Expert's concern about the need for increased protection of vulnerable groups, such as women and children, and a strengthening of the rule of law. The United Kingdom wanted to stress the particular attention necessary to safeguard women and children from abuse and exploitation, particularly in the camps for internally displaced persons. With that in mind, the United Kingdom noted the planned increase in the number of mandated United Nations police personnel, and it expected an improvement in the level of protection afforded to Haiti's internally displaced persons camps as a result. The United Kingdom was encouraged by the apparent determination of the Haitian Government to stop the illegal movement of children out of Haiti. This problem required constant attention by the authorities. The United Kingdom remained committed to supporting the international reconstruction efforts and a human rights based approach to reconstruction. The United Kingdom welcomed the Independent Expert's assessment of how far a human rights based approach to reconstruction and recovery had already been implemented, whether this addressed wider human rights than the immediate need to guarantee the right to life, and for his views on any practical barriers that had hindered this process.

LAURA DUPUY LASSERRE (Uruguay) said Uruguay had never been indifferent to the challenges Haiti had faced. Since 2004 until today Uruguay had participated in the United Nations Stabilization Mission in Haiti and had been providing humanitarian aid. Uruguay would continue to contribute to the provision of drinking water for Haiti's population and would provide support in kind. Uruguay was of the view that development issues in Haiti should develop first and foremost the strengthening of human resources and the creation of jobs in Haiti, be it through reconstruction work or agricultural projects. Uruguay was open to requests for support in terms of international staff, such as volunteer workers, doctors, agricultural experts, and teaching staff. That had to be coordinated by the Government of Haiti with the support of the United Nations. In those joint efforts, human rights must be at the core of the work.

CLAIRE HUBERT (Norway) said that the Special Session of the Human Rights Council on Haiti had sent a clear and strong message to the international community about the need to take protection and human rights issues fully into account in response to the disaster. Norway commended the Government of Haiti for taking the lead in responding to the crisis under extremely difficult circumstances and encouraged the Government to ensure active involvement of the people of Haiti in the implementation of the action plan for national recovery and development. Norway welcomed the establishment of the Interim Haiti Reconstruction Commission and urged the Commission to fully integrate a human rights and civil protection perspective in fulfilling its mandate. This entailed the protection of people from

physical harm as well as the assurance of minimum living conditions. Norway encouraged the United Nations country team, MINUSTAH and other actors to urgently enhance their coordination in order to meet the protection needs of vulnerable groups. As a concrete measure of support Norway would provide substantial financial support to the MINUSTAH programme to strengthen national police gender crimes units and would contribute more than \$ 100 million over the next years for reconstruction. Finally, Norway called for the establishment of a registry identifying the citizens of Haiti and said it would be instrumental to the realisation of a range of rights and as a means of improving the political and social stability in the country.

NATALIE KOHLI (Switzerland) said that Switzerland's thoughts went out to the victims of this horrible catastrophe, who five months after the earthquake continued to suffer the consequences. The situation was still a concern, but they should take the opportunity of the unprecedented outpouring of solidarity from the international community to address the structural vulnerabilities of this country. Measures taken to protect vulnerable groups such as women and children should not blind them to the need to rebuild the State institutions, restore public order and a functioning penal system. It was imperative that the Office for the Protection of Citizens must play a role as mediator in the protection of the rights of all people. While it was still a priority to ensure physical security it was also essential to give a functioning framework to institutions and decentralized public services. Switzerland asked the Independent Expert which immediate measures could the international community focus on and which specific measures did he recommend to promote alternatives to preventive detention?

FELIX PENA RAMOS (Venezuela) commended the Independent Expert's presentation that highlighted several recommendations, particularly with regards to the most vulnerable groups. The serious humanitarian crisis that faced the Haitian people, although no longer in the headlines, continued to require help from the world. Venezuela remained firm in its commitment; its humanitarian task force had sent thousands of tons of humanitarian aid and the Venezuelan Government had provided some of its most qualified staff to help Haiti in its arduous recovery efforts. Likewise, Venezuela had relieved Haiti of its debts towards Venezuela. Venezuela reiterated its appeal to the international community, and particularly developed countries, to more than ever continue providing humanitarian assistance for Haiti's recovery and reconstruction. The unconditional cancellation of external debts was also essential to ensure that the Haitian people fully enjoyed their human rights.

ANNIKA ABERG (Sweden) said that Haiti was facing major challenges concerning its reconstruction and the Independent Expert had noted that the consequences of the earthquake went beyond the destruction of buildings and infrastructure. As a result of the disaster, the number of persons with disabilities had increased significantly and Sweden asked what was the most challenging task for Haiti with regard to the implementation of strategies to protect already vulnerable groups? Also, how could the international community, together with the Government of Haiti, further act to combat the use of *restavèk* and other forms of child trafficking. Sweden reiterated its strong support for the mandate of the Independent Expert on Haiti and was grateful for the work he had carried out so far.

EVGENY USTINOV (Russian Federation) said the Russian Federation generally agreed with the recommendations and conclusions of the Independent Expert. The Russian

Federation had participated actively to help Haiti overcome the consequences of the earthquake; Russian surgeon teams had worked on the ground, Russian humanitarian assistance during the first phase totalled approximately \$ 5 million, and the Russian Government had adopted a decision to allocate \$ 8 million through various international organizations. The Government continued monitoring the developments in Haiti and noted that they remained, despite some progress, unstable, and that urgent measures were needed to combat crime and improve the human rights situation. In so doing, particular attention must be paid to the most vulnerable sectors. In conclusion, the Russian Federation reaffirmed the importance of the efforts made by the Government of Haiti, the importance of the United Nations' role in terms of coordination, and the need to respect Haiti's sovereignty.

VICENTE ZERAN (Chile) said that the Human Rights Council had an ethical responsibility to cooperate in the reconstruction efforts in Haiti and in the improvement of the living standard of its population. Chile had an unlimited commitment to the Haitian people and their tragedy was not a matter of indifference to Chile. Chile had since 2001 been a member of the Group of Friends of Haiti, and since 2004 had been contributing major military and police contingents to Haiti. Even before the earthquake, Haiti had been making progress in the promotion and protection of human rights and Chile said the earthquake would not stop the progress in the establishment of the rule of law. Chile shared the concern of the Independent Expert on Haiti about the violence, particularly violence against women and children. Also, Chile shared the concern for the situation of internally displaced persons and vulnerable groups such as women, children, the elderly and persons with disabilities. Finally, Chile agreed there was a need for a global response to the situation of internally displaced persons.

LIU KENFEI (China) said China was highly concerned about the human rights situation in Haiti and the arrival of the hurricane season would add salt to the wounds. China supported the Human Rights Council in maintaining support for Haiti, and urgent efforts should be made to address housing, sanitation, food and infrastructure. China appealed to the international community to continue to provide support and assistance and to respect the Haitian Government's leading role in reconstruction. China had always respected peacekeeping and had provided police personnel and sent tents, medicine and water immediately to help Haitian rescue efforts. China would continue to work with the international community to assist Haiti to rebuild and reconstruct in order to ensure that Haitians enjoy their rights.

KATHARINA ROSE, of International Coordinating Committee of National Human Rights Institutions, said the Comité International de Coordination des Institutions Nationales des Droits de l'Homme totally agreed with the Independent Expert's conclusion that efforts in terms of reconstruction needed to be implemented while respecting human rights, and that particular attention must be paid to the rights of the most vulnerable segments of society. Also, as highlighted by the United Nations Secretary-General and the Independent Expert, they were also of the view that strengthening the Office of Citizen Protection, the national human rights institution in Haiti, was a priority. That Office must receive the resources necessary to allow it to discharge its mandate efficiently, particularly technical resources. The Comité International de Coordination des Institutions Nationales des Droits de l'Homme fully endorsed the recommendations of the Independent Expert to strengthen the Office of Citizen Protection.

JULIE DE RIVERO, of Human Rights Watch, said sexual violence against women and girls in various camps and spontaneous settlements had been documented by international non-governmental organizations since January 2010. Six months after the earthquake, there were still insufficient services related to sexual and gender-based violence, including prevention-related services. Had the Independent Expert met with the United Nations gender-based violence sub-cluster, Haitian authorities and civil society to discuss the continued lack of services? And if so, could Mr. Forst elaborate on their responses?

MARIA D'ONOFRIO, of International Institute of Mary Our Help of the Salesians of Don Bosco, said it would like to see a human rights based approach in the reconstruction of Haiti and would like to see it implemented in the education sector. A number of schools had been destroyed during the earthquake and a particular difficulty, even from before the earthquake, was privatisation of schools. The Government must give a priority to education in the reconstruction and must ensure free and universal access to quality education in accordance with the national needs. The reform of the education must be a part of the long-term development plans of Haiti.

MISTY BUSWELL, of International Save the Children Alliance, said Save the Children had been working in Haiti since 1978 and was committed to helping Haitian children and their families recover from the devastating earthquake. Children were particularly threatened in humanitarian crises and the Government must allocate resources to build child protection systems that addressed the needs of all Haitian children. Immediate measures to keep children safe and to reunite families were also needed. Save the Children said that the reconstruction process, in addition to being human rights based, must also be accountable to beneficiaries. Assistance must be extended to areas which had not been directly affected but still had massive needs. The Government must ensure that the Guiding Principles on internally displaced persons were respected, especially during relocation.

ELLEN WALKER, of European Disability Forum, also on behalf of International Disability Alliance, said in humanitarian crisis situations such as natural disasters, persons with disabilities were often forgotten, and they not only lacked access to the basic necessities such as food, water, medical care and rehabilitation services, but also access to information in all accessible formats, including sign language. For example, deaf people in crisis situations were usually the last to know where to find emergency food, water or medical aid. United Nations agencies, cooperating States and other partners should ensure that mainstream services, shelter sites and temporary housing were accessible to all. People with disabilities must be able to access food, water and sanitation facilities. Merely restoring facilities to the way they were before the disaster should not be the goal. Rather, efforts should help reduce vulnerability. Work programmes for displaced persons should be inclusive of all persons with disabilities. Reconstruction actions should be equally inclusive and beneficial for all persons.

PIERRE ESPERANCE, of International Federation of Human Rights Leagues, said the human rights situation in Haiti had already been alarming before the earthquake; the earthquake made it even more difficult to enjoy human rights in the country. People in the camps faced a number of problems, including a difficult sanitation situation and dissatisfaction with the distribution of humanitarian aid. The relocation of internally displaced persons to sites without access to services did not help the

situation. Orphaned children were particularly vulnerable to trafficking while hundreds of women were victims of sexual violence. Security became worse because of the collapse of the prisons. The plan for national action had a number of defects, including a lack of consultation with civil society groups and no reform of the judicial system. It also did not take account of sensitive issues concerning the next elections. The interim commission for reconstruction did not take into account civil society participation and the International Federation of Human Rights Leagues recommended that authorities and the international community ensure security and provide information to people on reconstruction projects, guarantee the integration of civil society into the reconstruction dialogue and guarantee the rule of law of law by reforming the justice system.

BIRO DIAWARA, of Interfaith International, said the report of Mr. Forst clearly showed the complexity of the human rights situation at all levels in Haiti, a country which had started to find some normality before the earthquake. Interfaith International remained concerned at the deterioration of the humanitarian situation in the Hinche region where local populations and internally displaced persons remained abandoned without assistance in spite of the arrival of international aid. Interfaith International believed that it was essential to correct those mistakes by adopting specific measures. This included developing a sustainable strategy to better protect internally displaced persons, particularly women and children, and integrating human rights to the centre of reconstruction programmes. The fight against corruption and the eradication of a culture of impunity were essential.

#### Concluding Remarks

MICHEL FORST, Independent Expert on the situation of human rights in Haiti, in concluding remarks, thanked the Government of Haiti for the excellent relationship with the mandate and the cooperation and also thanked all the delegations for their questions. Mr. Forst said he would address some of their questions and remarks in writing and would also address some in face to face meetings with delegations. The first strong message the Independent Expert heard today was the need for the protection of vulnerable groups, particularly for persons with disability. The second was the importance of a human rights-based approach and Mr. Forst said he would address this question in more detail in his next report. The third group of questions concerned the role of women in decision-making and their participation in political life and in political institutions. The fourth point, as stated in the report, was that the progress in the judicial reform and the establishment of the rule of law were interrupted and held up by the earthquake, but the Independent Expert said he hoped that States would see more progress there. Regarding the priorities for reconstruction in Haiti, the real difficulty was to decide where to start. It was up to Haitians to establish those priorities and there must be a productive dialogue with the people and Government to set those priorities. More attention must be given to the Interim Commission and the Reconstruction Agency, as a lot of resources had been promised and the international community must give confidence and trust in their ability to deliver. Donors must coordinate between themselves as well. Finally, Geneva and New York must speak to each other more regularly, for example during the review of the Council, in order to address what was particular about Geneva and the Human Rights Council and what was particular about the Security Council and New York, particularly in situations in which their actions overlapped.

#### General Debate on Technical Assistance and Capacity-Building

JAVIER GARRIGUES (Spain), speaking on behalf of the European Union, expressed deep concern about the violence that had erupted in Kyrgyzstan and echoed the calls of the High Commissioner for calm to be restored and for all involved to show restraint. The European Union called on all parties to end the violence immediately and to allow the inhabitants of Osh and surrounding areas to return to normal life. Efforts should be focused on the constitutional referendum on 27 June and parliamentary elections. The European Union appreciated the role of Special Procedures in strengthening respect for human rights. The European Union was convinced that the work of the Independent Expert on Haiti was crucial to making sure that human rights were mainstreamed into reconstruction efforts and hoped that through continued cooperation, good governance would be reinforced. The European Union welcomed cooperation between Burundi and the Independent Expert and hoped the relationship would continue with the new Independent Expert. Also, the importance of civil society groups must not be underestimated and the European Union urged all States to create an environment conducive to their work. In this light, the European Union regretted the decision by Burundi to expel some human rights workers. The European Union greatly appreciated the work of the High Commissioner in helping States to meet human rights standards and fortify national institutions.

MATTHEW R. ANDRIS (United States) said the Council should use all the tools at its disposal to address human rights violations and specific situations when they occurred. The work of the Council was also greatly aided by that of the High Commissioner and her Office and the United States encouraged the Office to also provide country-specific briefings at the Council. Those briefings could update the Council on issues arising in the field that warranted or offered the opportunity for Governments to report on ongoing human right situations in their countries. The High Commissioner's Office could also play a critical role in helping States to develop the capacity to comply with treaty obligations and engage with treaty bodies. Capacity building for the Universal Periodic Review was another area where the Office had been making a vital contribution through compiling documentation and its support for the process. The United States welcomed the Office's technical assistance and capacity for countries to implement recommendations resulting from the Universal Periodic Review process.

NADIA LAMRANI (Algeria) said Algeria fully endorsed the role of the Human Rights Council in technical assistance for the countries that requested it. Assistance of this kind might also be very useful in rapid humanitarian response, such as the case in Haiti. Algeria felt that the presence of the Special Procedures and the Office of the High Commissioner for Human Rights in the field would enhance the promotion and protection of human rights in a very concrete manner. The establishment of any future regional office of the Office of the High Commissioner for Human Rights would require broad and in-depth consultation.

LARS VOLCK MADSEN (Denmark) said that Denmark attached the highest importance to technical assistance and capacity building in the field of human rights. The international community had so many experiences to offer, and when both given and received in the right spirit, could improve the human rights situation on the ground in a number of countries. The Office of the High Commissioner for Human Rights played a pivotal role in that regard, and Denmark welcomed the spirit in which a number of countries had accepted to profit from the expertise of the Office of the High Commissioner for Human Rights' country offices. Denmark particularly welcomed the recent decision of the Government of Nepal to extend the mandate of



the Office of the High Commissioner for Human Rights' (OHCHR) office in Nepal. It reflected the agreement between the parties that the OHCHR presence continued to be a needed positive contribution to the development and improved human rights situation in Nepal.

PHILIPPE DAM, of Human Rights Watch, said Human Rights Watch was concerned about human rights abuses in the context of the volatile political situation in Burundi. Between September 2009 and May 2010, Human Rights Watch had documented numerous cases of election-related violence. In most cases, police and judicial authorities had failed to carry out thorough investigations and prosecute those responsible. Human Rights Watch was also concerned that the Government had not yet established a national independent human rights commission. The draft bill, currently before parliament and largely in line with the Paris Principles, should be promptly adopted and fully implemented.

POOJA PATEL, of Asian Forum for Human Rights and Development, said after much uncertainty in the past weeks over whether or not the Nepalese Government would extend the mandate of the High Commissioner's country office in Nepal, the Asian Forum welcomed, with reservations, the agreement that had been signed by both parties for the office's 12-month extension. Nevertheless, the Asian Forum for Human Rights and Development was disappointed that the extended mandate had resulted in clipping the wings of the country office in Nepal, in particular closing four of its regional offices outside the capital. Such regional presences had played an important preventive role by deploying standing human rights monitors into districts to defuse local tensions before they escalated.

MAILE MILLER, of United Nations Watch, said United Nations Watch welcomed the draft resolution on Kyrgyzstan and said that the humanitarian situation there was grave and the country's second largest town Osh was now lying in ruins. United Nations Watch was alarmed by credible reports that the violence was orchestrated, deliberately ignited to undermine the interim government. United Nations Watch asked why the Council had not called for a Special Session and urged the Council to do so immediately in order to focus international attention on the plight of the victims. United Nations Watch expressed its support for the draft resolution addressing attacks on school children in Afghanistan.

JOSEPH NDAYIZEYE, of Cairo Institute for Human Rights Studies, said the Cairo Institute for Human Rights Studies was concerned about the human rights situation in Burundi and the absence of an independent national mechanism to protect human rights and a national institution to report on the human rights situation on a daily basis. Burundi was currently going through the election process and the Cairo Institute for Human Rights Studies was concerned that those elections would be conducted in an atmosphere of continued killings for political reasons, passions and tension between different political actors. The Government had multiplied restrictions and prevented opposition parties from holding their meetings and their leaders from travelling. Communal elections was a litmus test for the good implementation of the whole of the electoral process and the Cairo Institute for Human Rights Studies regretted that it was taking place in a situation of escalation of violence and launch of grenades on Bujumbura.

KAREN PARKER, of International Educational Development, said International Educational Development welcomed the report of the Independent Expert on human

rights in Haiti and his recommendations regarding gender equality and migrants. In the past, many countries were rightly addressed under this agenda item. The number of countries crying out for individual review remained large, but now the Human Rights Council largely avoided such review on the pretext of a "non-confrontational" approach. International Educational Development found it unacceptable that countries carrying out massive human rights violations were thus able to hide. These were situations where appalling violations must be confronted. The Human Rights Council was not a garden party where mass atrocities may not be identified and appropriate action could not be taken.

DAVID LITTMAN, of Association for World Education, said that Israel had not taken the floor on the matter of Haiti although it was a massive delegation from Israel that arrived in Haiti on a Friday night under "Operation Blessing", one of the most effective humanitarian actions. Many States provided words, but when it came to Haiti they were absent. Why not have Israel join forces with States that had the money, but did not take the action, to address these humanitarian crises around the world? There could be a real dialogue of civilizations.