


	United Nations	A/HRC
	<b>General Assembly</b>	Distr.: General 19 July 2011 English Original: French

**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Twelfth session**  
Geneva, 3–14 October 2011

## **National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1**

### **Haiti**

#### **I. Methodology and consultation process**

1. The present report is submitted in accordance with resolution 5/1, dated 18 June 2007, of the Human Rights Council established by General Assembly resolution 60/251 of 15 March 2006.
2. The date of 7 February 1986 was chosen as the starting point for the preparation of this document in that it marked the end of the Duvalier regime, which, for 29 years, had maintained power through practices that violated fundamental freedoms and human rights.
3. The report was prepared by an inter-institutional committee constituted of officials representing the country's various ministries. Stakeholders were nonetheless involved in various stages of the universal periodic review process. Hence, in May 2009, a workshop was organized by the Haitian Government, in conjunction with the Office of the United Nations High Commissioner for Human Rights and the Government of the Federative Republic of Brazil, during which representatives of public institutions and the country's key human rights organizations were briefed on the challenges and mechanisms of the universal periodic review.
4. Following this seminar, an ad hoc committee of officials who had participated in the workshop was established under the chairmanship of the Ministry of Foreign Affairs, assisted by the Ministry of Justice and Public Security. This committee held a total of 17 working sessions, which concluded with a first version of the report. Human rights organizations were invited to express their views on both the preliminary workplan and the first draft. Their advice and suggestions were taken into account in elaborating the final version of this initial report.
5. The premises of various Ministries, including those of the Ministry of

Foreign Affairs, were unfortunately destroyed in the earthquake of 12 January 2010, with the loss of all of the documents and archives relating to the initial report.

6. The committee was reconstituted in January 2011 and began redrafting the report, starting almost from scratch. Substantial drafting changes were made in order to take into account the new situation created by the earthquake.

7. The outcome of this work was transmitted for feedback to the country's main human rights organizations, to Parliament and to the judiciary. On 16 June 2011, a number of national and regional civil-society organizations took part in a countrywide consultation exercise. Some of their recommendations were taken into consideration in the final version of the report.

8. This version was submitted for approval to the Government Council and then to the President of the Republic, both of whom made recommendations.

## **II. Normative and institutional human rights framework and general policy measures**

9. With the aim of promoting respect for human rights, the Constitution of the Republic of Haiti, starting with its preamble, refers to the Universal Declaration of Human Rights of 1948. This Constitution accords a supra-legislative status to the international conventions to which Haiti is a party. The Haitian Government also established institutions guaranteeing the implementation of rights afforded by the Constitution and likewise by international instruments and domestic laws.

### **A. Normative framework**

#### **1. At the domestic level**

##### *(a) Haitian Constitutions and human rights*

10. In three of the Constitutions preceding that of 1987, the violation of various civil and political rights of Haitian citizens was accepted. Accordingly, the Constitution of 1964 conferred the presidency for life on Dr. François Duvalier and an amendment made to it in 1971 enabled his son to succeed him and exercise the same prerogatives.

##### *(b) The Constitution of 1983*

11. The Constitution of 1983 was adopted with few significant amendments. The presidency for life was retained, although with some adjustments aimed at diminishing the popular pressure that was starting to emerge against the regime.

##### *(c) The Constitution of 1987*

12. The Constitution of 1987, which is currently in force, was adopted in the wake of the Duvalier regime. The concern for the protection of human rights was clearly evident in the spirit of its chapters. The preamble of this Constitution hence advocates the establishment of a political regime based on fundamental freedoms and respect for human rights.

13. In addition to abolishing all laws that had enabled political repression, the Constitution of 1987 devotes various chapters to the fundamental rights of Haitians. The following are recognized and guaranteed:

- The right to life
- The right to health
- The right to education

- The right to information
- The right to security
- The right to own property
- Personal liberty
- Freedom of expression
- Freedom of conscience
- Freedom of assembly and association
- Freedom of employment
- The remedy of habeas corpus

(d) *Human rights legal framework*

14. The raft of legislation giving concrete shape to and strengthening the rights and freedoms set out in the Constitution includes:

(a) The Decree of 8 October 1982 according to married women a status in keeping with the Constitution and eliminating all forms of discrimination against them;

(b) The Decree of 30 July 1986 regulating the operation of political parties;

(c) The Decree of 4 July 1998 abolishing the death penalty in all cases;

(d) The Decree of 22 August 1995 on the judiciary, amending that of 18 September 1985, encompassing the remedy of habeas corpus;

(e) The Decree of 16 October 1995, which determines the structure, functions and operation of the Office of the Ombudsman;

(f) The Act of 2 August 2007 on the status of the judiciary;

(g) The Act of 13 November 2007 establishing the Supreme Council of the Judiciary;

(h) The Act of 3 May 2003 establishing new courts of first instance;

(i) The Labour Code of 6 October 1961;

(j) The Act of 28 August 1967 establishing and organizing the Social Insurance Institute of Haiti, which later became the Insurance Office for Occupational Injury, Sickness and Maternity (OFATMA);

(k) The Act of 28 August 1967 establishing the National Old-Age Insurance Office.

**2. At the regional level**

15. The Republic of Haiti is a party to the instruments adopted at the regional level by the Organization of American States (OAS), such as:

(a) The Inter-American Convention on the Granting of Political Rights to Women (ratified on 5 August 1957);

(b) The American Convention on Human Rights (ratified on 18 August 1979);

(c) The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (ratified on 3 April 1996);

(d) The Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities (ratified on 29 May 2009).

16. Haiti also recognizes the jurisdiction of the Inter-American Court of Human Rights and works closely with the Inter-American Commission on Human Rights.

### **3. At the international level**

17. The Republic of Haiti is a signatory to the Universal Declaration of Human Rights and a party to numerous international human rights instruments adopted by the United Nations, including:

(a) The International Covenant on Civil and Political Rights (ratified on 23 November 1990);

(b) The Convention on the Elimination of All Forms of Discrimination against Women (ratified on 7 April 1981);

(c) The Convention on the Political Rights of Women (ratified on 31 July 1957);

(d) The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (ratified on 2 September 1957);

(e) The Convention on the Rights of the Child (ratified on 23 December 1994);

(f) The International Convention on the Elimination of All Forms of Racial Discrimination (ratified on 19 December 1972);

(g) The Convention on the Rights of Persons with Disabilities and its Optional Protocol (both ratified on 23 July 2009);

(h) The Convention against Discrimination in Education (ratified on 15 October 1984);

(i) The Convention on the Recovery Abroad of Maintenance (ratified on 31 July 1957);

(j) The Convention on the Prevention and Punishment of the Crime of Genocide (ratified on 21 August 1950);

(k) The International Labour Organization (ILO) Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ratified on 19 July 2007);

(l) The ILO Convention (No. 105) concerning the Abolition of Forced Labour (ratified on 26 September 1957);

(m) The ILO Convention (No. 81) concerning Labour Inspection in Industry and Commerce (ratified on 23 July 1951);

(n) The ILO Convention (No. 87) concerning Freedom of Association and Protection of the Right to Organise (ratified on 16 February 1979);

(o) The ILO Convention (No. 17) concerning Workmen's Compensation for Accidents (ratified on 20 May 1954);

(p) The ILO Convention (No. 42) concerning Workmen's Compensation for Occupational Diseases (ratified on 18 June 1954);

(q) The ILO Convention (No. 25) concerning Sickness Insurance for Agricultural Workers (ratified on 20 May 1954);

(r) The ILO Convention (No. 138) concerning Minimum Age for Admission to Employment (ratified on 3 June 2009).

### **B. Institutional framework**

18. Haiti has continued the efforts begun in 1986 to establish the rule of law through the creation and consolidation of institutions. Several of these have functions relating to human rights protection, such as:

(a) The Office of the Ombudsman, established by the Constitution of 1987, which is tasked with protecting all individuals against any form of

abuse by the public administration;

(b) The Ministry of Gender and Women's Rights, established by decree on 8 November 1994, which is the central organ charged with formulating, defining and enforcing State policies in the area of gender and women's rights. Its main functions are to work for the development of an egalitarian society for both sexes and to guide the definition and implementation of equitable public policies at the national level;

(c) The Ministry of Environment, established in 1994 with the aim of promoting sustainable development and simultaneously encouraging protection of the environment;

(d) The Office of the Secretary of State for the Integration of Persons with Disabilities, established by presidential decree in May 2007, whose principal tasks are to prevent disability and to work for the integration of persons with disabilities;

(e) The National Identification Office, established by decree in 2005, which has the function of identifying Haitians immediately after birth and of maintaining the National Identification Register;

(f) The National Migration Office, established by decree in 1995, which is primarily concerned with the supervision of individuals returned from abroad and repatriated to Haiti for economic reasons;

(g) The National Drug Control Commission (CONALD), the Financial Intelligence Unit (UCREF) and the Anti-Corruption Unit (ULCC), which were established, respectively, in 2001 and 2004 to combat offences impeding the free exercise of various human rights, such as corruption, money-laundering and illicit drug-trafficking.

## **C. General policy measures**

### **1. National Growth and Poverty Reduction Strategy Paper**

19. Principles relating to economic, social and cultural rights are enshrined in the Constitution of 1987, starting with the preamble, where it is stated that the Constitution was proclaimed in order to "constitute a socially just, economically free and politically independent Haitian nation". With the aim of creating economic conditions conducive to progressively ensuring the full exercise of these rights, a range of measures have been adopted by the Haitian State.

20. The National Growth and Poverty Reduction Strategy Paper (NGPRSP) was elaborated in 2007 and is the most complete version of the document articulating the vision and resources required to lift Haiti out of poverty and destitution. It was the product of a broad participatory process that made it broadly representative of all members of Haitian society. Although serving as a political reference framework that accorded priority to the concerns of citizens and reflected the basic demands of the people, it failed to deliver the expected outcome owing to lack of financial resources.

21. Until 12 January 2010, the priority action for the Government was to strive for accelerated growth and greater control over social development, with a particular emphasis on reducing both monetary and human poverty. While the supply of services improved somewhat, particularly in terms of quantity, population increase and a poor growth rate caused by multiple factors were instrumental in working against sustainability of the gains accomplished.

22. The earthquake of 12 January 2010, moreover, completely changed the situation and also the priorities of the Government. The capital and its neighbouring towns were severely affected and the Government had to cope with setting up camps for internally displaced persons. In the wake of this unprecedented natural disaster, the country's socio-economic situation

worsened and made it necessary to rethink the goals sought and, in particular, to redirect priorities to take into account reconstruction.

23. An Action Plan for the National Reconstruction and Development of Haiti (PARDH) was therefore formulated, comprising six areas for priority action, namely: education, water and sanitation, transport, energy, agriculture and development of the private sector. The country was estimated to need \$3.9 billion for the 18 months following the earthquake and \$11 billion for long-term reconstruction.

## **2. The Interim Haiti Reconstruction Commission**

24. In order to implement PARDH, the State of Emergency Act of 15 April 2010 established the Interim Haiti Reconstruction Commission (IHRC), which is tasked with planning, coordinating and facilitating the implementation of development projects and priorities. In that context, it approves project proposals that it assesses on the basis of their consistency with the development plan. It is chaired by the Prime Minister, Mr. Jean-Max Bellerive, and the former United States President, Mr. William Jefferson Clinton. It has a Board comprising equal numbers of Haitians and foreigners interested in the reconstruction of Haiti.

25. As part of its work of approving reconstruction projects submitted to it, IHRC considers as main selection criteria their social and economic benefits and the use of local labour.

## **III. Promotion and protection of human rights**

### **A. Right to life**

26. Articles 19 and 20 of the Haitian Constitution enshrine the right to life and abolish the death penalty in all cases. Pursuant to the Decree of 4 July 1988, the latter penalty was replaced by that of hard labour for life. Proceedings held in 2001 and 2002 resulted in the conviction of law enforcement officers for extrajudicial executions. In order to prevent the continuation of such practices, the Haitian State worked together with international cooperation agencies to strengthen the capacities of the Office of the Inspector-General of the National Police of Haiti and to sensitize its officers to the issue, in particular by incorporating compulsory courses on human rights into the training programme of the Police Academy.

### **B. Freedom of expression**

27. One of the unquestionable gains made by Haitian society since 1987 is that of freedom of expression. Article 28 of the Constitution guarantees freedom of expression and opinion, which is among the rights currently most respected in Haiti. The Haitian press enjoys total freedom. Those who assassinated the journalist Brignol Lindor in 2001 were tried and convicted. The case concerning the murder of the well-known journalist Jean Dominique in April 2000 is still under investigation.

### **C. Freedom of religion and association**

28. The Constitution also guarantees freedom of religion and association (arts. 30 and 31). All religions and faiths are freely practised in Haiti. Voodoo, for example, is practised by its followers, without discrimination. Measures (sensitization campaigns and strengthening of police units assigned to concerned areas) were taken to protect voodoo practitioners from lynching after some of them were accused of witchcraft at the time of the fresh cholera outbreaks in May 2011. All citizens are free to create associations in conformity with the rules in force and there are, for instance, over 50

#### **D. Efforts to combat trafficking in human beings and people-smuggling**

29. Trafficking in human beings poses a major challenge for Haiti. A total of 173,000 Haitian children, 60 per cent of them girls, are used as domestic servants, a practice that has similarities with trafficking. Various measures have been taken to tackle this phenomenon:

- From the legislative point of view, a law on the prohibition and elimination of all forms of abuse, violence, maltreatment or inhumane treatment directed at children, which came into force in 2003, forbids the employment of children under 12 years of age as domestic servants. Moreover, Haiti has ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and an implementing bill on the subject has already been tabled before the Haitian Parliament. Another bill aimed at updating Haiti's adoption law has also been presented to the legislature and the Hague Convention on the Civil Aspects of International Child Abduction is in the process of being ratified.
- From the administrative point of view, a number of measures have been taken, including the establishment, in May 2003, of a Haiti National Police brigade for the protection of minors, the establishment of nine children's shelters in the country's departments, strengthening of the structures of the Institute of Social Well-Being and Research (IBESR), sensitization campaigns on the protection of child rights, the opening of a telephone line, commonly known as SOS Enfant, for alerting the authorities to cases of child abuse, and the establishment of family reintegration programmes for abused children living in permanent shelters.
- After the earthquake of 12 January 2010, child victims of trafficking were repatriated to Haiti through the joint efforts of the Haitian authorities and the International Organization for Migration. These children rejoined their families.

#### **E. Rights of migrant workers**

30. The protection of Haitian migrant workers is a cause of concern for the Haitian authorities. In order to promote respect for the rights of these persons in host countries, the Ministry for Haitians Living Abroad was created in October 2004, tasked with the function, inter alia, of responding to the expectations of the diaspora while also acting as a go-between and its spokesperson with the Government. Several consular offices have been opened, with more planned, in the countries of the American hemisphere, where a sizeable community of Haitian migrant workers is located. The constitutional reform of 2011 intends to allow multiple citizenship for Haitian expatriates. Foreign migrant workers enjoy the same protection as national workers.

#### **F. Rights of the child**

31. Haiti ratified the Convention on the Rights of the Child on 23 December 1994. According to figures published by the most recent survey available on the subject (EMMUS-IV 2007), 81 per cent of Haitian children are entered in the civil registry. The registration of births is a major problem in Haiti and a series of measures have been taken to decrease substantially the number of unregistered children:

- From the legislative point of view, decrees were issued in 1995 and

2005 to allow late registrations using a simplified procedure. As a result of this measure, some four million individuals, including a significant number of children, have been able to register.

- From the administrative point of view, various sensitization campaigns have been run to encourage parents to register their children at birth, particularly in rural areas. The offices responsible for collecting birth registrations are currently being reorganized. On a trial basis, a birth registrar has been assigned to the main hospitals in three of the country's towns and a mobile birth registration officer has been appointed. New birth registration offices have also been opened in the country's communes.

32. The phenomenon of street children, which exists mainly in Port-au-Prince, was exacerbated after the earthquake of 12 January 2010. Several projects have been developed to address this violation of the fundamental rights of children. As a result, it has been possible to accommodate some street children in shelters. Owing to lack of resources, however, the scope and impact of these measures have remained minimal.

## **G. Right to food**

33. The Constitution clearly provides in article 22 that food is a fundamental right for all citizens. The issue of the "right to food" is consequently a major concern for the Government. Malnutrition nonetheless affects a significant number of Haitian citizens, especially in rural areas. This situation has several causes, such as the structural weaknesses of the agricultural sector in terms of production, storage and distribution, recurring natural disasters, lack of credit for agricultural production and constant population growth.

34. The most difficult time for the agricultural sector and the farming community in general was during the trade embargo imposed on Haiti by the United Nations between 1991 and 1994. Indeed, the exhaustion of seed stocks, the failure to maintain and repair irrigation infrastructures and the increasing decapitalization of farms struck a terrible blow to the country's agricultural production from which the recovery has been long and slow. The global food crisis of 2008 had a devastating impact on Haiti, causing an unprecedented surge in the price of basic necessities and bringing down the Government of the day.

35. In the aftermath of this food crisis and several hurricanes that seriously compromised agricultural production, the Haitian Government worked in concert with its international partners to develop an emergency plan for the sector, consisting in the revival of national production, highly labour-intensive activities and the scale-up of existing food programmes. Malnutrition among vulnerable population groups was significantly alleviated by the reduction in the price of basic foodstuffs brought about by this plan.

36. After the earthquake of 12 January 2010, the Ministry of Agriculture implemented four types of activity:

- The preparation of guidance and advocacy materials for the sector, including the Special Support Programme for Food Production and the Integration of Displaced Populations in response to the four hurricanes of summer 2008 and the earthquake of 12 January 2010; an action plan forming part of the Post-disaster Needs Assessment; finalization of the Agricultural Development Policy Paper for the period 2010–2015; the National Agricultural Investment Plan comprising activities for both the short term (up to September 2011) and long term (October 2011 to September 2016) to serve as a reference for stakeholders in the agricultural sector; and lastly, the Agricultural Extension Master Plan.
- The second activity entailed support for agricultural campaigns in 2010 through schemes for the ploughing of 6,000 hectares of land, the



countrywide distribution of 97,000 tons of chemical fertilizer and the distribution of seeds, cultivators and ploughing equipment.

- The third activity covered the modernization of physical infrastructure, including the new administrative offices of the Ministry of Agriculture, and the pursuit of activities under the prevention programme for the hurricane season, the reshaping of rivers and other protective work, the rehabilitation of irrigated belts, and protective work in catchment areas.
- Lastly, in the context of cooperation, the modification of various programmes and projects being implemented by partners, the launch of a support programme for food security and job creation in rural areas affected by the earthquake, and the launch of project activities to strengthen public agricultural services. In addition, some 40 projects for which funding has already been identified are currently being implemented or developed for the purpose of increasing production.

37. The National Food Security Council was established in 1996 and food security observatories have been set up to improve the coordination of interventions by different actors. Haiti was part of the GT2025 Working Group of the Hunger-free Latin America and the Caribbean Initiative (HFLAC), which comprises some eight countries from the American hemisphere and aims to eradicate hunger in the region by 2025.

## **H. Right to health**

38. Access to health care, which is a fundamental right explicitly recognized in articles 19 and 23 of the Constitution, remains a perennial challenge for the Haitian Government. Indeed, measures taken to reduce infant mortality, improve medical services and deliver medical assistance to the highest possible number of people in the event of illness have had mixed results on account of the country's population growth and its political and economic difficulties.

39. However, concrete measures rolled out in various campaigns between 1986 and 2009 significantly reduced infant and child mortality. HIV prevalence also markedly fell as a result of joint efforts by the Haitian authorities and the international community. The prevalence of malaria, which is endemic in Haiti, stands at around 3.5 per cent. There are currently 798 hospitals in the Haitian network (including university hospitals, hospital centres, health centres, etc.) and funding is awaited for projects to increase this number and improve nationwide health coverage.

40. Mention must also be made of the effective cooperation between Cuba, the United Nations Development Programme and Haiti to facilitate the presence of Cuban doctors in Haiti, particularly in rural areas, and the training of young Haitian doctors in Cuba. As a result of this cooperation, the delivery of health care to persons who are disadvantaged or living in hard-to-reach areas has substantially improved.

41. The earthquake of 12 January 2010 had a considerable impact on health facilities. A number of hospitals were destroyed and the chaos in the aftermath of the event hampered the efficient coordination of assistance. Thanks to international solidarity, however, public hospitals were quickly rebuilt and somehow managed to cope. The subsequent cholera epidemic was better managed and, notwithstanding that the country had to mourn 4,672 deaths, over 133,000 infected persons received timely treatment. The rainy season unfortunately led to a new outbreak of this epidemic in May 2011.

42. A national health policy paper and a national strategic plan for reform of the sector were elaborated in 2005 with the aim of setting reform frameworks that would effectively increase access to health care for the largest possible number of people. The chief aims of these documents are as follows:

- To revive and extend the public hospital network
- To improve hospital management
- To improve the delivery of services
- To develop the university hospital sector

## **I. Right to work**

43. Articles 35 et seq. of the Haitian Constitution of 1987 enshrine the right to work. Several conventions on the protection of workers' rights have been ratified by Haiti. In order to facilitate implementation of the relevant provisions of the Constitution and those conventions, the following measures have been taken:

(a) At the administrative level:

- Establishment of the Social Security Board (CAOSS)
- Establishment of the Tripartite Commission on Implementation of the Hemispheric Opportunities through Partnership Encouragement (HOPE) Act
- Establishment of the Tripartite Commission on Consultation and Arbitration (CTCA)
- Establishment of the Investment Facilitation Centre (CFI)
- Establishment of a solidarity fund for persons with special needs

(b) At the legal level:

- Establishment of a committee to revise the current Labour Code
- Adoption of a law adjusting the minimum wage in 2009

## **J. Freedom of association and the right to strike**

44. Haitian legislation recognizes freedom of association and the right to strike. Article 35.3 of the Constitution provides that: "Freedom of association is guaranteed. Any worker in the public or private sector may join a union representing his particular occupation in order to protect his work interests." There are over a dozen trade unions in Haiti, which operate unimpeded by the authorities.

## **K. Social protection**

45. The Republic of Haiti has collective insurance mechanisms enabling individuals to cope with the financial consequences of social risks. Owing to the country's lack of resources and high unemployment rate, however, it is impossible for the Haitian State to sustain a policy that meets everyone's needs. Such public institutions as the National Old-Age Insurance Office (ONA) and the Insurance Office for Occupational Injury, Sickness and Maternity (OFATMA) nonetheless offer protection options on advantageous terms to wage earners who so wish. In addition, public servants and members of their family are covered by health insurance.

## **L. The issue of gender**

46. Discrimination against women was long permitted under Haitian legislation, but a movement begun in 1944 gradually led to a break with discriminatory practices. Haitian women have had the right to vote since 1950, although it was not until 1982 that they were freed from control by their husbands. The Constitution, Haitian legislation (laws, decrees and regulations) and the international conventions ratified by Haiti in the area of

women's rights now guarantee women's equality with men before the law.

47. The movements fighting for genuine equality of the sexes in Haiti nonetheless face myriad challenges. First among these are the gender stereotypes, initially cultivated within the family and often internalized by women themselves, which continue to trigger discriminatory behaviour that sometimes ends in violence against women. The representation of women in decision-making processes is also one of the lowest in the region. Politics are essentially male-dominated in both Government and Parliament, as well as in local authorities and political parties.

48. Haitian women's organizations regularly publish alarming figures on the sexual violence to which women are subjected. Owing to the lack of reliable national data, however, it is impossible to confirm or disprove these figures. The Haitian authorities have nonetheless made tremendous efforts to ensure that victims seek a judicial remedy, but the fact is that rapes are not systematically reported to the police because of the shame cast on victims.

49. The establishment of the Ministry of Gender and Women's Rights in 1994 was the Haitian State's response to the legitimate demands of Haitian women. In accordance with the law on its establishment, this Ministry is a public institution created in order to formulate, define and enforce State policies in the area of gender and women's rights.

50. At the initiative of the Ministry, a presidential decree amending the rules on sexual assault and eliminating discrimination against women in the matter was published in July 2005. Pursuant to this decree, rape became a criminal offence and was no longer qualified as an offence of indecency. The number of rape proceedings has risen noticeably since the publication of this decree.

51. After the earthquake of 12 January 2010 and the ensuing proliferation of camps for internally displaced persons, the Ministry took a number of steps to combat violence against women, including:

- The conduct of a quantitative and qualitative study in the camps on the scale of violence against women
- The organization of a national awareness and prevention campaign on the rape of women and girls in the camps
- The supply of motorcycles to the National Police in the Ouest, Sud-Est and Nippes departments in order to facilitate their work in the area of combating violence against women and girls
- The organization of training and awareness seminars for members of the Haiti National Police on the problem of violence against women and girls
- The organization of a training workshop for women trainers on medical assistance for women and girls who are victims of violence
- The establishment of a unit in the Ouest Coordination Office to direct women victims of sexual and/or marital violence towards institutions able to offer them support (psychosocial, legal and medical assistance, temporary accommodation and social reintegration of victims of violence and their children)
- The establishment of a system for the collection of data and periodic reports on violence against women and girls

## **M. Right to education**

52. Primary education is compulsory and free under the Constitution, but the Haitian State is not yet in a position to guarantee full compliance with this constitutional provision on account of its limited resources. However, a National Action Strategy for Education for All, covering five core areas for

the period 2008–2015, was developed by the Ministry of National Education and Vocational Training with the aim of:

- Promoting greater equity in the development and protection of young children
- Promoting greater equity of access to formal and non-formal education
- Promoting greater efficiency in the basic education system
- Promoting greater effectiveness in the system
- Promoting efficient and satisfactory management

53. As part of the implementation of this strategy, there are plans to build 400 primary schools, together with full preschool facilities, by 2015. Before the earthquake of 12 January 2010, some 4,025 additional classrooms, accounting for 26 per cent of the current public school network, had been built or refurbished. After the disaster, in which a substantial number of schools were destroyed, various measures were taken with a view to reopening classes and holding State examinations. To that end, subsidies were granted to schools that had been damaged or destroyed and teams of psychologists were made available to traumatized students. In August 2010, moreover, an operational plan was formulated for the period 2010–2015 in order to adapt the aforementioned national action strategy to the post-earthquake situation.

54. A committee on educational adjustment and social support was established in 1993 with a view to undertaking activities for the integration of young persons with disabilities into the Haitian education system. Special pilot classes were incorporated into three public schools in order to take in students with mild psychological and mental disorders and learning difficulties. The number of students with disabilities passing the State examinations has risen substantially since 2007.

55. Poor nutrition has been diagnosed as a cause of failure at school in Haiti. A National School Canteen Programme (PNCS) was therefore developed in partnership with international cooperation agencies for the purpose of supplying hot meals to public schools and food for cooking to private schools that so request.

56. The President of the Republic, Mr. Michel Joseph Martelly, has made a firm and solemn commitment to education. An education support fund was created on 26 May 2011 and a geographical department was selected to pilot public policies designed to achieve universal education for Haitian children.

## **N. The fight against poverty**

57. The fight against poverty and inequality is undoubtedly Haiti's biggest challenge. Out of a population officially numbering 8.1 million inhabitants, 55 per cent (4.4 million persons) live on an average income below the extreme poverty line of US\$ 1 per person, per day, and 71 per cent, or roughly 6.2 million, live below the general poverty line of US\$ 2. Four core areas have been identified with respect to planning strategies for the reduction of poverty and inequality in Haiti:

- The first relates to the strengthening of institutions, in particular the State, the family and the school, and their role in promoting the common good, freedoms and solidarity
- The second deals with equal opportunity policies aimed at breaking the link between de facto inequality and inequality of opportunity
- The third core area concerns policies for redistribution, which must serve to provide the most disadvantaged with the income and resources needed to meet their essential needs and develop their capacities and potential

- Lastly, the fourth emphasizes the development of opportunities and capacities. The aim is to enhance opportunities by creating the right conditions for the economy to operate as productively as possible while minimizing the factors that leave households vulnerable

#### **IV. Cooperation with United Nations human rights mechanisms**

58. Cooperation between the Republic of Haiti and international human rights organizations has strengthened over the past decade. Haiti thus accepted, in 1995, the appointment of an independent expert to examine the country's human rights situation. Prior to the appointment of Mr. Michel Forst, two United Nations experts had fulfilled that task and their mandate had always been renewed with the agreement of the Haitian authorities. Requests for country visits by these experts were always granted and they always had unimpeded access to Haitian public institutions and enjoyed full freedom of movement within the country.

59. Haiti also welcomed the visit by the Special Rapporteur on contemporary forms of slavery in 2009, by the Special Rapporteur on the human rights of internally displaced persons in 2010 and by the Special Rapporteur on adequate housing in June 2010.

60. A combined periodic report on implementation of the Convention on the Elimination of All Forms of Discrimination against Women was submitted in 2009. Haiti intends to submit within a reasonable time its outstanding reports to treaty bodies, in particular its second and third reports to the Committee on the Rights of the Child, due in 2007, and its fourteenth to eighteenth periodic reports to the Committee on the Elimination of Racial Discrimination, due in 2008.

#### **V. Obstacles and constraints**

61. In implementing its policies for the promotion and protection of human rights, the Haitian State is beset by a host of obstacles and constraints. These constraints are structural (low growth rate leading to poverty, weakness of the justice and education systems, poor health coverage and corruption) or temporary (political crises, natural disasters, etc.). The effects of these constraints were greatly compounded by the earthquake of 12 January 2010.

##### **A. Earthquake of 12 January 2010**

62. On Tuesday, 12 January 2010, at 1653 hours local time, a 35-second earthquake measuring 7 on the Richter scale struck Haiti. This earthquake was the most powerful to affect the country for 200 years. Its impact was felt in three departments (Ouest, Sud-Est and Nippes). The metropolitan area of Port-au-Prince suffered particularly severe damage. The disaster also created an unprecedented situation by simultaneously affecting areas with a high population density, economic centres and the administrative centres of the capital and in certain provincial towns.

63. The effect of the earthquake on the population was catastrophic. Hundreds of thousands of people lost their lives and some 300,000 were injured. A further 1.3 million were forced to abandon their homes, which were either ruined or severely damaged, in order to seek refuge in temporary shelters located in public areas or on private property. The destruction of infrastructure was colossal. Almost 105,000 houses were entirely destroyed and over 208,000 damaged, including 1,300 schools and over 50 hospitals and health centres, which collapsed or were rendered unusable. The National Palace, the Parliament, the Ministers' Palace and the majority of public administration buildings were destroyed.

## **B. Natural disasters**

64. Haiti is located in a geographical region prone to hurricanes. Lasting from June to November, each year's hurricane season is a period of worry for the authorities. The country has been struck several times by hurricanes that have caused significant loss of human life and material damage, such as Hurricane Jeanne, which completely flooded the town of Gonaives in 2004, causing some 3,000 deaths.

## **C. Political instability**

65. Since the fall of the Duvaliers in 1986, Haiti has experienced several periods of political instability (coups d'état, popular uprisings, political crises, etc.) that adversely affected the public policies, programmes and projects under way.

## **D. Impunity and gaps in the justice system**

66. Impunity poses a major problem and is related to the gaps in the justice system. This system is a direct legacy from the period preceding 1986, since when various mechanisms and patterns of behaviour have remained unchanged, despite the abolition of oppressive laws. One of the negative consequences of this situation is that litigants have little confidence in the institutions of justice and sometimes prefer to resolve their problems out of court, if not to seek summary justice. The Government of President Martelly will take every step to pre-empt and prevent this kind of action.

## **E. Prolonged pretrial detention**

67. Before 1986, prolonged pretrial detention was a tool of the dictatorship. A person could be thrown into prison without trial and be released years later without explanation. The use of prolonged pretrial detention for political purposes ended in 1987, when the Constitution prohibited detention for longer than 48 hours without a court order, but it nonetheless persists for other reasons. These reasons essentially concern procedural delays, the unavailability of legal aid to enable people without means to initiate the habeas corpus procedure, the heavy caseload of judges and the poor supervision of their work. The phenomenon has subsided considerably in the past few years in the wake of measures adopted by the justice authorities, such as the establishment of a committee to examine case files, the holding of several court sessions annually and the presence of judges in prisons to deal with straightforward or priority matters. Nevertheless, far too many people are still affected by this failure of the justice system.

## **F. Problems in the prison system**

68. Prison overpopulation is a recurrent problem in Haiti. It is partly related to prolonged pretrial detention insofar as existing prisons could cope with the number of persons duly convicted by the competent courts. The other major cause is the lack of alternative penalties under Haitian legislation to imprisonment for minor offences. Detention conditions are another troublesome aspect of the problem in that most prisons are ramshackle and overcrowded, with limited access to health care.

## **G. Corruption**

69. The use of public office for personal gain has existed on a worrying scale in Haiti for several years and has contributed significantly to the lack of respect for the rights of Haitians as a result of the misappropriation of certain

resources. Aware of this situation, the Haitian authorities reacted by establishing, in 2004, an anti-corruption unit and by ratifying the United Nations and Inter-American conventions against corruption. This led to the arrest and indictment of two directors-general of autonomous public institutions in 2008 and 2011.

## **H. The housing problem**

70. The question of housing, already a serious problem, particularly in large towns, has loomed larger since the earthquake of 12 January 2010. Political instability, lack of urban planning and rural exodus have led to an increasing proliferation of shanty towns in the capital and main provincial cities. Established in the 1980s, the Public Enterprise for the Promotion of Social Housing (EPPLS) has built low-rent housing blocks in several communes, but in insufficient quantity because of its limited resources.

## **I. Illegal travel**

71. Since the early 1980s and in violation of Haiti's emigration laws, ever-growing numbers of Haitians have attempted to leave the country on flimsy vessels in order to escape misery and poverty. These attempts frequently end in tragedy insofar as these boats are overloaded and operated by unqualified persons.

## **VI. Challenges and prospects**

72. To address the problems described and the above-mentioned obstacles and constraints, the Haitian State, in particular the new Government, has committed itself to taking a series of measures that should, if not fully resolve all those problems, at least bring about an appreciable improvement in the human rights situation for the benefit of Haitian citizens.

### **A. Reforming the justice system**

73. A key element of justice reform is to ensure that the judiciary is in a position to exercise its independence to the full, in accordance with the principle of independence of the three powers guaranteed by the Constitution. To that end, the constitutional reform in progress provides for the establishment of a constitutional court tasked with monitoring the constitutionality of laws. Furthermore, three laws passed in 2007 set a new framework for the appointment of judges, which will no longer be at the discretion of the Head of State. A new president of the Court of Cassation is shortly to be appointed in the interest of ensuring that the Supreme Council of the Judiciary, responsible for overseeing the functioning of the judiciary, is fully operational. A committee has also been formed to review the Penal Code and the Code of Civil Procedure and its work is well under way.

74. Another key area of this reform is training for judges and for judicial personnel in general. The Judicial Training College, which had ceased to function for various reasons, was officially reopened on 12 March 2009. Since that date, it has provided initial and in-service training for trainee judges. Stricter recruitment criteria have been introduced, which should raise the standard of judges in future. A cohort of trainee judges is in Bordeaux for advanced training.

### **B. Improving the prison system**

75. In order to resolve the problem of prison overcrowding, the Haitian Government has embarked on the construction of prison facilities complying

with international standards, such as:

- Construction of the civilian prison in Hinche, with a capacity for 300 inmates
- Upgrading of the civilian prison in Carrefour, which has a capacity for 604 inmates, with a cell area of 2.5 square metres per inmate, a standard accepted by the International Committee of the Red Cross in an emergency situation
- Upgrading of the civilian prison in Cap-Haitien
- Renovation of the civilian prison in Port-de-Paix
- Establishment of a juvenile unit in Port-de-Paix
- Construction of a women's prison in Port-au-Prince
- Construction of a visiting room and a first-aid clinic at the civilian prison in Port-au-Prince

**C. Organizing and increasing school provision through universal education**

76. The Head of State, President Martelly, officially launched the National Education Fund on 26 May 2011, with a sum of approximately \$360 million over five years to fund free primary schooling. This Fund will be primarily constituted from levying a charge of 5 centimes on incoming international telephone calls and of \$1.50 on money transfers. The levy on telephone calls should bring in \$180 million over five years and that on transfers should guarantee about the same amount over the same period.

**D. Increasing the number of health workers and assigning them across the country**

77. Special efforts will be made to augment the number of health personnel. Haitian doctors trained in Cuba will gradually return to practise in their home communes, where they will be appointed to permanent positions in community health centres. In the interim, the Government will pursue the fruitful cooperation that has been ongoing for several years with Cuba whereby Cuban doctors are in attendance at public health centres, particularly in provincial towns.

**E. Increasing the housing supply and relocating earthquake victims**

78. With respect to the rehousing of earthquake victims, the Government has already issued several expropriation orders in order to find space for rehousing a number of persons. It has already evacuated some camps and appropriately rehoused the victims, with the assistance of international cooperation agencies and non-governmental organizations.

79. The Government has chosen the path of negotiation for ultimately evacuating the sites occupied by victims. Various neighbourhood restoration projects are being implemented.

**VII. Needs**

80. In order to meet its international human rights obligations, the Haitian Government would welcome the support of the international community in the following areas:

- (a) National capacity-building in the preparation of periodic reports to treaty bodies and in the implementation of concluding observations and recommendations made by special procedures mandate holders and other



United Nations mechanisms;

(b) In-service training in human rights and international humanitarian law for the security forces;

(c) Support for the refurbishment and construction of women's prison facilities and for the establishment of juvenile correctional facilities, as prescribed by law.

GE.11-15085 (E) 120811 150811