



Institute for Justice & Democracy in Haiti
Bureau des Avocats Internationaux

Universal Periodic Review (UPR) Conference Call Part I – August 30, 2011 Notes

On August 30, the Institute for Justice and Democracy in Haiti (IJDH) hosted a conference call on the process of Preparing for the UN's Universal Periodic Review (UPR) of Human Rights conditions in Haiti. The elaborate UPR process was initiated in 2006 by the UN Human Rights Council for each of the member states of the United Nations. The procedure calls for every member state to be reviewed every four years regarding the nation's compliance with the United Nations Declaration of Human Rights and subsequent human rights documents to which they are signatories. Haiti is the last country to be reviewed. It was scheduled for review in early 2010, but given the January 2010 earthquake, the Human Rights Council voted to postpone the review until October.

*Etant Dupain and Beatrice Lindstrom unable to attend call as planned.

Nicole Phillips (IJDH Staff Attorney, Moderator)

IJDH and its partner organization in Haiti, the *Bureau des Avocats Internationaux* (BAI) follow a rights-based and victim-centered approach to transform unjust structures and empower citizens to advocate for themselves. The organizations' goals are to enforce basic human rights through three complimentary strategies: 1) free legal services to the poor 2) organizing support for civil society groups 3) legal strategies for victims.

On October 13, members of the Government of Haiti will appear in Geneva and go before 47 member nations who will have read submitted documents and will ask the Government of Haiti questions about its obligations and enforcement.

The next day, the member states will make suggested recommendations that the Government of Haiti can agree or not agree to, and which will serve as a guiding post for next four years of implementation before Haiti's next review.

- Haiti (or any reviewed country) has the opportunity to submit a human

rights report which it did a couple weeks ago and is available on the IJDH website.

- Civil society stakeholders can submit reports and their own recommendations for human rights improvements.
- Office of High Commissioner on Human Rights (OHCHR) made available a 10-page summary of civil society stakeholders' reports submitted to OHCHR. <http://ijdh.org/archives/20667>
- IJDH coordinated with a coalition of 57 organizations in Haiti and in the United States and submitted 12 substantive reports on human rights issues, and one summary report to the UN Human Rights Council reviewing Haiti.

Concrete difference that the UPR process can make for human rights in Haiti

Sarah Paoletti (Practice Associate Professor of Law at the University of Pennsylvania Law School; has served as Senior Coordinator/Consultant for the US Human Rights Network's US Universal Periodic Review Project)

First Mantra: what happens in Geneva can't stay in Geneva; must play out on ground in country at issue; advocacy in Geneva must be followed through on ground.

- UPR: calls upon civil society to be proactive and push for accountability and implementation moving forward
- UPR: different from treaties in that reviews take place by member countries
 - Opportunities for civil society to intervene are in preparation of reports in advance and then briefly during adoption process of report at subsequent session of Human Rights Council
 - UN General Assembly is clear that civil society has clear role to play and government should consult with civil society in process

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- Outreach with different grassroots groups and the BAI's partners;
- Orientation in January of this year brought diverse membership;
- Goal and opportunity is to educate government of Haiti as well as international community that civil society are those folks living in tent camps, women forming NGOs to address gender-based violence,

- women and children trying to get access to education, people trying to get access to fair and just employment – not just international community;
- Opportunity for advocates to come together to create broader human rights movement that reflects needs and concerns of those who are subjects of the recommendations
 - Grassroots groups haven't had a lot of opportunities to come together to create a broader human rights movement, especially one that reflects their needs and what they're confronting right now. This is a great opportunity to do so.

How IJDH-BAI have ensured civil society participation throughout the process:

- Some concerns we have heard include why should civil society go to UN to raise its concerns about human rights in Haiti when it is the UN that is contributing to, or condoning, or permitting human rights violations to go on?
 - Part of it is the explanation is that while the UPR is run through the UN, it is the individual member countries that are making the recommendations, not the bureaucracy itself;
 - This is a process that will happen whether that you participate or not – opportunity for voices to be heard and be a part of process;
 - Unique opportunity to educate the international NGO community, government, INGOs, and bureaucracies about the concerns of grassroots communities on the ground;
 - Review of universal standards -- Universal Declaration of Human Rights -- that is not bound to treaties which Haiti has ratified or by Haiti's timetable of submitting reports;
 - Small groups identify priority areas and issue areas. Since then orgs have continued conversations in contributing to and preparing reports, linking substantive issues together i.e. how housing rights violations were linked to gender-based violence and how gender attitudes had an impact on educational opportunities and likewise employment opportunities.

The capacity of a lot of these groups to provide us with the information we envisioned was very challenging given daily human rights abuses. We reoriented our goals and started meeting with people individually and acted as scribes as in this process, documenting as much as we could from the individuals' stories and what people were experiencing including what their recommendations

were for both government of Haiti and international community. Groups on their own chose a list of 12 issues, listed here:

1. Gender-based violence & Women's rights
2. Right to house
3. Labor
4. Children
5. Education
6. Elections and voting
7. Environmental justice
8. Sovereignty
9. Criminal justice & prisons & detention
10. Food, water, sanitation
11. MINUSTAH mandate
12. Child labor and child slavery

We tried to get consultation with government, which is encouraged to meet with civil society before they submit their report:

- Saw draft in June/July and was part of one government consultation; found out accidentally; those who submitted reports prior to 2011 were contacted to attend; those who submitted by March 2011 were not contacted;
- A good attempt at having a government meeting and consultation with civil society, but did not include the cross-section (mentioned by Sarah) of people living in the camps, or women creating organizations as rape survivors. These individuals were not present at the meeting and it does not look like the consultation influenced the report the government submitted a few weeks ago.

Goals of January training and subsequent meetings and subgroups

(Sarah Paoletti) Second Mantra: "And now the work just begins."

Timeline for next dates:

- October 13 morning webcast live at 3 am at High Commissioner website and as recording that day;
- Considering ways to disseminate it in real or delayed time;
- Consolidating 10 page reports into 2 page handouts so that 47 member countries have recommendations in their hands.
- Governments are limited to 2 minutes each for their intervention, so

- recommendations are abstract;
- Government of Haiti will have until March 2012 (next session of UN Human Rights Council) to accept, reject, or take under advisement the recommendations;
 - Two-year report/check-in cycle is possible;
 - Advocacy community should ensure that recommendations get implemented for positive effect on human rights;
 - Trying to get individuals from Haiti to Geneva to be part of process; (video recording; photos; written testimony)
 - Looking for funding to send more Haitians to Geneva.
 - Videographer has agreed to work with Etant (unable to make the call; directs Bri Kouri Nouvel Gaye) to put together testimonial video at side event in Geneva;
 - Advocacy strategy for more press conferences and going into provinces with flyers and loud-speakers and cars and letting them know that their government is being reviewed by the UN, as well as grassroots outreach via community radio.

Short and long-term impacts:

- Most immediate thing is bringing together grassroots groups, individuals, and organizations disenfranchised from international and national dialogue on human rights issues even though they are ones experiencing violations;
- Bringing voices together to reach common understanding to see power of bringing together common voices around common goal of achieving human rights;
- Sharing with international community and government of Haiti.

How to connect grassroots organizations in Haiti with those in United States and around the globe and how share best practices among civil society organizations.

- This review of Haiti could be used as a model for many countries out there that will be reviewed in the UPR.

Additional questions/how to get involved, email Nicole Phillips, IJDH Staff Attorney at Nicole@Ijdh.org .

<http://ijdh.org/wordpress/wp-content/uploads/2011/09/UPR-Notes-Karen-Ansara.pdf>