



Institute for Justice & Democracy in Haiti
Fighting for the human rights of Haiti's poor

Universal Periodic Review (UPR) Conference Call Part II - October 13, 2011

On October 13th, the Institute for Justice & Democracy in Haiti (IJDH) hosted Part Two of a series of conference calls detailing the process and importance behind Haiti's Universal Periodic Review (UPR) in which the UN Human Rights Council was able to evaluate Haiti's compliance with human rights obligations and make recommendations for further improvements.

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 was 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. The UPR Review took place on October 13th and shortly thereafter -- Mario Joseph, Av., BAI Managing Attorney, Nathalie Nozile, Esq., Children's Rights Attorney, Jolie Legal Fellow, and Sarah Paoletti, Esq., Director, Transnational Legal Clinic, University of Pennsylvania Law School -- joined an IJDH conference call to debrief on what was said in Geneva. The call was moderated by Nicole Phillips, IJDH Staff Attorney.

Haitian grassroots representatives could not make it for the session because of visa issues. Nicole Phillips mentions it as a good example of the accessibility, or lack thereof, available to Haitian Civil Society to participate in UN practices. Mario Joseph and Nathalie Nozile were among a limited number of Haitian civil society members actually able to take part in the activities surrounding October 13th's hearing, as a result of the generosity of the American Jewish World Services.

Nicole Phillips (IJDH Staff Attorney, Moderator)

- The Haitian Government did not send their delegation to this UN session;
- The permanent mission in Geneva representative of Haitian government was present on behalf of high-level Haitian authorities;
- Governments of forty countries presented their observations and recommendations for Haiti;
- The review took three hours and most of the discussion corresponded to the issues discussed by the IJDH-BAI team in the first UPR conference call.

Click [here](#) to read the notes of the first call or click [here](#) to listen to the call in its entirety.

The most discussed issues of the [hearing](#) were:

- Rights to education;
- Primary education;
- Trafficking between the United States and the Dominican Republic.
 - More than a half of the countries represented in Geneva raised issues of gender-based human rights violations. Including the lack of education available to women and the need to protect women by building their economic capacity;
 - The discussion also touched the issues of:
- Conditions in prisons;
- The ongoing [Jean-Claude Duvalier prosecution](#);
- Forced evictions in the camps.
 - There were recommendations made addressing the need for basic housing supplies to continue the rebuilding the process throughout the country.
 - The undemocratic power shift between 2009 and 2011 was **not** included in discussion. Thus, issues such as the importance of having an accountable government and undemocratic elections were missing from the discussion. A special session for such issues will take place during the next session in March, when, hopefully, Haitian civil society organizations will be present in greater numbers.

After this introduction, Nicole asks Mario to speak about his opinion regarding the absence of a Haitian government.

** The section is conducted in Creole and is simultaneously translated by Natalie Nozile.*

Mario Joseph, Av., BAI Managing Attorney:

Opinion:

- "It is not a big surprise that the Government of Haiti was not present, it happened before and it means that neither current nor previous governments want to comply with the UN standards. The government refuses to establish the dialogue with civil society. The information about the upcoming UPR session in UN was not publicly announced in Haiti."
- "Generally, the UN is based on a lot of formalities and in some cases this leads to the fact that the issues of Haiti are not raised properly. Formally the act of elections is a feature of democratic rule, but they were in fact not democratic."
- "Such topics as "civil society" are hijacked by the international community. This term does not reflect what civil society means anymore, "social

movement” might be a better option. Hopefully the representatives of grassroots organizations will be able to come to the UN meeting next time and explain the real situation.”

Results:

- There was an encouraging amount of concern for Haiti in the international arena. This fact provides Haitian civil society with the right and ability to continue to work for the protection of their human rights;
- The majority of participating countries did not question the elections;
- The issues of human rights on the ground were not addressed by countries such as France and the Dominican Republic due to the historical conflicts between them.
- Haiti received a lot of support and good recommendations from African countries, such as Djibouti.
- The participants of the conference were aware of the work of the grassroots organizations in Haiti and highlighted the need for human rights institutions in the government.

Action plan:

- Provide publicity for the recommendations and highlight most important aspects;
- All the recommendations are to be translated into French and Creole;
- Special training on the recommendations for better understanding and implementation is to be provided (especially for women and children) in Haiti;
- Frame recommendations regarding women's' and children's rights in a more comprehensive level and work hard to make sure that those rights are respected;
- Continue the development of relationships with African countries;
- Work out a proper strategy to implement the recommendations.

Nathalie Nozile, Esq. (Children's Rights Attorney, Jolie Legal Fellow). Work on children rights:

Results:

- Concrete recommendations from Djibouti and Poland;
- Specific recommendations have more value than general/broad ones;
- New focus was brought up – rights of children with disabilities;
- Special focus on sexual abuse of girls;
- Accumulation of substantial amount of official documents.

Action Plan:

- Use all the recommendations, including specific and broad, in advocacy.
- All of the recommendations are available at IJDH under the [Universal Review Periodic section](#).

Sarah Paoletti, Esq. (Director, Transnational Legal Clinic, University of Pennsylvania Law School). Has experience with civil society institutes in US and is involved into the work in Haiti.

Opinion: High involvement of Haitian civil society grassroots organizations in human rights work.

- “Once the review was made the real work begins”
- “With promises come the obligations.”
- "How do we convert recommendations into real steps? The issue of implementation is crucial. The Report should not be just a piece of paper, but has to become a guide for the realization of Human Rights."