

**Summary Submission to the UN Universal Periodic Review of**  
**HAITI**  
**Twelfth Session of the UPR Working Group of the Human Rights Council**  
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**Submitted by:**

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## **EXECUTIVE SUMMARY**

This joint submission filed by the Lawyers' Earthquake Response Network (LERN), the Bureau des Avocats Internationaux (BAI) and the Institute for Justice & Democracy in Haiti (IJDH), summarizes human rights issues raised in 12 stakeholder reports submitted by a coalition of 57 grassroots groups, internally displaced persons (IDP) camps, non-governmental organizations and academic institutions representing a diverse spectrum of Haitian stakeholders. It provides information under Sections B, C, and D as stipulated in the General Guidelines for the Preparation of Information under the Universal Periodic Review (UPR). The coalition recognizes the immense challenges the Government of Haiti has faced following the devastation wrought by the January 12, 2010, earthquake. While the earthquake has created new challenges, the failure of the Government of Haiti to respect, protect and fulfill human rights pre-dates the earthquake. The coalition urges the Government of Haiti to use this opportunity to review its pervasive shortcomings in both its policies and practices, and to commit to not rebuild Haiti as it existed prior to the earthquake, but to build it into a country that respects and promotes human rights in a sustainable and autonomous fashion. It also recognizes the role of the international community in Haiti's development and reconstruction and urges international actors to implement a human rights based approach that supports the Government's efforts toward the realization of rights.

- **Section B** examines the existing frameworks in Haiti for protecting and promoting human rights, and raises concerns about the lack of adequate mechanisms available to ensure the full implementation of the human rights provided for under the UN Charter, the Universal Declaration on Human Rights (UDHR), and the human rights treaties Haiti has ratified. It also addresses the need for Haiti to ratify the International Covenant on Economic, Social and Cultural Rights and the Protocol of San Salvador.
- **Section C** highlights the shortcomings in Haiti's implementation of its human rights obligations, including its obligation to proactively engage with the international community to ensure the people of Haiti have a voice in their own governance and development. Furthermore, it stresses the need for a rights based approach to recovery and relief efforts, and to sustainable development programs that: respect the sovereignty of Haiti; recognize the interdependence of civil, political, economic, social and cultural rights; and build the government and civil society's capacity to collectively advance the full panoply of rights.
- **Section D** highlights a number of recommendations for actions the Government of Haiti can and must take to protect and promote fundamental rights. More detailed and comprehensive recommendations for action are provided in each coalition stakeholder report submitted in conjunction with this overarching report.

The LERN coalition recognizes the losses endured by the Government of Haiti in the January 2010 earthquake, the significant role of the international community in all areas of Haitian governance and rebuilding, and the uncertainty surrounding the 2011 Presidential elections. The coalition urges the incoming Government to fully engage all aspects of civil society in consultations throughout its UPR process.

### **B. NORMATIVE AND INSTITUTIONAL FRAMEWORK OF THE STATE**

#### **Scope of international obligations**

1. Haiti has ratified several of the core international human rights instruments, including: the International Covenant on Civil and Political Rights (ICCPR); the Convention on the Rights of the Child (CRC); the Convention Against All Forms of Discrimination Against Women (CEDAW); the Convention on the Elimination of All Forms of Racial Discrimination (ICERD); the

Convention on the Rights of Persons with Disabilities (CRPD); the American Convention on Human Rights; and the core ILO Conventions addressing freedom of association and collective bargaining (87 and 98), the elimination of forced and compulsory labour (29 and 105), the elimination of discrimination in respect of employment and occupation (100 and 111), and the abolition of child labor (138 and 182).

2. Haiti has *not* ratified the core international treaty addressing economic, social and cultural rights. It has taken no action towards the ratification of the ICESCR, and while it has signed the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights (“Protocol of San Salvador”), it has not taken steps towards ratification. These omissions are particularly glaring in light of Haiti’s long-standing position as the poorest country in the Western Hemisphere and its marked failure to take affirmative measures aimed at the realization of economic, social and cultural rights for all Haitians, without regard to race, birth, or other social status.
3. Haiti similarly has failed to take action on the ratification of the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, or the Optional Protocol thereto. Furthermore, it has signed, but not ratified, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. The refusal of Haiti to participate in these international accountability mechanisms is particularly troubling in light of Haiti’s history of human rights abuses of prisoners, political opponents, human rights advocates, and citizens returned to Haiti following their deportation from the United States and other countries. Its failure to ratify the Optional Protocol to the CRC calls into question its commitment to address the abuses of Restavek children and other forms of child labor, as well as gender-based violence in Haiti rampant among all ages.

#### Constitutional and legislative framework

4. Haiti’s Constitution of 1987 provides for the separation of powers among the three branches of government – the Executive, Legislative, and Judicial.

#### Institutional and human rights infrastructure

5. The *Office de la protection du citoyen* was established in 1995, in accordance with Article 207 of the 1987 Constitution, which sets as its mandate “to protect any individual against all forms of abuse of Public Administration,” independent of state and political power. In practice, the Ombudsman system has been of limited effect in protecting and promoting human rights, or in seeking redress and demanding accountability for rights violations. By the Haitian Government’s own admission, the Ombudsman faces obstacles in obtaining information and in getting responses from government officials who refuse to comply in investigative requests, often ignoring the investigative authority of the Ombudsman. The effectiveness of the Ombudsman is further diminished by its limited enforcement authority – it may recommend to the Ministry subject to complaint certain action and reconsideration of its early decision, and can follow that recommendation with a report to the Executive and Legislative branches. It can similarly propose reforms to legislation and regulations designed to promote the welfare of Haitian citizens, with the goal of decreasing the number of abuses. But it has no significant enforcement authority, is not well known among the Haitian population, has not garnered tremendous credibility, and still falls short of the guidelines set forth in the Paris Principles on national human rights institutions.<sup>1</sup>
6. In addition, limited resources, capacity, and political will make the existing mechanisms for addressing human rights in Haiti weak and ineffective. More needs to be done to strengthen and

build the credibility of the *Office de la protection du citoyen*. Furthermore, its mandate needs to be expanded to ensure that mechanisms are in place to enforce affirmative obligations of the State to protect Haitians from rights abuses not only at the hands of the government and government officials, but also at the hands of private actors and the international community.

## C. PROMOTION AND PROTECTION OF RIGHTS ON THE GROUND

### Equality and Non-Discrimination

7. While the right to non-discrimination is recognized in the Constitution, provisions outlining prohibited discrimination in Haitian domestic law are limited and fail to establish adequate mechanisms for ensuring the right to non-discrimination, leaving domestic law and practice out of step with Haiti's obligations under the ICCPR, ICERD, and CEDAW.
8. **The pervasiveness of gender-based violence in Haiti brings into sharp focus the Government's failure to ensure that the fundamental human rights of women and girls are protected without discrimination.**<sup>2</sup> There are inadequate legal protections against sexual violence and harassment. Sexual harassment is not included as prohibited discrimination in Haiti's labor code, and women have long endured sexual harassment and rape as part of their working relationship.<sup>3</sup> In society at large, women and girls are at increased risk of rape, given the collapse of social infrastructures, the erosion of family and community networks, inequitable access to social services, absence of law and order, lack of secure housing or safe neighborhoods and dependence resulting from economic dislocation.
9. All of these risk factors have increased dramatically in post-earthquake Haiti, resulting in an epidemic of gender-based violence against women and girls.<sup>4</sup> The UN Security Council, several UN Special Rapporteurs and Representatives, and the Inter-American Commission on Human Rights (IACHR) have called attention to the sexual violence against displaced women and girls as an issue that must be addressed by the international community and the Haitian government. These actors have also called for the inclusion of Haitian grassroots women's groups in meaningful participation in the coordination efforts to address and prevent sexual violence in IDP camps.<sup>5</sup>

### Right to life, liberty, and security of the person

10. **The January 2010 earthquake and the lack of meaningful and sustained rebuilding efforts have had a significant and negative impact on all Haitians' enjoyment of the right to life, liberty, and security of person.** The earthquake was itself an arbitrary deprivation of life, as the exuberant death toll was a direct result of long-term structural inadequacies and a failure to protect the right to safe housing. Insecurity after the earthquake is acute in the tent camps in Port-au-Prince, but the conditions that led to this denial are long-standing, and it is critical that responses to these rights violations look further back in seeking to address the root causes.
11. As noted above, women and girls are routinely denied the right to security of person as they are regularly subjected to rape and other forms of gender-based violence, and there is little if any redress available to them. Extremely limited notions of accountability persist and acts of violence are largely perpetrated with impunity. IDP communities as a whole also experience violations of the right to security of person as forced evictions are carried out at an alarming rate, without adequate notice and often through the use of threats or acts of violence.<sup>6</sup>
12. **Haiti's justice system routinely denies life, liberty and security of person to those deprived of liberty by the state and held in prisons and in police station holding cells.**<sup>7</sup> Over 80% of prisoners have not been convicted of a crime and are held in illegal pretrial detention for over a year on average. Haiti's prison conditions rank among the worst in the Western Hemisphere;<sup>8</sup>

prisons and detention centers are overcrowded, poorly maintained and unsanitary, periodically lacking in food and water as well as basic medical services and medical isolation units for contagious patients.<sup>9</sup> These conditions fall far below minimum standards and amount to torture or cruel, inhumane and degrading (CID) treatment or punishment.<sup>10</sup> In certain cases, especially following the cholera outbreak, the conditions have resulted in an arbitrary deprivation of life.

13. **Persons deported back to Haiti are subject to the same conditions as those detained in Haiti's prisons.** Included among those denied the right to life, liberty and security of person are Haitian citizens deported to Haiti following criminal infractions in the United States or other countries. These deportees are automatically detained by the Government of Haiti upon arrival, and are held in inhumane conditions that amount to torture and CID treatment or punishment.<sup>11</sup> The deportees are kept in overcrowded cells with squalid conditions; dirt, feces, blood and vomit cover the walls and floors. One deportee died from cholera-like symptoms in January 2011, despite being visibly ill and despite pleas for help and medical assistance from other deportees. The police guards responded to these pleas with cavalier comments such as "you are here to suffer/die." While the U.S. and other countries are in breach of its obligations under international human rights law and the Convention Against Torture not to deport Haitian citizens knowing the deprivation of life, liberty, and security of person they face when they land, the Government of Haiti has an obligation to ensure these violations do not occur in the first place.

Administration of justice, including impunity and the rule of law

14. Haiti's system of justice has long been rife with impunity, and while it has a strong set of laws, the just enforcement of those laws is notoriously weak. This is true not only in investigating and prosecuting alleged corruption and other crimes within the Government— impunity and lack of a strong rule of law pervades the Haitian system and extends as well to the international community operating in Haiti.<sup>12</sup>
15. **Haiti's criminal justice system routinely violates basic human rights and fails to comply with protections that exist under Haitian and international law.**<sup>13</sup> A vast majority of individuals held in detention have not been convicted of a crime, and corruption and inefficiencies in the court systems lead to prolonged pretrial detention that disproportionately affects the poor who are unable to pay for bribes or legal counsel.
16. **Children are also victimized by the failures in the criminal justice system.**<sup>14</sup> Children accused of a crime are incarcerated and often held in pre-trial detention without the benefit of due process and are often incarcerated with adults. While the Haitian Penal Code prohibits the incarceration of children under 16 years old, there are many noted cases of children less than 16 being held in prison.<sup>15</sup>
17. **Unequal administration of justice results in impunity for some.** Corruption also enables the unjustified release of guilty criminals, violating the rights of crime victims to see justice prevail over their perpetrators. The Government took a positive step towards ending impunity when it commenced an investigation into human rights abuses perpetrated under the regime of former dictator Jean-Claude Duvalier. The Prosecutor should continue this process of investigating and prosecuting Duvalier's financial and political violence crimes.
18. Haiti also has the responsibility to prosecute human rights violations committed by international actors, including crimes in which MINUSTAH soldiers are complicit.<sup>16</sup> The Government of Haiti is bound by a Status of Forces Agreement (SOFA) with the UN, which waives all liability for civil or criminal human rights violations by MINUSTAH members. This lack of accountability violates

the Government's obligations to ensure universal human rights and equal protection under the law, and Haiti's Constitution, which guarantees the right to civil suit against persons who violate individual liberties - regardless of what body they are a member.<sup>17</sup> As a result, credible allegations of sexual exploitation and abuse committed by MINUSTAH members have not been investigated or prosecuted.<sup>18</sup>

The right to participate in public and political life

19. **Undemocratic elections violate the right to participate in public and political life.** The right of civil society to participate in public and political life has consistently been undermined by the Government of Haiti and the international community. Fair and legitimate elections that reflect the will of the Haitian people and a stable, credible government are fundamental to securing Haitians' human rights and furthering Haiti's reconstruction.<sup>19</sup> Recent elections in Haiti have not met Haiti's commitments to conduct genuine elections that express the will of the Haitian people.<sup>20</sup> The extralegal *Conseil Electorale Provisoire's* systematic exclusion of eligible political parties in elections in April 2009, June 2009, November 2010 and March 2011, without legal justification, violated Haiti's national and international obligations.<sup>21</sup> On November 28, 2010, in the midst of a cholera epidemic and continued mass displacement after the earthquake, Haiti held elections to select a president, a third of the Senate and the entire House of Deputies. In these elections, the Haitian people experienced political discrimination in the form of political party exclusion and massive disenfranchisement due to failures of the voter registry and fraud during vote tabulation.<sup>22</sup> Despite widespread requests for new elections by 12 of the 19 Presidential candidates, Haitian human rights groups and civil society, the international community pressured the Haitian Government into an electoral result and proceeding with a second round of elections. These elections, funded and partially organized by the international community, were not conducted in accordance with Haitian law or Haiti's international obligations.
20. **Exclusion of Haitian participation in policy making:** Outside the context of elections, Haitians are routinely excluded from discussions about their futures, such as job creation programs and housing plans. Stakeholders should be allowed to fully participate in the rebuilding process, and to facilitate this, information about aid must be transparent and the population routinely consulted—both in providing input on project design and in ensuring necessary modifications to the projects to maximize the realization of human rights. Meaningful participation is only possible if information about relief and rebuilding is transparent and easily accessible to the community in a language known to them – something that has been lacking in the international relief and rebuilding efforts. Special efforts should be made to ensure that groups that have been historically excluded from the political process and have not had access to basic services – such as women, disabled persons, IDPs, and poor communities -- are given an opportunity to participate.

Right to work and to just and favorable conditions of work

21. **Lack of adequate enforcement contributes to abuses in all aspects of the employment relationship.** The *Ministère des affaires sociales et du travail* and the labor courts operating under its auspices are weak and ineffectual in their enforcement of the domestic labor code. Child labor and the rights to collective bargaining and freedom of association, to be free from forced or compulsory labor, to non-discrimination, and to a safe and healthy work environment persist without redress.
22. **Anti-discrimination laws do not fully comply with ICERD or CEDAW:** Rape and other forms of gender-based violence are pervasive in all aspects of the working relationship.<sup>23</sup> Furthermore, despite its obligations under international law, Haiti has failed to take affirmative measures to

ensure that employment opportunities and workplace rights are enjoyed equally across lines of gender, race, and other social status.

23. **Inadequate protection of right of association and collective bargaining:** The acute shortage of job opportunities contributes to employers' ability to treat all workers as replaceable and combat collective bargaining activities. Without adequate labor law enforcement and anti-retaliation protections in place, employers maintain disproportionate power over their workforce.
24. **Cash for work programs are vulnerable to abuse and exploitation, are not a substitute for meaningful full-time employment, and undermine notions of dignity through work.** Cash for work programs operate exclusively through international NGOs. Haiti has failed to exercise oversight over these programs to ensure respect for and enforcement of basic rights, such as minimum wage guarantees, non-discrimination, and health and safety. Furthermore, the jobs are short-term, low-paying, and often provided solely as a means to keep people occupied, rather than as a means to self-sufficiency through sustainable employment.
25. **Haiti and the Interim Haiti Reconstruction Commission's focus on the development of industrial parks and textile factory jobs does not fulfill Article 23 of the UDHR.** Haiti's chronic unemployment and underemployment requires a more robust job creation program than one limited to building the textile industry, wherein employers are permitted to pay below minimum wage, and piece rate demands contribute to forced and compulsory overtime and health and safety violations. While Better Work Haiti provides important labor compliance monitoring, it does not provide redress when rights are violated. The *Ministère des affaires sociales et du travail* and labor courts need to take a more proactive role in ensuring workers rights are protected, and redress is provided when they are violated.

Right to adequate standards of living, including rights to housing, food, water, sanitation, and a healthy environment.
26. **Rights that are critical components to an adequate standard of living continue to be out of reach for Haiti's poor majority.**<sup>24</sup> The Constitution of Haiti recognizes "the right of every citizen to decent housing, education, food and social security."<sup>25</sup> The current minimum wage falls far short for a person to obtain a decent standard of living,<sup>26</sup> and the lack of employment opportunities prohibit poor Haitians' ability to access basic services, including adequate food, water, housing and education.
27. **Haiti continues to fail in its obligation to provide decent housing.** The Government has failed to exercise its constitutional authority to protect housing rights that every Haitian citizen is entitled to enjoy, or to marshal the resources of existing institutions in a way that promotes progress, transparency, and accountability in the reconstruction process.<sup>27</sup>
28. Prior to the earthquake, a majority of Haitians lived in overpopulated urban centers, shantytowns or under-developed villages that fail to meet minimum standards of habitability. These settlements lack access to basic necessities such as clean water, sanitation, and electricity, and are plagued by high rates of violence, particularly sexual violence against women and girls. Moreover, there is virtually no security of tenure in Haiti, which leaves a majority of people, especially the urban poor, facing a constant threat of forced eviction and related human rights violations.
29. These conditions gravely exacerbated the effects of the earthquake. The toll of the earthquake did not result from the tremor alone, but from "an excessively dense population, a lack of adequate

building standards, the disastrous state of the environment, disorganized land use, and an unbalanced division of economic activity.”<sup>28</sup>

30. About 1.5 million people were displaced by the earthquake and migrated to displacement camps where they continue to live under tents, tarps, or makeshift shelters. As of March, nearly 700,000 IDPs still live in over 1000 camps, and in light the lack of alternative shelter options, many of those who have left may be living in dangerous conditions such as in unsound structures that have been deemed uninhabitable due to earthquake damage. Those who do remain live in inhumane conditions that lack security, basic services and proper sanitation. IDPs are vulnerable to violent attacks including gender-based violence and threats of forced evictions.
31. Evictions are generally carried out extra-judicially and without regard for the rights of IDPs. In November 2010, the IACHR instructed the Government of Haiti to implement a moratorium on forced evictions, but the Government has not taken any steps to comply with that directive.<sup>29</sup> The Government has also failed to provide protection for IDPs, and has not publicly condemned or discouraged forced evictions. In some cases, the Government is itself complicit in carrying out the evictions through the involvement of police officers that use force or intimidate IDPs to leave.
32. IDPs are unable to move out of the camps and into permanent housing because of a shortage in housing options, lack of economic opportunity, and unavailability of land. The Government has yet to adopt a plan that will adequately achieve durable solutions to displacement, poverty or homelessness. Furthermore, it took a full year for the Government to release building guidelines for safe construction. This delay stalled the initial rebuilding process, and those who did proceed with reconstruction did so without the guidance of best practices relevant to the Haitian context. The guidelines remain voluntary, and the absence of enforceable building codes runs the risk of recreating the same structural deficiencies that caused disproportionate damage and loss of life in the January 2010 earthquake.
33. **Violations of rights to food, water and sanitation further hinder the realization of the right to an adequate standard of living.** Several factors in Haiti threaten the basic human right of food security, including the unrestricted importation of seeds without regard to phytosanitary requirements, the largely unregulated importation and use of dangerous and often unlabeled pesticides, international trade policies and foreign food assistance that destroy local food markets. Widespread deforestation has led to soil erosion, which in turn results in decreased agricultural yields and deadly landslides. As much as 95% of Haiti’s forests have been lost and today, forests cover less than 2% of the country.<sup>30</sup>
34. In the aftermath of the earthquake, the Government has needed increased assistance to ensure the realization of food, water and sanitation. Donors and relief agencies have played a critical role in providing humanitarian assistance over the past year, and they will likely continue to actively participate in the rebuilding of the country and provision of basic services. While the Government of Haiti has the primary obligation to guarantee the rights to food, water and sanitation to its people, human rights obligations should guide the international community’s interventions in Haiti. International actors must employ a rights-based approach that prioritizes building the capacity of the Government to realize human rights and empowers the beneficiaries of aid by ensuring that they are informed of the processes that affect their lives and are given the opportunity to share their perspective in a meaningful way. Top-down assistance that bypasses the government, along with a prioritization of distributions over investments in long-term infrastructure, have led to a disempowerment of Haitians and hindered sustainable measures to meet the right to food, water and sanitation.

35. **In part because of a lack of adequate environmental assessment and planning in current and future redevelopment efforts, many relief activities threaten the long-term interests of Haitians, particularly the country's most vulnerable populations.** Crisis response does not require a prolonged disregard for natural resource protection, economic independence, health and safety concerns, or other discrete interests of rural or poor populations.
36. Slow rubble removal has led to violations of the right to health and has hindered the rebuilding effort. The rubble contains toxic substances and carcinogens that leach into ground and surface water, polluting local water and creating downstream problems in coastal fisheries, which poison food and water supplies as well as threatening livelihoods. Despite the toxic nature of rubble, clean up workers are not provided with protective gear adequate to protect their health.
37. Haiti should enact and pursue policies that ensure all substantive decisions are made by, or in meaningful consultation with, Haitian stakeholders of all socioeconomic levels. Unless specific measures are included in the structure and execution of relief and rebuilding efforts to enable broader participation in economic growth and encourage greater self-determinacy in environmental stewardship and natural resource management, human rights will go continue to be under-protected.

Right to education and the rights of the child

38. **The rights of children are severely under-protected in all areas of civil, political, economic, social and cultural rights.** Haiti has a very young population -- approximately 50 percent is under 18 years old. While the Haitian Government, in cooperation with international partners, has taken some steps to address human rights violations affecting children, those steps are woefully inadequate.
39. Before the earthquake, it was estimated that 2,000 children in Haiti were kidnapped or trafficked every year. After the earthquake, the situation has worsened considerably. Haiti has struggled to provide adequate health care for children and the country's lack of a public health system has left children in a volatile situation.
40. In 2009, the UN estimated that around 200,000 children in Haiti were mentally or physically disabled. Many of these children are abandoned because of the costs associated with caring for them, and because of a history of shunning the disabled because they are considered a burden to their already struggling families. Haiti is mandated to prevent children with disabilities from being discarded or at the very least to ensure that, if abandoned, those children are adopted or put in foster care.<sup>31</sup> However, the Haitian government does not have a program promoting the adoption of children with disabilities; nor does it have a program educating parents of disabled children to prevent their abandonment.
41. **Many children cannot access education because of high costs and scarcity in quality education.** Access to education is closely linked to future realizations of the right an adequate standard of living, and ranks high in priority among Haiti's poor. Due in part to the lack of affordability of Haitian schools, only 55% of primary-school-age children in Haiti attend school, and less than one third of those enrolled reach the fifth grade.. After the earthquake, displaced children have especially lacked access to education, raising concerns that these children will be a "lost generation."
42. Lack of educational opportunities, lack of sustainable employment at a living wage, and Haiti's failure to promote the rights of the child all contribute to the plight of child domestic servants known as restavèk children. A 2003 law intended to address the abuses of the restavèk simply

requires that a child only be “entrusted to a host family within the context of a relationship based on aid or solidarity,” and that the child “must enjoy the same privileges and rights as the family’s other children and be treated as a member of the family.” It fails to adequately address what “aid or solidarity” is and further does not provide any specific punishments. Article 340 of the Haitian Labor Code establishes a fine against any employer who employs a child without a work permit, but there is no evidence of sufficient enforcement. While the *Ministère des affaires sociales et du travail*’s implemented a hotline for citizens to call and report violations of children’s rights in 2000, the minimally staffed program offered limited assistance in response to the 200 calls for assistance it received each year. At this point in time, it is unclear whether this hotline continues to exist.

#### **D. RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW**

**The coalition calls upon the Government of Haiti to take the following actions:**

43. ***With regard to the normative and institutional framework for addressing human right:*** take immediate action to ratify and implement the ICESCR and the Protocol of San Salvador, the CAT and its Optional Protocol, and the First Optional Protocol to the CRC; work to build the capacity of its governmental institutions charged with enforcing domestic rights provisions, and expand the scope and build the capacity of the Office of the Protector of the Citizen for implementation of all of its international human rights obligations, consistent with the Paris Principles.
44. ***With regard to its obligations to civil society and to protecting the sovereign rights of the Haitian people:*** ensure all sectors of civil society are given a voice in decisions of governance and decisions related to development and rebuilding; encourage free and full participation of all eligible political parties in order to comply with Haiti’s domestic and international legal obligations, and ensure women’s equal right to participation; take affirmative measures to build the capacity of civil society and all branches of governance as it asserts its rights to self-governance and creates programs for sustainability and self-sufficiency.
45. ***With regard to the right to life, liberty, and security of person:*** Within the prison system, eliminate practices that amount to torture and cruel and unusual treatment, take measures to reduce the prison population and overcrowding, especially prolonged pretrial detention; monitor activities of all law enforcement and MINUSTAH forces to ensure compliance with human rights standards; investigate and prosecute violations of life, liberty and security of person, whether committed by government officials or international actors.
46. ***With regard to the administration of justice, including impunity and the rule of law:*** create and strengthen mechanisms of accountability at all levels of government, the judiciary, and among international actors operating in Haiti.  
***With regard to the right to work and to just and favorable conditions of work, including the right to freedom of association and collective bargaining:*** develop meaningful job creation programs that build the capacity of the Haitian work-force and provide a livable wage and lead to self-sufficiency; capacitate the *Ministère des affaires sociales et du travail* and the labor courts to enforce all labor laws and provide redress when violated; revise the 1961 Labor Code to bring it into compliance with human rights standards, and particularly to prohibit sexual harassment
47. ***With regard to the right to social security and adequate standards of living:*** lead the international community to prioritize capacity building of the Government to enable it to realize an adequate standards of living, including sustainable access to adequate levels of food, clean water, and sanitation; encourage the purchase and use of local or regional commodities by donor countries in

the rebuilding process; adopt a resettlement plan that fulfills the right to housing; promulgate enforceable building codes; implement a moratorium on forced evictions.

48. ***With regard to education and rights of the child:*** provide universal access to quality education through increased investments in school construction in rural areas, training and paying teachers, and implementing instruction in Haitian Creole; pass legislation criminalizing intrastate and interstate child trafficking and better equip relevant institutions to protect and respond to child abuse.

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<sup>1</sup> See Interim Cooperation Framework, Summary Report (2004-2006), available at: <http://haiticci.undg.org/uploads/ReportVersion8%20Eng%20FINAL%20Low%20Res.pdf>. See also, Droits et Démocratie, Intervention orale dans le cadre du dialogue interactif avec L'Expert indépendant nommé par le Secrétaire général sur la situation des droits de l'homme en Haïti, Michael Forst, Conseil des droits de l'homme, 11<sup>e</sup> session (2-19 juin 2009), available at: [http://www.dd-rd.ca/site/what\\_we\\_do/index.php?id=3002&lang=fr&subsection=where\\_we\\_work&subsubsection=country\\_documents](http://www.dd-rd.ca/site/what_we_do/index.php?id=3002&lang=fr&subsection=where_we_work&subsubsection=country_documents).

<sup>2</sup> See Joint UPR Submission Gender Based Violence Against Haiti Women & Girls in Internal Displacement Camps, submitted by FAVILEK, International Women's Human Rights Clinic at the City University of New York School of Law, KOFAFIV, KONAMAVID, MADRE, Women's Link Worldwide.

<sup>3</sup> See UPR submission on Labor Rights, submitted by Antèn Ouvrye and the Transnational Legal Clinic, University of Pennsylvania School of Law.

<sup>4</sup> See Joint UPR Submission Gender Based Violence Against Haiti Women & Girls in Internal Displacement Camps, submitted by FAVILEK, et al.

<sup>5</sup> See, e.g., Statement by Rashida Manjoo Special Rapporteur on Violence Against Women, Its Causes and Consequences at the 65th Session of the General Assembly Third Committee (Oct. 11, 2010); Walter Kälin, Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, Human Rights of Internally Displaced Persons in Haiti: Memorandum Based on a Working Visit to Port-au-Prince (12–16 Oct. 2010), ¶ 32; and October 21, 2010, Request for Precautionary Measures to the Inter-American Commission on Human Rights (IACHR) filed by KOFAFIV, KONAMAVID, FAVILEK, MADRES, the International Women's Human Rights Clinic at the City University of New York School of Law, Women's Link Worldwide, the Center for Constitutional Rights, IJDH/BAI, and Morrison and Foerster, LLP.

<sup>6</sup> See Joint UPR Submission on the Right to Housing, submitted by Camp Benediction, et al.

<sup>7</sup> See Joint UPR Submission on Criminal Justice, submitted by Alternative Chance, Center for Constitutional Rights, Conférence des universitaires pour la défense des droits et de la liberté, and LAMP for Haiti Foundation.

<sup>8</sup> See e.g., Seton Hall Law, *Haiti Rule of Law*, <http://law.shu.edu/ProgramsCenters/PublicIntGovServ/CSJ/Haiti-Rule-of-Law.cfm>.

<sup>9</sup> *Yvon Neptune v. Haiti*, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 180 (May 6, 2008).

<sup>10</sup> See U.N. Independent Expert on the Situation of Human Rights in Haiti, *Report of the Independent Expert on the Situation of Human Rights in Haiti*, U.N. Doc. A/HRC/14/44/Add.1 (May 31, 2010) (by Michel Forst).

<sup>11</sup> Interviews by Caroline Bettinger-Lopez and Marleine Bastien with Haitian deportees, Haiti Fact-Finding Mission (Feb. 12, 2011); Joint UPR Submission on Criminal Justice, submitted by Alternative Chance, Center for Constitutional Rights, Conférence des universitaires pour la défense des droits et de la liberté, and LAMP for Haiti Foundation.

<sup>12</sup> See Joint UPR Submission on MINUSTAH, submitted by Bri Kouri Nouvèl Gaye, Mennonite Central Committee (MCC) Haiti, Let Haiti Live, and UnityAyiti.

<sup>13</sup> See Joint UPR Submission on Criminal Justice, submitted by Alternative Chance, et al.

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<sup>14</sup> See Joint UPR Submission on Children's Rights, submitted by Fondasyon Kolezepòl pou Sove Timoun, Moun Viktim (MOVI), and Action des Unités Motivés pour une Haïti de Droit (AUMOHD).

<sup>15</sup> Inst. for Justice & Democracy in Haiti, Health & Human Rights Prison Project, Feb. 2008, 1-21, at 7-12, available at <http://www.ijdh.org/pdf/HHRPP.pdf> [hereinafter IJDH Prison Project].

<sup>16</sup> ICCPR, Art. 2(1), 14(1).

<sup>17</sup> Haitian Constitution, Art. 19, 24-5, 27, 36-2, 40, 276 (1987); ICCPR, Art. 2(1), 14(1).

<sup>18</sup> See Joint UPR Submission on MINUSTAH, submitted by Bri Kouri Nouvèl Gaye, Mennonite Central Committee (MCC) Haiti, Let Haiti Live, and UnityAyiti. for more information regarding the Government of Haiti's obligations vis-à-vis MINUSTAH in guaranteeing the administration of justice, including impunity and the rule of law.

<sup>19</sup> See Joint UPR Submission on the Right to Vote: Unfair and Un-inclusive Elections that do not Reflect the Will of the People, submitted by Bureau des Avocats Internationaux, Canada Haiti Action Network, TransAfrica Forum, and Louisiana Justice Institute for more information on civic participation in the context of elections.

<sup>20</sup> See Joint UPR Submission on the Right to Vote, submitted by Bureau des Avocats Internationaux et al.

<sup>21</sup> *Haiti's November 28 Elections*, IJDH, November 22, 2010 available at <http://ijdh.org/archives/15456>, p.2.

<sup>22</sup> *Reconstructing Democracy, Joint Report of Independent Electoral Monitors of Haiti's November 28, 2010 Election*, p. 9, available at <http://transafrica.org/wp-content/uploads/2011/Haiti%20Joint%20Observer%20Report%20FINAL.pdf>.

<sup>23</sup> See Joint UPR Submission on Labor Rights, submitted by Anten Ouvrye et al.

<sup>24</sup> As discussed in greater detail in the Labor Rights submission, Haiti suffers from chronic unemployment and underemployment. Furthermore, the current minimum wage in Haiti falls far short of a livable wage. Meaningful access to a good education, job training programs, and the creation of sustainable jobs that pay a livable wage (far higher than the current minimum wage) are essential components to ensuring the right to an adequate standard of living.” That is – assuming you need the room. Otherwise, maybe some of this can go into the text – to highlight the inter-dependence of rights.

<sup>25</sup> Haiti Constitution, art. 22 (1987).

<sup>26</sup> See Joint UPR Submission on Labor Rights, submitted by Anten Ouvrye et al.

<sup>27</sup> See Joint UPR Submission on the Right to Housing, submitted by Camp Benediction, et al.

<sup>28</sup> Action Plan for National Recovery and Development of Haiti, p. 5 (March 2010).

<sup>29</sup> Precautionary Measures, No. MC-367-10, Inter-American Commission on Human Rights, November 16, 2010.

<sup>30</sup> Country Profile: Haiti, May 2006. Library of Congress, Federal Research Division. available at: <http://lcweb2.loc.gov/frd/cs/profiles/Haiti.pdf>

<sup>31</sup> See Article 30 (5).