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Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Haiti

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Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its twelfth session from 3 to 14 October 2011. The review of Haiti was held at the 17th meeting, on 13 October 2011. The delegation of Haiti was headed by Jean-Claude Pierre, chargé d'affaires a.i., and chef de délégation. At its 19th meeting, held on 17 October 2011, the Working Group adopted the report on Haiti.
2. On 20 June 2011, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Haiti: Belgium, Burkina Faso and Mexico.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Haiti:
 - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/12/HTI/1);
 - (b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/12/HTI/2);
 - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/12/HTI/3).
4. A list of questions prepared in advance by Canada, the Czech Republic, the Netherlands, Norway, Slovenia, Sweden, Switzerland and the United States of America was transmitted to Haiti through the troika. These questions are available on the extranet of the UPR.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The delegation of Haiti expressed their Government's regrets that it had been unable to submit its national report by the initially planned date of 11 May 2010, on account of the terrible earthquake of 12 January 2010. The delegation reiterated their Government's thanks to the Human Rights Council for having in the circumstances devoted an extraordinary meeting to Haiti and decided, in an unparalleled gesture of solidarity, under the terms of resolution S-13/1, to postpone the presentation of Haiti's report to the last session of the Working Group on the Universal Periodic Review (UPR).
6. The delegation reported that an inter-institutional committee had been set up to draft the UPR report. Before the report had been finalized, a national consultation had been organized for 16 June 2011, in which many regional organizations of civil society had participated. Some of their recommendations had been taken into account.
7. The delegation referred to the 1987 Constitution, according to which the international conventions to which Haiti was a party took legal precedence. In addition, the 1987 Constitution had abolished all laws allowing political repression. Several of its chapters concerned the fundamental rights of Haitians, such as the right to life, the right to health, the right to education, the right to information, the right to security, the right to property, the right to personal freedom, the right to freedom of expression, the right to freedom of conscience, the right of assembly and association and the right to work.

8. Haiti had also established a number of institutions that were connected to the protection of human rights, including the Ombudsman's Office (Office Protecteur du Citoyen), the Ministry for the Status of Women and Women's Rights, the Ministry of the Environment, the State Secretariat for the Integration of Persons with Disabilities, the National Identification Office, the National Office of Migration, the National Anti-Drug Commission, the Central Unit for Financial Information and the Anti-Corruption Unit.

9. Economic and social rights, which were complementary to civil and political rights, were enshrined in the preamble of the 1987 Constitution. Contrary to the latter rights, however, protection of the former depended on suitable economic circumstances. In that regard, a National Strategy for Growth and Poverty Reduction paper, prepared in 2007, highlighted the policies and the means required to help the country emerge from poverty and distress, while giving priority to the basic needs of the citizen.

10. Haiti ensured the promotion and protection of human rights. The death penalty had been abolished in 1988 and replaced by life imprisonment. Thus at trials held in 2001 and 2002, law enforcement officers had been convicted of summary executions. Freedom of expression and freedom of opinion, which were enshrined in article 28 of the Constitution, were currently among the best defended rights in Haiti. For example, the perpetrators of the murder of the journalist Brignol Lindor in 2001 had been tried and convicted. Freedom of religion and freedom of association, enshrined in articles 30 and 31 of the Constitution, were freely exercised in Haiti.

11. Among recent actions, Haiti had ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. In addition, an Act concerning the prohibition and elimination of all forms of abuse, violence, ill-treatment or inhuman treatment against children had come into force in 2003. Further progress would be made when the preliminary bill on trafficking in persons was passed by Parliament.

12. With regard to adoption, the Hague Convention on Intercountry Adoption was in the course of ratification and a new text amending the former 1974 Act, tabled before Parliament, had already been passed by the Chamber of Deputies.

13. Several administrative measures had been taken, including the establishment of a Brigade for the Protection of Minors within the National Police Force in May 2003 and the opening of a helpline for women and children in danger.

14. The rights of migrant workers had been a source of concern for the Haitian authorities. In response, a Ministry for Haitians Living Abroad had been established to meet the requirements of Haitians living abroad and especially to serve as a facilitator and spokesperson vis-à-vis the authorities.

15. A great deal of effort had been made by the authorities to promote children's rights, including the ratification of the Convention on the Rights of the Child on 23 December 1994 and the decrees passed in 1995 and 2005 to facilitate late birth registrations, which had extended the scope of civil registration services.

16. The situation regarding street children had worsened following the earthquake of 12 January 2010. Many steps had been taken to improve matters, including the placement of some of the children concerned in homes.

17. The right to food, enshrined in article 22 of the Constitution, was one of the chief priorities of the Haitian authorities. Despite the Government's efforts in that respect, many Haitians were affected by malnutrition.

18. Regarding the right to health, infantile mortality and the prevalence of HIV/AIDS had been significantly reduced thanks to the efforts made by the Government between 1986 and 2000.

19. The right to work was recognized in the 1987 Constitution and Haiti had ratified several conventions on workers' rights. Freedom of association and the right to strike were protected. Public institutions had been set up to deal with social security and currently offered social protection on favourable terms to workers who were interested.

20. In the area of the right to decent housing and the rehousing of those made homeless on 12 January 2010, three projects were currently under way. The Kay Pam project offered financing of up to 100 per cent for the purchase or construction of a residence, the purchase of land and the enlargement or improvement of housing. The 16/6 project, which concerned the rehousing of people made homeless on 12 January 2010, consisted in a proposal to close 6 camps and in return to rehouse 16 communities. The rehabilitation of the original 16 quarters would be undertaken on the basis of the priorities decided by the inhabitants. Lastly, the 400 per cent project consisted in a plan to build 400 houses in the commune of Croix-des-Bouquets, a town close to the capital.

21. A Ministry for the Status of Women and Women's Rights had been created in 1994 in order to meet the various needs of Haitian women. According to a new constitutional amendment, a quota of 30 per cent should be reserved for women in appointive posts.

22. Education was a challenge the Haitian Government had faced for decades. President Michel Joseph Martelly had adopted a whole set of measures. By the end of the President's term of office, 1.5 million children would be provided with schooling, which was unprecedented in the history of Haiti.

23. The population of Haiti was officially estimated at 8.1 million inhabitants, 55 per cent of whom lived in extreme poverty on an income of 1 dollar per person per day. In response, the Haitian Government had launched a fourfold policy to reduce poverty and inequalities. The first part consisted in strengthening institutions such as the State, the family and the school; the second promoted equal opportunities; the third sought the redistribution of income, and the fourth focused on the development of opportunities and capacity-building.

24. Despite the fact that holding a person in custody for more than 48 hours without being brought before a judge had been forbidden under the 1987 Constitution, pretrial detention continued to be practised for other reasons, and led to prison overpopulation. The judicial authorities had taken steps to resolve the problem and a bill on habeas corpus was currently awaiting parliamentary approval.

25. Under the constitutional reform currently under way, a Constitutional Court would be established to monitor the constitutionality of legislation. In addition three laws had been passed by Parliament in 2007, one setting up the Superior Council of the Judiciary, another concerning the status of the magistrature, and a third relating to the School for Judges.

B. Interactive dialogue and responses by the State under review

26. During the interactive dialogue, 51 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

27. Sri Lanka commended the Government and the people of Haiti for their courage and resilience in rebuilding the country following the catastrophic earthquake of 2010. It welcomed the significant reduction in infant and child mortality and the decrease in the prevalence of HIV. It noted that, although primary education was compulsory and free under the Constitution, Haiti was not yet in a position to guarantee full compliance with this

provision on account of limited resources. However, Sri Lanka welcomed the action taken to enhance access to education under the National Action Strategy aimed at Education for All. It made recommendations.

28. Algeria noted the progress made in terms of child protection and the fight against hunger, disease, unemployment, illiteracy, human trafficking and inequalities between women and men. However, the lack of resources, natural disasters and political instability had slowed the achievement of the objectives defined in these areas. Algeria underlined the importance of the continuation of the international assistance given the amount and the scale of the challenges faced by the country. It made recommendations.

29. Cuba noted Haiti's obstacles to implementing human rights policies. Cuba highlighted the international community's responsibility; recalled its moral duty to contribute with financial resources and cooperation to rebuild and develop Haiti; and called on the United Nations and the international community to consolidate Haiti's sovereignty and self-determination. Cuba mentioned that Cuban doctors worked in rural areas and that Haitian doctors were trained in Cuba, which demonstrated Haiti's willingness to work with other countries and organizations willing to rebuild and develop its health system. Cuba made recommendations.

30. France welcomed the efforts undertaken by the Haitian authorities to overcome the aftermath of the 2010 earthquake. It reiterated its support to the actions taken to re-establish the rule of law and to guarantee the respect of human rights. It also noted with satisfaction that all the fundamental rights were guaranteed by the Constitution and that a reform of the judiciary system had been carried out. However, it highlighted that 20 to 40 per cent of the Haitian do not have civil documents, which hampered the exercise of their fundamental rights. France made recommendations.

31. India warmly welcomed the delegation. It noted the efforts made by the Government to prepare the national report despite of the 2010 earthquake. India also commended the steps taken by Haiti to combat violence against women. It mentioned the creation of the Education Support Fund, and the National Action Strategy for Education, as notable initiatives to achieve the goal of universal education for Haitian children. It also called upon the international community to extend technical assistance and capacity-building in line with Haiti's needs.

32. Brazil recalled that it had cooperated with Haiti in the preparation of the national report. It stressed the importance that the Haitian authorities and people attached to the consolidation of democracy. It recalled that there was a mandate on Haiti for 16 years and that Haiti was one of the countries most visited by the special procedures. It expected that the Council would be able to fulfil the mandate received in the area of technical assistance. Brazil made a recommendation.

33. Trinidad and Tobago welcomed the efforts made by the Government to promote and protect human rights through education, employment, food security and the environment. It applauded the creation of the National Education Fund to ensure universal education for Haitian children and it expressed its hope that the universal periodic review of Haiti could again sensitize the international community to the tragic effects of the 2010 earthquake for the Haitian population. It made a recommendation.

34. Bangladesh commended the Government's commitment and initiatives to ensure enjoyment of human rights by its citizens. It noted with appreciation the Action Plan for the National Reconstruction and Development of Haiti but underlined that efforts in implementing this plan could only be effectively addressed with international cooperation and assistance.

35. South Africa noted ongoing projects to strengthen the judiciary, to rehabilitate the health infrastructure and to improve accessibility to health service. The Government alluded in the report to discrimination against women, to food insecurity and trafficking, especially of children. South Africa supported the request for the provision of technical assistance and capacity-building in the identified areas as prioritized by the Government of Haiti. South Africa made recommendations.

36. Chile acknowledged Haiti's efforts to improve democracy and human rights despite the challenges, namely political instability, socio-economic difficulties and natural disasters. Chile appreciated Haiti's cooperation with the Human Rights Council and its mechanisms. Chile highlighted the national strategy to overcome poverty and the efforts regarding the constitutional framework, judicial reform and right to identity. Chile requested that cooperation be redirected according to Haiti's priorities on economic, social and cultural rights, mentioning the importance of training and assistance to strengthen its institutions. Chile made recommendations.

37. Poland noted with appreciation the efforts made by the Government of Haiti and supported by the international community to improve the situation of human rights, in extremely difficult conditions caused by the devastating earthquake the previous year. However, Poland noted with concern that numerous challenges remained and needed to be urgently addressed. Poland also noted that serious shortcomings in the protection of the rights of the child persisted. Poland made recommendations.

38. Guatemala welcomed the recent democratic transfer in Haiti. It noted that the lack of resources hindered any measure taken by the Government and shared the concern about the minimal disbursement of international resources committed to recovery. It joined the call for international assistance for Haiti. It expected that the mandate of the Council on Haiti would focus in supporting the areas that the Government of Haiti had already identified as priorities.

39. Argentina recognized Haiti's efforts to overcome the challenges to reconstruct the country after the earthquake of 2010. Argentina welcomed Haiti's progress in the creation of a State Secretariat for the Integration of Persons with Disabilities. Argentina made recommendations.

40. Nicaragua noted the efforts of the Haitian authorities to be present during the consideration of its report and recalled that the national report had to be redrafted after the 2010 earthquake. By experience, Nicaragua was aware that rebuilding a devastated country required political will, resources and long-term planning. It acknowledged that the Government's priorities focused on the protection of human rights. It recognized the normative framework of Haiti since the 1987 Constitution. Nicaragua made a recommendation.

41. Nepal appreciated Haiti's human rights commitment despite the earthquake, commending the National Growth and Poverty Reduction Strategy Paper and the Action Plan for the National Reconstruction and Development of Haiti. It noted the human rights normative and institutional frameworks. Nepal urged the international community to support through capacity-building the national democratic institutions and infrastructure, prioritizing the needs and priority sectors identified by the Government for the poor and most vulnerable segment of the community.

42. Canada noted that, more than one year after the earthquake, the humanitarian situation remained extremely difficult, especially for the victims who still lived in the displaced-persons camps. It expressed its understanding of the challenges generated by this situation in terms of the protection of human rights. Although there were encouraging signals sent by the new Government, Canada remained concerned by the human rights situation. Canada made recommendations.

43. Colombia acknowledged Haiti's commitment, demonstrated by presenting its national report despite the difficulties resulted from the earthquake. Colombia commended Haiti's electoral process as a commitment to democracy. Colombia offered its cooperation and assistance to strengthen Haiti's National Police. Colombia called on the international community and the United Nations system to support Haiti's rebuilding. Colombia made recommendations.

44. Slovenia noted, among Haiti's achievements, the compulsory human rights training for the police, sensitization campaigns on the protection of children's rights and its reduced infant and child mortality rates. Slovenia welcomed the Government's cooperation with the independent expert on the situation of human rights in Haiti and invited the Government to continue to work together with the expert to improve the human rights situation in the country. However, considerable challenges remained to be addressed, in particular with respect to poverty, malnutrition, unemployment, access to healthcare, strengthening the rule of law, ensuring accountability for crimes committed and fighting corruption. Slovenia made recommendations.

45. Norway welcomed the delegation and recognized the efforts made by the Government to promote human rights despite the devastating consequences of the 2010 earthquake. Norway raised extreme concerns about increased violence against women and girls as well as the impunity for such crimes. It expressed its concerns about the underrepresentation of women in political bodies and about women as the victims of human trafficking. Norway also noted the problem of statelessness and the overcrowding in prisons. It made recommendations.

46. Uruguay trusted that the recommendations emerging from the review would contribute to improving the policies to protect the human rights of Haitians. It acknowledged Haiti's challenges and the efforts of its Government to address them. It noted that human trafficking was a serious problem in Haiti, as was stated in the national report. It welcomed the efforts to repatriate and reintegrate Haitian children victims of trafficking after the earthquake. Uruguay made recommendations.

47. Thailand warmly welcomed the delegation and stated the tremendous hardship faced by Haiti after the 2010 earthquake. In this regard, Thailand appreciated the efforts made by the Government to prepare the national report. However, it expressed concerns regarding reconstruction, restoration of law and order, and provision of basic human security needs. Thailand stressed that the international community had to engage Haiti and provide it with assistance. It made recommendations.

48. Australia encouraged Haiti to promote an independent judiciary and a law-enforcement apparatus respectful of human rights, noting the new president of the Court of Cassation and the committee to review the Penal Code and the Code of Civil Procedure. Australia was concerned about reports of violence against women and girls. Australia welcomed the Constitutional recognition of fundamental human rights and primacy of international law over national law, encouraging establishing a national human rights institution compliant with the Paris Principles. Australia commended Haiti's ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, encouraging the Parliament to pass implementing legislation. Australia made recommendations.

49. Turkey welcomed the efforts made by the Haitian authorities to tackle some of the human rights issues that cause concern among the international community. It underlined the assistance provided by Turkey after the earthquake. Furthermore, it noted with satisfaction the efforts undertaken, in cooperation with international organizations, the United Nations and NGOs to provide improved conditions for internally displaced persons

and the measures taken for the improvement of prison conditions. Turkey made recommendations.

50. Belgium praised the delegation of Haiti for the preparation of its report. It raised concern about the precarious living conditions of the Haitian population. It estimated that, despite a difficult context, the Government could accelerate the rate of certain reforms, especially penitentiary reform. In that regard, it underlined that the majority of prisoners were in pretrial detention and often stayed in prison for years. Belgium made recommendations.

51. Mexico acknowledged that despite the current context, the Government remained determined to protect and promote human rights. It reiterated its support for the Government's efforts and concurred with it on the challenges it had raised and the need to improve in the short- and medium-term the enjoyment of human rights. Mexico made recommendations.

52. Portugal recognized the new problems caused by the 2010 earthquake on the existing challenges faced by Haiti. It acknowledged the efforts made by the Government to advance the sustainable return of internally displaced persons and the ongoing reconstruction of their original homes. It also noted with appreciation the will of Haiti to combat human trafficking and it asked for information on steps taken by the authorities to combat it. Portugal made recommendations.

53. Peru acknowledged the stabilization and rebuilding undertaken by Haiti with the United Nations and the international community, noting the challenges to rebuild the country politically, institutionally, socially and economically, a situation exacerbated by the earthquake. Peru called on the international community for support to overcome Haiti's crisis, recalling its complementary nature and highlighting the need to consolidate and strengthen institutional capacity. Peru acknowledged Haiti's willingness to cooperate with the Human Rights Council regarding technical assistance and capacity-building. Peru made recommendations.

54. Switzerland raised concerns about the human rights situation in Haiti. In this regard, it commented on the impunity for crimes committed, and on prison overcrowding, the rights of displaced persons and the rights of children. Switzerland made recommendations.

55. Hungary thanked the delegation for its report. It commented on the difficulties arising from the 2010 earthquake. It noted with appreciation the establishment of the Office of the Ombudsman but remained concerned at the need to align its structures and functions with the Paris Principles. It also expressed concerns about the discrimination against girls with respect to access to education and the lack of resources of the National Identification Office to ensure the civil registry in the country. Hungary made recommendations.

56. Sweden was pleased that there had been a significant decrease of people living in temporary camps but was concerned about the vulnerability of women and children still living in such conditions. It noted that, after the earthquake, the situation of street children had worsened, and they were in danger of abduction, illegal adoption and sexual violence. Sweden also noted that the prison situation had deteriorated with the earthquake, and that overcrowding and poor sanitary and medical conditions had proliferated. Sweden made recommendations.

57. Spain was sensitive to the tremendous damages caused by the earthquake of 2010 and the difficult recovery and reconstruction. It welcomed the commitment of the new Government in taking measures to improve the human rights situation. Spain made recommendations.

58. Ghana lauded the Government and people of Haiti for their resilience and determination to confront and overcome the systemic challenges that have caused so much

suffering and pain to them. In the face of these challenges, Ghana commended the Government for its efforts to promote and protect human rights. It particularly noted the establishment of the National Education Fund, which has accrued in excess of over US\$ 360 million in five years from levies placed on telecommunications. Ghana made recommendations.

59. Paraguay noted Haiti's special situation after the earthquake. Paraguay acknowledged Haiti's Plan of Action for the National Rebuilding and Development established by the Provisional Commission for Rebuilding to coordinate development projects and priorities, and urged Haiti to guarantee human rights. Paraguay appreciated Haiti's readiness to accept the unrestricted visits of special procedures as a transparency gesture. Paraguay called on the international community for support based on Haiti's real needs. Paraguay made recommendations.

60. Venezuela (Bolivarian Republic of) recalled that Haiti had been the target of looting and suffered serious structural constraints exacerbated by political crises and natural disasters. Venezuela felt close to the Haitian people who had lived through the 2010 earthquake, a terrible disaster that had affected the fundamental rights of Haitians, especially the most vulnerable. It recognized the efforts of the people and Government of Haiti to deal with such serious challenges. Venezuela made a recommendation.

61. Morocco welcomed the fact that in less than two years, the Haitian authorities had presented a national report with ambitious programmes aiming at the establishment of an economic and social environment favourable to human rights. Morocco pointed out that this review provided the international community with a good opportunity to assist the country in its initiatives in the field of human rights. It made a recommendation.

62. Latvia noted with satisfaction Haiti's openness and willingness to cooperate with special-procedures mandate holders, including the independent expert on the situation of human rights in Haiti. Even after the devastating earthquake, the Government has continued to accept visits from special-procedures mandate holders and Latvia commended Haiti for this open and cooperative approach. It made a recommendation.

63. China appreciated the constructive attitude of Haiti in the UPR process. It noted the efforts made by the Government to promote and protect human rights, especially the rights of children and women. China commended the efforts made to eradicate hunger and combat human trafficking. It stressed the challenges faced by Haiti since the 2010 earthquake. China also expressed its hope that the Government would pursue its efforts to promote socio-economic development in order to safeguard the right to live and promote the rights of vulnerable groups.

64. Jamaica recognized the political developments in Haiti and welcomed the commitment of the Government for the Haitian reconstruction. It recognized the reform of the justice system to guarantee the independence of the judiciary. Jamaica understood the challenges identified by the Government of Haiti with regard to housing, response to natural disasters, illegal emigration, political instability and corruption and acknowledged the measures outlined to address them. It urged the international community to honor the commitments to assist Haiti in the reconstruction efforts and to strengthen the institutional framework and mechanisms for the promotion and protection of human rights.

65. Maldives noted that Haiti faced significant challenges in promoting and protecting human rights; the earthquake and its subsequent problems did only compound already existing challenges. One of the most serious issues in Haiti was discrimination and violence against women. The issue of "street children", child labour and the state of children in internally displaced persons (IDP) camps remained also a concern. Maldives inquired about the steps taken to tackle this issue. Maldives inquired also about Haiti's inclusive approach towards economic and developmental activities and reconstruction efforts. Maldives

underlined that the completion of the judicial reform was crucial for the promotion and protection of human rights in Haiti. Maldives made recommendations.

66. Slovakia thanked Haiti's delegation for the presentation of the country report and for its participation in the review process. Slovakia acknowledged the devastating impact of 2010 earthquake, which even further exacerbated the vast difficulties with which the country had been faced. As a result, Slovakia noted that the overall security situation remained volatile and the level of respect for fundamental human rights was a cause of concern. Slovakia made recommendations.

67. United Kingdom believed that strengthening the judicial system would provide a foundation for improving Haiti's ability to realize its human rights obligations. It was concerned about continuing human rights violations, in particular, gender-based violence in the IDP camps. The United Kingdom believed that Haiti had not only the opportunity to rebuild the physical structures that were lost but also to re-establish key institutions. It acknowledged that Haiti would need the support from the international community to fulfil its responsibilities and achieve the recommendations set out during the review. It made recommendations.

68. Costa Rica acknowledged Haiti's difficult socio-economic situation after the earthquake and its human rights commitment. It noted Haiti's efforts to consolidate a democratic State, creating and strengthening its institutions, namely the Ombudsman, Ministry of Gender and Women Rights and State Secretariat for the Integration of Persons with Disabilities. It noted Haiti's abolition of death penalty and the freedom of expression and opinion in that country. It acknowledged Haiti's human rights and development challenges, calling on the international community's cooperation. Costa Rica made recommendations.

69. The Democratic Republic of the Congo warmly welcomed the delegation. It mentioned the efforts made by the Government to support its people despite various challenges, and the actions done to combat poverty and promote easy access to health centres. It stressed the will of the Government to provide education for children by pointing out the presidential decision to set up a special fund for free education. However, the Democratic Republic of the Congo remained concerns about the life of children and women and gender-based violence. It made a recommendation.

70. The United States of America welcomed the delegation. It appreciated the efforts made by the Government to promote and protect human rights, especially after the wake of the 2010 earthquake. The United States of America raised concerns about justice-sector and civil-registry reforms, safeguards against violence by police, and the need for special protection for members of vulnerable groups. It made recommendations.

71. Honduras praised Haiti's efforts after the difficult situation caused by the earthquake, noting its human rights commitment shown by creating and strengthening institutions. Honduras noted the vulnerability of Haitian children, congratulating Haiti for overcoming the violations of their rights, particularly in the area of trafficking; by updating its legislation, strengthening the Social Welfare Institute and creating a Minors Protection Brigade within the National Police. Honduras called on the international community to support the areas identified by Haiti. Honduras made recommendations.

72. Luxembourg recognized that the Government had prepared its national report under very difficult conditions. It expressed its concerns about the persistence of violence against women and girls, in particular against those who were living in camps for displaced persons and in remote areas. It indicated that, as underscored in the report, the right to food remained a major concern. Although measures had been taken to deal with the problem of child domestic labour, Luxembourg noticed that the vulnerability of children and teenagers had deteriorated since 2010. It made recommendations.

73. Burkina Faso thanked the delegation for its constructive commitment during the universal periodic review. It appreciated the efforts made by Haiti to promote and protect human rights despite the political, socio-economic and judicial challenges. Burkina Faso expressed its regret for the lost of human life and material damage caused by the 2010 earthquake. It noted with satisfaction the preparation of a National Strategy for Growth and Poverty Reduction. Burkina Faso made a recommendation.

74. The Dominican Republic recalled that it was fully committed to the reconstruction and development of its neighbour, Haiti. It considered that when reviewing the human rights situation in Haiti, it was necessary to take into account the catastrophic situation of the country and considered that the priority should be the return to normality, without neglecting human rights. It also recalled that a year and a half had passed since the earthquake and that Haitians were still waiting for the assistance agreed to by the international community. It encouraged the newly established Government to undertake all possible efforts to defend human rights.

75. Djibouti congratulated Haiti on the holding of the latest election and in particular for its efforts to promote and protect human rights despite very difficult socio-economic situation. Djibouti called upon the international community to stand by Haiti and its process of reconstruction by providing fresh impetus to the democratic institutions of the country. Djibouti made recommendations.

76. Senegal stressed that while Haiti had to rely on itself, it also relied on active solidarity of other countries and international community as a whole. Senegal took note of the goodwill of the Government to work constructively to promote and protect human rights. Senegal urged everybody at the international, regional and bilateral levels, including international financial institutions and civil society, to provide political, financial, material and technical support to the Government and people of Haiti, particularly in its priority areas. Senegal invited OHCHR to step up the level of assistance provided to the authorities and to the independent expert on the situation of human rights in Haiti.

77. Barbados noted positively the Government of Haiti's 2010 Action Plan for National Reconstruction and Development aimed at targeting priority areas critical to economic development and social-recovery efforts. Barbados noted that more work should also be done with regard to providing access to food and health care and protecting the basic human rights of vulnerable groups such as children. It called on the international community to continue its support for Haiti's reconstruction efforts and policies aimed at promoting development, reforming the justice system and other priorities areas. Barbados made a recommendation.

78. The delegation of Haiti thanked all the delegations who had taken the floor to ask questions and make suggestions or recommendations to the Haitian authorities.

79. In response to the suggestions that some delegations had made for the establishment of a national human rights institution, they said that such an institution already existed, under the name of Office de la Protection du Citoyen.

80. The delegation also recalled that Haiti had already ratified the Convention on the Rights of the Child.

81. They said that a specialized service had been set up for sexually assaulted women, while criminal proceedings were initiated against the perpetrators. An awareness campaign was needed among the authorities and civil society in order to convince those who still tended to stigmatize women who had been subjected to rape and other sexual abuse to change their attitude.

82. The delegation stressed that Haitian women played a major part in Haitian society. They were represented throughout the power structure and had already occupied the highest

function of the State. The delegation gave the examples of judge Ertha Pascal Trouillot and Ms. Michèle Duvivier Pierre-Louis, who had served respectively as Head of State and Prime Minister, and Ms. Florence Elie, who currently held the post of Ombudsman (Protectrice du Citoyen). Several ministerial positions had been and were being held by women. Moreover, under the constitutional amendment that was awaiting approval a quota of 30 per cent of appointive posts were reserved for women.

83. President Martelly was also determined to look into the situation of street children in order to find appropriate solutions. One of the measures currently considered consisted in providing schooling for those children, who should be the first to benefit from the Head of State's education programme.

84. The President had also proceeded to nominate the President of the Court of Cassation from a list of candidates put forward by the Senate.

85. The delegation reported that the establishment of a Haitian prison administration following the fall of the Duvalier family reflected the determination of the Haitian Government to pave the way for the establishment of the rule of law in Haiti. In its strategic development plan for the prison administration, the Haitian Government set out the rules that governed incarceration and was taking the necessary steps to implement them. In the very short term, the total area of cells in absolute terms was to be increased by 1,788 m² to 6,470.2 m², which would mean an overall relative increase of 0.97 m² per detainee.

86. The complaints lodged against Jean-Claude Duvalier, the former President of the Republic of Haiti, were currently being examined by the investigating magistrate.

87. The Haitian delegation once again reaffirmed the determination of the new Haitian authorities to ensure the promotion and protection of human rights in Haiti, to consolidate the gains achieved in terms of civil and political rights and to promote the enjoyment of economic, social and cultural rights.

II. Conclusions and/or recommendations**

88. **The following recommendations will be examined by Haiti which will provide responses in due time, but no later than the nineteenth session of the Human Rights Council in March 2012:**

88.1 **Examine the possibility to accede to the International Covenant on Economic, Social and Cultural Rights (Algeria);**

88.2 **Consider ratifying the ICESCR and continue to strengthen institutions of democratic governance (South Africa);**

88.3 **Further ratify the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture (Ghana);**

88.4 **Strengthen its judicial framework by acceding to the International Covenant on Economic, Social and Cultural Rights, to the two Optional Protocols to the International Covenant on the Political and Civilian Rights, to the Convention on Torture and Other Cruel, Inhuman or Degrading Treatments or Punishments and to the International Convention for the Protection of All Persons from Enforced Disappearances (France);**

** Conclusions and recommendations have not been edited.

- 88.5 Ratify the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Poland);
- 88.6 Sign and ratify the Convention against Torture and ICESCR; and ratify CED (Spain);
- 88.7 Ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Norway);
- 88.8 Consider ratifying or acceding to, as appropriate, the two Optional Protocols to CRC (Uruguay);
- 88.9 Sign as soon as possible the two Optional Protocols to the Convention on the Rights of the Child (Djibouti);
- 88.10 Continue its work to ratify the Law on Adoption and the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption (Honduras);
- 88.11 Ratify and implement the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Switzerland);
- 88.12 Study the possibility of ratifying the International Covenant on Economic, Social and Cultural Rights; the Convention for the Protection of All Persons from Enforced Disappearance; the Convention against Torture; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Argentina);
- 88.13 Ratify the Convention against Torture (Norway);
- 88.14 Sign and ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Belgium);
- 88.15 Ratify the Convention against Torture and its Optional Protocol to and set up a National Preventive Mechanism accordingly (Maldives);
- 88.16 Proceed to sign and ratify the Second Protocol to the ICCPR (Spain);
- 88.17 Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (Hungary);
- 88.18 Accede to the 1954 Convention relating to the Status of Stateless Persons as well as the 1961 Convention on the Reduction of Statelessness (Norway);
- 88.19 Ratify the international instruments combating statelessness, and consider a reform of the civil status guaranteeing the rights of all Haitians, including those who live abroad (France);
- 88.20 Ratify the UNESCO Convention against discrimination in Education (Hungary);
- 88.21 Adopt and implement without delay a Children's Code incorporating the provisions of international human rights treaties, in particular the United Nations Convention on the Rights of the Child, ILO Convention No. 182 on the Worst Forms of Child Labour, and ILO Convention No. 138 on the Minimum Age for Admission to Employment (Poland);

- 88.22 Continue deploying its best efforts to consolidate and strengthen its institutional capacities (Peru);
- 88.23 Continue the efforts to establish a national institution to promote and protect human rights in the country (Argentina);
- 88.24 Establish a National Human Rights Institution (Maldives);
- 88.25 Establish a National Human Rights Institution in compliance with the Paris Principles (South Africa);
- 88.26 Establish a national human rights institution that is compliant with the Paris Principles (Australia);
- 88.27 Establish a national human rights institution according to the Paris Principles (Portugal);
- 88.28 Begin the accreditation process (with the International Coordinating Committee of the National Human Rights Institutions), as the Paris Principles play an important role in the promotion and protection of international human rights standards at the national level (Hungary);
- 88.29 Continue implementing strategies and plans of socioeconomic development of the country (Cuba);
- 88.30 Continue with the plan of national reconstruction (Venezuela);
- 88.31 Continue favouring the human rights approach in the reconstruction framework (Chile);
- 88.32 Adopt a human rights based approach to its reconstruction and development process (Thailand);
- 88.33 Incorporate chapters on human rights in the reconstruction and development national plan, to facilitate their implementation by all authorities (Mexico);
- 88.34 Overcome the challenges arising from the dramatic earthquake in 2010 by integrating a human rights approach into all its policies and practices (Portugal);
- 88.35 Ensure that the rights of women and girls are protected during the recovery process, including protecting them from violence (Australia);
- 88.36 Take into account in the reconstruction plans and programs, the needs and rights of persons with disabilities (Colombia);
- 88.37 Consider the needs of people with disabilities in reconstruction efforts (Slovenia);
- 88.38 Take into account accessibility for persons with disabilities in the reconstruction process (Thailand);
- 88.39 Ensure that during the rebuilding process the needs for accessibility of persons with disabilities are taken into account pursuant current international rules and best practices (Costa Rica);
- 88.40 Take the most appropriate measures to better protect children with disabilities (Djibouti);
- 88.41 Continue focusing its efforts to carry out its plan for national reconstruction, allowing citizen participation and paying special attention to the most vulnerable sectors of society (Nicaragua);

- 88.42 Provide greater protections and assistance for member of vulnerable groups and uphold the rights of vulnerable groups by combating gender-based violence, child labour, statelessness, and human trafficking more broadly (United States);
- 88.43 Include a section aiming at promoting the human rights into the National Strategy on the Rule of Law (Canada);
- 88.44 Increase efforts to strengthen the rule of law (Slovenia);
- 88.45 Elaborate a national action plan on the promotion and protection of human rights (South Africa);
- 88.46 Continue the projects addressed to improve the human rights situation in Haiti, particularly the free and universal schooling and the reform of the judiciary (Costa Rica);
- 88.47 Continue progressing with its efforts to strengthen the National Police with the aim of consolidating a police force that guarantees the due safety of citizens to exercise their fundamental rights (Colombia);
- 88.48 Enhance the capacity of the Haitian National Police to respect and protect human rights through specialized training (United States);
- 88.49 Engage fully with civil society in tackling the issues of housing and justice, and women's and children's rights (United Kingdom);
- 88.50 Continue its cooperation with the mechanisms of the (Human Rights) Council (Brazil);
- 88.51 Seek technical expertise and work with OHCHR to prepare a Common Core Document that would alleviate its treaty-reporting burden (Maldives);
- 88.52 Continue the cooperation with the Special Procedures and the United Nations High Commissioner for Human Rights in their work to promote and protect human rights (Paraguay);
- 88.53 Extend a standing invitation to all thematic Special Procedures of the Human Rights Council (Portugal);
- 88.54 Issue a standing invitation to all special procedures (Spain);
- 88.55 Consider extending a standing invitation to all special procedures of the Human Rights Council (Latvia);
- 88.56 Consider extending an open invitation to all Special Procedures mandate holders with the aim of maximizing the efficiency of international cooperation in the national reconstruction and in the promotion and protection of all human rights of the Haitian people (Peru);
- 88.57 Pursue the cooperation with the Independent Expert on the situation of Human Rights in Haiti, who plays an important role, in particular in calling for the attention of the international community on the situation in the field and therefore contributing to the supply of technical assistance (France);
- 88.58 Continue working closely with the Independent Expert on the situation of human rights in Haiti (Peru);
- 88.59 Continue strengthening the work and cooperation ties among the Haitian human rights organisations and the Human Rights Section of MINUSTAH (Chile);

- 88.60 Place emphasis on implementing strong policies to effectively fight all forms of stereotypes and discrimination against girls and women, thereby ensuring their right to social and economic security (Trinidad and Tobago);
- 88.61 Adopt effective measures to prevent discrimination against women, including by ensuring equal access to education and employment opportunities (Slovenia);
- 88.62 Develop strategies, containing both legal and social measures, to eliminate discriminatory stereotyping of the roles of women and violence against them (Thailand);
- 88.63 Take all the necessary steps to respect the Article 26 of the Haitian Constitution stipulating that the preventive custody should not exceed 48 hours (Canada);
- 88.64 Improve the conditions in prisons, try all persons held in preventive detention within a reasonable period of time and ensure that juveniles are not held in pre-trial detention (Slovenia);
- 88.65 Establish a fast track system for reviewing cases of prolonged preventive detention in order to reduce as soon as possible the prisons' population and improve the health and food situation of the population incarcerated (Spain);
- 88.66 Develop and implement a strategy aiming at improving as soon as possible the conditions of detention for prisoners (Canada);
- 88.67 Take steps to improve prison conditions (United States);
- 88.68 Improve the conditions of detention, notably by reducing the overcrowding in the prisons (Belgium);
- 88.69 Take urgent measures against prison overcrowding by favouring alternative measures to separate persons (Switzerland);
- 88.70 Continue to try to ameliorate prison conditions (Sweden);
- 88.71 Guarantee to prisoners access to basic medical care and adequate food (Switzerland);
- 88.72 Address the infrastructural needs of country's penitentiary system, including inmate's access to food, water and sanitation as well as health care (Slovakia);
- 88.73 Strengthen the protection of minors by providing separate places of detention for adults and minors, by supporting the activities of social organisations to combat child forced labour and by ensuring basic education for all (Belgium);
- 88.74 Take continued action to combat violence against women and girl children (Sri Lanka);
- 88.75 Undertake new actions to put an end to violence against women and girls and do its utmost to eliminate discriminatory practices (Luxembourg);
- 88.76 Intensify the efforts for the prevention, punishment and eradication of all forms of violence against women, with a special attention to their greater vulnerability in the aftermath of the earthquake (Argentina);
- 88.77 Undertake a serious and credible study on the extent of violence against women, particularly the impact of humanitarian crisis on the issue,

with a view to develop meaningful strategies to curb and eradicate violence against women (Maldives);

88.78 Take all the measures necessary, in particular by reinforcing the current structures, to play a leadership role to prevent and combat violence against women and children, including sexual abuses, especially in the displacement camps (Canada);

88.79 Make progress in implementing the initiatives to prevent sexual and gender violence, especially among the displaced population, which have been developed by the Ministry of Gender and Women's Rights (Colombia);

88.80 Take further measures to ensure that the police and justice system deals diligently with gender-based violence and that the country promotes better training for police officers in responding to victims of sexual violence (Norway);

88.81 Ensure that the police are trained to deal impartially with women reporting gender based violence, and that all such complaints are fully investigated and prosecuted (United Kingdom);

88.82 Provide better training to police when dealings with girls victims of sexual violence (Djibouti);

88.83 Increase efforts to combat all forms of human trafficking (Slovenia);

88.84 Adopt an adequate legal framework in line with its commitments under the Palermo Protocol to combat human trafficking (Norway);

88.85 Adopt the bill on Trafficking of Children (Honduras);

88.86 Pass implementing legislation before the Parliament for the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Australia);

88.87 Intensify its efforts to combat all forms of trafficking in women and girls through, inter alia, the adoption of the bill on all forms of trafficking, ensuring that the new law provides for the prosecution and punishment of perpetrators of such acts and the effective protection of victims (Uruguay);

88.88 Introduce legislation to prohibit trafficking in children (Djibouti);

88.89 Enact legislation that criminalizes all forms of trafficking in persons and provides appropriate prescribed penalties (United States);

88.90 Intensify bilateral and multilateral cooperation with neighbouring countries to combat acts of trafficking in women and girls (Uruguay);

88.91 Continue its efforts to combat child domestic labour and trafficking in children (Burkina Faso);

88.92 Take further steps to deal with the problem of child domestic workers and abolish children abuse (Turkey);

88.93 Take all necessary measures to eliminate the practice of children in domestic servitude, which had been referred to by the Special Rapporteur on contemporary forms of slavery as a "modern form of slavery" (Sweden);

88.94 Reinforce measures designed to prevent and combat the widespread economic exploitation of children, in line with country's international commitments, notably ILO Conventions No. 138 and 182, with particular focus on minors living in earthquake-hit and rural areas (Slovakia);

- 88.95 Review its legislation on the minimum age for child labour in order to avoid domestic exploitation (Democratic Republic of the Congo);
- 88.96 To put in place everything to combat child exploitation notably to follow up on the recommendations made by the Independent Expert on this subject (Luxembourg);
- 88.97 Take further concrete measures to improve the dangerous situation for street children (Sweden);
- 88.98 Continue with the reform of the judiciary, ensuring its independence (Spain);
- 88.99 Immediately appoint a President of the Court of Cassation and proceed with the reform of the justice system (United Kingdom);
- 88.100 Fill the vacancies in the Supreme Court (*Cour de Cassation*), as those justices have the authority to make the legal system more efficient (United States);
- 88.101 Make additional efforts to ensure that tribunals, prisons and the police comply with international human rights standards (Norway);
- 88.102 Ensure a fair trial for all detained, complying with international standards, within a reasonable timeframe (Slovakia);
- 88.103 Make greater efforts to improve confidence in and access to justice within the country (Barbados);
- 88.104 Implement the law which provides criminal penalties for official corruption effectively (Turkey);
- 88.105 Prioritize the reduction of its judicial backlog (Belgium);
- 88.106 Reduce the judicial backlog (United States);
- 88.107 Ensure accountability for all crimes committed, regardless of the perpetrator, including in cases of violence against women and sexual violence (Slovenia);
- 88.108 Undertake actions leading to a comprehensive reform of the justice and penal systems which contribute to the fight against impunity and crime investigation, comprising the responsibilities of institutions, particularly of the National Police (Mexico);
- 88.109 Take all the necessary measures to identify those responsible for the violations of human rights attributed to policemen and provide a fair compensation for the victims (Belgium);
- 88.110 Take necessary measures to enable the judicial system to effectively combat impunity and to assess the establishment of an international commission against impunity (Switzerland);
- 88.111 Strengthen rapidly the capacities of its judiciary system to combat impunity in order that, inter alia, the justice handles, in an impartial manner, the complaints lodged against Mr. Jean-Claude Duvalier (Canada);
- 88.112 Pursue its path of the reform of the judiciary system and make a priority of the fight against impunity, in particular in relation with the process of certification of the Haitian policemen (France);

- 88.113 Allocate, if possible, additional resources to the National Identification Office in order to manage their increased workload (Hungary);
- 88.114 Modernize and simplify the civil registry system (United States);
- 88.115 Improve the adoption system by ratifying the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption and reflecting it in internal regulations; strengthening resources for the social welfare institute (IBERS); banning individual adoption and implementing recommendations by UNICEF and the Action Plan suggested by the Montreal group (Spain);
- 88.116 Take adequate measures to ensure an increased participation of women in all areas of society, including in political life (Canada);
- 88.117 Take concrete steps to encourage broader participation of women in decision-making processes (Norway);
- 88.118 Take continued action to reduce poverty as articulated in the National Growth and Poverty Reduction Strategy Paper of 2007 (Sri Lanka);
- 88.119 Emphasize the measures addressed to reduce poverty and inequality (Cuba);
- 88.120 Apply a broad human rights approach, which do not allow any type of discrimination, in the implementation of the four orientations to adopt the strategies to reduce poverty and inequalities in Haiti, described in the national report (Colombia);
- 88.121 Pay particular attention to the respect of social, economic and cultural rights including the right to the food and step up efforts to ensure that food security is among the national priorities of the country (Luxembourg);
- 88.122 Continue advancing in the organisation and extension of the education and health systems (Cuba);
- 88.123 Continue taking measures to ensure access to basic services such as water, housing and health for the population in vulnerable situation (Mexico);
- 88.124 Develop, with the support of relevant UN agencies, a comprehensive plan for the provision of adequate housing with basic services, both in temporary shelters and impoverished neighbourhoods, and ensure better coordination among agencies involved in such effort (Thailand);
- 88.125 Continue to build, fairly distribute and judiciously apply the resources in the National Education Fund, to ensure that the right of education of all Haitians is protected and promoted at all times without discrimination (Ghana);
- 88.126 Increase its efforts to make sure that all children have access to primary education, while continuing its partnership for the National School Canteen Programme to address the serious problem of child malnutrition (Thailand);
- 88.127 Prioritize policy measures towards achieving universal, free and compulsory primary education, paying especial care to children with disabilities and those living in rural areas (Slovakia);
- 88.128 Gradually increase measures to reduce illiteracy rates of boys and girls, and develop programs specifically aimed at reducing dropout rates using, perhaps, incentives for families through financial or food support (Uruguay);

88.129 **Pay special attention to access to education of children with disabilities (Hungary);**

88.130 **Implement policies to guarantee the rights of displaced persons and provide durable solutions for return, integration and/or resettlement (Switzerland);**

88.131 **Continue its talks with all the parties involved in the process of the elaboration and implementation of the plan of relocation of the persons displaced following the seism in order to avoid forced evictions (Canada);**

88.132 **Develop a comprehensive plan encompassing all camps in order to address the problem of internally displaced persons (Spain);**

88.133 **Make the most of the programmes of assistance available, especially at the level of the United Nations system, for the achievement of the national priorities defined in terms of human rights (Algeria);**

88.134 **Encourage the historical political cooperation with the United Nations system in the framework of technical assistance (Chile);**

88.135 **Intensify its efforts for the implementation of the Action Plan for the National Reconstruction and Development of Haiti, the National Strategy for Education for all and the training of Magistrates , the judicial authorities and law order officials including on human rights and request the necessary financial and technical assistance (Morocco);**

88.136 **Consider using the cooperation mechanisms and facilities offered by the international community system to overcome the shortage of technical and financial resources it may have (Costa Rica).**

89. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

Annex

Composition of the delegation

The delegation of Haiti was headed by Monsieur Jean Claude PIERRE, Chargé d’Affaires a.i, Chef de delegation and composed of the following members:

- Monsieur Frantz DORSAINVILLE, Ministre Conseiller
 - Monsieur Jean Roland PREVILON CELESTIN, Directeur de l’Administration Pénitentiaire
 - Monsieur Jude BAPTISTE, Conseiller
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