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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Fortieth session**  
24 January–4 February 2022

## **Compilation on Haiti**

### **Report of the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

#### **II. Scope of international obligations and cooperation with international human rights mechanisms and bodies<sup>1, 2</sup>**

2. The Secretary-General of the United Nations noted that the ratification by Haiti of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance, which Haiti had accepted to undertake in the context of its previous universal periodic review, was still pending.<sup>3</sup>

3. The United Nations country team indicated that Haiti had not signed or ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.<sup>4</sup>

4. The United Nations country team also noted that it would be difficult for Haiti to implement the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, which Haiti had ratified in September 2014, since it had not yet ratified the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.<sup>5</sup>

5. According to the United Nations country team, Haiti had not adopted any of the measures (declarations or protocols) concerning the submission of individual communications since 2016 except in the case of the Convention on the Rights of Persons with Disabilities, whose optional protocol on that matter it had ratified in 2009.<sup>6</sup>

6. Regarding the conventions of the International Labour Organization (ILO), the United Nations country team noted that Haiti had signed but not ratified the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary



Provisions) Convention, 1975 (No. 143) or the Domestic Workers Convention, 2011 (No. 189).<sup>7</sup>

7. The United Nations Educational, Scientific and Cultural Organization (UNESCO) stressed that Haiti should be encouraged to finalize the ratification of the Convention against Discrimination in Education and notify UNESCO of the ratification, and to submit regular reports on the implementation of UNESCO instruments and, in particular, the Recommendation against Discrimination in Education.<sup>8</sup>

### **III. National human rights framework<sup>9</sup>**

8. The Secretary-General noted that the assassination of the President, Jovenel Moïse, in July 2021 had further exposed the institutional fragility of Haiti and had cast a harsh light on the consequences of the absence of a fully functioning Parliament and judicial authority. In the current situation, it was imperative for Haitian stakeholders to engage in substantive discussions on building governance frameworks that could address the root causes of instability in the country while ensuring the protection of human rights.<sup>10</sup>

9. The Secretary-General urged the Government to adopt the national action plan on human rights for 2019–2021, which had been pending since 2019, and to support the establishment of a stand-alone office of the Office of the United Nations High Commissioner for Human Rights in Haiti to safeguard continued collaboration with State authorities on human rights issues.<sup>11</sup> The national action plan on human rights was still awaiting approval by the executive branch.<sup>12</sup>

### **IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **A. Cross-cutting issues**

##### **1. Equality and non-discrimination<sup>13</sup>**

10. The United Nations country team indicated that Haiti did not have a specific strategy or policy on combating hate crimes, violence, xenophobia and discrimination.<sup>14</sup>

11. According to the United Nations country team, in 2016 the Office of the Public Prosecutor had prohibited lesbians, gay persons, bisexuals, and transgender, queer and intersex persons from organizing public activities following the announcement of a festival in Port-au-Prince. In 2017, a bill to amend provisions of the Civil Code dealing with marriage and the family that criminalized homosexuality had been passed by the Senate. In 2019, KOURAJ had documented judicial authorities' failure to take action regarding threats made to lesbians, gay persons, bisexuals, and transgender, queer and intersex persons. The report noted several cases of homicide in which judicial inquiries had not been brought to completion.<sup>15</sup>

##### **2. Development, the environment, and business and human rights<sup>16</sup>**

12. The Secretary-General noted that Haiti continued to be highly vulnerable to natural hazards, although such events only became disasters when measures to reduce their impacts were not put in place. The August 2021 earthquake was a vibrant reminder of the need for Haiti to prioritize, over the long term, disaster risk reduction and climate change adaptation.<sup>17</sup>

13. The United Nations country team indicated that the effects of the increasingly deadly and destructive natural events that were regularly striking the country were exacerbated by poor land planning, which had led to unsuitable settlement patterns and slipshod land management. Environmental reclamation, the protection of natural ecosystems and the adoption of measures for adapting to climate change were essential if Haiti was to put itself on a sustainable national development path.<sup>18</sup>

14. The United Nations country team also indicated that, according to the United Nations Environment Programme (UNEP), in order to be in a position to cope with natural disasters, Haiti needed to reshape its economic, social and political approaches as they related to the environment, address its vulnerability to natural disasters by investing in nature-based strategies, adopt a multidimensional and highly integrated solution-based management approach and, as a matter of urgency, forge linkages and synergies among different plans and sectors while focusing its investments on shared objectives.<sup>19</sup>

15. The Secretary-General noted that the Government had yet to develop and adopt a new anti-corruption strategy.<sup>20</sup>

16. He also noted that the extent of financial leakages due to money laundering was such that, in its report of June 2021, the Financial Action Task Force had placed Haiti on the list of countries under increased monitoring.<sup>21</sup>

17. The United Nations country team noted that on 8 May 2017, Parliament had passed a law on the organization and functions of the Financial Intelligence Unit (UCREF), which was tasked with fighting corruption. However, that law gave the President of Haiti full authority to designate its general director, which raised questions as to the Unit's independence from the executive branch. Allegations had been made that this institution had markedly slowed the pace of various inquiries into money-laundering cases, including inquiries concerning the possible misappropriation of PetroCaribe funds.<sup>22</sup> The investigation of that prominent case had begun in 2018, but no judicial decision had been handed down; none of the persons named in the case file had been brought in for questioning thus far and they were all at liberty.<sup>23</sup>

## **B. Civil and political rights**

### **1. Right to life, liberty and security of person<sup>24</sup>**

18. The United Nations country team indicated that, since 2016, serious human rights violations had been committed in Lilavois (October 2017), Grand Ravine (November 2017), La Saline (November 2018), Bel-Air (November 2019, 2020 and 2021) and Martissant (2021), including summary executions carried out by officers of the Haitian National Police Force. In most of those cases, the officers had not been subject to any investigation. Human traffickers continued to enjoy a great deal of impunity, with fewer victims being identified, fewer investigations being conducted, fewer arrests being made and no convictions being handed down in 2021.<sup>25</sup>

19. The Secretary-General recalled that in the early hours of 7 July 2021, the country had awoken to the shocking news that President Moïse had been assassinated in an attack on his private residence in Pétienville (West Department) in which the First Lady had been gravely injured. As at September 2021, 44 suspects, including 20 Haitian police officers and several foreign nationals, had been arrested for their alleged involvement in the assassination, and other individuals were wanted for questioning. Even though several investigations were promptly launched, and assistance from international partners was provided, the circumstances of President Moïse's violent death remained unclear, and progress was further complicated by the alleged transnational dimension of the crime.<sup>26</sup>

20. The Secretary-General noted that the President's assassination had given rise to a series of threats against public officials and the media. Two court clerks and one justice of the peace had reported having received death threats in an attempt to coerce them to modify official records related to the assassination investigation.<sup>27</sup> In addition, a media outlet and journalists perceived to have been critical of the late President had been physically and verbally attacked in the days that followed his killing.<sup>28</sup>

21. The Secretary-General also noted that the increasing inter-gang violence in the southern parts of the Port-au-Prince metropolitan area had contributed to the West Department continuing to account for some 75 per cent of major crime and civil unrest incidents from May to August 2021. With 549 instances reported, the number of intentional homicides had increased by some 5 per cent as compared with the previous period. Similarly,

the number of kidnappings had continued to rise in 2021, with 328 victims reported to the police in the first eight months of 2021 compared with 234 for all of 2020.<sup>29</sup>

22. The Secretary-General further noted that the mounting insecurity in the Port-au-Prince metropolitan area called for immediate remedial action. Renewed high-level engagement by the Government, with increased support for the Haitian National Police, would be essential to effectively coordinate and implement initiatives aimed at improving public safety. However, an overstretched and underresourced police force alone could not address the security problems of Haiti. The Secretary-General therefore urged the Government not only to ensure that the police continued to reform its organization and functioning in line with modern policing principles and standards, but also to tackle the political patronage of armed gangs and articulate and implement a more holistic approach to addressing the scourge of gang violence.<sup>30</sup>

## **2. Administration of justice, including impunity, and the rule of law<sup>31</sup>**

23. In a recent report, the United Nations Integrated Office in Haiti and the Office of the United Nations High Commissioner for Human Rights indicated that prisoners in Haiti often spent years in inhumane conditions and were often subjected to ill-treatment and torture, in many cases while still awaiting trial. The offices documented detention conditions and the treatment of detainees. They called for solutions to be implemented urgently to address detention conditions and the high number of people in pretrial detention. They noted that the excessive use of pretrial detention, coupled with the judicial system's limited capacity to try criminal cases promptly, had led to a bottleneck in bringing people before a court, and, consequently, overcrowding of detention facilities.<sup>32</sup>

24. In the same report, it was noted that, in some instances, up to 60 people were crowded into spaces measuring just 20 square metres, leaving them unable to even lie down on the floor to sleep. Some cells were windowless, leaving inmates in darkness for hours; and the lack of latrines forced prisoners to relieve themselves in buckets. In addition, inmates were often kept in their cells for almost 24 hours a day, either because there was no exercise yard or as a security measure. In most of the detention centres, inmates did not have access to adequate medical care and medicines, leaving them at risk should there be a medical emergency, and reliant on help from family members. Cruel, inhuman or degrading treatment was routinely used as a disciplinary measure in all the prisons visited, including against children.<sup>33</sup>

25. The United Nations country team noted that access to food, drinking water and health-care services was extremely limited because supplies were irregular and insufficient, which also heightened the risk of the spread of the coronavirus disease (COVID-19). Poor persons in detention were subject to worse prison conditions because their families were not able to provide them with food, water and medicines. The fact that there were so few staff to manage the prisons, maintain security and look after the well-being of inmates was a contributing factor in many prison riots.<sup>34</sup>

26. The Secretary-General noted that the pretrial detention rate in Haiti remained among the highest in the world and continued to exacerbate overcrowding in its prisons. As at 1 September 2021, 11,253 individuals were in detention in the country, including 409 women, 232 boys and 26 girls; of those detainees, 9,216 (82 per cent) were awaiting trial. Several instances of unrest had been recorded in prisons. Attempted mutinies were reported following the assassination of the President. An attempted prison break in Mirebalais had resulted in the deaths of three inmates and one prison officer. During the incident, four inmates and one prison officer had been injured, while one female detainee had been raped. On 1 September, 11 inmates had escaped from the Petit-Goâve prison. In the ensuing days, four were killed and five re-arrested by the police.<sup>35</sup>

27. The Secretary-General also noted that the special procedures of the Human Rights Council had, twice in 2021, expressed concerns regarding the security situation in the country and the impunity with which gangs acted to intimidate human rights defenders.<sup>36</sup>

28. The Secretary-General further noted that impunity in the emblematic cases of Grand Ravine (2017), La Saline (2018) and Bel-Air (2019) had continued, as authorities had not taken steps to support the investigations. Inexplicable delays in deciding on an application,

submitted on 11 September 2019, for the recusal of the investigative judge in charge of the La Saline case had continued to contribute to the lack of progress in that case. Meanwhile, Jimmy Cherizier, the leader of the “G9” gang alliance and a prime suspect in both the La Saline and Bel-Air killings, continued to evade justice despite frequently appearing in public and inciting his followers to violence, as witnessed in the Port-au-Prince neighbourhood of Pont-Rouge on 26 July.<sup>37</sup>

29. The United Nations country team noted that the much slower pace and, in some cases, suspension of judicial activity since 2018 had led to further increases in the already protracted periods of time that inmates spent in pretrial detention. That situation remained deeply worrisome, as 82 per cent of the prison population was in pretrial detention as of end June 2021, and was a contributing factor to the extreme overcrowding existing in the prison system. Persons living in poverty were more likely to be held in pretrial detention for an extended period of time owing, it was alleged, to corruption within the justice system, which resulted in detainees who were better off economically being given priority.<sup>38</sup>

30. According to the United Nations country team, since 2018 strikes by judges and court clerks, political and technical controversies, the crisis triggered by the COVID-19 pandemic in 2020 and 2021, and the activities of armed gangs in the southern part of the Port-au-Prince metropolitan area were obstructing the work of the justice system, thereby depriving accused persons of their right to a prompt and fair trial in the criminal and civil courts. In some jurisdictions, the courts had not held hearings in criminal cases for the past three years.<sup>39</sup>

31. The United Nations country team added that the budget allocation for the justice system (less than 9 per cent of the national budget in 2021) did not cover its operating costs.<sup>40</sup>

32. Also according to the United Nations country team, on 26 January 2021, appointments of only 12 out of the 40 judges on the list submitted to the executive branch had been renewed. The opposition charged that the renewals were based on the judges’ political affiliations and the sensitivity of the cases on the docket. The work of the Court of Cassation had come to a stop when three judges had been retired on 9 February 2021 by order of the executive branch, which had then proceeded to designate their replacements on 12 February. Those involuntary retirements had occurred during the turmoil that followed the alleged coup d’état attempt of 7 February 2021.<sup>41</sup>

33. The Office of the United Nations High Commissioner for Human Rights stated that, on 7 February 2021, a judge of the Supreme Court, and at least 22 other people, had been arrested in circumstances that might amount to unlawful or arbitrary arrest and detention. The judge was released, but 17 others remained in pretrial detention. In addition, three Supreme Court judges, including the one arrested, had been forced to retire and were later replaced, apparently through an irregular procedure. In response, justice system personnel had started an indefinite strike on Monday, 15 February. Those developments caused concerns about judicial independence and had further eroded the separation of powers in Haiti. Respecting the rule of law and the system of checks and balances at all times was paramount, but it was even more crucial given the growing political tensions and the increasing expression of dissent in demonstrations.<sup>42</sup>

34. The Secretary-General noted that the situation of the judiciary had deteriorated further owing to the failure to formally appoint the newly elected members of the Superior Council of the Judiciary by 3 July 2021. Several magistrates’ associations had expressed concern over the emerging institutional vacuum following the death of the head of the Court of Cassation in June 2021 and the assassination of President Moïse in July 2021, noting the risk of a complete paralysis of the judiciary, as the new members of the Superior Council were to be formally appointed by a presidential decree and subsequently take their oath of office.<sup>43</sup>

35. The Secretary-General also noted that a sustained commitment to implementing the reform of the penal and criminal procedure codes remained critical to providing the Haitian justice system with additional tools to help resolve the chronic challenge of prolonged pretrial detention and prison overcrowding. In that respect, the swift operationalization of the Board of the Legal Aid Council and the opening of all 11 decentralized legal aid offices would be key to increasing access to justice and creating conditions to fast track the review of pretrial detention cases. The Secretary-General urged national authorities to help the prisons

administration take concrete steps to improve prison supplies of basic goods, and to prevent and sanction acts of torture or cruel, inhuman or degrading treatment.<sup>44</sup>

### 3. Fundamental freedoms and the right to participate in public and political life<sup>45</sup>

36. The Secretary-General noted that the lack of consensus around the referendum, the earthquake, the Electoral Council's contested legitimacy and the intention of Government to change the electoral council once a political agreement was reached continued to hamper progress in preparing for the polls. In mid-June, anti-referendum protests had disrupted electoral officer training sessions.<sup>46</sup>

37. The Secretary-General also noted that several journalists, human rights defenders, political activists and other citizens had either been targeted because of their professional or civic activities or simply caught in the crossfire of inter-gang violence. Overall, a total of 20 human rights defenders, journalists and justice operators (15 men and 5 women) had been attacked, threatened or intimidated from 1 June to 31 August 2020. Even if the vast majority of threats to human rights defenders and journalists were attributed to gang members, authorities had, to date, failed to adopt adequate measures to ensure the safety of citizens.<sup>47</sup>

38. According to the United Nations country team, assaults and murders of lawyers, journalists and human rights defenders had become increasingly frequent since 2018, and there had been a definite decline in civic space. Between 1 January and 31 July 2021, 30 incidents – assaults, threats or intimidation of some sort – directed at human rights defenders, journalists or justice officials had been documented, while the authorities had not offered them any sort of protection, even when complaints were filed.<sup>48</sup>

39. UNESCO noted that there was a State monopoly on telecommunications services, regulated by the National Council of Telecommunications, which was under the authority of the Ministry of Public Works, Transportation and Communications. The mission of the Council was defined in a decree from 1977 for broadcasting. There was no press council in Haiti.<sup>49</sup>

40. UNESCO recommended that Haiti decriminalize defamation and place it in its civil code in accordance with international standards. It encouraged Haiti to strengthen the constitutional protection for freedom of information by introducing a freedom of information law that was in accordance with international standards. It recommended that Haiti continue to investigate all unresolved cases of journalist killings and report to UNESCO on the status of judicial follow-up. The Government might wish to consider the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity as a means to strengthen the protection of journalists and freedom of expression.<sup>50</sup>

## C. Economic, social and cultural rights

### 1. Right to an adequate standard of living<sup>51</sup>

41. The United Nations country team noted that the pace of progress in providing access to services remained slow; access to drinking water had increased by only 2 per cent and the practice of open defecation had been reduced by no more than 4 per cent in five years. In addition, 24 per cent of the population still did not have access to an improved water source, and 18 per cent of the population practised open defecation.<sup>52</sup>

### 2. Right to health<sup>53</sup>

42. The Secretary-General noted that the last confirmed case of cholera had been detected in January 2019. In 2021, as of September, the Ministry of Public Health and Population had reported 10 suspected cases, all of which had tested negative. Excluding the period in which cholera surveillance had waned owing to COVID-19, Haiti had not detected a single confirmed case for some two and a half years. Those developments were evidence of the effectiveness of the 2013–2022 National Plan for the Elimination of Cholera in Haiti developed and implemented by the Ministry of Health with the support of partners.<sup>54</sup>

43. The United Nations country team indicated that, despite the COVID-19 pandemic, at 4.1 per cent of the national budget for 2020–2021, spending on health remained below the 15 per cent target set in the Abuja Declaration on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases of 2001. The lack of medical coverage was a major cause of impoverishment in vulnerable population groups and a significant barrier to access to services. The use of health-care services, which had held fairly steady at around 31 per cent in 2015–2017, had begun to decrease in 2018 (29 per cent), falling to 21.4 per cent in 2019.<sup>55</sup>

44. The United Nations Integrated Office in Haiti and the Office of the United Nations High Commissioner for Human Rights indicated that, while the initial spread of COVID-19 in Haiti had been limited, cases had been rapidly increasing across the country, including in the prison population. Over a period of weeks around May 2021, over 500 detainees in the National Penitentiary in Port-au-Prince had had fever, diarrhoea and other COVID-19 symptoms; 16 inmates had died there of health complications. The lack of a proper testing strategy for people deprived of their liberty had prevented the authorities and others from determining the true level of COVID-19 infections in prisons.<sup>56</sup>

### 3. Right to education<sup>57</sup>

45. UNESCO noted that the legal provisions regarding free primary and secondary education were not sufficiently clear in relation to target 4.1 of the Sustainable Development Goals or the target of the Education 2030 Framework for Action aimed at ensuring 12 years of free, quality primary and secondary education.<sup>58</sup>

## D. Rights of specific persons or groups

### 1. Women<sup>59</sup>

46. The United Nations country team noted that there were numerous training programmes on human rights, non-discrimination and gender awareness, but they had not necessarily been accompanied by a determined strategic effort to combat stereotypes.<sup>60</sup>

47. According to the United Nations country team, although there was a minimum 30 per cent quota for women at all levels of national affairs, only 2.7 per cent of the seats in Parliament were held by women. One woman had been appointed to the General Directorate of the National Council for Legal Assistance and five women sat on the nine-member Provisional Electoral Council.<sup>61</sup>

48. The Committee on the Rights of Persons with Disabilities recommended that Haiti integrate the rights of women and girls with disabilities into the gender equality legislation, as well as into laws and policies on disability, and conduct public awareness campaigns to modify stereotypes, prejudices and myths about women and girls with disabilities.<sup>62</sup>

49. The same Committee urged Haiti to modify the national policy on equality between women and men to include women and girls with disabilities and ensure a follow-up mechanism between the Ministry for the Status of Women and Women's Rights and organizations of women and girls with disabilities; and to adopt a strategy to promote the empowerment of women and girls with disabilities and ensure consultation with and the participation of organizations representing them in the formulation and implementation of policies that concern them.<sup>63</sup>

50. The same Committee urged Haiti to allocate sufficient resources to support parents and families of children with disabilities, especially single mothers, ensure equal access to sexual and reproductive health-care services, as set out in target 3.7 of the Sustainable Development Goals, and provide information and education on sexual and reproductive health and rights and family planning for persons with disabilities in accessible formats.<sup>64</sup>

### 2. Children<sup>65</sup>

51. The United Nations country team noted that the Child Protection Code had not yet been adopted, but the new Criminal Code and Code of Criminal Procedure echoed some of the provisions initially planned for inclusion in the Child Protection Code, including

provisions on sexual violence (but not on sexual majority, which the Child Protection Code, if adopted, would set at 16 years of age). The definition of child protection set forth in the 2015–2020 National Child Protection Strategy was quite narrow, and the system for providing care to child victims of domestic violence was still weak.<sup>66</sup>

52. The United Nations country team added that there were large numbers of children in street situations in the capital of Haiti and in some provincial towns but shelters for such children had quite limited capacity.<sup>67</sup>

53. The United Nations country team also indicated that a multidimensional child poverty study had been conducted in 2021. That study had found that 9 out of 10 children under 18 years of age were experiencing at least three different types of deprivation and were considered to be poor; the study also found that there was a notable differential between the child poverty rates in urban areas (84.3 per cent) and rural ones (93 per cent).<sup>68</sup>

54. UNESCO noted that the 1984 decree updating the 1981 Labour Code did not clearly guarantee the prohibition of all forms of work for minors under 15 years of age; it referred only to the industrial, agricultural and commercial sectors (art. 335). UNESCO considered that since child labour contravened compulsory education, the fact that the Labour Code did not expressly establish an absolute minimum age for admission to work might undermine the right to education.<sup>69</sup>

55. UNESCO also noted that the national legislation did not guarantee the same protection for girls and boys. According to article 133 of the 1982 Civil Code, girls may marry at age 15 (with parental consent), while boys may not marry until age 18. In addition, the President may authorize exceptions to the respective legal age, without no absolute minimum age specified.<sup>70</sup>

### **3. Persons with disabilities<sup>71</sup>**

56. The Committee on the Rights of Persons with Disabilities recommended that Uganda explicitly prohibit discrimination on the grounds of disability in the national legislation; include a provision that the denial of reasonable accommodation was a form of disability-based discrimination; recognize intersectional and multiple forms of discrimination based on, inter alia, sex, gender, age, disability, national origin, ethnicity and immigration status; and introduce effective redress and compensation measures.<sup>72</sup>

57. The same Committee recommended that Haiti prohibit all forms of coercive practices against adults and children with disabilities, including physical restraints and isolation, particularly against persons who were held in long-stay residential centres or private care homes or were otherwise deprived of their liberty. It also recommended the establishment of an independent mechanism to monitor residential centres for persons with disabilities, including centres for children with disabilities and private homes, in order to prevent, and offer protection from, acts that may constitute torture or other cruel, inhuman or degrading treatment or punishment.<sup>73</sup>

### **4. Migrants, refugees, asylum seekers and internally displaced persons**

58. The Secretary-General noted that the persistent gang violence in Port-au-Prince had affected 1.5 million people, 1.1 million of whom were in need of assistance, and had caused the displacement of thousands of people.<sup>74</sup>

59. The International Organization for Migration, UNHCR, the United Nations Children's Fund (UNICEF) and the Office of the United Nations High Commissioner for Human Rights noted that Haiti continued to face an escalation in violence and insecurity, with at least 19,000 people internally displaced in the capital Port-au-Prince in the summer of 2021 alone. Well over 20 per cent of girls and boys had been victims of sexual violence. In addition, nearly 24 per cent of the population, including 12.9 per cent who were children, lived below the extreme poverty line of \$1.23 per day. Some 4.4 million people, or nearly 46 per cent of the population, faced acute food insecurity, including 1.2 million people who were at emergency levels and 3.2 million people who were at crisis levels. An estimated 217,000 children suffered from moderate to severe acute malnutrition.<sup>75</sup>

60. UNHCR stated that Haiti had not adopted asylum legislation since its ratification of the Convention relating to the Status of Refugees in 1984. Haiti was mainly a transit country, hence there was only a small number of asylum seekers on the island. In light of border regulations in third countries, in certain cases asylum seekers might have no other choice but to seek asylum in Haiti. Without a legal framework on asylum or refugee status determination procedures in place, individuals in need of international protection might not be adequately identified and might face serious risks of criminalization, arbitrary or indefinite detention and/or expulsion or refoulement. The Government had been responsive and recognized the need to adopt a legislative framework on asylum; however, a framework had not yet been adopted due to the political instability.<sup>76</sup>

## 5. Stateless persons

61. UNHCR stressed that it was essential that the new Parliament adopt the draft nationality law. Adoption of the draft law would also facilitate fulfilment of the State's obligations under articles 2, 16, 24 and 26 of the International Covenant on Civil and Political Rights, also in accordance with the Human Rights Committee's general comments No. 15 (1986), No. 17 (1989) and No. 18 (1989). While the draft nationality law had been transferred to Parliament in 2017, it had not yet been voted on by both chambers. The country's legislation provided nationality for children born to parents of Haitian nationality who had not renounced their nationality, were of African descent and held appropriate civil registration documents. However, considering the limited civil registrar offices in rural communities and the human and financial resources required to access civil registration, a high rate of Haitians in the country remained without the necessary civil documentation to receive affirmative recognition of nationality. For children born outside of Haiti, the Haitian nationality law did not allow for dual nationality, making those born with another nationality ineligible for Haitian citizenship. Naturalized citizens would be required to meet "all of the conditions and formalities imposed on aliens by the law", which would inadvertently cause them to be at risk of statelessness.<sup>77</sup>

62. UNHCR recommended that, considering the institutional challenges within the civil registry, particularly affecting those who resided in rural communities or abroad and who were unable to access civil registration, along with the insufficient safeguards within the nationality law to protect individuals from being born stateless or becoming stateless, the Government of Haiti adhere to its commitments to implement operational and administrative measures for extensive late birth registration and adopt the draft nationality law pending with the Parliament to ensure that existing laws were consistent with and met international standards.<sup>78</sup>

63. UNHCR noted that Haitians living abroad, in particular those who lived in the Bahamas, the Dominican Republic and Suriname, and in French Guiana, the Turks and Caicos Islands and the Caribbean islands, might face even greater risks of statelessness. As a result of the poor civil registration system, many Haitians who had left had done so without registration or documentation. The gravity of those risks had been brought into sharp relief by the decision of the Constitutional Court of the Dominican Republic, which, in effect, had denaturalized Dominicans of Haitian descent and rendered them stateless.<sup>79</sup>

64. UNHCR recommended that the Government of Haiti adopt improved civil registration legislation and procedures, aligned with the draft nationality law; encourage the implementation of the June 2020 Presidential Decree to issue unique national identification numbers to children at the time of issuing a birth certificate; and ensure that civil registration was conducted in a reliable and effective manner and was free of charge and accessible to all.<sup>80</sup>

## Notes

<sup>1</sup> Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Haiti will be available at <https://www.ohchr.org/EN/HRBodies/UPR/Pages/HTIndex.aspx>.

- <sup>2</sup> For relevant recommendations, see A/HRC/34/14, paras. 115.1–115.24, 116.1–116.2 and 117.1–117.22.
- <sup>3</sup> S/2021/828, para. 44.
- <sup>4</sup> United Nations country team submission for the universal periodic review of Haiti, annex 2.
- <sup>5</sup> *Ibid.*
- <sup>6</sup> *Ibid.*
- <sup>7</sup> *Ibid.*
- <sup>8</sup> UNESCO submission for the universal periodic review of Haiti, p. 7.
- <sup>9</sup> For relevant recommendations, see A/HRC/34/14, paras. 115.25–115.60, 115.127–115.140, 116.3–116.5, 117.23 and 117.29.
- <sup>10</sup> S/2021/828, para. 68.
- <sup>11</sup> *Ibid.*
- <sup>12</sup> *Ibid.*, para. 44.
- <sup>13</sup> For relevant recommendations, see A/HRC/34/14, paras. 115.61–115.71 and 117.24–117.28.
- <sup>14</sup> United Nations country team submission, p. 12.
- <sup>15</sup> *Ibid.*, p. 4.
- <sup>16</sup> For relevant recommendations, see A/HRC/34/14, paras. 115.165–115.175.
- <sup>17</sup> S/2021/828, para. 60.
- <sup>18</sup> United Nations country team submission, p. 2
- <sup>19</sup> *Ibid.*, pp. 10–11.
- <sup>20</sup> S/2021/828, p. 20.
- <sup>21</sup> *Ibid.*, para. 48.
- <sup>22</sup> United Nations country team submission, pp. 5–6.
- <sup>23</sup> *Ibid.*, p. 6.
- <sup>24</sup> For relevant recommendations, see A/HRC/34/14, paras. 115.110–115.115.
- <sup>25</sup> United Nations country team submission, p. 5.
- <sup>26</sup> S/2021/828, paras. 3–4.
- <sup>27</sup> *Ibid.*, para. 39.
- <sup>28</sup> *Ibid.*
- <sup>29</sup> *Ibid.*, para. 16.
- <sup>30</sup> *Ibid.*, para. 70.
- <sup>31</sup> For relevant recommendations, see A/HRC/34/14, paras. 115.72–115.81, 115.116–115.126.
- <sup>32</sup> See <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27240&LangID=E>.
- <sup>33</sup> *Ibid.*
- <sup>34</sup> United Nations country team submission, p. 6.
- <sup>35</sup> S/2021/828, paras. 32–33.
- <sup>36</sup> *Ibid.*, para. 38.
- <sup>37</sup> *Ibid.*, para. 40.
- <sup>38</sup> United Nations country team submission, p. 6.
- <sup>39</sup> *Ibid.*, p. 5.
- <sup>40</sup> *Ibid.*
- <sup>41</sup> *Ibid.*
- <sup>42</sup> See <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26763&LangID=E>.
- <sup>43</sup> S/2021/828, para. 28.
- <sup>44</sup> *Ibid.*, para. 71.
- <sup>45</sup> For relevant recommendations, see A/HRC/34/14, paras. 115.141–115.144.
- <sup>46</sup> S/2021/828, para. 11.
- <sup>47</sup> *Ibid.*, paras. 37–38.
- <sup>48</sup> United Nations country team submission, p. 7.
- <sup>49</sup> UNESCO submission, p. 3.
- <sup>50</sup> *Ibid.*, p. 8
- <sup>51</sup> For relevant recommendations, see A/HRC/34/14, paras. 115.145–115.152.
- <sup>52</sup> United Nations country team submission, p. 8.
- <sup>53</sup> For relevant recommendations, see A/HRC/34/14, paras. 115.153–115.155.
- <sup>54</sup> S/2021/828, para. 63.
- <sup>55</sup> United Nations country team submission, p. 9.
- <sup>56</sup> See <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27240&LangID=E>.
- <sup>57</sup> For relevant recommendations, see A/HRC/34/14, paras. 115.156–115.162.
- <sup>58</sup> UNESCO submission, p. 5.
- <sup>59</sup> For relevant recommendations, see A/HRC/34/14, paras. 115.82–115.97.
- <sup>60</sup> United Nations country team submission, p. 3.
- <sup>61</sup> *Ibid.*

<sup>62</sup> CRPD/C/HTI/CO/1, para. 11.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid., para. 41.

<sup>65</sup> For relevant recommendations, see A/HRC/34/14, paras. 115.98–115.109.

<sup>66</sup> United Nations country team submission, p. 4.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid., p. 8.

<sup>69</sup> UNESCO submission, p. 6.

<sup>70</sup> Ibid., pp. 5–6.

<sup>71</sup> For relevant recommendations, see A/HRC/34/14, paras. 115.162–115.163.

<sup>72</sup> CRPD/C/HTI/CO/1, para. 9.

<sup>73</sup> Ibid., para. 29.

<sup>74</sup> S/2021/828, para. 59.

<sup>75</sup> See <https://news.un.org/en/story/2021/09/1101792>.

<sup>76</sup> UNHCR submission for the universal periodic review of Haiti, p. 6.

<sup>77</sup> Ibid., p. 4.

<sup>78</sup> Ibid.

<sup>79</sup> Ibid., p. 5.

<sup>80</sup> Ibid., p. 6.