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## Human Rights Council

Working Group on the Universal Periodic Review

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### **Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1**

#### **Haiti**

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

## I. Background and framework

1. In January 2010, the Human Rights Council decided during its thirteenth special session to act favourably, in view of the exceptional circumstances that confronted Haiti and upon its request, to postpone relevant deadlines related to its universal periodic review before the Council to a date no later than December 2011.<sup>1</sup>

### A. Scope of international obligations

<i>Core universal human rights treaties<sup>2</sup></i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	
ICERD	19 Dec. 1972	None	Individual complaints (art. 14):	No
ICCPR	6 Feb. 1991	None	Inter-State complaints (art. 41):	No
CEDAW	20 July 1981	None	–	
CRC	8 June 1995	None	–	
CRPD	23 July 2009	None	–	
CRPD-OP	23 July 2009	None	Inquiry procedure (arts. 6 and 7):	Yes

*Core treaties to which Haiti is not a party:* ICECSR, OP-ICESCR, ICCPR-OP 1, ICCPR-OP 2, OP-CEDAW, CAT, OP-CAT, OP-CRC-AC (signature only, 2002), OP-CRC-SC (signature only, 2002), ICRMW, and CED (signature only, 2007)

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	No
Palermo Protocol <sup>3</sup>	Yes
Refugees and stateless persons <sup>4</sup>	Yes, except 1954 and 1961 Conventions
Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>5</sup>	Yes, except Additional Protocol III
ILO fundamental conventions <sup>6</sup>	Yes
UNESCO Convention against Discrimination in Education	No

2. In 2009, the Committee on the Elimination of Discrimination against Women (CEDAW) encouraged Haiti to ratify the treaties to which it was not yet a party, namely the ICESCR, CAT, ICRMW and CED.<sup>7</sup> The same year, the independent expert on the human rights situation in Haiti recommended that Haiti ratify the ICESCR.<sup>8</sup>

3. In March 2009, the independent expert indicated that Haiti ratified the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women.<sup>9</sup>

4. In 2011, the Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that the Government of Haiti accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.<sup>10</sup>

5. In 2011, UNESCO recommended that Haiti ratify the 1960 UNESCO Convention against Discrimination in Education and the 1989 UNESCO Convention on Technical and Vocational Education.<sup>11</sup>

## **B. Constitutional and legislative framework**

6. In 2011, the United Nations Country Team (UNCT) noted that Haiti's 1987 Constitution provided for a number of fundamental human rights and that article 276 specified that international treaty law had primacy over national law.<sup>12</sup>

## **C. Institutional and human rights infrastructure**

7. As at 1 July 2011, Haiti did not have a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).<sup>13</sup>

8. In March 2008, the Secretary-General mentioned that the United Nations Stabilization Mission in Haiti (MINUSTAH) had continued to support the adoption of enabling legislation on the Office de la Protection du Citoyen (OPC), in conformity with the Paris Principles and worked to improve OPC's visibility through joint programming.<sup>14</sup>

9. In the aftermath of the January 2010 earthquake, OHCHR, in cooperation with the Organisation Internationale de la Francophonie (OIF) and the independent expert on the human rights situation in Haiti, has been assisting the Ombudsman (*Protectrice du Citoyen*) to build the capacities of the OPC.<sup>15</sup>

10. In 2011, the Deputy High Commissioner called for a law to be passed by Parliament, to ensure compliance of the OPC with the Paris Principles.<sup>16</sup>

## **D. Policy measures**

11. In 2009 the Secretary-General noted limited progress in the implementation of the 2007–2012 Strategic Plan of the National Prison Administration, which focused on improvement of infrastructure, procurement of necessary equipment, training of personnel and enhanced treatment of detainees.<sup>17</sup>

12. In 2010, the independent expert expressed concerns about the lack of any explicit reference to the place of rights in the reconstruction process in spite of repeated recommendations on this point. He recommended that the national reconstruction and development plan should contain explicit references to the place of rights in the reconstruction.<sup>18</sup>

13. The High Commissioner urged the international community to ensure that the continued strengthening of the Haitian State remains the central aim of their action and that they work in collaboration with all relevant parties, to ensure respect for international human rights standards in the four areas outlined in the reconstruction strategy: territorial rebuilding, economic rebuilding, social and institutional rebuilding. The High Commissioner highlighted the importance of an effective and independent judiciary and a law-enforcement apparatus respectful of human rights, together with a reliable national

human rights institution, as the preconditions for a State to develop in full respect for the rule of law.<sup>19</sup>

14. In 2011, the independent expert emphasized that in the framework of reconstruction, measures ought to be taken to ensure that buildings, especially those open to the public, were made accessible to persons with disabilities.<sup>20</sup>

15. The Human Rights Council, at its thirteenth special session in January 2010, underscored the importance of a renewed and sustainable commitment to address the existing and additional challenges to promote and protect all human rights, and encouraged the Government of Haiti to continue its efforts to promote and protect all human rights in the country. It emphasized the importance of reconstructing national institutions.<sup>21</sup>

16. In 2011 UNICEF reported that several plans of action had been adopted particularly, the 2007 National Plan of Education for All and the 2006 Child Protection National Plan.<sup>22</sup>

## II. Promotion and protection of human rights on the ground

### A. Cooperation with human rights mechanisms

#### 1. Cooperation with treaty bodies

<i>Treaty body<sup>23</sup></i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	1999	August 1999	–	Fourteenth report overdue since 2000
HR Committee	1995 (Special Report requested by the Committee)	March 1995	–	Initial report overdue since 1992
CEDAW	2008	January 2009	Due in January 2010	Combined eighth and ninth reports due in 2010
CRC	2001	January 2003	–	Combined second and third reports overdue since 2007
CRPD	–	–	–	Initial report due in 2011

#### 2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	Special Rapporteur on contemporary forms of slavery, its causes and consequences (June 2009). The independent expert on the human rights in Haiti (nine visits between 2007 and 2011). Representative of the Secretary-General on the human rights of internally displaced persons (October 2010). Special Rapporteur on adequate housing (June 2011).
<i>Visits agreed upon in principle</i>	
<i>Visits requested and not yet agreed upon</i>	Special Rapporteur on the right to food.
<i>Facilitation/cooperation during missions</i>	
<i>Follow-up to visits</i>	

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<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, three communications were sent. <sup>24</sup> The Government acknowledged receipt of one letter.
<i>Responses to questionnaires on thematic issues</i> <sup>25</sup>	Haiti responded to 3 of the 24 questionnaires <sup>26</sup> sent by special procedures mandate holders. <sup>27</sup>

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### **3. Cooperation with the Office of the United Nations High Commissioner for Human Rights**

17. The Human Rights Section was established as an integral part of MINUSTAH pursuant to Security Council resolution 1542 (2004), adopted on 30 April 2004, which sets out its mandate. The various Security Council resolutions on the renewal of the mandate of MINUSTAH reaffirmed this mandate. The Human Rights Section has developed partnerships with Haitian governmental and non-governmental human rights bodies at both central and local level. These bodies include law enforcement authorities (the judiciary and the police), civil society organizations in general and human rights NGOs and OPC in particular. The Human Rights Section also helps build the capacity of national human rights bodies and organizes activities to promote and raise awareness of human rights. In this connection, the Section provides human rights training to law enforcement personnel and civil society organizations. The Human Rights Section has also strengthened its partnership with OPC in recent years.<sup>28</sup>

18. In September 2009, the Secretary-General reported that MINUSTAH continued to support a number of measures to strengthen the functioning of the court system in addition to giving technical assistance to the judicial actors of the “penal chain”.<sup>29</sup>

19. In 2010, OHCHR provided funds and technical advice for seven courts and tribunals across the Western and Artibonite departments to become operational again and provided support to the Les Cayes Joint Investigative. OHCHR established a partnership with UNHCR for the implementation of 12 quick impact projects to promote and finance concrete measures for the local integration of internally displaced persons (IDPs). A joint security assessment, initiated at the request of the Human Rights Section of MINUSTAH, provided a rapid analysis of the protection situation and identified measures to strengthen the protection of vulnerable persons.<sup>30</sup>

20. Since the earthquake, OHCHR has also led the local Protection Cluster. The Section’s core mandate to support the State as well as civil society organizations, including local human rights institutions and groups, in their efforts to promote and protect human rights, remained unchanged after the earthquake, although in practice substantive work focused on immediate protection concerns, in particular regarding the population living in camps and other vulnerable groups.<sup>31</sup>

21. Haiti contributed financially to OHCHR in 2008.<sup>32</sup>

## **B. Implementation of international human rights obligations**

### **1. Equality and non-discrimination**

22. In 2009, CEDAW was concerned at the deep-rooted patriarchal attitudes and stereotypes regarding the roles and responsibilities of women and men in the family, the workplace and society.<sup>33</sup> It encouraged Haiti to adopt a comprehensive strategy to promote cultural change and eliminate discriminatory stereotypes with respect to the roles of women and men at all levels of society.<sup>34</sup>

23. In 2011 UNCT noted the prevalence of gender inequality and discrimination in Haiti, including through public institutions and laws, constituting a barrier to women’s

equal treatment under the law and full enjoyment of their rights. UNCT noted that this caused women to be less likely to access formal education and professional opportunities. Women experienced a differentiated impact of the socio-economic conditions, which contributed to a greater number of women living in poverty and being vulnerable to exploitation. Women were underrepresented in public and political processes.<sup>35</sup>

24. In 2011 UNICEF noted that de facto discrimination remained high against specific groups of vulnerable children such as girls, *restaveks*, children from poor families, street children, children with disabilities and children living in rural areas.<sup>36</sup>

25. In 2003, the Committee on the Rights of the Child (CRC) was concerned at the persistence of discriminatory legal rules regarding children born out of wedlock, including the fact that they were denied the right to know the identity of their father.<sup>37</sup>

26. In 2009 CEDAW was also concerned at the practice of incest or rape by fathers, uncles or other close adult male relatives of young girls on the pretext of warding off “other males the family does not know”.<sup>38</sup>

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

27. In 2005, the Security Council mission to Haiti reported that it had received reports that a culture of impunity remained pervasive, marked by arbitrary arrest, wrongful detention, inhumane prison conditions, excessive use of force, and extrajudicial executions.<sup>39</sup>

28. In March and September 2009, despite overall improvements in police conduct, the Secretary-General reported on continuing cases of excessive use of force and ill-treatment, unlawful arrests and detentions and abuse of authority, as well as poor quality of judicial investigations.<sup>40</sup>

29. In 2011, the Secretary-General reported that the overall security situation in Haiti remained generally calm but prone to localized violent episodes of unrest. While the operational performance of the Haitian National Police had generally improved since the earthquake, the association of some officers with organized crime remained a cause of concern. The communities most at risk remained those within the densely populated areas in the West Department, including the camps for internally displaced persons.<sup>41</sup>

30. UNICEF reported that the January 2010 earthquake led to a breakdown of law and order and the disintegration of social structures, which in turn contributed to a volatile security situation.<sup>42</sup>

31. In 2011 UNCT noted that popular justice, in which a mob attacks and kills a person accused of crime or a related act, has occurred for many years. Toward the end of 2010, and coinciding with the outbreak of cholera, an increased number of lynching incidents were recorded. Common to all incidents was the fact that attackers accused victims of being responsible for spreading cholera through witchcraft.<sup>43</sup> In 2011, the independent expert shared the same concerns.<sup>44</sup>

32. In 2011, UNCT noted that many persons escaped from prison following the 2010 earthquake, and that detention capacity decreased with the collapse or damage of many detention facilities.<sup>45</sup>

33. In 2011, the Deputy High Commissioner stated that the crowded and degrading conditions, the very poor sanitary facilities, and insufficient nutrition and access to medical services in prisons were shocking, in particular the fact that inmates have an average living space of just 0.6 square metres, that 60 per cent of inmates have been in pretrial detention, some for years, and that minors, some as young as 13 years old, are held in prisons, against provisions in Haitian laws.<sup>46</sup>

34. In 2011, UNCT noted that violence against women had been long-standing. Domestic violence continued to be prevalent, despite outreach efforts to change social attitudes. Post-earthquake conditions of mass displacement, inadequate shelter, and the loss of livelihoods and economic opportunities further exposed women to abuse.<sup>47</sup>

35. In 2011, the independent expert reiterated that since the humanitarian crisis began, the issue of violence inflicted on women and girls had been at the heart of the international community's concerns. Numerous reports by the United Nations and national and international human rights organizations detailed the phenomenon of domestic and inter-family violence, the role of gangs operating inside and around the camps and the impunity with which the perpetrators of violence against women act.<sup>48</sup>

36. The independent expert recommended that a serious and credible study be carried out with a view to documenting violence against women, verifying the disparate figures in circulation on the extent of the problem and providing a quantitative assessment of the phenomenon in order to ensure that it was better understood and to develop meaningful and measurable strategies. He underlined that one of the main problems was the way the police and the justice system dealt with complaints. According to him impunity seemed to be the rule, which could only dissuade victims from lodging complaints and encourage perpetrators to commit further offences.<sup>49</sup>

37. In 2009 CEDAW had also raised concerns about the high number of women victims of trafficking<sup>50</sup> and had urged Haiti *inter alia* to intensify its efforts to combat all forms of trafficking in women and girls.<sup>51</sup>

38. During his official missions in 2010 and 2011, the attention of the independent expert had been drawn to the situation of child victims of human trafficking within Haiti or abroad. An unresolved problem was that of the large number of illegal or undeclared children's institutions, where families sometimes left their children in the hope of ensuring that they received better care. However, the legal status of such centres was not verified and no assessment was made of the quality of care and accommodation provided or whether the institutions might be misused for commercial ends or trafficking. The independent expert recommended that steps be taken to exercise proper control with respect to illegal children's centres and that measures be taken to close facilities that do not comply with the relevant legislation.<sup>52</sup>

39. According to the independent expert, children continued to face the threat of abduction, illegal adoption or sexual violence. A number of unaccompanied children remained in the camps, while others had been taken in by other families under circumstances that encouraged the practice of pressing them into domestic service, a problem that predated the humanitarian crisis and had been amply documented by experts and specialist organizations. The independent expert recommended that action be taken to implement his previous recommendations in the context of efforts to combat the placement of children in domestic service, together with the recommendations contained in the report by the Special Rapporteur on contemporary forms of slavery.<sup>53</sup> In 2003, CRC had expressed similar concerns.<sup>54</sup>

40. In 2011, the ILO Committee of Experts on the Application of Conventions and Recommendations expressed the hope that the bill on the trafficking of children would be adopted as a matter of urgency.<sup>55</sup>

41. In 2011, the Deputy High Commissioner called for greater resources to be devoted to the institutions charged with the protection of children, and also for the legal framework to be tightened so that incidents of human trafficking can be investigated and the traffickers held legally responsible, and for Parliament to place the required legislative initiative high on the parliamentary agenda.<sup>56</sup>

42. In 2011, UNICEF reported that children as young as 10 years old were reportedly being used in areas affected by armed violence, to carry guns, serve as lookouts or to courier drugs. Children were reportedly being used, for instance, to provide early warning to members when security forces are conducting operations, carry weapons and intervene in armed confrontations, convey messages, act as spies, collect ransom during kidnapping, carry out arson attacks or destroy private and public property, as well as undertake various other services for the groups.<sup>57</sup>

43. In 2011, a Security Council mission reported that it heard expressions or received reports of serious concern about the impact of drug trafficking, which was described as one of the most destabilizing factors faced by the country.<sup>58</sup>

### **3. Administration of justice, including impunity and the rule of law**

44. In March 2009, the independent expert pointed out that the keystone of the reform of the judicial system in Haiti was the appointment of the President of the Court of Cassation.<sup>59</sup>

45. In 2011, the High Commissioner for Human Rights stressed that significant additional efforts were required to strengthen the functioning of rule-of-law institutions, in particular to ensure that tribunals, prisons and the police comply with international human rights standards, that the population had greater access to security and justice, and that there was a reduction in impunity. She also stressed that Haiti had an obligation to investigate the well-documented serious human rights violations that had occurred during the rule of Mr. Duvalier, and to prosecute those responsible.<sup>60</sup>

46. In 2011, the Deputy High Commissioner also called, for a Truth Commission to be established, to examine both the Duvalier period as well as other periods of Haitian history and raise awareness of the need to protect and promote human rights, particularly among young people. She called for a trial to be held in relation to the killing of several inmates in Les Cayes prison in January 2010, following the submission of the report of the joint investigation to the Prime Minister in September 2010.<sup>61</sup>

47. In 2011, the UNCT noted a high degree of impunity for human rights violations which, in some instances, could be attributed to problems of law enforcement and judicial capacity or victims' fear of presenting complaints. In others, it was the result of a failure of officials to take adequate action in cases involving State officials or organized crime.<sup>62</sup>

48. In 2010, the independent expert pointed out that the three 2007 acts on reform of the justice system should form the cornerstone of the reform of the judiciary. He stated that the reforms were stagnating owing to the failure to take a decision on the appointment of the President of the Court of Cassation.<sup>63</sup>

49. In 2010 the independent expert referred to the vetting process of police officers designed to verify the suitability of candidates, and of serving officers through inquiries and review of court or criminal records.<sup>64</sup> In 2011 the independent expert noted that between 2006 and 2010, 7,177 case files were opened, of which 3,584 were sent to the Haitian National Police General Inspectorate for transmittal to the Supreme Council of the National Police for vetting purposes. He also noted that, unfortunately, not a single member of the police force had been certified or had received a new identity card.<sup>65</sup>

50. In 2011, UNCT reported that there had been a multitude of escape attempts from detention facilities since 12 January 2010 and that, in many such instances, inmates had destroyed all detention records held within the detention facilities, significantly complicating the task of reducing pretrial detention.<sup>66</sup>

51. In 2011, UNCT noted that defendants accused of misdemeanors were often held in pre-trial detention well beyond the maximum prison sentence they would receive if found



guilty. In Jeremie, for example, prisoners had remained incarcerated after completing their sentences because their dossiers were not transmitted from the court registrar to prison authorities.<sup>67</sup>

52. In 2011, the independent expert reported that 70 per cent of persons deprived of liberty were in pretrial detention, although the situation varied considerably from one jurisdiction to another.<sup>68</sup> He recommended that certain criminal procedures be clarified and simplified, particularly with regard to the duration of pretrial detention based on the type of offence.<sup>69</sup>

#### **4. Right to privacy, marriage and family life**

53. In 2011, UNCT noted that despite efforts to strengthen the civil registry, it continued to suffer from serious deficiencies. Access to birth, marriage and death certificates was extremely limited. Between 20 and 40 per cent of children were not registered. People whose homes were destroyed in the earthquake often also lost essential legal identification and property ownership documentation, while the destruction of government buildings and pre-existing problems severely limited the State's capacity to replace them. The falsification of documents was prevalent and combined with capacity and corruption problems to deny respect for related rights for hundreds of thousands of Haitians.<sup>70</sup>

54. In 2003, CRC had already expressed concerns at the large number of children whose birth was not being registered and by the fact that the parents had to pay fees for birth certificates.<sup>71</sup>

#### **5. Right to participate in public and political life**

55. The Secretary-General reported that the first round of elections in November 2010 were marred by intimidation, fraud and, following the preliminary announcement of the results on 7 December 2010, by violence and civil unrest in some parts of the country, including in Port-au-Prince.<sup>72</sup>

56. In 2011, UNCT noted the lack of citizen participation in public life and politics. The exercise of the right to join unions was complicated by restrictive legislation, the economic crisis and weaknesses in conflict-resolution mechanisms.<sup>73</sup>

#### **6. Right to work and to just and favourable conditions of work**

57. In 2011, UNCT noted that with an estimated 80 per cent unemployment level, access to gainful work was extremely limited, particularly in the formal sector. The majority of Haitians were engaged in the informal sector, either in subsistence farming, herding and fishing or in informal commerce and trading. Due to structural inequalities and gender-based discrimination, women had less access to the formal job market and relied heavily on informal income-generation activities, with consequent income instability. The concept of equal wages was not yet a regular practice in Haiti.<sup>74</sup> In 2009, CEDAW had shared similar concerns.<sup>75</sup>

#### **7. Right to social security and to an adequate standard of living**

58. In September 2009, the Secretary-General noted that the most acute problem in Haiti continued to be the lack of progress in the realization of economic, social and cultural rights. Widespread poverty and unemployment, combined with a lack of access to acceptable and affordable food, housing, education and health care and the ongoing deterioration in the environment posed a threat to individual rights and to national stability.<sup>76</sup>

59. In 2010, the Representative of the Secretary-General on the human rights of internally displaced persons stated that urgent needs such as access to health, water, sanitation and education, faced not only by the camp population but also by Haiti's poor, should be addressed through a neighbourhood approach. That way, the entire affected population had equal access in accordance with needs and people would not be drawn into unsustainable camps."<sup>77</sup>

60. In 2011, the High Commissioner for Human Rights suggested that a comprehensive long-term plan needed to be put in place so that the State could provide durable solutions regarding access to basic services. Without an overarching guiding plan, the many national and international temporary housing and reconstruction initiatives in place will be inadequately coordinated, and people will continue to be evicted from camps without adequate alternative solutions.<sup>78</sup>

61. The Special Rapporteur on adequate housing had also made an urgent plea to immediately stop to all forced evictions of earthquake survivors during her visit in June 2011. She called for rapid reconstruction and safe return of internally displaced persons to their neighbourhoods of origin. She also supported UN-Habitat's proposal for a comprehensive strategy for reconstruction and return, and encouraged, the authorities to de-link land ownership from the right to use the land to live there, based on the recognition of the social function of land in the specific post-disaster context.<sup>79</sup>

62. The independent expert noted that the inhabitants of official camps set up by the international community after the earthquake appeared determined to stay there for the long term. The independent expert was struck by the progressive transformation of official camps into informal settlements and shanty towns, at times overwhelmed by a teeming population for which available services, initially intended for a limited number of inhabitants, were wholly inadequate.<sup>80</sup>

63. In 2010, the Special Representative of the Secretary-General on internally displaced persons called for more urgency in launching the reconstruction process, calling for a national plan to provide durable solutions for those in the camps. He asked the authorities to inform and consult with the displaced on its implementation.<sup>81</sup>

64. In 2009, CEDAW recommended inter alia the improvement of women's access to health care and, more specifically, to decrease the maternal mortality rate; as well as the enactment of the law on partial decriminalization of abortion.<sup>82</sup>

## **8. Right to education**

65. In 2011, UNCT noted that the majority of children in Haiti did not attend school before the earthquake due to the lack of resources and availability of public school facilities. Indeed, a large majority of educational services were delivered by the private sector and Government capacity and role as regulator of the public and private education system was very limited. This situation worsened with the earthquake, which also interrupted the education of nearly 2.5 million children. In many cases, children had lost parents who had been responsible for paying school fees. Despite considerable efforts in 2010, education services remained inadequate, inefficient and suffered from low standards. The lack of legal documentation for a majority of children prevented them from registering for national exams and accessing secondary or tertiary education.<sup>83</sup>

66. CRC in 2003<sup>84</sup> and CEDAW in 2009<sup>85</sup> had recommended that Haiti inter alia continue its efforts to ensure that all children, especially girls, had equal access to educational opportunities, paying special attention to those living in rural and remote areas.

## 9. Migrants, refugees and asylum-seekers

67. In June 2011, OHCHR and UNHCR made a joint appeal to Governments to renew on humanitarian grounds residence permits and other mechanisms that have allowed Haitians to remain outside the country.<sup>86</sup>

68. UNHCR noted that the earthquake exacerbated problems related to civil identity documentation, with larger numbers of the population at risk of statelessness. Although there was no quantitative data available, it was likely that hundreds of thousands of IDPs had lost their identity documents in or after the earthquake and were in need of new civil documents. Without adequate birth and civil registration systems in place, many protection risks were heightened, especially in relation to children (e.g. child trafficking, abduction and illegal adoption).<sup>87</sup>

## 10. Internally displaced persons

69. On 14 October 2010, the Security Council expressed its concern about the rise in the number of weapons in circulation and the security situation in camps for internally displaced persons.<sup>88</sup>

70. In 2011, UNCT noted that whether in camps or in host families, throughout the post-earthquake period, displaced persons faced problems of access to employment, health care, food and water, shelter and education. Women, girls and occasionally boys had experienced a heightened vulnerability to sex- and gender-based violence. The elderly and persons with disabilities had been identified by organizations and by national authorities as having even more restricted access to services. The UNCT noted however that human rights concerns affecting people living in camps or host families were often the same as those affecting the wider population, notably the hundreds of thousands of people living in slums.<sup>89</sup>

71. According to UNCT and MINUSTAH, as of March 2011 an estimated 630,000 people remained in sites used for temporary shelter.<sup>90</sup>

72. In 2011 the Deputy High Commissioner welcomed the plans of the new authorities to advance the sustainable return of residents of six camps, the reconstruction of their homes, and the provision of improved services in their neighbourhoods of origin, but called for a broader plan to increase access to adequate housing in both camps and impoverished neighbourhoods, combined with major job creation, in order to break the cycle of extreme poverty and the failure to realize economic and social rights in which Haiti has been trapped for so many years.<sup>91</sup>

## 11. Right to development

73. In 2011, the Deputy High Commissioner stressed that greater emphasis should be placed on human rights in the context of development and within the reconstruction process.<sup>92</sup>

74. In 2010, the Representative of the Secretary-General on the human rights of the internally displaced persons had already called for more urgency in launching the reconstruction process.<sup>93</sup>

## III. Achievements, best practices, challenges and constraints

75. Noting that the earthquake had caused tremendous hardship, injury and loss of life CEDAW called for the inclusion of a gender perspective in all humanitarian relief efforts so that the specific needs of women may be adequately addressed.<sup>94</sup>

## IV. Key national priorities, initiatives and commitments

### Specific recommendations for follow-up

76. In 2009, CEDAW requested Haiti to provide, within one year, written information on the steps undertaken to implement the recommendations concerning law reform and violence against women.<sup>95</sup>

77. In January 2010, the Human Rights Council during its thirteenth special session emphasized the need to apply a gender-based approach to the recovery process.<sup>96</sup>

## V. Capacity-building and technical assistance

78. In January 2010, the Human Rights Council called upon the international community to continue to ensure adequate and coordinated support for the Government and the people of Haiti in their efforts to overcome the challenges arising from the earthquake, keeping in mind the importance of integrating a human rights approach.<sup>97</sup>

### Notes

<sup>1</sup> A/HRC/S-13/2, para. 10.

<sup>2</sup> The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance

<sup>3</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>4</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

<sup>5</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol

- Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).
- <sup>6</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning the Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- <sup>7</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/HTI/CO/7), para. 44.
- <sup>8</sup> A/HRC/11/5, p. 23, para. 94.
- <sup>9</sup> *Ibid.*, p. 16, para. 67.
- <sup>10</sup> UNHCR submission to the UPR on Haiti, 2011, p. 6.
- <sup>11</sup> UNESCO submission to the UPR on Haiti, para. 15.
- <sup>12</sup> UNCT submission to the UPR on Haiti, 2011, para. 6.
- <sup>13</sup> For the list of national human rights institutions with accreditation status granted by the International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/16/77, annex.
- <sup>14</sup> S/2008/202 para. 45.
- <sup>15</sup> A/HRC/16/76, para. 12.
- <sup>16</sup> Press statement by the United Nations Deputy High Commissioner for Human Rights on 5 July 2011.
- <sup>17</sup> S/2009/439 para. 44.
- <sup>18</sup> A/HRC/14/44/Add.1, paras. 43 and 54.
- <sup>19</sup> A/HRC/14/CRP.3, para. 4.
- <sup>20</sup> A/HRC/17/42, para. 36.
- <sup>21</sup> A/HRC/S-13/1, paras. 3 and 6.
- <sup>22</sup> UNICEF submission to the UPR on Haiti, 2011, p. 2.
- <sup>23</sup> The following abbreviations have been used for this document:
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| CERD         | Committee on the Elimination of Racial Discrimination        |
| HR Committee | Human Rights Committee                                       |
| CEDAW        | Committee on the Elimination of Discrimination against Women |
| CRC          | Committee on the Rights of the Child                         |
- <sup>24</sup> The communications referred to relate to 7 individuals, including journalists and human rights defenders.
- <sup>25</sup> The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate holder.
- <sup>26</sup> The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2007 and 1 June 2011. Responses counted for the purposes of this section are those received within the relevant deadlines, and referred to in the following documents: (a) A/HRC/6/15, para. 7; (b) A/HRC/7/6, annex; (c) A/HRC/7/8, para. 35; (d) A/HRC/8/10, para. 120, footnote 48; (e) A/62/301, paras. 27, 32, 38, 44 and 51; (f) A/HRC/10/16 and Corr.1, footnote 29; (g) A/HRC/11/6, annex; (h) A/HRC/11/8, para. 56; (i) A/HRC/11/9, para. 8, footnote 1; (j) A/HRC/12/21, para. 2, footnote 1; (k) A/HRC/12/23, para. 12; (l) A/HRC/12/31, para. 1, footnote 2; (m) A/HRC/13/22/Add.4; (n) A/HRC/13/30, para. 49; (o) A/HRC/13/42, annex I; (p) A/HRC/14/25, para. 6, footnote 1; (q) A/HRC/14/31, para. 5, footnote 2; (r) A/HRC/14/46/Add.1; (s) A/HRC/15/31/Add.1, para. 6 – for list of responding States, see <http://www.ohchr.org/EN/Issues/WaterAndSanitation/SRWater/Pages/ContributionsPSP.aspx>; (t) A/HRC/15/32, para. 5.(u) A/HRC/16/44/Add.3; (v) A/HRC/16/48/Add.3, para. 5 endnote 2 (w) A/HRC/16/51/ Add.4 (x)

- A/HRC/17/38, see Annex I.
- <sup>27</sup> A/HRC/7/6, annex; A/62/301, paras. 27, 32, 38, 44 and 51; A/HRC/16/44/Add.3.
- <sup>28</sup> MINUSTAH, Rapport annuel de la Section des droits de l'homme, 2008, paras. 6–8; see also S/2009/129, para. 50.
- <sup>29</sup> S/2009/439, para. 41.
- <sup>30</sup> OHCHR Annual Report 2010, p. 167.
- <sup>31</sup> Ibid., p. 166.
- <sup>32</sup> OHCHR, Annual 2008 report, Activities and results, p. 174.
- <sup>33</sup> CEDAW/C/HTI/CO/7, para. 20.
- <sup>34</sup> Ibid., para. 21.
- <sup>35</sup> UNCT submission to the UPR on Haiti, 2011, para. 38.
- <sup>36</sup> UNICEF submission to the UPR on Haiti, 2011, p. 3.
- <sup>37</sup> Concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add. 202), para. 34.
- <sup>38</sup> CEDAW/C/HTI/CO/7, para. 22.
- <sup>39</sup> S/2005/302, paras. 42–43.
- <sup>40</sup> S/2009/129, para. 49 and S/2009/439, para. 51.
- <sup>41</sup> S/2011/183, paras. 9–15.
- <sup>42</sup> UNICEF submission to the UPR on Haiti, 2011, p. 4.
- <sup>43</sup> UNCT submission to the UPR on Haiti, 2011, para. 16.
- <sup>44</sup> A/HRC/17/42, para. 39.
- <sup>45</sup> UNCT submission to the UPR on Haiti, 2011, para. 16.
- <sup>46</sup> Press statement of the Deputy High Commissioner (OHCHR) on 5 July 2011.
- <sup>47</sup> UNCT submission to the UPR on Haiti, 2011, para. 39.
- <sup>48</sup> A/HRC/17/42, para. 22.
- <sup>49</sup> Ibid., paras. 27–28.
- <sup>50</sup> CEDAW/C/HTI/CO/7, para. 26.
- <sup>51</sup> Ibid., para. 27.
- <sup>52</sup> A/HRC/17/42, para. 30.
- <sup>53</sup> Ibid., para. 33.
- <sup>54</sup> CRC/C/15/Add.202, paras. 56–57.
- <sup>55</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2011, Geneva, doc. No. (ILOLEX) 062011HTI182, fourth paragraph.
- <sup>56</sup> Press statement of the Deputy High Commissioner (OHCHR) of 5 July 2011.
- <sup>57</sup> UNICEF submission to the UPR on Haiti, 2011, p. 4.
- <sup>58</sup> S/2009/175, report of the Security Council mission to Haiti (11 to 14 March 2009), para. 8.
- <sup>59</sup> A/HRC/11/5, para. 17.
- <sup>60</sup> Press release of the High Commissioner of OHCHR of 11 January 2011.
- <sup>61</sup> Press statement of the Deputy High Commissioner of 5 July 2011.
- <sup>62</sup> UNCT submission to the UPR on Haiti, 2011, para. 28.
- <sup>63</sup> A/HRC/14/44, para. 70.
- <sup>64</sup> Ibid., footnote 14.
- <sup>65</sup> A/HRC/17/42, para. 58.
- <sup>66</sup> UNCT submission to the UPR on Haiti, 2011, para. 25.
- <sup>67</sup> Ibid., 2011, para. 27.
- <sup>68</sup> A/HRC/17/42, paras. 48–49.
- <sup>69</sup> A/HRC/11/45, para. 47; A/HRC/17/42, para. 45.
- <sup>70</sup> UNCT submission to the UPR on Haiti, 2011, para. 35.
- <sup>71</sup> CRC/C/15/Add.202, para. 33.
- <sup>72</sup> S/2011/183, para. 2.
- <sup>73</sup> UNCT submission to the UPR on Haiti, 2011, para. 36.
- <sup>74</sup> Ibid., para. 45.
- <sup>75</sup> CEDAW/C/HTI/CO/7, para. 32.
- <sup>76</sup> S/2009/439, para. 49.
- <sup>77</sup> Press release of the Special Representative on internally displaced persons (19 October 2010).
- <sup>78</sup> Press release of the High Commissioner, 11 January 2011.

- <sup>79</sup> UN-HABITAT, press release of 20 June 2011.
- <sup>80</sup> A/HRC/17/42, para. 17.
- <sup>81</sup> News release from the Special Representative of the Secretary-General on internally displaced persons of 18 October 2010.
- <sup>82</sup> CEDAW/C/HTI/CO/7, para. 37.
- <sup>83</sup> UNCT submission to the UPR on Haiti, 2011, para. 51.
- <sup>84</sup> CRC/C/15/Add.202, para. 53.
- <sup>85</sup> CEDAW/C/HTI/CO/7, paras. 30–31.
- <sup>86</sup> OHCHR/UNHCR joint appeal of 9 June 2011.
- <sup>87</sup> UNHCR submission to the UPR on Haiti, 2011, p. 3.
- <sup>88</sup> Security Council, press release SC/10054.
- <sup>89</sup> UNCT submission to the UPR on Haiti, 2011, para. 33.
- <sup>90</sup> *Ibid.*, para. 34.
- <sup>91</sup> Press statement of the Deputy High Commissioner (OHCHR) of 5 July 2011.
- <sup>92</sup> *Idem.*
- <sup>93</sup> Press release of the Special Representative on internally displaced persons of 19 October 2010.
- <sup>94</sup> CEDAW A/65/38 (part I) (2010), Decision 45/III, annex II.
- <sup>95</sup> CEDAW/C/HTI/CO/7, para. 48.
- <sup>96</sup> A/HRC/S-13/2 para. 9.
- <sup>97</sup> *Ibid.*, para. 1.
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