

HAITI

**SUBMISSION FROM THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS TO
THE UNITED NATIONS UNIVERSAL PERIODIC REVIEW**



**TWELFTH SESSION OF THE WORKING GROUP ON THE UPR
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I. TABLE OF RATIFICATION OF INTER-AMERICAN TREATIES BY HAITI

	Signature	Ratification Accession	/ Deposit
American Convention on Human Rights	-	09/14/77	09/27/77 ¹
Inter-American Convention to Prevent and Punish Torture	06/12/86	-	-
Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, "Protocol of San Salvador"	11/17/88	-	-
Protocol to the American Convention on Human Rights to Abolish the Death Penalty	-	-	-
Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, "Convention of Belém do Pará"	-	04/07/97	06/02/97
Inter-American Convention on Forced Disappearance of Persons	-	-	-
Inter-American Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities	06/08/99	05/29/09	09/03/09

II. COUNTRY REPORTS

- *Haiti: failed justice or the rule of law? Challenges ahead for Haiti and the international community*², OEA/Ser.L/V/II.123, Doc.6 rev 1, 26 October 2005 (Available at <http://www.cidh.oas.org/countryrep/HAITI%20ENGLISH7X10%20FINAL.pdf>)
- *Observations of the inter-American Commission on Human Rights upon conclusion of its April 2007 visit to Haiti*, OEA/Ser.L/V/II.131 doc. 36, 2 March 2008 (Available at: <http://cidh.org/pdf%20files/April%202007%20Haiti%20Observations%20ENG.pdf>)

III. THEMATIC REPORTS

- *Report on the situation of Human Rights Defenders in the Americas*, OEA/Ser.L/V/II.124, Doc. 5 rev. 1, 7 March 2006 (Available at: <http://www.cidh.oas.org/countryrep/Defenders/DEFENDERS.ENGLISH.pdf>): paragraphs 157 and 250;
- *Access to justice as a guarantee of Economic, Social, and Cultural rights a review of the standards adopted by the Inter-American System of Human Rights*, OEA/Ser.L/V/II.129, Doc. 4, 7 September 2007 (available at: <http://www.cidh.oas.org/pdf%20files/ACCESS%20TO%20JUSTICE%20DESC.pdf>): paragraphs 71 -75, 124, 129 – 132
- *The Rights of Women in Haiti to be free from Violence and Discrimination*, OEA/Ser.L/V/II Doc. 64, 10 March 2009 (available at <http://www.cidh.oas.org/countryrep/Haitimujer2009eng/HaitiWomen09.toc.htm>)

¹ On September 9, 1998, the Republic of Haiti recognized the jurisdiction of the Inter-American Court of Human Rights.

² While this report was approved in 2005, it was released in March, 2006, during the 124th Regular Period of Sessions.

- Access to Maternal Health Services from a Human Rights Perspective, OEA/Ser.L/V/II., Doc. 69, 7 June 2010 (available at: <http://cidh.org/women/SaludMaterna10Eng/MaternalHealth2010.pdf>): paragraph 10

IV. IACHR ANNUAL REPORTS

- Annual Report 2006 – Chapter IV: Human Rights Developments in the Region (available at: <http://www.cidh.oas.org/annualrep/2006eng/Chap.4c.htm>)
- Annual Report 2007 – Chapter IV: Human Rights Developments in the Region (available at: <http://www.cidh.oas.org/annualrep/2007eng/Chap.4d.htm>)
- Annual Report 2008 – Chapter IV: Human Rights Developments in the Region (available at: <http://www.cidh.oas.org/annualrep/2008eng/Chap4.e.eng.htm>)
- Annual Report 2009 – Chapter IV: Human Rights Developments in the Region (available at: <http://www.cidh.oas.org/annualrep/2009eng/Chap.IV.d.eng.htm>)
- Annual Report 2010 – Chapter V: Follow-up Report on the Situation of Human Rights in Haiti³

V. ADMISSIBILITY REPORTS

- IACHR, Report N° 65/06, Petition 81-06, Admissibility, Jimmy Charles, Haiti, July 20, 2006 (available at: <http://www.cidh.oas.org/annualrep/2006eng/HAITI.81.06eng.htm>)
- IACHR, Report N° 9/07, Petition 945-05, Admissibility, Johel Dominique, Haiti, February 28, 2007 (available at: <http://www.cidh.oas.org/annualrep/2007eng/Haiti945.05eng.htm>)

VI. JUDGMENTS OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS

- I/A Court H.R., Case of Yvon Neptune v. Haiti. Merits, Reparations and Costs. Judgment of May 6, 2008. Series C No. 180 (available at: http://www.corteidh.or.cr/docs/casos/articulos/seriec_180_ing.pdf)

VII. PRECAUTIONARY MEASURES

- PM 271/06 - Marc-Arthur Mésidort and family (available at: <http://www.cidh.oas.org/medidas/2007.eng.htm>)⁴
- PM 181/07 - Lovinsky Pierre-Antoine (available at: <http://www.cidh.oas.org/medidas/2008.eng.htm>)⁵

³ This report will become public on March 31, 2011.

⁴ On January 25, 2007, the IACHR granted precautionary measures in favor of Marc-Arthur Mésidort, president of the *Groupe d'Action pour la Défense des Droits Humains* (GADH) and members of his family. The information available indicates that the beneficiary has been the target of threats and harassment since January 2005, and that he is impeded from lodging a complaint due to the fact that persons associated with the assailants are said to have influence among the local police and judicial authorities. It is indicated that Mr. Mésidort's wife and children took to sleeping away from his residence due to the threats. The Commission asked the Haitian State to adopt the measures necessary to guarantee the life and physical integrity of the beneficiaries, and to report on actions taken to investigate judicially the facts that gave rise to the precautionary measures. The Commission continues to monitor the beneficiaries' situation.

⁵ **PM 181/07 Lovinsky Pierre-Antoine:** On February 28, 2008, the IACHR granted a request seeking precautionary measures for human rights defender Lovinsky Pierre-Antoine. The request alleges that on August 12, 2007, Mr. Lovinsky Pierre-Antoine was stopped as he was returning from a meeting with a foreign delegation conducting an investigation in Haiti. Since then, his whereabouts are unknown. On September 21, 2007, the Commission requested information from the State concerning the situation of Mr. Lovinsky Pierre-Antoine and repeated its request on December 31, 2007. In view

- PM 144/07 - Detainees at Toussaint Louverture Police Station in Gonaïves (available at: <http://www.cidh.oas.org/medidas/2008.eng.htm>)⁶
- PM 367/10 - Forced Evictions from Five Camps for Displaced Persons (available at: <http://www.cidh.oas.org/medidas/2010.eng.htm>)⁷
- PM 340/10 – Women and girls residing in 22 Camps for internally displaced persons in Port-au-Prince, Haiti (available at: <http://www.cidh.oas.org/medidas/2010.eng.htm>)⁸

VIII. PRESS RELEASES

- N° 07/06: Evaluation of Human Rights in the Americas during IACHR regular sessions (available at: <http://www.cidh.oas.org/Comunicados/English/2006/7.06eng.htm>); paragraph 15
- N° 14/06: IACHR expresses its concern for the situation of human rights in Haiti (available at: <http://www.cidh.oas.org/Comunicados/English/2006/14.06eng.htm>)
- N° 24/07 - IACHR encouraged by efforts to improve the human rights situation in Haiti (available at: <http://www.cidh.oas.org/Comunicados/English/2007/24.07eng.htm>)
- N° 32/07: Rapporteur on the Rights of Persons Deprived of Liberty concludes visit to the Republic of Haiti (available at: <http://www.cidh.oas.org/Comunicados/English/2007/32.07eng.htm>)
- N° 40/07: IACHR Concludes its 128th Period of Sessions (available at: <http://www.cidh.oas.org/Comunicados/English/2007/40.07eng.htm>), paragraph 24

of the situation and since the deadlines for submitting the requested information had passed, the Commission decided to grant the requested precautionary measures and asked the Haitian state to take the measures necessary to establish Lovinsky Pierre-Antoine's whereabouts, guarantee his life and physical integrity, and report the measures taken to conduct a judicial inquiry into the facts that prompted the adoption of precautionary measures.

⁶ **PM 144/07 Detainees at Toussaint Louverture Police Station in Gonaïves:** On June 16, 2008, the IACHR granted precautionary measures for the persons being held at the Toussaint Louverture Police Station in Gonaïves. The request seeking precautionary measures alleges, *inter alia*, that twelve minors in custody were co-mingled with the adult population and persons carrying HIV. The Commission asked the Haitian state to take the measures necessary to protect the lives and physical integrity of all persons deprived of their liberty in the Toussaint Louverture Police Station, to provide them with food, medical care and proper sanitation, and to transfer children deprived of their liberty to suitable detention facilities. The Commission continues to monitor the situation.

⁷ **PM 367-10 - Forced Evictions from Five Camps for Displaced Persons, Haiti:** On November 15, 2010, the IACHR granted precautionary measures for the residents of five camps for internally displaced persons in Haiti. The request for precautionary measures alleges that forced evictions were carried out in five encampments created by families that set up tents in open fields, on public or private property, following the destruction of their homes by the earthquake. The Inter-American Commission asked the State of Haiti to adopt a moratorium on the expulsions from the camps for internally displaced persons until a new government can take office; to ensure that those who have been illegally expelled from the camps are transferred to places with minimum sanitary and security conditions; to guarantee that those who have been internally displaced have access to effective remedies in court and before other competent authorities; to implement effective security measures to safeguard the physical integrity of the camps' inhabitants, guaranteeing in particular the protection of women and children; to train security forces on the rights of displaced persons, in particular their right not to be expelled from the camps by force; and to ensure that international cooperation agencies have access to the camps for internally displaced persons.

⁸ **PM 340/10 – Women and girls residing in 22 Camps for internally displaced persons in Port-au-Prince, Haiti:** On December 22, 2010, the IACHR granted precautionary measures for all the displaced women and children living in 22 camps for internally displaced persons in Port-au-Prince, Haiti, in the wake of the January 10, 2010 earthquake. The request for precautionary measures alleges a pattern of sexual violence and a series of acts of violence against the women and girls residing in said camps. The Inter-American Commission called on the State to ensure the availability of adequate medical and mental health care for the victims of sexual violence located in accessible areas; to provide adequate security at the camps for internally displaced persons, including the lighting of public spaces, regular patrols within the camps as well as outlying areas, and to increase the presence of female police officers assigned to patrol details and local police precincts; to ensure that the law enforcement agencies tasked with responding to incidents of sexual violence receive the necessary training to respond appropriately to reported cases of sexual violence and provide the necessary security to the camps; to promote the establishment of special investigative police units within the Office of the Attorney General with a view to investigating rape cases and other crimes of sexual violence; and to ensure that grassroots women's groups fully participate in and have a steering role in the planning and implementation of policies and practices aimed at combating and preventing rape and other forms of sexual violence in the camps.

- N° 54/07: IACHR concludes its 130th Regular Sessions (available at: <http://www.cidh.oas.org/Comunicados/English/2007/54.07eng.htm>), paragraphs 24 – 26, situation of women in Cité Soleil, Haiti, and Office of the Special Rapporteur for Freedom of Expression
- N° 10/08: IACHR concludes its 131st Period of Sessions (available at: <http://www.cidh.oas.org/Comunicados/English/2008/10.08eng.htm>) – Trafficking of Children and Violence against Women in the Border Region of Haiti, and Case 12.459 – Lysias Fleury, Haiti
- N° 16/08: IACHR releases Report on visit to Haiti (available at: <http://www.cidh.oas.org/Comunicados/English/2008/16.08eng.htm>)
- N° 46/08: IACHR concludes its 133rd Period of Sessions (available at: <http://www.cidh.oas.org/Comunicados/English/2008/46.08eng.htm>), paragraph 4 and Rapporteurship on the Rights of the Child
- N° 63/09: IACHR Takes Cases Involving Paraguay, Mexico and Haiti to the Inter-American Court of Human Rights (available at: <http://www.cidh.oas.org/Comunicados/English/2009/63-09eng.htm>), paragraph 4
- N° 78/09: IACHR concludes its 137th Period of Sessions (available at: <http://www.cidh.oas.org/Comunicados/English/2009/78-09eng.htm>), paragraph 30
- N° 4/10: IACHR expresses solidarity with Haiti (available at: <http://www.cidh.oas.org/Comunicados/English/2010/2-10eng.htm>)
- N° 11/10: IACHR stresses duty to respect Human Rights during the emergency in Haiti (available at: <http://www.cidh.oas.org/Comunicados/English/2010/11-10eng.htm>)
- N° 38/10: IACHR concludes its 138th Period of Session (available at: <http://www.cidh.oas.org/Comunicados/English/2010/38-10eng.htm>), paragraphs 6 and 7
- N° 109/10: IACHR concludes its 140th Period of Sessions (available at: <http://www.cidh.oas.org/Comunicados/English/2010/109-10eng.htm>), paragraph 6
- N° 114/10: IACHR expresses concern over situation in camps for displaced persons in Haiti (available at: <http://www.cidh.oas.org/Comunicados/English/2010/114-10eng.htm>)
- N° 3/11: IACHR reminds Haiti of its ongoing duty to investigate and prosecute human rights violations (available at: <http://www.cidh.oas.org/Comunicados/English/2011/3-11eng.htm>)
- N° 6/11: IACHR urges United States to suspend deportations to Haiti (available at: <http://www.cidh.oas.org/Comunicados/English/2011/6-11eng.htm>)