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Universal periodic review

## Report of the Working Group on the Universal Periodic Review\*

### Haiti

Addendum

**Views on conclusions and/or recommendations, voluntary commitments  
and replies presented by the State under review**

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\* The present document was not edited before being sent to the United Nations translation services.

## Introduction

1. The national report of Haiti was submitted to the members of the Human Rights Council on 13 October 2011 in the framework of the Universal Periodic Review. The consideration of the report resulted in 136 recommendations, to which the Government of Haiti should respond in an addendum to the initial report.
2. The Haitian Government, together with the Office of the United Nations High Commissioner for Human Rights and the human rights section of the United Nations Stabilization Mission in Haiti (MINUSTAH), held a national consultation on 14 February 2012.
3. The consultation was attended by representatives of the main human rights agencies and civil society organizations from the capital and towns in the provinces, as well as of diplomatic missions and international organizations active in Haiti. It was an opportunity to gather suggestions and comments from the participants.
4. After the consultation, the Government decided to accept 122 of the recommendations, of which 3 with reservations, and to reject 14 for the moment.
5. This addendum will concentrate on those recommendations that the Government has accepted and already implemented (I), those partially accepted (II) and those rejected (III).

## I. Recommendations accepted and already implemented

6. The Haitian Government has already implemented some of the recommendations accepted, in the areas of administration of the justice system, reconstruction and education.
7. The vacancies in the Court of Cassation have been filled in order to ensure the proper functioning of the judiciary. The Supreme Council of the Judiciary, the guarantor of independence and justice, will thus soon be fully staffed. **(88.99 and 88.100)**
8. With the aim of improving the way in which the judicial system works, the President has issued a decree appointing a commission that will formulate proposals for a reform of the country's justice system. The commission has two years to submit its report to the executive authorities. **(88.98 and 88.103)**
9. The State has also expressed its intention to combat impunity, as demonstrated by the judgement handed down by the Les Cayes Criminal Court in sentencing some of the police officers accused of having killed prisoners during an attempted escape after the 12 January 2010 earthquake. By setting an example, this ruling makes clear the State's determination to ensure respect for human rights. **(88.109 and 88.112)**
10. In the case of Mr. Jean-Claude Duvalier, the former president of Haiti, the investigating judge has issued an order, against which the parties may appeal if they deem it necessary. **(88.111)**
11. The Government intends to ensure that the 48-hour limit for bringing a detainee before the statutory judge is respected.
12. The problem of prolonged preventive custody, another matter of concern to the State, is being addressed. A commission consisting of criminal investigation officers, national prison administration staff and other public employees is conducting inquiries in the country's courts, police stations and all places of detention to identify cases of prolonged detention. **(88.63)**

13. Furthermore, the senior judge of the court of first instance in Port-au-Prince has, together with the public prosecutor, set up a programme entitled “Not a day more”. A total of 116 persons were released under the programme between July 2011 and January 2012. They included individuals who had completed their sentences and were still being held, as well as detainees who had committed minor offences and had already been held for longer than the statutory penalty. **(88.64)**
14. Instructions have, moreover, been issued to Government commissioners and judges concerning regular inspections of police stations and detention centres. **(88.65)**
15. The Government is fully aware of the problem posed by the pretrial detention of minors. However, lack of funding means that it has not yet managed to build enough juvenile rehabilitation centres. **(88.73)**
16. The protection of minors extends beyond the prison environment. The public prosecutor attached to the Port-au-Prince court of first instance has taken measures to prohibit minors entering nightclubs and other places considered to be unsuitable. Adults abetting or encouraging such activities have been arrested. The Government intends to extend this work throughout the country. **(88.97)**
17. With the aim of improving detention conditions, the Government has already begun the construction of new prisons that strive to meet the international standards of between 2.5 m<sup>2</sup> and 4.5 m<sup>2</sup> per prisoner in a cell. **(88.66)**
18. The separation of juveniles from adults is also an issue of major concern to the judicial authorities. The State has, to that end, introduced separation of male minors from adult men in detention cells.
19. The Government recognizes the urgent need to do the same for female minors. However, limited resources mean that the State is not able to effect such separation, which would involve building new modern detention centres.
20. The Government has also taken steps to improve the quality of food in all the country’s prisons. Currently, prisoners in most detention centres receive at least two meals per day. **(88.71)**
21. The Government’s 16/6 programme was launched on 17 August 2011. Its aim is the rehabilitation of 16 districts, to provide housing for people living in 6 camps in various municipalities of Port-au-Prince. The project is intended to provide decent long-term housing for displaced persons. Grants have been given to some beneficiaries either to rent housing or to repair their own houses that were damaged by the earthquake. The programme is run in partnership with the international community. **(88.130)**
22. On Monday 27 February 2012, President Michel Joseph Martelly inaugurated 400 decent housing units, each of 35 m<sup>2</sup> built area, on 9.6 hectares of land in Zoranje, Ouest Department, as part of the 400/100 programme to rehouse families affected by the 12 January 2010 earthquake. This is the first phase of the Support Programme for the Housing Sector Action Plan run by the Government and the Inter-American Development Bank; its main objective is to help improve the quality of life of low-income families affected by the earthquake, providing them with housing to meet their essential needs of accommodation and security, as well as to establish a framework for planned housing development. The planned second phase of construction includes 600 housing units in the municipality of Fort Liberté, Nord-Est Department, and the third phase will be located in Sud Department.
23. The Government has, furthermore, provided 500 million gourdes for the “Kay Pam” (my house) programme of bank loans for housing. A programme started in 2011 to build 3,000 housing units for earthquake victims is still running. **(88.132)**

24. Education is one of the Government's priorities. The Universal, Free and Compulsory Education Programme has enabled 903,000 pupils to go to school this year. The National Education Fund was set up to collect and centralize resources to fund education. (88.125 and 88.127)

25. School transport is now free, currently allowing 41,000 children to go to school. However, there is still a demand from 150,000 pupils to be met in the short-term.

26. The National School Canteen Programme is continuing in spite of some problems arising from the limited resources, which mean that only 300,000 children benefit from its services. (88.126 and 88.128)

27. The Government has also launched a huge building programme for primary and secondary schools and vocational training centres in the various regions of the country. A call for tenders has been issued for the construction of 28 primary schools in seven departments. Other centres and primary and secondary schools affected by the earthquake are being rehabilitated. (88.128)

## II. Recommendations partially accepted

28. These recommendations concern prisoners' access to medical care and a balanced diet, protection of minors in conflict with the law, and children in domestic service.

29. In respect of recommendation 88.71, the State is attempting to guarantee that prisoners who fall ill receive the care they need, in spite of the current economic situation.

30. The State intends to address the phenomenon of child domestic workers, while recalling that the extended family is the dominant model in Haitian society. It is thus inconceivable that the situation of a child living under the same roof as a member of the family who is not his or her biological parent should be considered as a modern form of slavery. (88.93)

31. In response to recommendation 88.110, the Government agrees to take the necessary steps to enable the judicial system to effectively combat impunity, but rejects the establishment of an "international commission against impunity".

## III. Recommendations rejected for the moment by the Government

32. Given the implications that some of the recommendations have for the State, and its capacity for implementing them, the Government has decided to reject 14 of them. They can be divided into four main groups.

33. The first concerns accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. Haiti will consider the appropriateness of acceding to these two conventions in the future. The reason for this decision is the concern to strengthen the country's security structures and ensure effective control of the various border posts and the country's territorial waters. (88.18 and 88.19)

34. The second group concerns the adoption and implementation of a children's code. The Government considers that issues related to children should be addressed within the framework of the family. The State therefore prefers to focus on a family code, which is currently in preparation. (88.21)

35. The third is related to the creation of a national human rights institution in accordance with the Paris Principles, and its accreditation with the International Coordinating Committee of the National Human Rights Institutions. The Government rejects this recommendation for the moment, as it is currently considering either expanding the mandate of the Office of the Ombudsman or creating a national human rights institution in accordance with the Paris Principles. (88.22 to 88.28)

36. The final group concerns the Haitian Government extending a standing invitation to all the Special Procedures of the Human Rights Council. Haiti does not consider this necessary, as it has never refused to work with the United Nations human rights institutions. (88.53 to 88.56)

#### **IV. Conclusion**

37. Haiti firmly believes that, with effective support in the form of bilateral and multilateral cooperation, the national effort will enable it to fulfil its commitments under the innovative mechanism of the Universal Periodic Review.

38. The Government intends to formalize the inter-ministerial committee that was set up to prepare for Haiti's first review by the Human Rights Council, establishing it as a standing committee that will draw up the country's reports not only for the Universal Periodic Review, but also to the United Nations treaty bodies.

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