

COUNCIL MONITOR

International Service for Human Rights



Human Rights Monitor Series

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Report of the independent expert on the situation of human rights in Haiti¹

Mandate holder

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Mandate

The mandate was established in 1995² to furnish assistance to the Government of Haiti in the area of human rights, to examine the development of the situation of human rights in Haiti and to monitor the fulfilment by Haiti of its obligations in this field. Experts have been mandated to monitor the human rights situation in Haiti since 1987 and focused on the general situation in Haiti, particularly the political instability following the end of the Duvalier regime in 1986 and the 1991 coup d'état; problems in the establishment of and functioning of democratic institutions; and the socio-political environment surrounding the grave human rights situation.

Activities:

- Annual report
- Due to health reasons the independent expert could not carry out the planned visit to Haiti.

Annual Report ³

Scope:

This report was substantially prepared from data gathered from civil society organizations and with the cooperation of the United Nations Stabilization Mission in Haiti (MINUSTAH). The independent expert engaged in working meetings with the Chargé d'Affaires of the Permanent Mission of Haiti to the United Nations Office at Geneva and held discussions with the former Prime Minister of the Transitional Government, Mr. René Préval, the former Special Representative of the Secretary-General in Haiti, Mr. Juan Gabriel Valdés, and his successor, Mr. Edmond Mulet.

¹ Summary prepared by Johanna Somerville, Intern, ISHR, supervised and edited by Gareth Sweeney, Information Program, ISHR.

² Commission Resolution 1995/70.

³ A/HRC/4/3, 2 February 2007.

Summary and key conclusions:

- There has been progress made towards **constitutional legality** including: the election of President René Préal; the establishment of a transparent electoral process; the re-establishment of an elected Parliament; the holding of local elections and the appointment of a Prime Minister, ratified by the Parliament.
- The report documents the Government's project for **justice reform**. A plan of action has been developed involving: priority reforms in judiciary regulations, the Supreme Council of Justice and the Judicial Training College; the preparation of a bill on legal assistance and ratification of the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption.
- However difficulties continue, with **insecurity** growing. This growth is marked mostly by corruption and mistreatment in the **police and judiciary**; deterioration in relations between the two and an increase in organized crime, including kidnapping.
- The report commends the Government's attempts to combat **police corruption** through training and screening.
- A fight against **organized crime** is a top priority, not only to ensure public safety, but to neutralise gangs which engage in an 'undeclared destabilisation campaign'.⁴ The Government was initially considering a plan of negotiation in which gang members could take part in a disarmament, demobilization and reintegration programme. However, after a spate of kidnappings in December 2006 the government changed strategies to include the use of targeted repression.
- The independent expert expressed concern that the elected Government will re-establish an **army** and re-instate the **death penalty** in an attempt to control the growing insecurity. The Independent Expert states that the focus should instead be on the creation of a democratic and effective police force.
- The **prison system** is still below standard, with shortcomings apparent in an increase in extended detention; overcrowding of prisons, insufficient sanitation and a significant number of deaths in custody.
- There is insufficient attention being paid to **forensic medicine** as a tool for combating impunity. This topic was emphasised in the last report of the Independent Expert but little progress has been made.
- The independent expert emphasises the need for an urgent reform of the **Office of the Ombudsman** in preparation for it to take over MINUSTAH's human rights responsibilities.
- Progress has been achieved since the ratification of the Convention of Belém do Para in the areas of **violence against women** and the **status of women** in Haiti. This progress is mostly due to the success of two successive ministers for the Department of the Status of Women and Women's Rights, in addition to action taken by the National Round Table on the Prevention of Violence against Women (*Table de concertation nationale contre les violences faites aux femmes*) (A coordinating body that comprises of Ministry representatives, and representatives from specialised civil society organisations)

Key recommendations:

- The government should reinforce the capacity of **inspection bodies** for both the police force and the judiciary.
- The reformation of the **judiciary** should be given high priority -most importantly the three almost finalised bills on the reform of the judiciary regulations, the reform of the Supreme Council of Justice and the reform of the Judicial Training College.
- **Extended detention** must be combated by providing for the possibility of imposing suspended sentences and through the organization of training sessions for police, in conjunction with prosecutors.
- The Government should make provisions within the Plan of Action of the Ministry of Justice for providing **legal assistance**.
- The Government should adopt texts prepared several years ago, concerning the independent status of

⁴ *Ibid.*

the Institute of **Forensic Medicine**.

- **Parliament should adopt a single** law entitled ‘The **Status of Women Act**’. This law would introduce changes such as altering the status of concubines and decriminalising abortion.
- The Government’s **Family Planning Programme** should include a section on contraception section and incorporate a policy of controlled procreation.
- A **National Identification Office** should be created. This has been requested by the independent expert since the inception of his mandate.
- A reform of the **Land Register** should be undertaken by the government without delay.

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The Council Monitor forms part of the Human Rights Monitor Series produced by ISHR. It provides you with information about all the key developments at the Human Rights Council, including Daily Updates during the session of the Council, an Overview of the session, briefings and updates on the major issues of concern in the transition from the Commission on Human Rights to the Council and other key reports. It is currently an online publication that can be found at www.ishr.ch/hrm/council

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