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**"Leaving no one behind, people of African descent and the Sustainable Development Goals"
Civil Society Consultations**

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**1. What are the key human rights concerns of people of African descent in your
country/region today and how do you work to address them?**

The Haiti Support Group and its work

Since its launch at the United Kingdom Houses of Parliament in 1992, the Haiti Support Group (HSG) has focused on reflecting and amplifying the views of grassroots, popular, participatory organisations in Haiti, believing these organisations to be the most representative expressions of the vast majority of the Haitian people's desire for real democracy, justice and equitable development.

Despite the status as a formal democracy, the vast majority of Haitians continue to be excluded from meaningful political participation. The HSG believes that the poor majority in Haiti have their own definition of development, and how it is best achieved in their country. The HSG also believes that Haitian organisations, civil society organisations (CSOs) have not been allowed to play a real role in the development or implementation of policies that would stand the best chance of implementing such a vision.

The HSG seeks to amplify the voices of key civil society organisations in Haiti to anyone and everyone. This includes decision makers in foreign governments, NGOs, intergovernmental organisations such as the UN, World Bank and IMF, and the media.

Equally importantly, we seek to build people-to-people, activist-to-activist links between CSOs in Haiti and their equivalent organisations in Europe and North America. We work to educate, inform and galvanise trade unions, church groups, women's organisations, environmentalists and students on Haitian issues.

We see education, information, analysis and activism as the foundation of our work to help build a public lobby for an alternative, pro-poor development vision based on the experience and knowledge of our local CSO contacts in Haiti.

Haiti

The world's first Black Republic and first independent Caribbean state, Haiti indeed is a unique State for people of African descent.

Haitians of African descent make up the majority of the population at 95 % with a small percentage of those who are mixed with European-African ancestry- known as mulattoes. Despite being an Afro-descendant majority, issues of discrimination, marginalisation and inequality are rife. This majority is excluded from all formal political and economic participation unable to exercise their civil and political rights. Most of them reside in the countryside and have little contact with the capital city, Port-au-Prince. Additionally, most farm small low-yielding subsistence agricultural plots or grow cash crops like coffee, or mangoes, most of which is for export. The bulk of arable farmland is devoted to large plantations of sugar cane, sisal, cotton and rice. Those who live in urban areas are mainly involved in the informal economy or, if formally employed, then mostly in manufacturing, the service industries and tourism.

1. Key human rights concerns

There are several human rights concerns which affect the Haitian population:

Justice and accountability

Haiti acceded to the International Covenant on Civil and Political Rights (ICCPR) in 1991 yet access to and the administration of justice is a particular concern for Haitians. The justice system is severely flawed in Haiti and routinely fails to provide protections under Haitian and international law. Corruption and extortion thrive at every level of the justice system, salaries are low and powerful members of Haitian society, the military and those with private interests use the law as a weapon of oppression. Elitist legal training condition lawyers, judges and prosecutors to favour the wealthy and powerful based on class prejudice, while discounting the testimonies of the poor. Lack of access to education hampers the poor creole speaking majority to access or understand the legal system, legal counsel or proceedings which are in French. Thus, there is a severe lack of accountability when seeking redress.

The diminished capacity of the Haitian government to undertake systemic reforms of the criminal justice system has been ongoing since the 2010 earthquake and subsequent natural disasters, such as Hurricane Sandy in 2012 and the recent Hurricane Matthew in October 2016. According to the UN Independent Expert on the Situation of Human Rights in Haiti Gustavo Gallón, the efforts to improve the criminal justice system in Haiti has been insufficient, with no viable improvements.

Haitian prison conditions are among the worst in the world. Characterised by severe overcrowding, it has the highest overcrowding rate in the world at 464 percent with 80 percent of the 11,000 incarcerated in pretrial detention. Prisoners have limited access to food, water, sanitation medical treatment and space. Approximately 42 prisoners have already died thus far this year, at least 50 percent of these deaths occurred in Port-au-Prince's prison in January.

The Haitian government's goal of rebuilding the prison system has been left under-serviced, under-funded in part due to limited funding from the international community, in part from the lack of sufficient resources and in part because of lack of political leadership.

Further, the Haitian Government's recent decision not to renew the mandate of the UN dependent Expert on the Situation of Human Rights in Haiti, gravely disrupts the promotion and defense of human rights. Haitians civil and political rights are being denied which is a direct contravention of the ICCPR.

Moreover, for Haiti to achieve *SDG 16 : Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels*, target 16.3 *Promote the rule of law at the national and international levels and ensure equal justice for all*, reform is needed at levels of the justice system to ensure equality in law and fact.

Right to food and Food security

Haiti, considered very food secure just 30 years ago, now has the fourth worst level of hunger in the world, according to the 2016 Global Hunger Index (GHI). Haiti's status is considered "alarming," with 53% of the population undernourished and 22% of children under five underweight; the key factor is a mortality rate of seven per cent amongst this group.

Haitian CSOs working to promote agricultural growth and peasantry movements describe the past three decades as "a holocaust, with the Haitian peasantry and their communities the victims". Smallholder farmers do not have access to the necessary instruments or resources such as micro-credit loans or agricultural extension services to allow them produce to their full potential. Further, the widespread lack of basic storage, drying and processing facilities, distribution or transport services means that approximately 20-40% of harvests are lost before reaching market. Today, more than one million Haitians farm tiny plots of land called *mouchwa* (handkerchiefs) averaging less than one-third of an acre in size, with individuals often occupying three or more non-adjacent plots each. With so little arable land secure in the hands of those who actually farm it, whether as tenants, owners or sharecroppers, farmers have little incentive to make productive improvements, while the environmental degradation has today left just 2% of the landmass of Haiti with forest cover. Meanwhile, largely as a result of the loss of trees and vegetation, Haiti loses an estimated 37 million tonnes of topsoil, the equivalent of 12,000 hectares of arable land, a year.

As such, Haiti's agriculture status is the most extreme example of the national exclusion of the poor. Nowhere are there more poor people in Haiti than in the countryside; nowhere is there less political or even practical consideration of their needs.

For decades, Haitians have demanded of their government a true agricultural framework and functioning food system. In 2011 the Ministry of Agriculture, Natural Resources and Rural Development elaborated the document "Agricultural Development Policy 2010-2025", forming part of the Government's *Action Plan for the Recovery and Development of Haiti*. While the document presents an excellent overview of the agricultural context in Haiti and sets out a wishlist of sorts for objectives to be achieved in the stated time period, there are no concrete measures and the political strategies to achieve these objectives are unclear.

Haitians need an adequate comprehensive national programme to train Haitian farmers, increase food production and safe guard food security.

For Haiti to achieve SDG 2 to “End hunger, achieve food security and improved nutrition and promote sustainable agriculture” a reform of its food production systems and agricultural practices is vital.

Cholera

One of the overriding threats to people of African descent in Haiti is the that of cholera. Since its introduction by a Nepalese soldier of the UN Stabilisation Mission in Haiti (MINUSTAH) in October 2010 – nine months after the devastating earthquake- cholera is now endemic in Haiti. Over 10,000 Haitians have died, around 780,000 infected within the first five years. In 2016 there were 20,000 suspected cases and 200 deaths. One person dies per day from the disease. The Pan American Health Organisation has described the outbreak as “one of the largest cholera epidemics in history”.

Haitians are deeply concerned about their access to safe water and sanitation facilities and general healthcare, particularly where cholera cases have increased in communities most affected by Hurricane Matthew in October 2016.

The former UN secretary-general's admission that there should be a collective initiative for reparations to the victims, has fuelled CSOs, lawyers in Haiti and internationally to join forces to bring those responsible to account.

Articles 2.3 Right to an Effective Remedy and 6.1 Right to Life of the ICCPR, together with SDG 3: Ensure healthy lives and promote well-being for all at all ages and SDG 6 Ensure availability and sustainable management of water and sanitation for all, are crucial to address the cholera epidemic in Haiti and reparatory justice for the victims.

Women and children

Haiti has ratified the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW, but is falling short of meeting its obligations. Gender-based violence (GBV) is a serious issue in Haiti. GBV is a taboo subject being invisible, widespread and conducted with impunity. Women and children suffer all forms of abuses related to the situation of political and structural violence targeting women in Haiti. Since the 2010 earthquake and post Hurricane Matthew women and young girls have been left particularly vulnerable to sexual assault with an increasing trend of “transactional sex” or “survival sex” for economic security for lack of other options.

In March 2017 there were two prominent reports on the role of UN MINUSTAH in cases of sexual violence against women and children. Although steps have been taken to make changes in the legal system such as police being more receptive to women's complaints of sexual assault, and the courts are convicting record numbers of sexual assault offenders with prison sentences of 10 years, the reality of the judicial system in Haiti does not bode well for real redress. Moreover, immunity from Haitian prosecution for UN peacekeepers prevails. This leaves victims with few opportunities to seek justice.

Haitian women are absent in the political sphere. Although Haiti endorsed a 30% quota for women's political participation in 2012 this principle is ignored. Women who do run for political positions face threat and abuse.

Women's rights organisations in Haiti are working to lobby the Parliament to adopt forceful laws to protect women's rights.

Restavèk

Another concern in Haiti is child labour and child slavery. Child domestic servants or *restavèk* as they are known in Haitian kreyol, are generally children of poor rural families who are sent to live with better-off urban families in the hope that food, shelter and education will be provided. However, the reality for these children is exploitative servitude. Haiti ranks at number 8 on the Global Slavery Index with approximately half a million children aged between six-sixteen working and living in precarious environments in Haiti, with an additional estimated 3,000 *restavèk* children in the Dominican Republic. The majority of *restavèk* are girls who are particularly vulnerable to sexual abuse by the males in the host family.

The *restavèk* system is accurately characterized as trafficking and now often involves middlemen who are paid to find a *restavèk* for host families. This system of trafficking often results in the complete loss of contact between the *restavèk* child and her biological family

Haiti is party to the Universal Declaration on Human Rights (UHDR) and the Convention on the Rights of the Child (CRC). Haiti has also ratified the ILO Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, Convention 182, and the ILO Minimum Age Convention, Convention 138. Each of these conventions prohibits child slavery and servitude and provides for children to have the right to education and the right to be free from degrading and inhumane treatment.

In spite of the enactment of these laws and an Act passed in June 2003 specifically outlawed the placement of children into *restavèk* service and the abuse and maltreatment of children generally, the *restavèk* practice is commonplace and ever-increasing.

Haiti has a long history of patriarchy with Haitian women and girls facing intersecting forms of discrimination on the basis of gender and economic status. In order to achieve SDG 5 *Achieve gender equality and empower women and girls* target 5.1 *End all forms of discrimination against all women and girls*, the Haitian Government must address all forms of discrimination toward women and girls.

Migration and asylum

In September 2013, the Dominican Republic Constitutional Court passed Judgment 0168-13, a ruling which retroactively rescinded the citizenship of tens of thousands of Dominicans of Haitian parentage born after 1929. The decision rendered them stateless. Systematic

repatriations of Haitians from the Dominican Republic have been taking place for years; human rights groups have drawn attention to the country's track-record of unscheduled expulsions of documented and undocumented workers: up to 30,000 on an annual basis. So fear of deportation to Haiti is very real for those affected by the ruling.

HSG partner organisations in Haiti and internationally working with refugees and returnees have reported that the term "volunteer returnees" used by Governments where there are Haitian migrants should not be used as the majority of them are arbitrarily or forcibly removed from the country. The Haitian Government has remained relatively silent on the issue other than signing a high-level bilateral commission with the Dominican Republic to find a just, balanced a proper solution. However, HSG partners reveal that it is difficult to reintegrate the returnees into Haitian society because of the already existing socio-political context, with the government not showing any support for a reintegration programme.

The Haitian government has recently ratified the Convention on the Reduction of Statelessness and the Status of Stateless Persons which will ideally strengthen its ability to issue undocumented Haitian nationals in the Dominican Republic with "necessary" documents, but also the vast number of its own citizens who find it difficult obtaining basic identification documents such as a birth certificate.

2. How can the WGEPAD improve and enhance its engagement with civil society for greater impact on the ground?

Haiti is the first Black Republic in the Western Hemisphere thus playing a pivotal role in the contribution of people of African descent to global history and development. Yet, despite being located in an upper middle income region, Haiti is being left behind its Latin American and Caribbean counterparts, is not mainstreamed in the current discourse of people of African descent, thus being allowed to operate as a "failed state".

The HSG recommends to the WGEPAD, to consider a country visit to Haiti in order to consult with progressive CSOs in order to better comprehend their reality in the fields of human rights and development.

The WGEPAD should also consider engaging with grassroots organisations and academics involved in the reparations movement at the international, regional and national level. The Caribbean Reparation Commission's Ten Point Reparation Plan could serve as a useful tool for a human rights approach to recognition, justice and development for people of African descent across the Caribbean.

Further, the international research network of communities and academics working on reparations for the enslavement of people of African descent, is an initiative set up in 2016 and created in the context of the UN International Decade for People of African Descent (UN Decade). The WGEPAD could use this network to draw closer to research and movements with researchers based in Europe, the Caribbean, the US and West Africa together with activists from a wide-range of Afro-descendant communities. Building on existing relations, the goal is to create the first international activist-researcher network to enrich and strengthen the work of both research-based and activist groups. The network will identify concrete ways of repairing the negative effects of slavery for people of African descent and will therefore

contribute positively to the UN Decade's overarching desire 'to combat racism, racial discrimination and xenophobia'.

3. Which human rights concerns should the WGEPAD focus on in the next three years?

In the context of Haiti and tying in with the 20th Session of the WGPEPAD's theme: '*Leaving no one behind: People of African Descent and the Sustainable Development Goals*' as well as the *Plan of Action for the International Decade of People of African Descent* the HSG recommends the following:

Right to Development

In line with the UN Decade the SDGs offer an important opportunity to adopt targeted and mainstream programmes for achieving the right to development for people of African descent. No right is better placed in Haiti, which ranks at 164 on the human development index, than the right to development which is "an inalienable human right by virtue of which every human person and all people are entitled to participate in, and contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realised" (article. 1.1 UN Declaration on the Right to Development).

The SDGs cannot be achieved in isolation from one another. In line with the right to development, the SDGs should be pursued with recognition that the realisation of individual human rights must be done in a manner that also takes into account their effects on each other. Also, the Declaration on the Right to Development maintains that "States have the primary responsibility for the creation of national and international conditions favourable to the realisation of the right to development (article 3.1.).

Access to justice and accountability

People of African descent in Haiti face numerous barriers when trying to access justice. Under Article 2 of the International Convention on Civil and Political Rights (ICCPR) and the Haitian Constitution (Constitution), Haitian citizens have the right to effective judicial remedies, including competent legal systems that address rights violations. Yet, violence, intimidation and even death are the norm when victims seek redress or support from the government or state apparatuses.

Women and girls and those within the LGBTQI community, particularly those living in rural areas, are especially vulnerable to gender-based and homophobic violence, and rarely report sexual harassment or related crimes due to corruption in the justice system, high legal fees and intimidation.

This hampers the achievement of SDG 16: *Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels*, and the *International Decade for People of African Descent's Plan of Action* under the guiding theme of 'Justice'.