



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Haiti and welcome the constructive engagement of the Government of Haiti during the 40th session of the UPR Working Group in January/February 2022.

As the final outcome report on the review of Haiti was recently adopted by the Human Rights Council at its 50th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Haiti – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and recommendations made by 82 delegations and the presentation made and responses provided by the delegation of Haiti. I have also considered the actions taken by the Government of Haiti to implement the 188 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I acknowledge the reforms undertaken by Haiti, particularly those related to the fight against corruption, and encourage further steps to promote structural and long-term changes. I welcome efforts deployed to strengthen the capacities of the National Haitian Police, through continuous training sessions on investigative techniques for specialized units. I also welcome the launch of an oversight process of civil servants to consolidate the Public Administration finances. Furthermore, I commend the financial efforts deployed to support the *Office de la Protection du Citoyen* (OPC).

Protecting people against the violence of criminal groups needs to be a priority. I welcome Haiti's pledge to improve access to justice for victims of gang violence, especially victims and survivors of sexual and gender-based violence. Immediate measures should be put in place in terms of service provision and protection for victims, including the development of a comprehensive protection response program. Any sustainable solution requires effective governance structures to address the underlying drivers of protracted instability and violence in a comprehensive manner. I acknowledge the voluntary commitments made by Haiti to continue strengthening State institutions in charge of the justice system and to fight against impunity.

I welcome the willingness expressed to move forward with the independent investigation of cases of human rights violations, such as the massacres of Grande Ravine, La Saline and Bel-Air. I encourage Haiti to reduce the periods of preventive detention and the processing times of criminal cases, and put in place alternative measures to detention. Finally, I commend the pledge made by the Government to support the establishment of a stand-alone Office of the United Nations High Commissioner for Human Rights in Haiti.

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H.E. Mr. Jean Victor GENEUS
Minister for Foreign Affairs and Cults
Haiti

I encourage Haiti to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

I also encourage Haiti to continue further efforts to strengthen the Inter-ministerial Human Rights Committee for comprehensive reporting and follow-up to recommendations received from all international and regional human rights mechanisms and to treaty obligations, linking them to the Sustainable Development Goals. To this end, I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting States with the implementation of the recommendations, following the review. One important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I welcome the practice of Haiti of submitting a mid-term report in the first cycle and encourage the Government of Haiti to continue with this practice and to submit a mid-term report on follow-up to the third cycle of the review by 2024.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

My Office looks forward to discussing with you ways in which it may assist Haiti in relation to the areas identified in this letter and its annex.

Please accept, Excellency, the assurances of my highest consideration.



Michelle Bachelet
High Commissioner for Human Rights

cc.: H.E. Mr. Bertho DORCE
Minister of Justice and Public Security
Haiti

Ms. Ingeborg Ulrika ULFSDOTTER RICHARDSON
United Nations Resident Coordinator
Haiti

Mr. Arnaud ROYER
Head of Human Rights Service – United Nations Integrated Office in Haiti (BINUH)

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.
- Ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, signed in 2013, and enhancing efforts to guarantee a proportionate use of force by security forces, to prevent torture and other ill-treatment and to ensure accountability.
- Ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and enshrining gender equality, including by accelerating regulatory measures to criminalize all forms of sexual and gender-based violence and harassment.
- Adopting the necessary measures with a view to ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.
- Continuing efforts to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Drafting legislation criminalizing the multiple forms of discrimination based on gender, sexual orientation and disability, and developing a national action plan with sufficient resources to combat these crimes.
- Enshrining gender equality, including by accelerating regulatory measures to criminalize all forms of sexual and gender-based violence and harassment, and carrying out awareness-raising campaigns to fight against discriminatory gender stereotypes, especially those that encourage gender violence, within a national gender policy and an action plan with sufficient resources to fight against sexual and gender violence, guaranteeing victims effective access to justice.

Development, the environment, and business and human rights

- Including the human right to a healthy environment at the constitutional level and introducing measures to reduce disaster risk and climate change with greater support from the international community.

B. Civil and political rights

Right to life, liberty and security of the person

- Ensuring the safety of people against criminal groups and adopting a holistic approach to address gang violence within the framework of the national strategy for community violence reduction, in particular to strengthen the Haitian National Police, dismantle gangs and prevent



the emergence of new armed groups, and improve border controls to combat trafficking in weapons and ammunition.

- Seeking international assistance and strengthening coordination mechanisms so that international cooperation has an effective impact in the areas of internal security, the protection of human rights and democratic and political stability.
- Enhancing efforts to guarantee a proportionate use of force by security forces, to prevent torture and other ill-treatment, and to ensure accountability.

Administration of justice, including impunity, and the rule of law

- Ensuring accountability for human rights abuses, strengthening the rule of law, in particular the judiciary and the General Inspectorate of the National Police, and breaking the pervasive cycle of impunity.
- Bringing perpetrators of crimes to justice, including those responsible for the assassination of President Moïse and the President of the Bar Association Dorval, and for the Bel-Air, Cité Soleil, Grande Ravine and La Saline attacks.
- Adopting measures to deal with corruption and to strengthen the judicial system, in particular the investigative capacity and judicial independence, by providing its actors with tools that enable them to complete prosecutions relating to acts of corruption and human rights violations.
- Ensuring there is a sufficient number of properly trained police officers in prisons and detention facilities, and bringing prison conditions in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners.
- Improving access to justice for victims of sexual and gender-based violence, in line with target 5.2 of the Sustainable Development Goals, by providing appropriate training to members of the judiciary and the police, and by taking measures to end impunity.

Fundamental freedoms and the right to participate in public and political life

- Taking the necessary steps to proceed with free and fair legislative and presidential elections to restore the necessary democratic legitimacy to Haiti's institutions.
- Ensuring that human rights defenders, journalists and activists can carry out their activities free from coercion, intimidation, reprisals and harassment.

Prohibition of all forms of slavery

- Combating human trafficking and continuing to fund and tighten measures around anti-trafficking laws, including by establishing and implementing clear national guidelines for first responders on identifying and screening victims in order to protect victims from being physically, emotionally or sexually exploited.

C. Economic, social and cultural rights

Right to an adequate standard of living

- Advancing the institutional reform of the water and sanitation sector, in particular by strengthening the capacities of decentralized institutions and improving access to water in remote areas, in line with Sustainable Development Goal 6.
- Pursuing the efforts made in providing access to basic goods services, especially access to drinking water, food and health care.

Right to health

- Continuing to strengthen efforts to improve access to health care for all, including access to sexual and reproductive health-care services and information.

Right to education

- Ensuring follow-up to achieve the primary objective of the Ten-Year Education and Training Programme for the period 2020–2030, namely basic education for all.

D. Rights of specific persons or groups

Women

- Intensifying efforts to address violence against women, children and all persons on the basis of their sexual orientation and gender identity, by adopting measures to prevent violence and support survivors, and by removing obstacles that prevent their access to justice.
- Eradicating discrimination and violence, including sexual and sexist violence against women and girls.
- Taking additional measures to raise awareness about gender-based violence and to promote gender equality.
- Creating efficient remedies for female victims of sexual and domestic violence, including by establishing specialized police officers and prosecutors and adequate preventive and protective measures for victims.
- Stepping up efforts to promote the participation of women in public office and political affairs.

Children

- Taking urgent steps to combat violence against children, child labour and slavery, and ensuring that all children can go to school safely.
- Ensuring that minors are separated from adults in places of deprivation of liberty.
- Adopting the necessary measures to protect street children and to prevent the risks of abuse and exploitation of minors.

- Addressing the practices of profiteering by orphanages and of “restavek” children, by implementing legislation to prohibit those practices, and strengthening protection for children in vulnerable situations.
- Ensuring the inclusion of children with disabilities in the national child protection strategy.
- Considering the complete abolition of child marriage, by setting the minimum age of marriage for both girls and boys at 18 years of age, without exception.

People with disabilities

- Legally prohibiting all forms of coercive practices against adults and children with disabilities.

Migrants

- Intensifying measures to address human trafficking and smuggling of migrants, to combat organized crime, to prosecute related crimes, and to implement assistance programmes for victims.

Stateless persons

- Repealing any provision that could lead to statelessness, approving the draft nationality law in line with international standards, and modernizing the civil registry service.

Other

- Supporting the establishment of a stand-alone Office of the United Nations High Commissioner for Human Rights in Haiti to safeguard continued collaboration with State authorities on human rights issues