



Convention on the Elimination of All Forms of Discrimination against Women

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**Committee on the Elimination of
Discrimination against Women**
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Concluding observations of the Committee on the Elimination of Discrimination against Women

Haiti

1. The Committee considered the combined initial, second, third, fourth, fifth, sixth and seventh periodic reports of Haiti (CEDAW/C/HTI/7) at its 873rd and 874th meetings, on 27 January 2009. The Committee's list of issues and questions is contained in CEDAW/C/HTI/Q/7 and the responses of Haiti are contained in CEDAW/C/HTI/Q/7/Add.1.

Introduction

2. The Committee expresses its appreciation to the State party for its combined initial, second, third, fourth, fifth, sixth and seventh periodic reports, which followed the Committee's guidelines for the preparation of reports and provided a comprehensive picture of the situation of women in Haiti and concrete information on the implementation of the Convention, while regretting that the reports had been overdue since 1982. The Committee recalled that at its thirty-seventh session, in 2007, it had invited the State party to submit a report before March 2008, failing which it would proceed with the consideration of the implementation of the Convention in the absence of a State party report. The Committee expresses its appreciation for the technical assistance provided by the Division for the Advancement of Women in preparation of the report. In this context, the Committee also expresses its appreciation for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and responses to the questions posed by the Committee.

3. The Committee commends the State party for its high-level delegation headed by the Minister for the Status of Women and Women's Rights, which included the President of the Senate, the Secretary of State for the Justice Reform and the Director-General of the Ministry of Health, as well as representatives from different Government ministries with expertise in a broad range of areas covered by the Convention. The Committee expresses its appreciation for the frank and

constructive dialogue held between the delegation and the members of the Committee.

Positive aspects

4. The Committee commends the State party for its expressed commitment and political will to eliminate discrimination against women. In particular, the Committee notes with appreciation the inter-ministerial approach adopted by the State party in the elaboration, implementation and monitoring of gender equality policies and plans through, inter alia, the establishment of the Directorate for Gender Mainstreaming, cooperation protocols with other ministries, as well as the creation of gender focal points in each ministry.

5. The Committee notes with appreciation the State party's recent efforts to revise existing legislation that discriminates against women and draft new laws, such as the three bills on the recognition of consensual unions, domestic workers' labour conditions and filiation and responsible parenthood, which are pending in Parliament.

6. The Committee notes with appreciation that the combined initial to seventh periodic report was prepared with technical assistance and in a participatory process which involved Government bodies and non-governmental organizations and culminated in a validation workshop chaired by the Prime Minister. It also notes with satisfaction the regular cooperation and partnership with non-governmental organizations in efforts aimed at implementing the Convention.

7. The Committee notes with appreciation the statement of the State party expressing its intention to ratify the Optional Protocol to the Convention.

Principal areas of concern and recommendations

8. While recalling the State party's obligation systematically and continuously to implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding observations as requiring the priority attention of the State party between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It also calls upon the State party to submit the present concluding observations to all relevant ministries, other Government structures at all levels, to Parliament and the judiciary in order to ensure their effective implementation.

Parliament

9. While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the State party's obligations under the Convention, the Committee stresses that the Convention is binding on all branches of Government and invites the State party to encourage its national Parliament, in line with its mandate and procedures, where appropriate, to take the necessary steps with regard to the implementation of these concluding observations and the Government's next reporting process under the Convention.

The principle of equality, definition of discrimination and discriminatory laws

10. While noting that the State party's Constitution provides that international instruments take precedence over national law and can be directly applied, the Committee remains concerned at the absence of domestic legislation prohibiting discrimination against women and providing sanctions for such discrimination. In this respect, the Committee notes the intention of the Ministry for the Status of Women and Women's Rights to draft a gender equality bill as a part of implementation of its 2008-2009 action plan.

11. The Committee calls upon the State party to expeditiously draft and adopt the gender equality bill and to include a definition of discrimination against women that encompasses both direct and indirect discrimination in line with article 1 of the Convention as well as the principle of equality between women and men and the provision of sanctions for discriminatory acts in line with article 2 of the Convention.

12. While appreciating the statement of the State party during the dialogue that the three bills mentioned in paragraph 5 above, already submitted to the Parliament, will be debated between March and May 2009, the Committee is concerned that their adoption may be prolonged on account of resistance by some parliamentarians, as acknowledged by the State party. While noting other pending draft laws, such as the law on trafficking, as well as the State party's intention to draft a number of other laws affecting critical areas, such as violence against women, directed at the achievement of equality between women and men, the Committee is concerned at the slow process of drafting of key pieces of legislation and the lack of an exact time frame for their finalization.

13. The Committee calls upon the State party to give high priority to its law reform process and establish a clear time frame for the adoption of all pending draft legislation, in particular the draft bills on the recognition of consensual unions, domestic workers' labour conditions and filiation and responsible parenthood, as well as on trafficking in human beings. The Committee also recommends that the State party increase its efforts to sensitize Government officials, the National Assembly and the public to the importance of legal reform to achieve women's de jure equality.

National machinery for the advancement of women

14. While welcoming the fact that the national machinery for women is at the ministerial level and has a clear mandate, the Committee is concerned that the Ministry for the Status of Women and Women's Rights has inadequate financial and technical resources, which prevents it from effectively discharging its functions in promoting the advancement of women and gender equality and implementing the Government's gender equality policy, strategies and projects. The Committee welcomes the establishment of gender focal points in all ministries and the creation of an office for the status of women and women's rights in all 10 departments of Haiti, but notes the State party's acknowledgment of the need to strengthen and redefine the role of these focal points and to strengthen the presence of the Ministry at the local level.

15. The Committee urges the State party to give priority attention to the national machinery for women and provide it with adequate human and

financial resources in order better to coordinate implementation of the Convention and work effectively for the promotion of women's human rights and gender equality at all levels. The Committee recommends that the State party seek technical assistance from the international community to this effect.

Visibility of the Convention

16. While noting with appreciation the efforts of the Ministry for the Status of Women and Women's Rights to raise the awareness of the Convention among governmental authorities and the public and the publication of the Convention in Creole, the Committee is concerned that the provisions of the Convention are not sufficiently known across all branches of Government and public administration, including the judiciary. The Committee is also concerned at the limited awareness of women of their rights, as acknowledged by the State party.

17. The Committee recommends that the State party make the Convention an integral part of the legal education and training of public officers, including judges, lawyers, prosecutors and police officers, to ensure that the spirit, objectives and provisions of the Convention become well-known and regularly used in judicial processes. It further recommends that the State party take appropriate measures, including comprehensive legal literacy programmes and the provision of information material, in particular in the Creole language, to enhance women's awareness of their rights.

Temporary special measures

18. The Committee notes with appreciation the State party's clear understanding of the purpose of temporary special measures as provided in article 4, paragraph 1 of the Convention, as well as their regular use.

19. The Committee recommends that the State party continue to introduce temporary special measures in line with general recommendation No. 25, inter alia, in the field of employment and political participation of women, to accelerate the achievement of substantive equality between men and women. Such measures should include measurable goals, targets or quotas and time frames to allow the effective monitoring of their impact.

Stereotypes, cultural practices

20. While noting with appreciation some measures taken by the State party to eliminate gender stereotypes, such as the revision of school textbooks and the provision of training for teachers, the Committee is concerned at the deep-rooted patriarchal attitudes and stereotypes regarding the roles and responsibilities of women and men in the family, in the workplace and in society, which constitute an obstacle to the achievement of de facto equality between women and men and impede the full implementation of the Convention.

21. The Committee encourages the State party to adopt a comprehensive strategy to promote cultural change and eliminate discriminatory stereotypes with respect to the roles of women and men in all levels of society, in line with its obligations under articles 2(f) and 5(a) of the Convention. The Committee recommends that such a strategy include awareness-raising campaigns directed

at women and men, sensitization of teachers, the media and the public at large, as well as further revision of the school textbooks and curricula.

22. The Committee is seriously concerned at the practice of incest or rape by fathers, uncles or other close adult male relatives of young girls on the pretext of warding off “other males the family does not know”.

23. While noting the State party’s statement that these acts are increasingly being reported and subject to criminal prosecution, the Committee calls upon the State party to intensify its efforts to encourage the reporting of these offences and ensure the punishment of perpetrators. The Committee recommends that the State party take measures to increase the awareness of both men and women of the unacceptability of such practices, which constitute violence against women.

Violence against women

24. While noting with appreciation the number of studies conducted on violence against women in Haiti, including its prevalence, and the adoption of the national plan of action to combat domestic violence which is currently being implemented, the Committee is alarmed at the very high incidence of violence against women in the State party, notably domestic violence, sexual violence, rape and sexual harassment in schools and in the workplace. While noting the acknowledgement of the State party of “the acute nature of the problem of violence against women in Haiti”, the Committee is concerned that up to now there is no specific legislation criminalizing violence against women, including domestic violence, although it notes the State party’s plan to draft such a law in the course of the year 2009. The Committee is further concerned that marital rape and sexual harassment are not classified as criminal offences.

25. The Committee, drawing the State party’s attention to its general recommendation No. 19 on violence against women, urges it to accord priority attention to the implementation of the national plan of action to combat domestic violence. The Committee recommends that the State party adopt specific legislation on violence against women, including domestic violence and criminalization of marital rape and sexual harassment, and ensure that women and girls who are victims of violence have access to means of redress and protection. The Committee further recommends that the State party introduce and implement gender-sensitive training on violence against women for public officials, in particular the police, the judiciary and health-service providers, so as to ensure that they are sensitized and can respond effectively to all forms of violence against women. The Committee calls upon the State party to undertake a national campaign against violence against women, in line with the Secretary-General’s initiative of February 2008, in order to modify social and cultural attitudes which are the root causes of most forms of violence targeting women. The Committee requests the State party to provide detailed information in its next report on the laws and policies in place to combat violence against women and the impact of such measures.

Trafficking

26. The Committee notes with concern that despite the alarmingly high number of women victims of trafficking in Haiti, specific legislation criminalizing trafficking

is still in draft form and has not yet been submitted to Parliament. This situation may result in insufficient investigations into cases of trafficking in women and girls and, consequently, lead to impunity for perpetrators. The Committee is also concerned at the lack of shelters available for women and girls who are victims of trafficking.

27. The Committee urges the State party to intensify its efforts to combat all forms of trafficking in women and girls. It calls upon the State party to expedite adoption of the draft bill on all forms of trafficking and to ensure that the new law allows prosecution and punishment of perpetrators, effective protection of victims and adequate redress, in line with the Palermo Protocol and article 6 of the Convention. The Committee encourages the State party to conduct research on the root causes of trafficking and to enhance bilateral and multilateral cooperation with neighbouring countries, in particular the Dominican Republic, to prevent trafficking and bring perpetrators to justice.

Political participation and participation in public life

28. The Committee is concerned at the low representation of women in elected bodies at the national and local levels and in public administration, as well as the stereotypical views of the role of women in society that discourage women from participating in political life. The Committee takes note of the fact that the electoral law of 2005 did not have any positive impact on the 2006 election, and that, as acknowledged by the State party, the new electoral law of 2008 which offers similar financial incentives to political parties may not have the desired impact. The Committee notes with appreciation that the State party, in an effort to address this imbalance, intends to draft a new quota bill in carrying out the action plan of the Ministry for the Status of Women and Women's Rights for 2008-2009.

29. The Committee urges the State party to expedite drafting of the new law on electoral quotas and take steps to ensure parity in the electoral process by encouraging the equal participation of women and men in electoral lists. Drawing attention to its general recommendation No. 23 on women in political and public life, the Committee encourages the State party to introduce concrete measures to increase the number of women in elected bodies and decision-making positions, including through temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25. To this effect, the Committee recommends that the State party carry out awareness-raising campaigns about the importance of women's participation in public and political life, including at decision-making level, create social conditions for that participation and implement leadership training and capacity-building programmes for women.

Education

30. While noting the right to free and compulsory primary education and welcoming the measures in the plan of action for 2008-2009 aimed at facilitating the retention of girls in the education system, including the cooperation agreement signed between the Ministry for the Status of Women and Women's Rights and the Ministry of National Education and Professional Training, the Committee is concerned at the significantly high level of illiteracy among women, in particular in

rural areas, the wide disparity in access to education between urban and rural areas and the high dropout rate of girls at different levels of schooling.

31. The Committee urges the State party to continue to pursue its efforts to reduce the illiteracy rate of women and to continue to provide education, both formal and informal, to all women and girls, especially in rural areas. The Committee also urges the State party to develop programmes specifically designed to reduce the dropout rate of girls and young women, including through the use of incentives for parents. The Committee recommends the development of measures to encourage girls and young women to continue their education beyond compulsory level so as to provide them with the necessary skills and knowledge to participate in the labour market on a basis of equality with men.

Employment

32. The Committee is concerned at the overall disadvantaged situation of women in the labour market, as shown by the high rate of unemployment among women and the fact that a significant proportion of women work in informal or in low-income subcontracting sectors in precarious conditions and are exposed to violence and sexual harassment. The Committee is also concerned at the occupational segregation — both horizontal and vertical — of the labour market and the difficulty women have in accessing decision-making positions. While noting that there is a draft bill on domestic workers' labour conditions amending the Labour Code currently before Parliament, the Committee is concerned that women in domestic service still do not enjoy their full rights in the Convention.

33. The Committee requests the State party to take all appropriate measures, including temporary special measures in accordance with article 4, paragraph 1 of the Convention, to address women's disadvantaged situation in the labour market and intensify efforts to eliminate occupational segregation, both horizontal and vertical. The Committee recommends the speedy adoption of the amendment to the Labour Code to provide the same rights and advantages to domestic workers as those provided to other workers. The Committee also recommends that the State party strengthen the work of the Office of the Inspector General of Labour both financially and technically so as to ensure the effective monitoring of the working conditions of women.

34. While noting that some forms of private small-scale health insurance schemes have been developed, the Committee is concerned at the fact that persons working in the informal sector, which accounts for 90 per cent of the total workforce and of whom a large majority is women, are excluded from any public social security scheme.

35. The Committee recommends the adoption of legislative, administrative and other measures guaranteeing female workers in the informal sector access to basic social security and other labour benefits, including maternity leave.

Health

36. While acknowledging the difficulties confronting the State party as a result of the country's general socio-economic situation and noting with appreciation the efforts of the State party in developing some health programmes and services, the

Committee is concerned that vulnerable groups of women, in particular in rural areas, have difficulties in accessing health-care services and that the maternal mortality rate is alarmingly high. The Committee is also concerned at the frequent use of abortion as a family planning measure and that abortion is illegal in the State party.

37. The Committee, drawing attention to its general recommendation No. 24 on women and health, recommends that comprehensive targeted measures be developed to improve women's access to health care and, more specifically, to decrease the maternal mortality rate. It also recommends the provision of wide access to contraceptives for all women and men, including young adults, and the development of programmes on sex education for both girls and boys in order to foster responsible sexual behaviour and avoid the need for women to resort to illegal abortions. The Committee encourages the State party to enact the law on partial decriminalization of abortion as it expressed the intention to do.

Rural women and women heads of household

38. While welcoming the State party's initiatives and social programmes aimed at empowering women living in extreme poverty, the Committee is concerned that rural women and women heads of household continue to suffer high levels of poverty, that their illiteracy and unemployment rates are higher than those of other groups of women, and that their access to basic social and cultural rights, in particular education and health care, is impeded.

39. The Committee urges the State party to strengthen initiatives aimed at enhancing the economic empowerment of rural women and women heads of household and improving their access to health care and their enjoyment of equal opportunities in and access to the labour market. The Committee recommends that the State party pay special attention to the rights and needs of rural women by implementing an integrated rural development policy and ensuring the participation of rural women in the development of policies and decision-making processes aimed at benefiting rural areas. The Committee encourages the State party to seek financial and technical support from the international community to implement measures to address the social exclusion of these particular groups of women.

Family relations

40. While noting that a draft bill on the recognition of consensual unions (*plaçage*) which is currently pending in Parliament will improve the situation of the women who currently live in such unions, the Committee remains concerned that pending the enactment of the law, these women continue to be deprived of equal rights with men in family relations.

41. The Committee urges the State party to expedite the adoption of this new law and ensure that it provides for both parties in consensual unions to have the same rights and responsibilities both during the subsistence of the union and upon its dissolution.

Beijing Declaration and Platform for Action

42. The Committee urges the State party to utilize fully, in the implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

Millennium Development Goals

43. The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

Ratification of other treaties

44. The Committee notes that States' adherence to the nine major international human rights instruments¹ enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Haiti to ratify the treaties to which it is not yet a party, namely the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance, which Haiti signed in 2007.

Dissemination of concluding observations

45. The Committee requests the wide dissemination in Haiti of the present concluding comments in order to make the people, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the measures that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in this regard. It requests the State party to continue to strengthen the dissemination, in particular to women's and human rights organizations, of the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, on the theme "Women 2000: gender equality, development and peace for the twenty-first century".

¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance.

Optional Protocol to the Convention and the amendment to article 20, paragraph 1, of the Convention

46. The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.

Technical assistance

47. The Committee recommends that the State party avail itself of technical assistance in the development and implementation of a comprehensive programme aimed at the implementation of the above recommendations as well as the Convention as a whole. The Committee expresses its willingness to continue the dialogue with the State party, including through a country visit by Committee members to provide further guidance on the implementation of the above recommendations and the State party's obligations under the Convention. The Committee also calls upon the State party to strengthen further its cooperation with specialized agencies and programmes of the United Nations system, including the United Nations Development Programme, the United Nations Development Fund for Women, the United Nations Children's Fund, the United Nations Population Fund, the World Health Organization, the Office of the United Nations High Commissioner for Human Rights and the Statistics Division and Division for the Advancement of Women in the Department of Economic and Social Affairs of the Secretariat.

Follow-up to concluding observations

48. The Committee requests the State party to provide, within one year, written information on the steps undertaken to implement the recommendations contained in paragraphs 13 and 25 above.

Date of next report

49. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its combined eighth and ninth periodic reports in 2010.