



Convention on the Elimination of All Forms of Discrimination against Women

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Haiti*

Article 1

Definition of discrimination

1. The 1987 Constitution of the Republic of Haiti recognizes the equality of men and women without discrimination on the grounds of gender. The equality of citizens is not restricted by any of the other provisions of the 298 articles making up the Constitution, which was approved by the Haitian people by a referendum on 29 March 1987, i.e. one year after the fall of the dictatorship which had stifled the people's aspirations to the rule of law for 29 years.

Well before that date, however, at the beginning of the 1980s, during the period totalitarian rule, two legal breakthroughs were achieved in the struggle against discrimination against women. First, on 4 February 1981, came the publication of a decree applying the International Convention on the Elimination of All Forms of Racial Discrimination. This legal text, which prohibits and criminalizes discrimination, includes gender as a basis for discrimination, but does not define discrimination against women. The same year, on 7 April, Haiti ratified the Convention on the Elimination of All Forms of Discrimination against Women. While the decree of 8 October 1982 recognizes the equal status of spouses and the legal capacity of married women, it does not provide a definition of discrimination against women.

The 1987 Constitution, which is acknowledged to be thoroughly democratic, makes any amendment subject to long and complex procedures. Haiti is committed to creating a propitious legal environment for the defence of women's rights but

* The present report is being issued without formal editing.

needs explicit conceptual tools for this purpose. In this spirit, a definition of discrimination against women and an explicitly worded obligation not to discriminate will be introduced in a gender equality bill which the Ministry for the Status of Women and Women's Rights (MCFDF) intends to draft as part of its 2008-2009 Plan of Action.

Article 2

Influence of the Convention

2. The MCFDF is striving to disseminate knowledge of the Convention in all areas where ministries cooperate. In the technical councils bringing together the departmental directors of the various ministries in each of the country's ten geographical departments, the MCFDF, acting through its Directorate for Gender-Mainstreaming (DPAG), is devoting some of the time at meetings to heightening an awareness of the Convention on the Elimination of All Forms of Discrimination against Women and the resulting obligations of States. Each participant receives a copy of the Creole version of the Convention.

Relations between the Ministry of Justice and Public Security (MJSP) and the MCFDF are formally established in agreements on joint action focusing in particular on measures to curb violence against women. The same is true with regard to the National Police. These documents make frequent reference to the Convention and other international instruments ratified by Haiti.

Judicial circles and the general public are gradually being made more aware of women's rights and gender equality through the practical impact of the latest criminal legislation which renders justice to women who have been sexually assaulted or murdered by their male partners. Over the past two years, the media have widely publicized the severe sentences handed down to rapists by the courts pursuant to the decree of 6 July 2005 on sexual assault. The same is true of a recent trial where the court held that there were no extenuating circumstances for the murder of a woman by her partner. These are signs that the amendments to the Penal Code are helping to change mindsets. Nevertheless a thorough study of conventions on gender equality and the obligations of States deriving therefrom must be included in the standard training given to judges, lawyers and police officers.

3. Article 40 of the Constitution, which provides for the publication and dissemination of laws, orders, decrees, international agreements, treaties and conventions in Creole and French, is not yet generally applied. Documents relating to the life of the nation, such as passports and some administrative forms, are printed in both official languages. Presidential orders are now published simultaneously in both languages. However, this practice is neither consistent nor widespread. An implementing act and regulatory measures in all public institutions will be needed in order to guarantee strict compliance with constitutional provisions on the subject.

Discriminatory laws and practices

4. The gender equality policy proposed by the MCFDF must lead to the creation of a framework conducive to comprehensive legal reform so as to guarantee the elimination of all forms of discrimination against women and the harmonization of national law with the conventions ratified by Haiti. In the meantime, if Parliament were to pass the bills submitted by the MCFDF, that would improve some of the

most egregious provisions relating to the status of women under the Civil Code and to the situation of workers, especially female workers, in the Labour Code. Several forms of discrimination were removed from the Penal Code with the decree of 6 July 2005. The MCFDF is drafting a bill on the partial decriminalization of abortion.

5. Some practices and customs based on beliefs and traditions still survive. The condemnation of those which fuel discrimination against women must not, however, lead to the destruction of the national culture, which is worth preserving as a whole. The MCFDF draws on positive aspects of national culture, such as the lessons taught by historical heroines and by the lives of exemplary women following the path traced by the women's rights movement to lay a firm basis for attacking cultural barriers which perpetrate not only discriminatory practices but also the culture of silence which conceals them. In its strategic plan 2008-2010 the MCFDF intends to step up existing campaigns to raise awareness of stereotyping and to extend them to the remotest corners of the country. Education, scientific knowledge, the history of civilizations, the analysis of gender relationships and stereotyping and the emergence of a fairer, inclusive society will gradually lead to a conscious elimination of practices and customs which reinforce women's lowly status. In addition to awareness-raising campaigns, comprehensive gender training for men and women in all sectors of society must be promoted. To this end, the legal reforms aimed at ensuring equality must be introduced systematically in training programmes.

6. The Government has taken action on aspects of legislation which discriminate against women by proposing and securing the adoption of laws in conformity with the Constitution and in keeping with the Convention. For example, the Penal Code has been amended by decree. Other amendments of the Labour Code and the Civil Code are contained in bills now awaiting adoption by Parliament.

Decree of 6 July 2005 amending the law regarding sexual assault and eliminating discrimination against women in that connection — that is the title of the decree published in *Le Moniteur* No. 60 of Thursday, 11 August 2005, which makes three substantial amendments to the Penal Code: (1) by formally classifying the crime of rape as sexual assault rather than as an affront to public decency or an immoral act; (2) the abolition of extenuating circumstances for a man who kills his wife and her accomplice caught in the act of committing adultery; (3) the decriminalization of adultery.

In addition, penalties have been increased, notably for rape, which entails a sentence of from ten years to life in prison.

“Article 278 (article 2 of the decree of 6 July 2005)

Any person who commits the crime of rape or who is guilty of committing or attempting any other form of sexual assault accompanied by violence, or threats, or by surprise attack or psychological pressure on a person of either sex shall be punished with ten years' hard labour.”

These amendments were introduced by means of a reworking of part II, chapter 1, of the Penal Code to alter the classification of crimes and offences. Other procedures have been used, such as the reformulation of a number of articles and the repeal of others.

Change in classification

Part II, chapter 1, section 4, of the Penal Code, which used to be entitled “Immoral acts”, is now entitled “Sexual assault” pursuant to article 1 of the decree of 6 July 2005. Section 4 now deals with sexual assault, the crime of rape and aggravating circumstances such as the victim’s age, the rapist’s position of authority, or group rape. A new section, numbered 4 bis and entitled “Immoral acts”, under article 5 of the decree groups together all the Penal Code’s provisions relating to immoral acts such as incitement to prostitution and indecent acts. This redistribution of the content of articles is strictly confined to part II, chapter 1, sections 4 and 4 bis of the Penal Code and does not alter the order of the articles in the other sections.

Reformulation

Articles 269 and 270 in part II, chapter 1, section 3, of the Penal Code, which deals with excusable crimes, have been reformulated in the light of articles 10 and 11 of the decree of 6 July 2005.

“Article 269 (article 10 of the decree of 6 July 2005)

The murder of a spouse of either sex by the other spouse shall not be excusable if the life of the spouse who committed the murder was not in danger at the time the murder took place.”

Article 269 has thus been separated from the paragraph providing for extenuating circumstances for the crime of a man who kills his wife and/or her accomplice caught in the act of committing adultery.

Article 270 has been reformulated to establish the excusable nature of murder or injuries caused by a reaction to sexual assault.

“Article 270 (article 11 of the decree of 6 July 2005)

If murder or injuries have been caused immediately by a reaction to sexual assault, they shall be deemed to be excusable murder or injuries.”

Repeal of articles

All the articles relating to adultery have been repealed. Articles 284-287 are and remain repealed under article 9 of the decree of 6 July 2005. The decriminalization of adultery led at the same time to the removal of provisions discriminating against women, such as imprisonment for women but not for men.

With regard to court proceedings, an agreement reached in 2006 between the MCFDF, the Ministry of Public Health and Population (MSPP) and the MJSP on the issuance of a medical certificate and its acceptance by the courts eases the burden of proof on victims.

Laws on equality

7. In 2007, the MCFDF referred three bills to the Haitian Parliament, one on domestic work, another on recognition of *plaçage* or consensual union, and the third on filiation and responsible fatherhood. Parliament has not yet voted on those bills.

*Bill amending article 257 of the Labour Code and regulating domestic work**(a) Rationale*

Chapter 1, part V, of the 1961 Labour Code is devoted to male and female domestic workers, designated as “Servants” (*gens de maison*), who are not granted the same rights as persons employed by companies, institutions or other bodies. The 1987 Constitution reflects another view of workers. In both spirit and letter, it considers that all wage earners have the same rights. Since the Constitution is the bedrock on which legal instruments must be developed, the Labour Code has to be recast.

The Ministry for the Status of Women and Women’s Rights recognizes the importance of domestic work in the national economy and its place in the range of employment available to men and women in the country. The MCFDF therefore considers it essential that male and female domestic workers should have the same legally recognized advantages and rights as other workers.

(b) The bill

This proposed legislation amending article 257 of the Labour Code seeks to put an end to certain aspects of domestic work that run counter to human rights. Besides regulating working conditions (hours of work and rest periods, weekly and annual holidays), the bill ensures that domestic workers, who are mostly women, benefit from the advantages set out in the Labour Code for other categories of employee, namely end-of-year bonus and other advantages granted to women. Under a special provision they may follow training courses without loss of wages.

*Bill regulating the status of concubines**(a) Rationale*

Under the Haitian Civil Code, families are constituted solely within the bonds of marriage. Family members living in wedlock enjoy the usually protections offered by the law, namely: joint ownership of property, equitable sharing of possessions, duty of economic care. However, among the various types of union existing in the country, marriage represents only 18 per cent and *plaçage* (concubinage) 44 per cent, making it by far the most widespread type of union.

By simply turning a blind eye to *plaçage*, the Civil Code fails to take reality into account. However, the Constitution of the Republic, adopted after the Civil Code, does not discriminate between families and recognizes all forms of union.

The MCFDF considers it essential to secure the rights of all women who over many years build up the family assets with their partners and who, following a separation, are expelled from the family home without any share of those assets. This bill will enable common-law wives to defend their rights before the courts.

(b) The bill

The purpose of this bill is to eliminate a legal loophole that causes women living in a consensual union (*plaçage*) to suffer discrimination when the couple separates. It comprises seven articles.

The text defines *plaçage* as a stable, continuous domestic partnership between an unmarried man and woman. It prohibits *plaçage* between direct ascendants and descendants and between two partners when one is tied by bonds of marriage or *plaçage*. It grants children born from a consensual union the same rights as for children born in wedlock.

It establishes special rules for managing the property of the two common-law partners. It lays down the procedure for separation of the property acquired by the two common-law spouses in the event of voluntary dissolution of bonds.

If one of the two dies as the result of an industrial injury, it allows the survivor or heirs to institute indemnification proceedings.

Bill regulating filiation and determination of paternity

(a) *Rationale*

In Haiti, children born out of wedlock are often rejected by members of their community, who humiliate them by attaching to them the absurd and hurtful label of “fatherless children”.

The 1987 Constitution, in choosing to put an end to such discrimination, provides in its article 262 for the promulgation of a law on the determination of paternity. It thus recognizes the right of all children to know who their fathers are, which is currently prohibited by the Civil Code. According to the 183-year-old Code, only the father has the right to declare a child’s birth. Furthermore, he can only declare he is the father before a registrar if the child is not the result of adultery or incest.

Thus, in Haiti, a woman with no husband must herself declare her child to be “without a father”. The birth certificate filled out by the registrar specifies that the child is of “father unknown”. According to the law, the child has but one recognized parent: the mother. In some families, the mother’s parents declare the child, who thus bears their name. If nothing is done, the mother of a child said to be of “father unknown” will never receive the maintenance payments which by law must be made to women whose children are born in wedlock.

In the light of the relevant international conventions, the MCFDF considers it right to strive, as a matter of urgency, to eliminate such discrimination against women and children.

(b) *The bill*

This bill, which consists of six articles, amends more than 20 articles in the Civil Code (chapter 1, Act No. 8). Its purpose is to allow all children born out of wedlock to exercise fully their right to seek to determine their father. It also aims to bring the Civil Code into line with the Constitution of the Republic and the conventions ratified by Haiti.

Filiation arises from the natural congress of a man and a woman or from their shared desire to adopt a child in accordance with the law. The father declared by the mother, even if he denies fatherhood, is recognized as the father of the child if it is proved that the relations between the two persons at the time of the child’s conception were public. The mother may institute a paternity suit in accordance with the procedure laid down in the bill. The father whose right to recognize his child is

denied by the mother asserts his claim to paternity by the same procedure. Children may, without age restriction, seek to determine their mothers.

Filiation entails both moral and material rights and duties of the parents in relation to their child. Children who wish to assert their inheritance rights must first establish their filiation with the legator.

8. The MCFDF 2008-2009 plan of action provides for the drafting of a law on gender equality. Upon its adoption by the Government, the document entitled “Framework for a gender equality policy” (*Ossature d’une politique d’égalité des sexes*), will be a decisive step in drawing up and putting in place a national gender equality plan. Taking into account the tenets of equality in building a peaceful society that allows every person to develop to the full, the policy document affirms the need to target women-related priorities and to mainstream gender equality in all the country’s social institutions. The leadership role of the MCFDF in equality management is strongly emphasized. This Ministry will be required to coordinate all the efforts made by public institutions to implement the part of the road map relevant to them with a view to implementing the future national gender equality plan. The plan should be drawn up and submitted to the Government by the MCFDF in 2009.

The MCFDF has already started to lay the groundwork for a gender equality policy. The technical directorate of the ministry in charge of gender mainstreaming (DPAG) in public administration and throughout Government offices coordinates the network of gender focal points established in the various ministries. After evaluating the difficulties encountered by the focal points in systematically incorporating a gender perspective in the policies, programmes and projects of their respective sectors, a new strategy will be formulated. The aim is to develop the awareness of officials in the study and programming units (UEPs) of the various ministries by regularly providing them with tools to serve as guidelines for the incorporation of a gender perspective in public policies. The UEPs are a key mechanism in so far as they play a decisive role in the design and planning of priority action in the sector with which they are concerned. Accordingly, the focal points will be strengthened so as to be far more able to do their work effectively.

Progress has been made in gender mainstreaming in local development programmes and projects, particularly in the Haitian social development programmes and projects conducted by the Ministry of Planning and External Cooperation in association with the MCFDF. Some 10 communes in five departments already benefit from this effort. A gender parity quota of 50 per cent men and 50 per cent women has been introduced for the membership of the various development boards in each commune and communal section involved.

The national gender equality plan will thus have baselines from which it can be established and developed at the national level.

9. The MCFDF 2008-2010 strategic plan provides for the drafting of a comprehensive law on violence against women. Neither domestic violence nor other forms of violence such as sexual harassment are covered by the Haitian Penal Code. The explanatory statement introducing the decree of 6 July 2005 already noted its inadequacies, as follows: “It is true that the changes introduced in this decree represent no more than a beginning. They are nevertheless an essential step on the

long road that will lead to an in-depth reform of the Penal Code” (Conclusion of the explanatory statement).

10. The National Dialogue on Violence against Women, underpinned by a structural framework, an executive secretariat and a data-gathering commission, helps to centralize information on reported cases of sexual or domestic violence against women (gender-based violence being understood as a form of discrimination according to the Convention on the Elimination of All Forms of Discrimination against Women: see the Committee’s General Recommendation No. 19). The cases reported and prosecuted are usually cases of rape or physical violence, involving blows and physical injuries. Other forms of gender-based discrimination are not considered as such before the courts. However, no exhaustive survey has yet been conducted of cases brought before the courts and their follow-up in the past five years.

Article 3

Plan of action

National Plan to Combat Violence

11. A lessons learned workshop held in Port-au-Prince on 22-23 October 2008 by the National Dialogue to Eliminate Violence against Women brought together State sector representatives from the Ministry for the Status of Women and Women’s Rights (MCFDF), which leads the Dialogue, the Ministry of Public Health and Population (MSPP), the Ministry of Justice and Public Security (MJSP) and the National Police (PNH), women’s organizations and other civil society institutions and organizations participating in the Dialogue; United Nations agencies (United Nations Development Fund for Women (UNIFEM), United Nations Population Fund and the Gender Unit of the United Nations Stabilization Mission in Haiti (MINUSTAH)); and representatives of international cooperation agencies (Brazil, Canada). Progress, essentially concerning implementation of the National Plan to Combat Violence against Women, was noted in the following areas.

A conceptual framework for implementation of the National Plan has been drafted and approved.

Preliminary studies for implementation of the Plan have been carried out in two pilot departments (Sud-est and Nord-est) and a coordinator has been recruited for each department.

A project to support the implementation of the National Plan in those two pilot departments has been launched as part of the South-South partnership with Brazil.

The various projects being developed in the two pilot departments to implement the National Plan, with the support of the Brazilian and Spanish cooperation offices, have been harmonized.

The dialogue between the various donors concerned with the establishment of reception units for women in police stations has been concluded.

At the governmental level, the MJSP and the MCFDF have signed an agreement regarding the measures needed for the National Police to take account of gender-based violence.

Article 4

Temporary special measures

12. Following representations made by women's organizations supported by the MCFDF, temporary special measures have been included in the legal mechanisms governing the electoral process. In 2005, for example, the electoral decree contained measures to encourage political parties to put forward female candidates. The recent electoral law enacted in July 2008 offers even greater incentives; pursuant to its articles 129 and 129.1, the political parties where women account for at least 30 per cent of the total candidates and at least 20 per cent of those elected, will receive twice as much public funding. Such parties must earmark 50 per cent of the funds received for the political training of their members and the provision of financial support for female candidates.

In the spirit of the Convention (art. 4 and General Recommendation No. 25) of the Committee on the Elimination of Discrimination against Women, the MCFDF recommends the quota principle as a form of affirmative action to correct the historical tendency towards discrimination. Two categories of quota are included in a document entitled "Framework for a gender equality policy": employment quotas in public administration and quotas for access to decision-making posts. As mentioned in the country report, the draft agreements that the MCFDF has signed with two other ministries (the Ministry of Public Works, Transport and Communication and the Ministry of Agriculture, Natural Resources and Rural Development) reserve a 30 per cent quota for women in labour-intensive work.

In order to press ahead and promote greater participation by women in political life, the MCFDF has included the drafting of a political quota bill in its 2008-2009 Plan of Action.

Articles 5 and 6

Violence against women and trafficking in women

13. Various initiatives have been taken by the MCFDF and the National Dialogue as part of the Government's policy aimed at eliminating violence against women. The following measures correspond to the recommendations of the 2006 MCFDF study:

(a) Drafting of a care and follow-up agreement: At the National Police level a conceptual framework for the establishment of reception units for victims of violence at police stations and a guide to procedures for receiving and assisting victims was proposed several months ago. However, an agreement between the MCFDF and the MJSP, which is responsible for the police, was needed before they could be implemented. This agreement — which relates to the various measures needed to make the police force aware of the concept of gender and the issue of violence specifically directed against women — has now been signed between the two ministries.

A workshop to present these documents to the various units of the National Police, and a training programme for police officers on the issue of gender-based violence and the role of the National Police in combating it, are currently being prepared.

(b) Establishment of accommodation centres: A recent initiative of the MCFDF (2008) was to open an accommodation centre for women victims of gender-

based violence. The aim of this centre is to receive victims of violence specifically directed against women, particularly domestic and sexual violence. It operates in cooperation with the other civil society structures offering multidisciplinary care services and has a range of sources of financing, including V-Day and UNICEF.

(c) Data gathering and research: The data sheet record produced by the National Dialogue has been tested in the process of recording violence directed against women in the shelters provided for the victims of the latest natural disasters to afflict Haiti.

Following the development and validation of the single data sheet record of cases of violence, a mechanism for distributing and collecting the data sheets is now being implemented, together with an analysis system.

Training in the use of the data sheet, initially given to health sector professionals, has now been extended to workers in other areas. For example, a training session for the coordinators of the MCFDF departmental offices was held on 20-21 October 2008.

A study of the care given to victims of gender-based violence, particularly from a medical perspective, was carried out from March to September 2008 at 29 public and private health institutions, in six different departments, where personnel had been trained in the use of the tools developed by the National Dialogue and its partners. This study will make it possible to fine-tune the training tools and establish a more rigorous monitoring mechanism.

The Government, wishing to establish linkages and harmonize activities at the national level, has brought together the departmental directors from the various ministries in a technical committee, chaired in each department by the departmental delegate. With the support of the Spanish cooperation office, a project to raise awareness of gender issues and violence against women has been carried out on a pilot basis in the Sud-est department and should also be implemented in the other departments.

Use of rape as a political weapon

14. No figures are available for cases of rape during the coup d'état period of 1991-1995. Given the terror instilled by the political regime during those years it was not possible to record quantitative data. However, the evidence of women who suffered that form of repression gives some indication of the situation. The extent to which rape was used as a political weapon can be estimated on the basis of the accounts given by the association MAP VIV, a grouping of at least 20 victims who have testified to the abuse they suffered. Supported by various women's associations, they have received care and rehabilitation. With the women's cooperation, a play in which they portray themselves has been derived from their experiences, thus serving as a form of therapy. A documentary film entitled *Les enfants du coup d'État* (Children of the coup d'état) has also been produced by professional women filmmakers and theatre professionals who are women's rights activists. Shown at national and international gatherings, this documentary has served to focus attention on these tragic events and the courage of the women concerned.

Since the decree of 6 July 2005 came into force, many cases of rape have been prosecuted and the perpetrators convicted. From April to September 2008, 15 jury and non-jury trials were held, leading to 15 convictions.

The attached study, the most recent available, provides partial data on the number of victims seen by four institutions and the type of violence. In the case of rapes, the number of group rapes is shown, as well as the age of the victims.

15. Many awareness-raising spots condemning violence against women, in particular domestic violence and sexual violence, have been broadcast. Two documentaries produced in 2005 by the Fondation pour la santé reproductive et l'éducation familiale (Foundation for Reproductive Health and Family Education — FOSREF), and the Unité de Recherche et d'Action Médico-Légale (Medico-Legal Research and Action Unit — URAMEL), entitled *Nou bouke* (*We have had enough*) and *Fòk nou pale* (*We must talk about it*), denounce domestic violence. These films, largely used for youth education, have been widely shown.

16. The number of teenage pregnancies is not available. The MCFDF has taken steps to remedy the defects of statistics in various areas concerning women. Cooperation agreements have been signed with the institutions responsible for preparing statistics in order to ensure that the data collected is disaggregated by sex. These agreements should allow gender indicators to be incorporated into surveys, analysis and studies. Two tripartite agreements have, for example, been signed by the MCFDF and the Economic Commission for Latin America and the Caribbean, one with the Haitian Institute of Statistics and Information Sciences (IHSI) and the other with the Haitian Children's Institute (IHE).

17. The Government is currently focusing on developing the legal framework to allow effective intervention to protect the most vulnerable groups of women. The bill on domestic service, for example, when adopted by Parliament, will represent a first step towards normalizing the status of this category of workers, the great majority of whom are women. The bill on trafficking in and smuggling of women, to which the MCFDF has contributed and which is in the process of being submitted to Parliament, will also define and protect the rights of migrant women. The case of women working in prostitution is still in the process of being explored by the MCFDF and the Ministry of Social Affairs and Employment (MAST), since these women do not currently benefit from any protective legal framework.

18. On 24 April 2003, in response to the broad campaign waged by national and international organizations against the employment of rural children in urban households, characterized as "child enslavement", the Haitian Parliament passed a law on the prohibition and elimination of all forms of abuse, discrimination, maltreatment or inhumane treatment of children.

This law bears the imprint of the period in which it was adopted; in denial of reality, it made no mention of child labour. The State's aim was to stop legitimizing child labour, and with it, domestic service in particular. Consequently, article 1 of the 2003 law annulled chapter 9 of the Labour Code, outlawing domestic service in Haiti thereafter. However, article 3 of that law recognizes that "a child may be entrusted to a host family within the context of a relationship based on aid or solidarity. The child must enjoy the same privileges and rights as the family's other children. He or she must be treated as a member of the family." Thus, while domestic labour by children (known as *restavèk* children) is illegal, domestic service

rendered within the framework of a “relationship based on aid or solidarity” is perfectly legal. In practice, however, *restavèk* children continue to endure infernal conditions in the homes of unscrupulous families who prevent them from exercising their most basic rights.

Through its regular working relationship with the Social Welfare and Research Institute (IBESR), the MCFDF obtains information on the many cases of violence against *restavèk* girls. Several times a week, the Haitian police’s Brigade for the Protection of Minors (BPM) brings child victims of various kinds of violence, including domestic violence against *restavèk* children, to the Institute. Even when the reports prepared by the relevant IBESR unit do not explicitly refer to the children as *restavèk*, officials confirm that the children involved have indeed been stripped of their legal status since 24 April 2003. Given its lack of housing for vulnerable children, the Institute places children brought to it by the Brigade in shelters run by charities.

Via the Brigade, the Government intervenes in cases of domestic violence, sexual or physical assault against *restavèk* children or children within a family “relationship based on aid and solidarity”. The Government is considering extending that service to all parts of the country.

19. A bill to combat human trafficking drawn up under the auspices of the Ministry of Social Affairs and Labour was adopted by the Council of Ministers in March 2008 but has not yet been submitted to Parliament for a vote. Several ministries participated in drafting the bill, including the MJSP, the Ministry of the Interior and Regional and Local Governments, and the MCFDF in cooperation with civil society organizations and international agencies, some of which are members of a collective combating human trafficking.

Articles 7 and 8

Participation in political and public life

20. The MCFDF remains concerned about the underrepresentation of women in Government and in public administration. A brainstorming workshop on female political participation was organized by the MCFDF in April 2008. At the end of the workshop, a steering committee to strengthen women’s participation (CIREF) was established. At the workshop, the establishment of an equality monitoring body was also proposed. That proposal echoes the recommendation set forth by the MCFDF in its 2008-2010 strategic plan. The MCFDF aims to introduce a quota system for political participation by means of a law within the national plan on gender equality. The new Government that took office in September 2008 is headed by a female Prime Minister and includes three female ministers, out of a total of 17. The Ministries headed by women are the Ministry of Social Affairs and Labour, the Ministry of Commerce and Industry and the Ministry for the Status of Women and Women’s Rights.

Article 10

Education

21. For some years, the rates of enrolment in primary school have been equal for both sexes. Nevertheless, statistical data on the final two years of secondary school in the academic year 2007-2008 indicate that in the ten departments fewer girls than boys are enrolled and that girls are faring worse academically than the overall

student body. For its part, the MCFDF has included two measures in its 2008-2009 Plan of Action, namely, facilitating retention of girls in the school system and providing financial assistance to young girls in socio-economic need at the start of the school year.

The MCFDF has focused its attention on the content of education and persistent stereotypes that jeopardize existing gains and play a role in impeding retention of girl students at the secondary and post-secondary levels. On 16 January 2007, the MCFDF signed a cooperation agreement with the Ministry of National Education and Professional Training. The agreement, whose main objective is to eliminate discrimination against girls in the school system, formalizes a framework for exchange between the two partner institutions on decisions needed to improve the Haitian school system for both sexes.

The interministerial committee, which was established to implement the agreement, aims to provide enrolled youth with a non-sexist sex education and to promote non-sexist behaviour by means of, inter alia, educational radio programmes on various issues affecting youth and gender equality, systematic review of textbooks, and identification of all other measures aimed at eliminating the various forms of discrimination against girls in the Haitian school system. Full gender integration in secondary schools and the return of teenage mothers to school are two core issues of concern for the interministerial committee.

Article 11 Employment

22. In order to increase employment opportunities for women and improve their chances in the job market, the 2008-2009 MCFDF Plan of Action provides for the inclusion of women in non-traditional occupations and support for women in higher education.

Immediate results are expected from the formal understanding reached by the Ministry for the Status of Women and Women's Rights, most notably, with the Ministry of Agriculture, Natural Resources and Rural Development (MARNDR) and the Ministry of Public Works, Transport and Communication (MTPTC), regarding the implementation of a minimum 30 per cent quota for recruitment of female workers to rebuild infrastructure damaged or destroyed by the four successive hurricanes that struck Haiti in August and September 2008. Particular attention is given to the agricultural sector, which is considered the main pillar of economic recovery within current Government policy, in accordance with the National Poverty Reduction and Growth Strategy Paper (DSNCRP). In its 2008-2009 Plan of Action, the MCFDF attaches importance to measures taken in support of women's economic activity in the rural sector.

A decentralized project that encompasses educational and economic elements and that specifically targets women will be implemented in 2009. The project provides for the establishment in each of the country's ten departments of an information and training centre that makes use of new communications technologies. The aims of the project are to promote the training of women in the new technologies; to facilitate access to information on production and processing technologies and on marketing systems; to publicize women's production in the areas of agriculture, livestock farming and crafts; and to strengthen the network of female producers.

Article 12

Health

23. With regard to the statement contained in the report of the State party whereby “sexual and reproductive health is considered an entry point of the health system”, it is important to note that Haiti’s health system consists of a three-tier pyramid:

1. At the primary care level, local institutions provide a package of minimum services;
2. The second tier consists of recourse to specialized care at the regional level;
3. The third tier consists of the care provided by university and specialized hospitals.

The package of minimum services offered at the primary care level encompasses sexual and reproductive health-related services and is therefore one of the entry points for access to the various tiers of the health-care pyramid.

However, given the limited human resources and financial and logistical constraints, Haiti’s health system is still a long way from being capable of meeting comprehensive health needs specific to women. In cooperation with other national and international partners, the MCFDF is advocating with a view to ensuring that those needs are genuinely taken into account.

24. Abortion is completely illegal under Haitian law. However, many women still undergo the procedure, often in dismal conditions. The complications that occur inevitably lead to an increase in maternal morbidity and mortality rates. There is no specific provision that addresses pregnancies resulting from rape. Consequently, the MCFDF is advocating in favour of partial decriminalization of abortion and is working on a bill for submission to Parliament. The proposed legislative reform would reflect a new national policy that aims to strike a better balance between the restrictions imposed on abortion practitioners and women’s rights, particularly the right to safe and humane access to health services that protect their life and dignity, the right to health safety and the right not to be subjected to inhumane or degrading treatment.

With regard to the second part of the question, there are few available data. However, the figures compiled by a women’s organization convey the magnitude of the problem.

<i>Period</i>	<i>Number of pregnancies as a result of rape</i>
Jun.-Dec. 2005	5
Jan.-Dec. 2006	12
Jan.-Dec. 2007	11
Jan.-Jun. 2008	7

These organizations provide victims with medic-legal and psychosocial support. The MSPP does not have guidelines for procedures specific to this kind of victim.

The MCFDF, through the National Dialogue on Violence against Women, participates in the care of victims and in awareness-raising activities. A leaflet

emphasizing the 72-hour deadline for effective medical follow-up has been widely disseminated throughout the ten departments of the country.

25. While rural women appeared to be less exposed to HIV infection than urban women at the onset of the pandemic, the precarious nature of access to medical attention and the phenomena of rural-urban, urban-rural and international migration have made rural women more vulnerable.

The strategic plan devised by the MCFDF encompasses a wide range of primary care and social services for women of childbearing age, pregnant women, children and adolescents. The MCFDF and civil society organizations must remain vigilant in order to ensure that those measures are implemented.

Article 13

Recreational activities and cultural life

26. In Haiti, girls and women are not prohibited from participating in cultural or sports activities. However, as mentioned in Haiti's report, young girls spend a lot of time helping their mothers with domestic chores. They do not have enough time to participate in cultural activities and sports.

In fact, there are additional reasons for the low level or lack of participation in cultural activities by girls in rural areas. Since the State lacks the necessary technical and financial resources, it has not yet been able to develop the sports or cultural activities aspects of the curriculum or to provide public schools with the infrastructures needed for those activities. Elected local authorities, likewise lacking the necessary resources, are not yet able to arrange recreational or sports activities for the children and young people in their communes and constituencies. Lastly, parents in rural areas are themselves living in extreme poverty and are therefore unable to offer their children recreational activities other than those provided by churches or missions in the area. In public schools, girls and boys should have access to sports and cultural activities. The MCFDF intends to engage in discussions with the Ministry for Youth, Sports and Civic Action (MJSAC), as it is already doing with other ministries, with a view to concluding a formal agreement on measures to be taken in that regard.

The presence of women in Haiti's teams in the 2008 Beijing Olympic and Para-Olympic Games — with young female athletes participating in races and judo and weightlifting competitions — is an encouraging model to be followed.

Article 14

Rural women

27. All the recent statistical surveys and studies emphasize the urban/rural gap which, for women, entails particularly serious social and economic difficulties. Nevertheless, field studies describe women's contribution to the country's economy and their potential for its development. The MCFDF has deplored the fact that the DSNCRP may not have taken sufficient account of either the needs or the contribution of rural women. In view of the emphasis placed on national production in governmental programmes and on the revival of the agriculture sector, the MCFDF, in its 2008-2009 Plan of Action, sets out actions to help foster the entrepreneurship of women in rural and urban areas and to expand women's projects in the agriculture and livestock sectors.

28. “Plaçage” is the most common form of consensual union in Haiti. For women in rural areas, as for all Haitian women in such unions in general, the Parliament’s adoption of a bill submitted to it by the MCFDF should help to address the negative effects of a union that is not recognized by law.

Article 16
Family relations

29-30. The law on gender equality to be drawn up under the MCFDF’s 2008-2009 Plan of Action will take into consideration all forms of discrimination in matters related to family relations still existing under the Civil Code. This law follows the same lines as the legislative reforms introduced by the decrees of 8 October 1982 amending the provision of the Civil Code concerning the status of married women and of 6 July 2005 amending the provision of the Criminal Code by decriminalizing adultery.

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

With regard to the Optional Protocol, the position set out in the country report is still valid. The Government of Haiti believes that the popularization and national dissemination of the report, together with the Committee’s concluding observations, which will be drawn up following the formal presentation of the report and the constructive discussion thereof, will motivate the State and civil society to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women.

The MCFDF intends to recommend that the Government take the necessary steps to officially accept the amendment to article 20 of the Convention and ratify the Optional Protocol to the Convention.

Acronyms used

BPM	Brigade for the Protection of Minors
DPAG	Directorate for Gender Mainstreaming
DSNCRP	National Poverty Reduction and Growth Strategy Paper
FOSREF	Foundation for Reproductive Health and Family Education
IHE	Haitian Children's Institute
IHSI	Haitian Institute of Statistics and Information Sciences
MARNDR	Ministry of Agriculture, Natural Resources and Rural Development
MAST	Ministry of Social Affairs and Labour
MCFDF	Ministry for the Status of Women and Women's Rights
MINUSTAH	United Nations Stabilization Mission in Haiti
MJSAC	Ministry for Youth, Sports and Civic Action
MJSP	Ministry of Justice and Public Security
MSP	Ministry of Public Health and Population
UNIFEM	United Nations Development Fund for Women
URAMEL	Medico-Legal Research and Action Unit

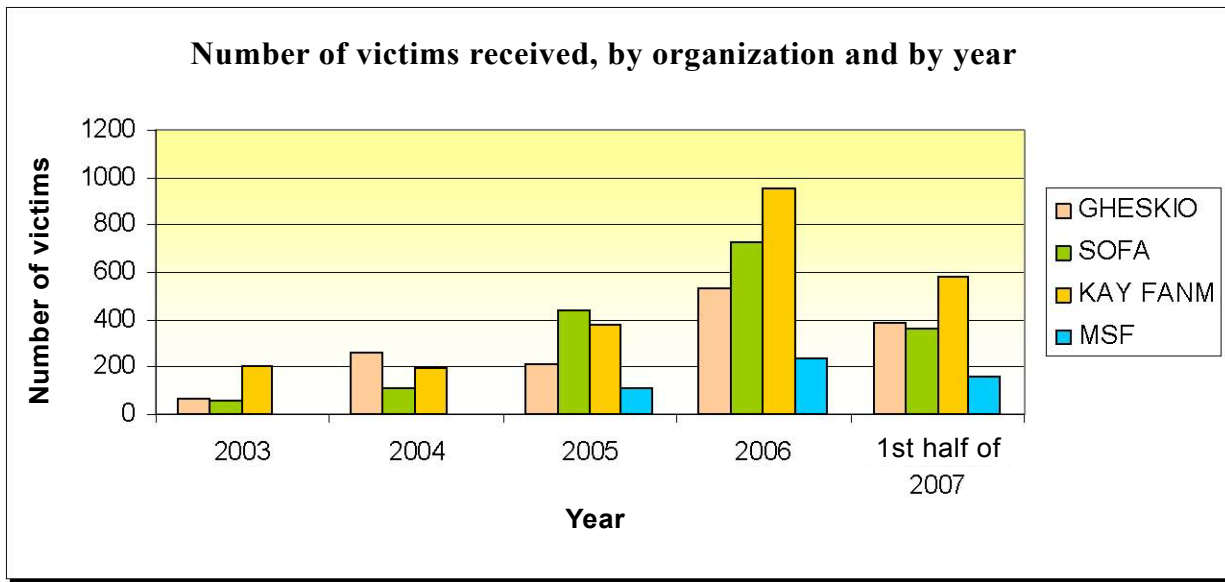
Annex

Table 1
Number of victims received in the organizations by year
(women and girls)

<i>Year</i>	<i>GHESKIO</i>	<i>SOFA</i>	<i>Kay Fanm</i>	<i>MSF/F</i>
2002	58	85		
2003	70	62	200	
2004	261	113	198	
2005	211	440	380	109
2006	534	726	954	237
2007	389	360	585	157

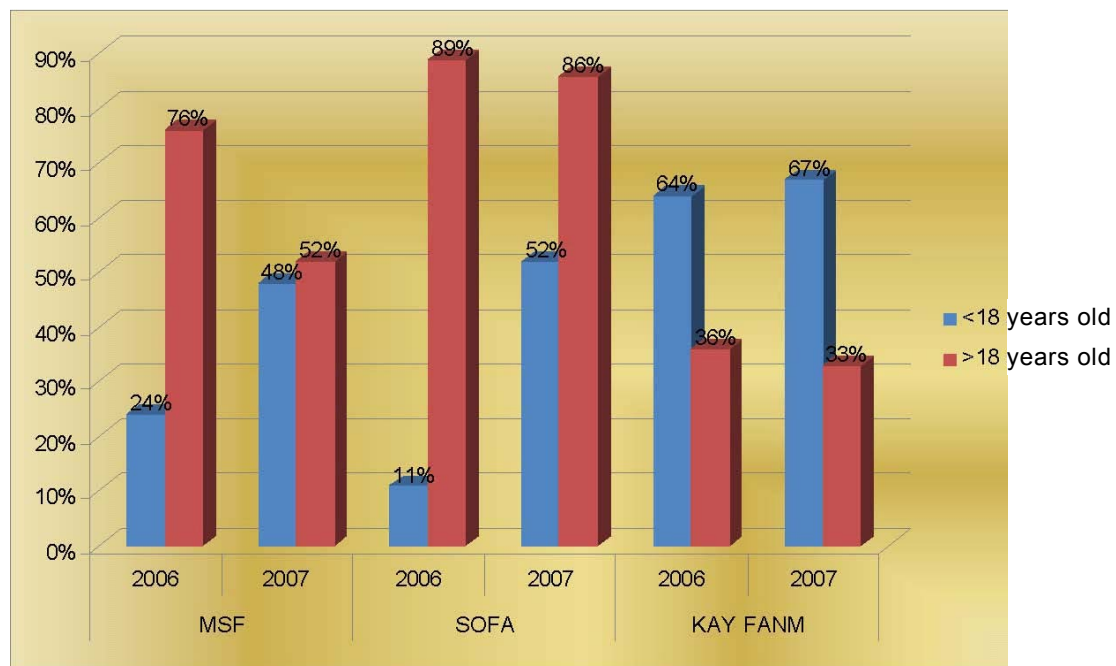
Sources: GHESKIO, SOFA, Kay Fanm and MSF/F reports.

Figure 1
Number of victims received by organization and by year from 2003 to 2007



Sources: GHESKIO, SOFA, Kay Fanm and MSF/F reports.

Figure 2
Distribution by age bracket and by organization



Sources: MSF/F, SOFA and Kay Fanm reports.

Table 2
Number of rape cases received, by year and by organization

Year	GHESKIO	Kay Fanm	SOFA	MSF/France
2002	58			
2003	70	30	13	
2004	261	55	46	
2005	211	84	157	109
2006	534	133	155	237
2007	389	81	101	157

Sources: GHESKIO, SOFA, Kay Fanm and MSF/France reports.

Table 3
Number of victims of individual and group rape from 2003 to 2007
 Data from SOFA and Kay Fanm

<i>Year</i>	<i>Kay Fanm</i>		<i>SOFA</i>		<i>Total</i>
	<i>Individual rape</i>	<i>Group rape</i>	<i>Individual rape</i>	<i>Group rape</i>	
2003	18	12	11	2	43
2004	26	29	39	7	101
2005	42	42	144	13	241
2006	94	39	132	23	288
2007	57	24	79	22	182

Sources: SOFA and Kay Fanm reports.

N.B.: These data were drawn from the November 2007 URAMEL document.