



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Forty-third session

Summary record of the 874th meeting

Held at the Palais des Nations, Geneva, on Tuesday, 27 January 2009, at 10 a.m.

Chairperson: Ms. Gabr

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Combined initial through seventh periodic reports of Haiti (CEDAW/C/HTI/7, CEDAW/C/HTI/Q/7 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Haiti took places at the Committee table.*

2. **Ms. Lassegue** (Haiti) said that Haiti had ratified the Convention without reservations in 1981. The past 25 years had been marked by a political context in which the Haitian people had fought for democracy and the establishment of the rule of law, and the Government was in a position for the first time to produce a report on its implementation of the Convention.

3. The Ministry for the Status of Women and Women's Rights, established in 1994, was the national mechanism responsible for the elaboration of national equality policies and the advancement of women. The current report had been drafted through a participatory process, involving both State institutions and civil society, in particular women's and human rights organizations. Moreover, frequent progress reports on the drafting process had appeared in the national press.

4. The Constitution of 1987 enshrined the principle of gender equality, and Haiti was party to numerous international instruments on women's rights. Under the Constitution, treaties and conventions were part of the country's legal framework and prevailed over domestic law. Some laws, decrees and regulations nevertheless still contained discriminatory clauses. Reforms to the Civil Code and the Criminal Code in 1982 and again in 2005 had aimed at removing those provisions, and further amendments to the Civil Code and Labour Code had recently been submitted to Parliament. The next step was the adoption of a national gender equality policy expressly containing the concept of discrimination based on gender and the requirement of non-discrimination in all areas of society.

5. The Ministry for the Status of Women and Women's Rights had been endowed with a structure to enable it to carry out its mission through the establishment of a gender mainstreaming unit and a coordination unit, to ensure that government policy on the status of women was decentralized. The Ministry

had signed protocols with the Ministries of Justice, Health and Education, and was preparing agreements with the Ministries of Social Affairs and of Culture.

6. Gender stereotypes were pervasive, cultivated by the family, schools, churches and the media, and were often internalized by women themselves. Such attitudes were frequently an underlying factor in discriminatory practices and violence against women, and the Ministry had undertaken an extensive campaign to eradicate stereotyped images of women. Studies, research and legislative reform on gender-based violence, especially sexual violence, had led to the formulation of the National Plan to Combat Violence Against Women. The *Concertation Nationale*, a mechanism for discussion and action which included the State and civil society, with the support of United Nations agencies and international cooperation, had been overseeing implementation of the Plan since 2005. Particular attention was being paid to the situation of migrant women on the border between Haiti and the Dominican Republic, where sexual abuse appeared to be systematic. Adoption of a framework act on all forms of violence against women, including domestic violence, was expected during 2009.

7. Although some women had indeed reached the highest levels of Government, their numbers in decision-making positions in general were still extremely low. In the diplomatic service, only 7 per cent of staff were women. Economic incentives offered to political parties to encourage women's participation under the Elections Act of July 2008 would not be sufficient to redress the imbalance. Under the Gender Equality Policy, special temporary measures were planned in the form of quotas for women in elected office, political appointments and the National Police.

8. In the area of education, the most recent statistics showed progress towards parity in basic education, even though the gap between boys and girls grew wider at the upper levels. The Protocol which the Ministry had signed with the Ministry of Education and Vocational Training had to do with keeping girls in school and the elimination of gender stereotypes in textbooks. One result of that agreement was that half of all scholarships were reserved for girls.

9. Haitian women were active participants in the country's economy, yet their contribution was not adequately recognized and valued. Current economic policy was aimed at recovery in the production sector,

if adequate financing and credit could be secured. Members of the civil service benefited from a social insurance scheme, yet they represented only 3 per cent of the population. Workers in the agricultural and informal sector, representing 90 per cent of the workforce, were totally excluded from that scheme. There were no social protection measures targeted to the 42 per cent of all households headed by women. A reform of the social security system was currently under review. Issues to be considered in the health-care system included inadequate services coupled with rapid population growth and unequal distribution of resources between urban and rural areas. Rising maternal mortality rates and the feminization of HIV/AIDS were other areas of concern. In response, the Ministry of Health and Population had created a Family Health Unit and was implementing a programme to reduce maternal mortality. A proposed women's health policy was being developed by the Ministry for the Status of Women and Women's Rights and the Ministry of Public Health.

10. In the area of family law, until the decree adopted in 1982 subsequent to the ratification of the Convention, a woman lost her legal capacity upon marriage, becoming a minor in the eyes of the law. The Civil Code and Penal Code applied only to married women, whereas formal marriages were in the minority in Haiti. Informal relationships, known as *plaçage*, represented 53 per cent of total unions in rural areas, yet had no legal recognition, as formal marriage was the only type of relationship with legal status in Haiti. Bills on informal unions, family relationships and responsible paternity were being proposed by the Ministry to correct that situation.

11. Progress had been made in a number of areas since the report had been drafted. The proposed National Gender Equality Policy had been presented to the Government, and workshops on gender-sensitive budgeting had been organized. Among legislative initiatives, a bill on working conditions for domestic servants had gone to the Senate, and action in the National Assembly was expected soon.

12. Implementation of the National Plan on Violence Against Women 2005-2011 had also begun. A system had been set up to collect data on violations reported, as well as medical and psychosocial care for victims. The most recent statistics showed a decline in reported cases of violence between 2002 and 2008, due in part to improvements in the overall security situation, the

availability of new and more accessible services and major awareness-raising campaigns. Rape victims came to health-care centres for treatment earlier, and the total number of reported rapes had declined; however, domestic violence rates remained the same. An evaluation of training given to care providers had allowed adjustments to be made to serve victims better. The Ministry had also signed a protocol with the Ministry of Justice and Public Security on police procedures regarding gender-based violence and training for officers in handling victims. Awareness was growing among the members of the judiciary on women's rights and gender equality. The Government had decided to pay particular attention to the situation of migrant women and to combat the sexual abuse, assault and murder of vulnerable women on the border between Haiti and the Dominican Republic, and had held a meeting among civil society organizations, the police and the judiciary in the border department aimed at addressing the situation.

13. Future actions would be aimed at mobilization at the highest levels of power for the establishment of structures that would guarantee equality between men and women, using both a specific and a cross-cutting approach. Strengthening of the institutional and legal framework for equality would continue. The Parliament must be mobilized for the adoption of the Optional Protocol, and the judiciary would also play an essential role in ensuring that national legislation was brought into line with the Convention. Emphasis would also be placed on increasing women's participation in politics and the civil service, along with efforts to promote their economic independence. Finally, a comprehensive health policy that met women's specific needs would be promoted.

14. Consideration of Haiti's report represented just the first step in a long process towards true equality for women and men on a national and global level, and her Government was committed to seeing that process through for the good of the entire world.

Articles 1 and 2

15. **Ms. Patten** said that she would like to know about the mechanism for preparation and submission of the report to the Committee, in the hope that delays could be avoided in the future. Noting that the Constitution of Haiti did not contain a definition of discrimination against women, she asked if any of the laws covering gender equality contained a definition in

conformity with the definition of discrimination found in article 1 of the Convention. She would be interested to hear about any plans to disseminate the Committee's concluding observations on the report to the Senate and Chamber of Deputies. With regard to discriminatory laws still on the books, she wondered if there were procedures for urgent adoption of laws that circumvented the lengthy process currently in effect in the Parliament, if true political will existed, to change those laws.

16. **Mr. Flinterman**, noting that the Convention took precedence over domestic law, asked if the judiciary in Haiti had ever declared a law incompatible with the Convention. Referring to article 2, paragraph (c) of the Convention on remedies, he asked how the Government was raising awareness of human rights guarantees under international agreements and whether there were any legal literacy or free legal aid programmes. The current absence of a Chief Justice of the Supreme Court would necessarily have a negative impact on the judiciary, and he wanted to know how the Government was planning to remedy that situation. The forthcoming adoption of the Optional Protocol to the Convention made it even more important for lawyers to be aware of the country's international human rights obligations, as domestic remedies must be exhausted before the complaints procedure under the Optional Protocol could be employed. Finally, he wished to learn more about the current role of the Office of the Ombudsman and whether it would be recognized as a national human rights institution.

17. **Ms. Lassegue** (Haiti) said that the group which had drafted the report had met with the President and other members of the Government before the presentation, and a drafting committee had already been set up to produce the report on follow-up to the Committee's concluding observations.

18. Although it was true that the Constitution did not contain a definition of discrimination, its articles 16 and 17 contained provisions governing equality. Free legal aid was provided by women's non-governmental organizations and by her Ministry. In addition, she had entered into discussions with the Ministry of Justice to provide free legal aid. The Convention, along with pamphlets on rape, violence against women and women's rights, had been translated into Creole to make the information accessible to a wider spectrum of the population. The country's strong oral tradition made local radio programmes in Creole another

important method of reaching women with such information.

19. She was pleased to report that the Optional Protocol would be signed shortly after her delegation returned to Haiti following the consideration of the report.

20. **Mr. Jean** (Haiti) said that in the Ministry of Justice, there had not been any experiences with conflicts between international and domestic law, because by the simple fact that international agreements prevailed over domestic law, the provisions of a convention could be imposed on the State. Difficulties sometimes arose, however, when the State was required to impose a penalty for a violation of international law. The Ministry of Justice and Public Security had made committed efforts to raise awareness of rights under international instruments, and during 2008, four meetings on the subject of treaties and conventions and their application had been held among high-ranking members of the Government.

21. A director-general of the School for Magistrates had been named and a budget had been submitted to Parliament. The Supreme Council of the Judiciary was the mechanism whereby the independence of the judiciary was ensured. Part of the vision for reform was to entrust the Office of the Ombudsman with responsibility to protect citizens from violation of their rights, including women's rights, by the State.

22. **Ms. Merlet** (Haiti) said that Haiti had been under dictatorship when the Convention had been adopted, and the renewal of attention by the State to the advancement of women had begun in earnest in 1994, when the Ministry for the Status of Women and Women's Rights had been established, as a result of the Fourth World Conference on Women, to coordinate State action in that area. Unfortunately, when everything seemed to be a priority, women's interests were often put aside and equality was low on the list of economic and social issues being addressed. The Government and the Ministry had been working on the National Equality Policy since 2004, and the policy and laws would soon be submitted to the National Assembly. Once the policy was in place, work would begin on redrafting of discriminatory laws.

23. **Mr. Bastien** (Haiti) said that the adoption of the Optional Protocol before May 2009 was a priority of the National Assembly. The new laws on *concubinage* (informal unions) had also come before it, although

some resistance to change had been encountered, and women's organizations were being mobilized to promote adoption of that law. As for filling the post of Chief Justice of the Supreme Court, the Senate had submitted three names to the President, which were currently being considered.

24. **Ms. Chancy** (Haiti) said that public observances such as International Women's Day on 8 March were used as opportunities for dissemination of the Convention. Departmental offices of the Ministry played a role in reaching the rural population with information on the Convention as well. It was also being introduced into the curriculum of the State normal school, the police academy and law schools as a way to institutionalize that knowledge.

Article 3

25. **Ms. Chutikul** was curious to know if the bilateral protocols between the Ministry for the Status of Women and Women's Rights and other ministries and non-governmental organizations were sufficiently comprehensive, as in her view the implementation of the Convention required multilateral cooperation. For example, in addressing gender-based violence, the involvement of public health and labour officials, the police, social workers, the Public Prosecutor's Office and the judiciary was needed. She would also like to know more about the human and financial resources provided to the departmental offices. It was also not clear to her whether the 2006-2011 action plan was comprehensive or was targeted at women, and how it was monitored. She would also like to know if there was a women's rights unit within the Ombudsman's Office and whether the police were given gender-sensitivity training in receiving complaints from victims of gender violence.

26. **Ms. Neubauer** asked for an update on progress in establishing directorates in the departments in accordance with the decentralized approach. She shared the concern expressed at the effectiveness of bilateral protocols as a coordination structure, and asked whether any other inter-ministerial structure or intersectoral coordination bodies were envisaged. The Ministry's priorities for action were clear, and she wondered whether it had the necessary political support, authority and visibility to carry them out.

27. **Ms. Lassegue** (Haiti) said that the *Concertation Nationale* had proven to be an effective tool to address

violence. It grouped the Government, women's organizations and international organizations in an effort to find a joint response and consensus on that issue, and was being used as a model for addressing other issues. The bilateral protocols signed with other Ministries were also effective, and had recently been evaluated as to their visibility, effectiveness and application in rural areas. The performance of the decentralized offices in each department had been evaluated as well, and some had been found to be less effective than desired. The budget currently allowed for one facilitator in each of the 10 departmental offices.

28. Gender analysis was one of the Ministry's missions, and for the past four years, UNIFEM had been providing assistance in gender-sensitive budgeting and gender mainstreaming in cooperation with the Ministry of Finance.

29. **Mr. Timothe** (Haiti) said that the protocols signed with the Ministry of Public Health and the Ministry of Justice had led to improved care for rape victims through a three-pronged approach. Victims could receive a free medical examination at any health-care facility in the country, where kits were available for testing for sexually transmitted diseases and HIV, along with psychosocial support.

30. **Ms. Sincimat** (Haiti) said that gender analysis on the macrolevel had to do with public policy. On the microlevel, gender focal points within each ministry were directly involved in project execution with staff both in the ministries and in the field. Work was under way with research and programming units on the development of the national gender equality policy at the macrolevel, while focal points for programme development were being strengthened to ensure that sectoral policies took gender into account systematically.

31. **Ms. Merlet** (Haiti) said that the Ombudsman's Office was working with women's organizations to strengthen the National Gender Equality Policy. The Government had established a National Equality Council and had developed road maps for its direct application. The Ombudsman's Office was able to give a direct response to reported violations of women's rights. The Ministry for the Status of Women and Women's Rights was responsible for implementing the national plan to coordinate the various equality structures and maintain links with civil society. An

advisory council had been established to support the work of the Ministry as well.

Article 4

32. **Ms. Patten** expressed concern at the low level of representation of women in decision-making positions and politics, and asked if special temporary measures were envisaged, for example to provide training programmes to raise the number of women in the civil service. The measures taken to increase women's participation in politics had not been very successful, and she wondered if there were any further measures planned. She would also like to hear more about the proposed national strategy to promote women's political participation. Lastly, she asked if there was any dialogue with the private sector regarding quotas for women in decision-making positions, as the Convention applied to the private as well as the public sector.

33. **Ms. Lassegue** (Haiti) said that women in Haiti were still largely heads of households, many raising children alone, and absent from public life, with very little result thus far from efforts to remove the obstacles they faced in taking their rightful place in political life. Proposals to Parliament on quotas for women's participation had been made, based on experiences in other countries. Civil service examinations were open to men and women on an equal basis. With regard to recruitment quotas, a 10 per cent quota for women had been successfully applied to the National Police as a special temporary measure, and a 30 per cent quota was being instituted for public works, which provided labour-intensive jobs that helped to reduce the feminization of unemployment. During the recovery from the three hurricanes which had hit Haiti in recent years, special measures and projects had been targeted at women to ensure their access to credit for rebuilding. Dialogue with the private sector on the subject of quotas had begun; she would soon be holding a meeting with the Chamber of Commerce on that subject.

34. **Ms. Merlet** (Haiti), noting the perception of a "glass ceiling" for women in the civil service, said that analysis of the data showed that many women were indeed in support positions, but that their presence in middle levels was strong. Training to prepare women for promotions was among the measures of positive discrimination being studied. In the private sector, the work of women's organizations to improve the

situation of women in the banking sector was being monitored. The lowest-paid jobs were in industry, and measures to prevent sexual harassment in that sector were being studied.

35. **Ms. Garçon** (Haiti) said that the Ministry of Social Affairs and the United Nations Children's Fund (UNICEF) had placed priority on assistance to women and children for rebuilding after the recent natural disasters. In Cité Soleil, a large slum area of the capital, Port-au-Prince, micro-credit was offered to women and scholarships were aimed at keeping children in school and out of street gangs.

Article 5

36. **Ms. Pimentel** said that gender stereotypes helped to create a culture in which discrimination and violence against women, including sexual violence, were accepted as something natural. She asked whether any specific strategies had been developed and if efforts to change mentalities among both women and men were having results.

37. **Ms. Arocha Dominguez** requested an update on progress made by the Ministry of Education in reviewing school textbooks to remove gender stereotypes and providing training for teachers in recognizing and overcoming stereotypes in the meantime. She would like to hear more about the response to concerns expressed in the Committee on the Elimination of Racial Discrimination (CERD) about a lack of recognition of diversity in Haitian society and double discrimination according to skin colour. The Committee on the Rights of the Child (CRC) had also raised concerns regarding violence against the children, known as "restavek", sent to live with other families, who in return for domestic work, were supposed to be receiving room, board and education, and she asked if there was any system of inspection to ensure they received decent treatment.

38. **Ms. Coker-Appiah** asked for an update on the status of the education bill to be submitted to Parliament and when the teacher training on stereotypes mentioned in the report was expected to begin. She wondered if the resources would be available to produce new textbooks once the review had been completed. It would also be interesting to hear an assessment of the impact of initiatives taken to eliminate stereotypes in the media. Lastly, there was a

high rate of illiteracy among women in rural areas, and she asked about plans to reach that group.

39. **Ms. Ameline** said that violence was omnipresent in Haitian society, and linkages should be made between the laws on violence against women and the laws on gender equality. All violence against women, including rape, domestic violence, and abuse of girls in domestic service, should be covered; the laws on rape in particular were still too weak and should be strengthened. Statistics showed a rise in rapes of young girls, and the serious impact of that crime on victims and on society as a whole would hold back emancipation. Poverty and marginalization were major factors in exposing young women to sexual violence, a situation which could not be allowed to continue.

40. **Ms. Lassegue** (Haiti) said that the work of the *Concertation Nationale* was the answer to overcoming the pervasive violence in society. Moreover, the law of silence was being broken, and women dared to speak of violence, which had been the theme of a recent awareness-raising campaign. The rising number of cases of sexual and domestic violence reported, and especially the rising number of convictions, pointed to the fact that shame was no longer associated with such complaints. The issue of violence was a priority for the Ministry, and the coordinators in each of the country's departments would make a difference to women in communities throughout the country. She paid tribute to the South-South cooperation offered by Brazil to train police and judges to take complaints of and prosecute cases involving sexual violence.

41. Turning to the subject of stereotypes, she said that French cooperation had been helpful in conducting the review of textbooks, in partnership with the Ministry of Culture. The Literacy Secretariat was using content the Ministry had developed in its work in rural areas, so that women learning to read also received training about the gender equality policy and stereotypes. The Carnival holiday was another occasion where stereotypical images and behaviours in the parades were used as examples to raise awareness.

42. As to racial diversity and double discrimination based on skin colour, social and economic exclusion was a greater problem. Many children did not have a father in their lives and experienced the economic and social consequences. An act on responsible paternity was being developed to remedy that situation.

43. **Ms. Merlet** said that statistics showed that the general level of violence in the country had declined, but one thing was sure: women were willing to speak up and were ready to end gender-based violence.

44. **Mr. Timothe** (Haiti) said that special services were provided for rape victims, with standard "rape kits" for treatment and testing available in all health centres. A team comprised of social workers, nurses, doctors, laboratory technicians and a psychologist was available to them, and the lab technician put together all the medical documentation required. Further, victims of sexual assault were treated in an area separate from other patients in order to preserve their privacy. The same team approach was taken in cases of domestic violence.

45. **Ms. Garçon** (Haiti) said that the laws on child protection had been strengthened, and between September and December 2008, 52 children in domestic service — the so-called "restavek" — who had been abused by their employers had been returned to their families.

Article 6

46. **Ms. Chutikul** asked when the draft bill on trafficking in persons would be submitted to the Parliament and whether it contained a definition of trafficking in line with the Palermo Protocol to the United Nations Convention against Transnational Organized Crime. The report had referred to the magnitude of the problem, yet had contained little specific information regarding trafficking routes, modes, perpetrators and whether the problem involved mainly cross-border or domestic trafficking. Thus, she would like to hear more about any mechanisms or plans of actions intended to address the problem and cooperation, if any, with destination countries. The next report should include information on the implementation of the provisions on trafficking of Security Council resolution 1840 (2008).

47. **Mr. Flinterman** requested clarification why exploitation of prostitution was not covered in the Penal Code, as in his view, the time had come to prohibit it. Prostitution was apparently tolerated but socially sanctioned, and prostitutes were stigmatized. They were among the most vulnerable groups in society and had no legal protections, and he wondered whether any protections for them were envisaged.

48. **Mr. Jean** (Haiti) said that while some viewed prostitutes as a job like any other, most of Haitian civil society viewed it as deviant. Individuals who led minors into debauchery were severely punished under the law.

49. Most cross-border trafficking took place between Haiti and the Dominican Republic, and the Ministry of Justice and Public Security was working with the Dominican authorities to secure the border.

50. **Ms. Garçon** (Haiti) said that a census of prostitutes had been conducted in 2008, and the Ministry of Social Affairs had taken measures to provide them with health protections, condoms and medical care.

51. Trafficking was mostly due to poverty. A national plan was being developed to protect vulnerable children and prevent families from sending children into domestic service both within Haiti and in the neighbouring Dominican Republic. The requirements for international adoption had also been tightened.

52. **Ms. Lassegue** (Haiti) said that a 24-hour telephone hotline for victims of trafficking had been set up and a brochure was available on victims' rights and the steps to follow in reporting violations. Medical and psychological evaluation and services were also available to victims. The police and courts had improved their capacity to receive complaints from victims and the handling of their cases. The main destination country was the Dominican Republic, and there were frequent meetings with counterparts in its Government to discuss issues surrounding trafficking.

53. **Ms. Chutikul** said that she would like to know if victims of domestic violence received the same package of services as other victims of sexual assault and gender-based violence, and whether girls under age 18 who were involved in prostitution were treated differently than adults by the authorities. She also pointed out that the accepted definition of trafficking in persons included an element of forced transport or exploitation of labour; therefore children in domestic service (*restavek*) would not qualify as trafficked under that definition because their parents sent them to their employers voluntarily.

54. **Ms. Šimonović** suggested that Haiti could ratify the amendment to article 20, paragraph 1 of the Convention concerning meeting time at the same time it ratified the Optional Protocol. She asked for more

details on the proposed equality act, including its title and scope. Ideally, prohibition of discrimination and equality of men and women should be enshrined in the Constitution. It would also be interesting to hear more about the implementation of Security Council resolution 1325 (2000) on women, peace and security and the delegation's reflections on the contributions of the United Nations Stabilization Mission in Haiti (MINUSTAH).

55. **Ms. Patten**, returning to questions regarding the scope of the law on violence against women, asked whether all forms of violence were covered, if both civil and criminal remedies were available, and if rehabilitation was envisaged for both victims and aggressors. Finally, she asked about the time frame for its adoption.

56. **Ms. Neubauer** asked if there were any impediments to the effective functioning of the Ministry and the major challenges it faced.

57. **Ms. Awori** said that, although gender equality might be low on the overall list of Government priorities, implementation of the Convention would make a difference to marginalized women in Haiti, and for that to happen, domestic laws in the area of gender equality must be enacted and enforced. She would like to know more about the process of ensuring that a bill was included in the agenda for a session of Parliament.

The meeting rose at 1 p.m.