



Women and Poverty in Haiti

Report on a Mission to Haiti
March 14-18, 2003

Frivilligorganisationernas
FOND för MÄNSKLIGA
RÄTTIGHETER

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1. Introduction

1.1 Background and Purpose of Mission

The Swedish NGO Foundation for Human Rights

- is a politically and religiously independent, non-profit organization
- bases all its activities on international law
- strives to prevent conflicts by promoting general awareness about civic rights and obligations, especially with regard to the protection of human rights
- supports civil, cultural, economic, political and social rights.
- gives priority to non-profit, non-governmental efforts that stress the importance of popular participation.

The Foundation cooperates with grass-root, activist organizations that play a strategic role in the development of democracy and human rights within their respective countries. The Foundation's activities in Sweden focus on informing, educating and creating opinion, with experiences from the support work in other countries providing the basis for many initiatives.

The Foundation's work in the Caribbean region is carried out in a historical context characterised by political turbulence, and social conflicts, that have often been addressed using violence, repression, discrimination, and marginalization. There is a close connection between poverty and the unjust distribution of economic resources and political power. Misuse of natural resources, and the following environmental destruction, is another problem that occurs throughout the region, as is inequality between women and men. Moreover, corruption is a well-known and widespread phenomenon in many of the countries.

The Foundation has chosen to work primarily with Haiti and Cuba in the Caribbean region. The main issues for the Foundation in Haiti are economic, social and cultural rights in their relation to civil and political rights, and the human rights of women. Creating respect for these rights is a great challenge and the Foundation promotes and supports activities that give poor and vulnerable groups the possibility to use human rights instruments in order to participate in their own and the country's development. Women often carry the heaviest burden of the work in the household, taking care of the children and the family economy, but have little say in decision-making, both regarding issues in society at large and decisions that concern their own lives. Moreover, they are often subject to violence. To promote women's human rights through training and information to women and men at all levels of society, or through legal aid and support in individual cases of human rights violations, is one of the Foundation's prioritised areas.

The Foundation also tries to reach out to vulnerable groups in rural areas with information about their human rights. Parallel reporting is considered to be an important tool for NGOs in order to provide information for the different UN human rights' treaty bodies and is encouraged by the Foundation. Networking is another way to involve and strengthen likeminded individuals and organizations in their efforts to reach their goals, while at the same time creating solidarity and cooperation. Utilising, and thus strengthening, Inter-American human rights instruments, is another topic encouraged and supported by the Foundation. Last but not least the Foundation works to lift the

issue of impunity for cases of human rights violations, considering impunity to be a basic problem that allows those responsible for the violations to continue committing these crimes. It is also a tool used to scare people into silence.

On 19-21 March a seminar on economic, social and cultural rights and poverty, took place in Port-au-Prince, financed by the Foundation and organized in collaboration with the National Coalition for Haitian Rights (NCHR). In order to focus more specifically on the situation of Haitian women in relation to the economic, social and cultural rights and poverty, a mission was undertaken in Haiti on March 14-18. This report will be presented to the Government and other relevant authorities of Haiti, to the OAS mission, UNDP, NGOs, and others with an interest in the situation in Haiti. Its content was also presented to the participants of the seminar as a contribution to the seminar discussion and also to get the input to the report from the participants. The report will be taken up in meetings with the Swedish Foreign Ministry in order to raise awareness about the reality in Haiti and encourage the Swedish government to play a more active role when it comes to Haiti. A long-term goal is to contribute to the improvement of the situation of women in Haiti.

The Delegation focussed in particular on the right to education, the right to health care, and the right to work. The fourth topic was violence against women. Reality is, however, too complex to allow anything but a theoretical isolation of these rights. On the ground all human rights are, of course, interdependent and interrelated in a complex weave which defies disentanglement. Our choice of focus areas should therefore be seen primarily as a means to simplify and narrow down our enquiries. The Delegation has also chosen to focus on the situation of women living in poverty. This is not to say that poverty does not affect men in Haiti, as elsewhere. As is mentioned below, however, evidence points to the fact that poverty affects women disproportionately as it combines with structural constraints on women's enjoyment of their human rights.

In order to compile information on these topics, the Delegation met with Haitian NGOs, trade unions, the Ministry of Women's Affairs, the Haitian Human Rights Ombudsman's Office, UNDP, the OAS mission in Haiti, Madam Saras in Jacmel and Kenscoff, and visited the women's prison in Port-au-Prince. One big problem was to find reliable statistics, as such information is scarce in Haiti. The figures given in the report have mainly been taken from UNDP sources and from the other meetings that the Delegation carried out, but in many cases the figures vary between different sources and the Delegation has tried to present those figures that seem to be the most reliable.

Haiti has not signed or ratified the International Covenant on Economic, Social and Cultural Rights (CESCR). However, the rights contained in the covenant can be regarded as *jus cogens*, and should therefore be respected to at least a minimum level by all states in the international community. Regarding the situation of women, on which the Delegation has focused, non-discrimination is one of the most fundamental elements of international human rights law and is to be implemented immediately irrespective of access to economic resources. Moreover, Chapter II (articles 19-51) of the Constitution of Haiti enumerates fundamental rights in accordance with the Universal Declaration of Human Rights.

2. Key Information

Head of State and Government: President Jean-Bertrand Aristide

Capital: Port-au-Prince

Population: 8 million

Ethnic Groups: 95% black people, 5% mulattos, a few thousand white people

Population in Cities: 33%

Inhabitants/km²: 280

Language: Creole, French (only 20% of the population)

Surface: 27.750 km²

Neighbouring Countries: Dominican Republic to the east, Caribbean Sea to the south/south-west, Atlantic Ocean to the north

Nativity: 2,1%

Infant mortality: 97,1 per 1000 children born alive

Average life expectancy: Men: 47,5 Years, women: 51 years

Literacy: 48% of the male population can read and write, 42% of the women can read and write

Religion: 80% Catholic, 16% Protestant, most Haitians also practice Voodoo

3. General Background

A slave revolution ended French colonial rule in 1804 making Haiti the first black independent republic in the world. Many white colonizers were killed during the liberation war and others fled to Cuba. Since then many wars have been fought in Haiti and the Haitian people have suffered severe violence at the hands of the ruling parties.

In 1957 Francois "Papa Doc" Duvalier, a man of African origin, became president with the help of the military, but the mulattos continued to dominate the country's economy. The dictatorship of Papa Doc and his son Baby Doc was maintained with support from their own security forces, *ton-ton macoutes*, the church, the bourgeoisie, and from the United States. The dictatorship ended in 1986, when Baby Doc and his family were forced to flee to France with the help of the USA, taking with them the major part of Haiti's cash resources. The violence continued, however, now under a provisional council of militaries and civilians. In the presidential elections of 1990 the radical Catholic priest Jean-Bertrand Aristide was elected president receiving 67% of the vote. After the elections international aid to Haiti, which had been stopped due to the Duvalier regime's heavy and open repression of the Haitian people, was reinstated. Less than a year after being elected, in September 1991, President Aristide was overthrown by a military coup. He fled to the USA and the military rule was subjected to strong protests from the international community. In June 1992 Aristide's opponent in the elections of 1990 was appointed head of government. However, pending new negotiations with Aristide no new president was appointed. In mid-1994 it was calculated that 4.000 of Aristide's sympathisers had been killed and in July of the same year the UN gave the go-ahead for an invasion of Haiti. In September US soldiers invaded the country and in October Aristide returned. In March 1995 US troops were replaced by a smaller UN unit. In June 1995 Aristide's political party won the local and parliamentary elections and in the presidential elections in December René Prèval was elected president. In January 1999 the parliamentarians' mandate period ended and was not extended. Also, at the local level, the mandate period ended and Haiti was left with almost no democratically elected representatives. The president governed the country by

decrees. Local and legislative elections were finally held in May 2000 with 29.000 candidates standing for 7.500 posts. Around 60% of the voters took part. The elections were held under fairly peaceful conditions. The counting of the votes, however, is believed to have been manipulated in favour of Aristide's party, Fanmi Lavalas. The presidential elections in November 2000 were preceded by a wave of violence and were boycotted by the opposition. Levels of participation were low and Aristide was the only candidate. Officially he won with 91,69% of the votes.

The international community has put pressure on the government in order to get it to hold new local and legislative elections. One means of pressure has been to stop international aid to the government and instead in some cases channel aid through Haitian NGOs. The opposition wants Aristide to step down and have a provisional transition government set up to prepare new elections at all levels. Another, less radical prerequisite of the opposition is that the government arrest some of the trouble-makers who are the source of a great deal of the violence, before starting a new election campaign, but many observers believe that President Aristide will accept neither of these demands. A date for new elections has not yet been set and meanwhile Haiti is paralysed by the conflict between the government and the opposition, and by a lack of financial resources.

According to UNDP Haiti is one of the least developed states in the world and the poorest country among the American states. Around 80% of the population live under the poverty line. The country is over-populated. During nearly the whole history of the country the Haitian people have lived in a state of political violence and repression, with continuous revolutions and coups. All this has led to a high rate of refugees to the USA, Canada and other Latin American countries, particularly to the neighbouring Dominican Republic. It has been calculated that more than 2 million Haitians have emigrated since the end of the 1950s. The Dominican Republic regularly carry out mass expulsions of Haitians and in the USA Haitian refugees have been interned or have been sent back even during the most repressive periods of the country's history. At the beginning of the 1990s hundreds of thousands of Haitians tried to flee to the USA in over-crowded boats, but most of them had to return and many died when the boats sank.

Haiti is heavily dependent on international aid. Corruption is widespread. Civil society is relatively weak.

Nearly 70% of Haitians are dependent on the agricultural sector, which is mainly comprised of small-scale agriculture, and claims around two thirds of the economically active labour force. 25% of the labour-force work in the service sector, while 9% are found in industry. Very few new jobs have been created during the past years, whilst the informal economy is growing. Unemployment levels are estimated to be as high as 70%. There is a surplus of uneducated labour and a deficit of educated labour.

Forest devastation and soil erosion are big problems and there is a lack of potable water.

Haiti has become an important link in drug trafficking from South America to the USA and Europe and provides the people involved with enormous profits. Another economic source is the money relatives living overseas send back to their families in Haiti.

HIV/Aids is a big problem and the high mortality rate will most probably lead to a lower average life expectancy, higher mortality rates among children, fewer inhabitants, lower nativity and a change of age and sex ratios. The number of people living with HIV/Aids in 1999 was estimated to be 210.000 and people dying from this disease the same year 23.000. The estimate rate of prevalence among the adult population was 5,17%. Other sexually transmitted diseases, such as syphilis, are common.

School is compulsory between the age of six and twelve, but many children are not able to fulfil this obligation, mainly because they are needed for the economic survival of their families.

1,3% of the state budget goes to the health sector and 1,5% to education.

The 1987 Constitution was suspended in June 1988, but came into force again in March 1989, including most articles from the previous constitution. Constitutional order has existed since October 1994.

4. Human Rights

4.1 International Human Rights Instruments

Date of Admission to UN: 24 October, 1945.

- * The International Covenant on Civil and Political Rights (CCPR)
Acceded: 6 February, 1991.
- * The International Convention on the Elimination of All Forms of Racial Discrimination (CERD).
Signed: 30 October, 1972
Ratified: 19 December 1973
- * The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
Signed: 17 July, 1980
Ratified: 20 July, 1981.
- * The Convention on the Rights of the Child (CRC)
Signed: 26 January, 1990.
Ratified: 8 June, 1995.
- * The American Convention on Human Rights and the Jurisdiction of the Inter-American Court of Human Rights.
Signed: 27 September, 1977.
Ratified: 20 March, 1998.

4.2. International Instruments not Ratified by Haiti

- * The International Covenant on Economic, Social and Cultural Rights (CESCR)
- * Optional Protocol to the International Covenant on Civil and Political Rights (OPT)

- * The Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the abolition of the Death Penalty.
- * The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- * The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
- * Inter-American Convention to Prevent and Punish Torture.
- * Inter-American Convention on the Forced Disappearance of Persons.

4.3 The Human Rights Situation

There was no police force in Haiti until 1995. Early in 1995 the Haitian army was disbanded and many of the former militaries were integrated into the new police force. A National Truth and Justice Commission was set up and reported on several massacres and violations during the coup. In response to the Commission's report an investigation was carried out into the Raboteau massacre, where about 10 people had been killed. There was a trial in this case and those responsible for the massacre were sentenced. All other human rights violations reported on by the Truth and Justice Commission remain to be investigated and those responsible to be brought to justice. Some of the people who held powerful positions during the coup have on the other hand been given positions of leadership within the current government. One example is Calixte Delatour, one of General Raul Cédras closest advisors during the coup, who was appointed Minister of Justice by President Aristide in September 2002.

The 1987 Constitution prohibits the use of unnecessary force of restraint, psychological pressure, or brutality by the security forces. However, members of the security forces continue to violate human rights. Police usually use excessive force, sometimes with deadly outcome, in making arrests. There are reports on a few new cases of torture during the last year, but it is believed that torture is still a common violation in police stations in rural areas. Arbitrary arrests and illegal detentions are still common problems. Impunity for cases of human rights violations is widespread, even more than is publicly known, as people do not denounce abuses for fear of reprisals.

Police harass opposition political parties and people from civil society who are not Lavalas. Opposition candidates were arrested during the legislative election of May 2000. Others were beaten, shot and some were killed. Some of the opposition's offices were set on fire and destroyed during the legislative and presidential elections. Following a demonstration on January 10, 2003, in which clashes between the opposition and Lavalas supporters took place, an arrest warrant was issued against a former military colonel and opposition leader who participated in the demonstration. The warrant was issued by the Port-au-Prince prosecutor's office following a report by a justice of peace and a complaint filed by ten Lavalas supporters accusing the opposition leader of inflicting "voluntary grievous bodily harm" in the confrontations during the demonstration. However, given the context and situation, it is believed that the legal actions taken are politically motivated.

A shortage of adequately trained and qualified justices of the peace, judges and prosecutors, as well as under-funding, among other systematic problems, create a huge backlog of criminal cases, and many detainees have to wait months and even years in pre-trial detention. The judiciary is not independent in practice and judges assigned to politically sensitive cases have complained about interference by the Executive Branch of the Government. Judges are often corrupt but also in some cases subject to violence. The Delegation was told that during 2002 and 2003 there has been an increase in the number of violent attacks on members of the judiciary. In January 2003 three judicial authorities from three different cities were subject to physical attacks and Judge Marcel Jean had his passport confiscated when on his way to the United States on 22 January. Judge Jean discovered that his name was on a list of people with travel bans ordered by the Minister of Interior, Jocelerme Privert. The judge was the investigating judge in a case related to the Lavalas party, Amiot Metayer, and his name was put on the list on the day Metayer escaped from prison. He also began to receive death threats at that time. In an attempt to justify his actions, the Minister of Interior said that “all servants are obliged to inform their hierarchical supervisor each time they are going to leave the country”. However, it seems that an investigating magistrate has no such supervisor and that this law applies only to ministers and other members of the executive and does not apply to authorities within the judicial system, which is independent from the executive power.

Prison conditions remain poor. The Penitentiary Administration Management (DAP) with the support of the International Committee of the Red Cross (ICRC), has tried to improve conditions in the country's prisons, but prisoners continue to suffer from a lack of basic hygiene and poor quality health care. There are more than 4.000 inmates in the 19 country's prison facilities. Ill-treatment exists in prisons and at police stations and according to international and national NGOs there are a few new known cases of torture. However, it is believed there might be more cases in remote areas, not known to the rest of the country.

The media practice a certain degree of self-censorship, although they are frequently critical of the government. Journalists are also subject to human rights violations when they exercise their right to report on the situation in society. The government's inability or unwillingness to provide adequate security to media outlets and prominent members of the press has contributed to an increased feeling of vulnerability among those members of the press who criticize the Aristide government or the ruling Fanmi Lavalas Party. There have been some attacks on radio stations, threats to journalists and sometimes arbitrary detentions for hours and even days without a reason. A well-known example of a human rights violation is the case of the journalist Jean Leopold Dominique, who ran a radio station in Port-au-Prince, Radio Haiti Inter, through which he openly criticized the government and the corruption in the country. He was killed in April 2000 and the murder remains unsolved. In December 2002 his widow, Michelle Montas, also a journalist, was subject to an apparent attempt on her life carried out by an armed group of men trying to force its way into Madame Montas' residence. One security guard was killed. Michelle Montas eventually had to close the radio station and leave the country.

Human rights groups operate without government restrictions. However, human rights defenders, when denouncing human rights violations, have received threats and

intimidation from unknown people or officials who have identified themselves as members of the Lavalas party. An example is Marie Yolene Gilles, the principal member of the NCHR working on the brutal murder on December 8, 2002, of three brothers in Carrefour. Since beginning work on this case Madame Gilles has received telephone threats to her home as well as face-to-face threats. According to a confidential internal police report several police officers were implicated in the murders. However, no arrests have been made until this date.

In August 2002 protests and demonstrations started to take place at the Haitian State University in response to the government's meddling with this independent institution. After a demonstration in November and following death threats and intimidation, several students were forced into hiding. A medical student was shot dead on January 7, 2003, when leaving the faculty of medicine. According to witnesses the perpetrators left in a car with official licence plates and a Teleco (state phone company) car. No one has yet been arrested.

Several strikes and demonstrations in promotion of different issues were carried out in January 2003 and many ended in confrontation with the police. The price increase for fuel increased transport expenses, and trade unions and the opposition protested on the streets and continued to urge President Aristide to resign.

Nine principle labour federations represent about 5% of the labour force. The labour code forbids strikes by public service workers. Article 209 of the Labour Code defines public utility service employees as essential workers who "cannot suspend their activities without causing serious harm to public health and security". Managers, administrators, and other heads of establishments are not allowed to join labour unions or to strike.

Collective bargaining continues to be non-existent, and employers set wages unilaterally. Employees in the export-oriented assembly sector enjoy better than average wages and benefits. However, frequent verbal abuse and intimidation of workers and organizers is a problem in the assembly (*maquiladoras*) sector. Female assembly workers report that some employers sexually harass female workers with impunity.

The minimum employment age in all sectors is 18 years, with the exception of domestic service, where the minimum age is 12 years of age. Rural families continue to send young children to city dwellers to serve as unpaid domestic labour.

Families of these children (called "*restavec*", which means "to stay with", "*rester avec*" in French) are promised that their child will be sent to school and educated, while in fact the son or daughter will serve as a child slave. A 1991 United Nations study cited this practice as an example of slavery that exists even in the 20th Century. According to a 1998 UNICEF study 250,000 to 300,000 children, 85% of them girls, may be victims of this practice and about 77% of *restaveks* have never been to school. Many employers compel the children to work long hours, provide them with little food and frequently beat and abuse them.

There is a legal minimum daily wage of 36 Gourdes, although reportedly a bill to increase this to 70 Gourdes is about to be passed in the Parliament. The present exchange rate is 42 Gourdes to 1 USD. Thus, the present minimum wage is less than

one USD a day and will not reach two USD with the proposed increase. This is not enough to provide a decent standard of living for a worker and his/her family. Many women work as domestic employees, a sector within which minimum wage legislation does not apply.

As mentioned above, prices of public transportation have increased by over 100% during the past 6 months resulting in some workers having to spend a major part of their salaries on getting to and from work.

5. Madam Saras

Madam Saras are women who travel around in the country in order to find products to sell at market. They are often seen on the top of trucks loaded with different kinds of goods; fruits, rice, beans, eggs, chickens, cows, goats, soap, shampoo, etc. Many of the products originate from other countries, such as the Dominican Republic, as Haiti today does not have much domestic production.

The Delegation visited the markets and the homes of Madam Saras in Jacmel and Kenscoff. Many of them live alone – the husband has died or left the family for other reasons - and are the only breadwinner in the family. Some still have the father of the children living with them and in many of those cases the money goes to the husband before any contribution to the needs of the children and wife are made. However, it seems that Madam Saras are strong women, capable of maintaining and bringing up their children. This is probably the case for most Haitian women who have a certain degree of economic independence.

Madam Saras have long working days, starting very early in the morning in order to get the children ready for school (if they go to school), they then travel to the places where they buy the products to sell at the market. They get back home late in the evening, or they stay with their goods on a truck – sometimes they stay away for days without seeing their family. When they can afford it they might hire somebody to look after the children, but when the children grow older they have to take care of themselves.

As Madam Saras know that education is important in order to be able to get a job they try to get enough money to send their children to school, but often they don't succeed to do so, and their children remain uneducated and illiterate.

Madam Saras pay for the space they use in the market place. If they run their business in the street they don't pay a fee but must buy an identity card that they don't really need and which they perceive as a fee to the market place. In part, these fees are used by the local authorities to keep the place clean. Goods can be stored in a warehouse close to the market, but they are not safe and robberies are not unusual.

Some market women take private loans with high interest rates. In a few cases they have the possibility to get the more favourable micro-credits. In all cases they work very hard to make ends meet and often find themselves in a vicious circle in which they are not able to earn enough money to take care of their families' needs whilst at the same time paying back their loans and the interest.

Their homes are simple houses they either rent or own – often without a legal document of tenure.

On a few occasions some of the Madam Saras get together to help each other but they have no formal association or other organization in which to take better care of their mutual interests and needs. They have no insurance covering their own or their families health care, there are no regulations regarding their work situation and no security or welfare guarantees.

Madam Saras are a kind of middlemen, but without being in the position of making the profits middlemen usually make. They can instead be seen as an example of poor women in Haiti.

6. The Human Rights of Women

In Haiti's recent and violent past sexual abuse of women has been rife. Haitian law provides penalties for rape and domestic violence. However, the authorities do not enforce these provisions adequately. A 1998 study by the Haitian Center for Research and Action for the Promotion of Women documented widespread rape and violence against women. A 1999 survey carried out by UNICEF on violence against women found that 37% of Haitian women reported being victims of sexual violence.

The law excuses a husband if he murders his wife or her lover upon catching them in the act of adultery in his home. A wife who kills her husband upon discovering him in the act of adultery is not excused. The National Commission of Truth and Justice, formed after the 1991-1994 period of military rule, recommended several improvements to existing laws concerning rape and abuse of women but little has happened since then.

At the beginning of 2000, the United Nations Rapporteur on Violence against Women, Radhika Coomaraswamy, released a report based on her June 1999 visit to the country. Among many other observations she noted that most women prisoners share living quarters with male prisoners, exposing them to violence and sexual abuse.

The women's prison in Port-au-Prince, Fort National, is the only prison in Haiti for women. It also takes female and male minors. Fort National is considered to be the best prison in the country. When the Delegation visited the prison there were 99 interns, of whom only eight had been tried and sentenced. One of the prisoners the Delegation spoke to had been in prison for five years without sentence. The prison is over-crowded with some 70 women in one cell with only three toilets and three showers. Drug-related delinquency is the main crime the women are suspected of having committed. Two of the women the Delegation talked to had served sentences in the United States and then been deported back to Haiti, but for some bureaucratic reasons they were arrested at the airport on arrival and held in prison for an indefinite period of time until the administrative procedures had been carried out. One of the women was a US citizen, held in prison for the past three years without trial or sentence. The prison administration are provided with staple food, such as rice, beans, and toilet paper, tooth paste, etc, by the state, and five extra Gourdes a day per prisoner to buy goods such as spices and meat. The Delegation was told by the prison authorities that these state provisions are only enough to serve the prisoners one meal a day, but other sources told

the Delegation that in general prisoners receive two meals a day . The women are taught to sew and crochet, and can buy material and make baby clothes etc to be sold at the market by their relatives. This helps the mothers provide for their children. Literacy programmes are available for prisoners who cannot read or write. The women have access to doctors when needed or are in more serious cases sent to a nearby hospital.

Natacha Jean Jacques, a woman arrested on 14 March 2000, at the age of 15 was held in Fort National. Natacha was raped by a prison nurse on 9 February 2001 and gave birth to a baby later the same year. Women's organizations and other Haitian NGOs gave much attention and publicity to this case and worked in solidarity with Natacha, resulting in her eventual release on 14 March 2003. However, justice is still to be done and those responsible for the rape brought to trial.

Women are uneducated or under-educated. When poor parents, particularly in rural areas, cannot send all their children to school due to the precarious economic situation, they have to make choices and when they do, they choose to send their sons before daughters.

In poor families people eat when food is available and it is not usual to get together for family meals. When there is a scarcity of food men are served first and children and women eat what is left over.

Women's participation in politics is very low, as well as in the formal economy. This lack of political and economic influence makes poor women a particularly vulnerable group, while at the same time bearing the main responsibility for the maintenance of the family.

Violence against women and children is increasing.

Women's rights groups are small, localized and receive little publicity. On March 10, 2003, however, when several members of women's organizations in connection with Women's Day, March 8, were seized by the police and driven around in police vehicles, it was publicised in most Haitian news media. The Natacha case and activities carried out by women's organizations in connection with the case also brought their work to the attention of the public and the Haitian authorities.

The Ministry of Women's Affairs is in charge of promoting and defending the rights of women and ensuring that they obtain an equal status in society, but it has scarce resources at its disposal and has been able to accomplish little in this regard.

6.1 Poverty

The world has never been wealthier than today but despite this 1,3 billion people live in conditions of extreme poverty; without adequate access to food, shelter, health care, education or work.

According to the Committee on Economic, Social and Cultural Rights poverty has often been defined as: "insufficient income to buy a minimum basket of goods and services". Today, however, the understanding of poverty has developed so as to be seen as "the lack of basic capabilities to live in dignity [...] thus recognizing poverty's broader

features, such as hunger, poor education, discrimination, vulnerability and social exclusion. From the perspective of human rights the Commission defines poverty as: "a human condition characterized by sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights." It is from this definition that the Delegation has departed in its study.

According to the World Bank's projection the proportion of people living under the absolute poverty line will reach 2,5 billion by 2015. The number of poor people will undoubtedly increase enormously over the coming years if there are no significant changes in poverty eradication policy and strategies at international, national, and local levels. According to international human rights governments have an obligation to use all available resources and to give priority to food, health, shelter, education, work and other essential economic and social rights.

The burden of this growing poverty falls on women. According to the UN the majority of the people living on 1 dollar a day or less are women. In addition, the gap between women and men caught in the cycle of poverty has continued to widen in the past decade, a phenomenon commonly referred to as "the feminization of poverty". Furthermore, women lack legally guaranteed access to education, land, inheritance and other resources. All this combines to render it extremely hard for women to change their situation. Even when laws exist to protect women's human rights, in practice in many developing countries the possibilities are non-existing.

Women's work is often unrecognised and unremunerated. Women's needs are not prioritised when it comes to health care, nutrition or the provision of social services and they have little decision-making power. Moreover, cutbacks in social services have increased the workload of women. The violation of political and civil rights leads to the inability to exercise social and economic rights and visa versa, thus placing women among the poorest of the poor, especially in developing countries. Poor women are also at a greater risk of becoming victims of violence threatening their right to life and human dignity. Governments have ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in order to improve women's equality and women's participation in development, but the translation into national legislation is slow. Haiti is no exception to this tendency.

6.2 Violence Against Women

The general violence directed towards women is a result of a culture of repression of those vulnerable or inferior. According to the UN Declaration on Elimination of Violence Against Women this is "a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and [...] is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men". The Declaration states further that violence against women "constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms, and concerned about the long-standing failure to protect and promote those rights and freedoms in the case of violence against women."

Observations:

During the visit to Haiti the Delegation was informed that the number of cases of violence against women being denounced is increasing, in regard to political violence as well as domestic violence. In Cité Soliel (the biggest, most populated and poorest slum in the capital of Port-au-Prince) violence has escalated and there are reports of several girls and women being raped by gangs. Violence against women in the family is increasing in both rural and urban areas. Neither governmental bodies nor NGOs working in the field have reliable statistics. The Ministry of Women, however, informed the Delegation that 40% of the cases they receive have to do with violence against women.

One of the problems identified in the past years related to the situation of human rights in general and women's rights in particular is the mal-functioning judiciary. In some areas of the country, where women's organizations are present, they are working to get social actors and responsible officers, police and judges, to enforce the law and to give priority to cases involving women, but the organizations conclude that the struggle to create an independent judicial system in Haiti continues. The Inter-American Commission on Human Rights (IACHR) has identified several chronic problems: "The lack of trained personnel, of economic means and logistical resources, delays in the judicial process, [and] lack of due process" The Delegation's visit to the women's prison in Port-au-Prince confirmed the problems of access to justice. Of 99 interns only 8 had received a sentence. The ICHR, in a report from 1999, established that 85% of interns in Haitian prisons have not received sentences.

In 1997 the International Tribunal against Violence against Women was held. The demands of Haitian women's organizations are still pending:

- Reforms to the criminal justice system, including the establishment of a women's police unit, to receive complaints and conduct investigations on violence against women.
- The modification of judicial proceedings including the provision of safeguards for witnesses.
- The establishment of shelters for women victims of violence and the provision of social services for victims of violence.
- The development of education programs in schools to eliminate gender stereotyping as well as the institutionalisation of human rights education and sexual education.
- Legalization of abortion in cases of rape, incest and danger to women's health.
- The amendment of the civil code so that it recognizes common law marriage and introduces adultery as a motive for divorce.

It should be added that there is a need to amend the laws on rape and that new legislation regarding domestic violence is crucial.

In recent years the United Nations have expressed their concern about the human rights situation in Haiti and has recommended that the struggle against impunity in cases investigated by the Truth and Justice Commission "must create efficient mechanisms to support victims, in particularly women and children". They have also advised that the government of Haiti "adopt measures in collaboration with women's groups, to promote the human rights of women at all levels of the education system".

In 1999 the UN Special Rapporteur on Violence Against Women, Mrs. Radhika Coomaraswamy and Mr Louis Joinet, the UN Independent Expert for Haiti, visited the country

In Haiti's recent and violent past sexual abuse of women has been rife. The Delegation is concerned that during the current political and social crisis, in a context of extreme poverty in which dialogue among political and social actors is complex, and where, in the words of the OAS Assistant Secretary General Mr. Luigi Eunodi "fragmentation and paralysis was leading the country as a whole toward disaster" a new period of violence could arise with negative consequences for women.

During activities to promote women's rights carried out on the 10th March, Carole Pierre Paul and 20 leaders of women's organizations that were coordinating the march were detained after a brutal police intervention. They were driven around in police vehicles, receiving threats of all types, and released after 3 hours of arbitrary detention,. Another case was Carline Simon who was imprisoned after promoting a mobilization against inflation and misery on the 7th of March. She was released after several days of arbitrary detention. The Delegation was able to establish that this repressive act is part of other human rights violations and aggressions directed toward the media and other independent forms of expression.

It is important to highlight that the caravan of women on the 10th March had the purpose of expressing the more significant violations of women's rights in Haiti today:

- The femnization of poverty
- The increased insecurity of the living conditions of women and of the poor in general.
- Violence
- Insecurity
- Impunity

6.3 The Right to Education

As is stated in the Committee on Economic, Social and Cultural Rights General Comment 13 on the Right to Education: "Education is both a human right in itself and an indispensable means of realizing other human rights". Furthermore, "education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities". That poverty has a serious impact on the right to education is recognised in the Millennium Declaration which declares universal primary education to be a Development Goal to be achieved worldwide by the year 2015. The right to education is recognized in the Universal Declaration of Human Rights and in this and other international human rights treaties the right to education is comparatively well defined. (See for example ICESCR (arts 13 and 14), CEDAW (article10), the CRC (arts 28 and 29) and CERD (article 5 (e), (v)). There are also articles of relevance for the right to education in the declarations adopted at several UN World Conferences.

According to these human rights treaties and documents primary education must be provided by the state, it must be compulsory and free of charge, something which is also laid down by the Constitution of Haiti.

Observations:

The Haitian government is not living up to its commitments, something that the Haitian Minister of Women's Affairs acknowledges. Depending on the source of information, different messages are given, though they all point in the same direction. The reality is far below what is required by ratified conventions and the Constitution. There is a long way to go before these goals are met something the government has been heavily criticized for. According to several unanimous reports, the political will to enforce the right to education is completely lacking.

To describe women's and girls' right to education within the Haitian context, in which the situation is terrible for all, men and boys as well as women and girls, is not easy. Any improvement or deterioration basically reflects changes in the condition of the poor, e.g. the proportion of all children with access to primary education. There are, however, conditions and situations in which the disadvantages for girls and women obviously exist only because of their sex. And adding the extreme poverty in the country to these circumstances makes circumstances even worse.

According to one source, the resources in the state budget allocated to education were 12,5% in 1990, a percentage that had decreased to 8,7% by 1995. Another source, the UNDP, estimated the present percentage to be no more than 1,5% of the State budget, a figure which is probably closer to the truth (In general statistics regarding the situation in the country were hard to get hold of).

Simply providing resources is however not enough to alleviate the problem. Poverty reduction initiatives also include the creation of awareness and the widening of the boundaries of what is permissible for women to do and for the transfer of skills such as literacy. Statistics regarding literacy rates vary somewhat, but official sources claim that the literacy rate among women is 58,7% and 69,9% among men. Women, especially poor women, are more likely to be illiterate and uneducated and less informed of means of legal redress. They are also less likely to have command of the independent finances necessary to take legal action on their own behalf. Moreover, the literacy programs run by the government are said to be inefficient. They are regarded more as propaganda for the ruling party and are used especially during elections.

At primary level government schools make up an estimated percentage of 11%. The other 89% are privately run. The difference between public and private schools is not automatically limited to the quality of the education. Private schools do not always provide higher quality education than public schools and good schools are to be found in both categories. However, it seems as if the government is encouraging the private sector to take over. A national plan for the primary and secondary education system was adopted in 1996, but was never implemented. Today the situation could be described as chaotic. "Everybody takes what they want" according to one source. 55% of children go to school. According to official figures Radhika Coomaraswamy, approximately 43% of the girls in school-age go to school while 51% of the boys in school-age go to school. In rural areas, where more poor families are to be found, the percentage of girls in school is somewhat lower. Moreover, the percentage of girls in school drops the higher up in the education system you get. The dropout rate is much higher for girls and also increases the higher the education level and girls and young women are usually dismissed from schools if they become pregnant. At the university level the majority of the students are male.

Restavek children, however, who are as young as 4-5 years old, and of whom the great majority are girls from rural areas are not likely to be sent to school by their employers (caretakers). An estimated 70% of these children do not attend school, a figure considered to be low by many.

Government schools are generally considered to be of low quality although there are some exceptions. Hardly any government officials or government employees send their children to public schools. These schools are now said to have politically appointed directors something which was not the case a few years ago. According to some sources many directors are now appointed by the ruling party.

The average school fee should be around 100 Gourdes a year (According to the Constitution, however, schooling should be free of charge). But in reality, the fee paid is much higher. For example, fees are paid for each exam and most of the money goes into the pockets of the school directors or the teachers. There are, however, very few possibilities to verify this allegation.

Of the private schools, 15% are regarded as being of acceptable or even high quality. These schools are for the elite, for children of rich parents who are able to pay. The majority of the private schools, 85%, are so called “*borlette*” schools (the word “*borlette*” has to do with gambling or with lottery). The classes can consist of 100-200 pupils per teacher. Classes are often held in private homes, the teachers have no formal education, no supervision exists and subsequently, the quality is very low. For the owners of these schools it is a lucrative business. The school fees vary a lot. These schools exist only because the government is not taking responsibility for education. There is no legislation covering private schools. Government inspectors are, however, obliged to supervise both public and private schools, but the number of inspectors is far too low.

Teachers who have protested the situation in schools have been subjected to harassment and have even been fired. In spite of support from the teacher’s trade unions they have little chance of being reinstated.

Teachers salaries are at average 50-60 USD per month and their status is low. 33% of teachers at primary and secondary level are women but the percentage of women teachers decreases higher up in the education system. The number of women professors at university level is extremely low.

6.4 The Right to Health

The World Health Organisation, WHO, has defined health as “a state of complete physical, mental and social well-being, and not just the absence of diseases and illness”. Health is understood in terms of its relationship to the environment, nutrition, working and overall human conditions – including poverty and income distribution – and as such a fundamental human right. The WHO’s states further that “the enjoyment of the highest attainable standard of health is a fundamental right of every human being, regardless of race, religion, political ideology, social or economic condition”.

Article 12 of the International Covenant on Economic, Social and Cultural Rights defines the duties assumed by the State Parties in the following way:

1. The State Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
2. The steps to be taken by the State Parties to the present Covenant to achieve the full realization of this right shall include those necessary to:
 - a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;
 - b) The improvement of all aspects of environmental and industrial hygiene;
 - c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
 - d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

The Haitian Constitution guarantees all Haitian citizens the right to health (art. 19) in accordance with the Universal Declaration of Human Rights. However, reality does not comply with the provisions of the Constitution.

According to General Comment 14 of the UN Committee on Economic, Social and Cultural Rights the right to the highest attainable standard of health is characterized by the following specific guiding principles:

Availability: Implies a functional public health system, services and facilities that guarantee proper attention, as well as a wide range of programs that ensure access to clean water and adequate sanitary conditions; hospitals, clinics and other instances related to healthcare. This also includes attention by well-trained health professionals, and the existence and supply of essential medicines.

Accessibility: Comprehends the access to health services throughout different life stages, regardless of geographical location and it implies making sure that health services are within the reach for all sections of the population, regarding the distance and time necessary to obtain the required attention, as well as the possibility of benefiting of general sanitary and public health measures. This means that health services ought to be accessible to everyone without discrimination, particularly to the most vulnerable or marginalized sectors of society, implying physical, economic and information accessibility.

Non-discrimination and equity: Means that everyone ought to have the right to access the healthcare system, and to enjoy its benefits, without any distinction, but also to guarantee similar opportunities to those sectors that face greater obstacles in the access to health, particularly to the most vulnerable sectors. Equity implies the distribution of budgetary, technical and human resources on the basis of individual and collective needs. It is not the result of neutral criteria, but criteria that take into consideration the needs of specific groups.

Quality: The facilities, goods and health services must be scientifically and medically appropriate and of good quality. This requires skilled medical personnel, scientifically approved and un-expired medicines, as well as the necessary medical equipment, safe water and adequate sanitary conditions.

Cost-freeness: The State has the obligation to guarantee health to the whole population, especially the most vulnerable sectors and those who lack access to social security systems. The charge of user fees can be a violation of the right to health, if it restricts access to the system.

Observations

As stated above the full enjoyment of health cannot be achieved if the individual is denied other rights, such as the right to feed oneself, to proper housing, safe and healthy working conditions, and access to clean water, among others.

Haiti used to export agricultural products but the domestic production today is not sufficient to feed the population. Food must be imported with increased prices as a result. The majority of Haitians have very low income levels and for them it is difficult to find the means to buy the expensive foreign products. Not all Haitians get a proper meal every day and this has serious implications for their health, particularly for vulnerable groups, such as children and pregnant women.

Environmental destruction in Haiti is extensive and is visible all over the country. Deforestation has reached unbelievable levels and today more than 90% of the forests have been felled. The erosion of the soil caused by deforestation is a serious problem and results in decreasing possibilities to cultivate the land and in a lack of water, both these factors with grave consequences on the enjoyment of the right to health.

Most hospitals in Haiti are privately run, in many cases by NGOs or churches, giving poor people access to relatively good health care without having to pay a lot of money. The state hospitals are known to be run-down with insufficient human and material resources. Horrible stories about children being bitten by rats at the national hospital in Port-au-Prince could not be verified by the Delegation but reliable sources assured they had seen scars from rat bites on small children. It was stated by many people the Delegation met that the government does very little to improve the standard of health care. However, in some cases some of the salaries at private hospitals are covered by the state.

Women in rural areas often don't have access to health care, as hospitals and clinics are mainly located in the urban areas. To pay for transportation to the nearest doctor is in many cases impossible for poor women. Also in urban areas doctors' fees may be too high for a woman with insufficient financial resources.

Women suffer from cervix, ovary and breast cancer and cases are reported to be increasing. Also, sexually transmitted diseases, such as HIV/Aids and syphilis, are common. A woman cannot refuse to have sex with her husband even when she knows he is infected with one of these diseases. The Delegation was told about a woman who had tried to have babies three times, but as she was HIV infected she was recommended to have abortions, which she did. The husband has now died from Aids. Abortions are prohibited by law in all cases, even when the mother's life is at stake. Still, abortions are carried out, but it is always a private issue between the doctor and the patient. Tuberculosis is another common disease, but it is the kind of TB that can be cured by ordinary medicines.

Education and information in the area of health is considered to be very important in order to prevent all kinds of diseases and illness. For instance, knowledge about hygiene could in many cases prevent infections. Traditionally, women have the responsibility for the hygiene, cleanliness and health of the family and are in need of information in order to avoid such diseases. Information campaigns in Haiti about HIV/Aids and other diseases are carried out by NGOs but are morally supported and acknowledged by the Ministry of Health.

It was also pointed out to the Delegation that emphasis should be put on traditional medicines that are found to be effective against certain diseases. This would bring down the costs considerably for poor people when in need of medicine. Also in these cases the knowledge and information is very important.

It was stated that Structural Adjustment Programmes have seriously debilitated health care in the country, as they require the reduction of spending in the public service sector. This is also one of the reasons for closing down state hospitals and opening up private clinics and hospitals.

In sum, the Delegation notified that availability, accessibility, non-discrimination and equity, quality, and cost-freeness, as described above, are not applied by the Government of Haiti. The majority of health care is provided by NGOs, churches and others, and does not reach out to all Haitians, with poor women in rural areas being among the most affected in the population.

6.5 The Right to Work

The right to work and earn a decent livelihood is recognized in the Universal Declaration on Human Rights (1948). However, it was the United Nations Covenant on Economic, Social and Cultural Rights that gave the right full backing of the International law. It is the government that is responsible for the implementation of economic and social rights among its citizens without discrimination. In other words, when you talk about the right to work, the government has the obligation to ensure equal work opportunities for women and men. Specific ILO Conventions have built on this to develop specific multi-lateral treaties towards protection of the right to work and workers' rights including the right to equal remuneration for equal work, maternity protection, child labour protection laws, in particular the age for admission into work.

The Haitian Constitution of 1987 recognized the right to work in its Article 35 . The duty to find work appears to reside with the person looking for a job and no government obligations to respect and fulfil the realization of that right exists. Although, the Constitution guarantees this right without discrimination on grounds of sex, in practice the picture is quite different and the very high unemployment rate has undermined enjoyment of this right. Another legislation regulating work is the Labour Code and there is widespread agreement that the code is outdated and inadequate to deal with the current labour situation in Haiti.

Observations:

It was difficult to obtain gender disaggregated data on work in Haiti to statistically determine what sort of work women do and job representation at decision making level. This difficulty in data collection was underscored by the recent report to the CEDAW

committee prepared by the Ministry for Women's conditions. However, from field visits to relevant stakeholders, it was clear that women face intense discrimination and lack equal opportunity in accessing employment. The high illiteracy level amongst women results in lack of professional ability and skills to compete favourably with their male counterparts. The majority of Haitian women are to be found working the land, in quarries and mines, selling goods in the streets, and causally engaged in assembling electronic and textile factories. Further, the current political and economic crisis means that more women have lost their jobs in the formal sector and do part time and temporary jobs for their daily survival. Haitian Women dominate the informal sector and work in factories as casual labourers where conditions of employment and levels of pay are low and where there is no job security. Many women and girls work as domestic servants and this sort of work is not protected by law and is least paid for. The requirement that domestic servants of school age be put in literacy classes are observed more in their breach, and women's groups are pushing for formal education rather than literacy classes for those affected.

Women working in the informal sector in most cases make less than \$5 a month and generally live below the poverty line. Poverty is pervasive and from all indications has assumed a woman's face in Haiti. The poor women that make less than 10 Gourdes a day still shoulder enormous responsibility of catering for their family and paying school fees to keep their children in school.

There was evidence of discrimination against pregnant women in accessing and retaining their jobs on becoming pregnant. Girls and very young women are usually dismissed from school and domestic workers from jobs if they become pregnant. There are no public clinics providing free pre- and postnatal care for women. Poor women have to pay for their medication and there are no day care facilities for women working in the public sector. The law insufficiently addresses violence occurring in the workplace

Extreme poverty in Haiti has caused insecure livelihoods and the right to decent work remains a mirage. Throughout the country acute unemployment, poor wages and unsafe working conditions are commonplace. Women experience discrimination in accessing employment as well as in salary and wages, which is a violation of their right to work, to the enjoyment of just and favourable conditions of work, including fair wages, equal remuneration for work of equal value, equal opportunities and of safe and healthy conditions of work. The challenges of survival confronting women have resulted in the diversification of their sources of income and food with no social security support. There is complete state failure in promoting respect for rights in work, in particular right to earn a decent salary and to organize and bargain collectively. The creeping inflation triggered off by currency devaluation and the political crises has reduced significantly the purchasing power of workers. Thus, the minimum wage can hardly guarantee security of food, health and housing. It is the duty of government to ensure decent living for workers and their families and to ensure that the constitutional guarantee of the right to work in the Haitian Constitution of 1987 is fulfilled.

7. Recommendations

The Delegation urges the Government of Haiti to:

1. Carry out empirical research into incidents of violence against women in order to obtain a more accurate understanding of the nature of the problem.
2. Implement the recommendations of the 1999 report of UN Special Violence Against Women.
3. Seriously look into the demands of Haitian women's organizations, expressed in the 1997 International Tribunal against Violence against Women, and take appropriate measures in order to comply with these demands, particularly as to
 - a. the establishment of a women's police unit, to receive complaints and conduct investigations on violence against women,
 - b. the establishment of shelters for women victims of violence and the provision of social services for victims of violence, and
 - c. the legalization of abortion in cases of rape, incest and danger to women's health.
4. Amend the laws on rape and domestic violence.
5. Ratify without delay the Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment.
6. Develop education programs in schools in order to eliminate gender-stereotyping and to institute human rights education and sexual education.
7. Guarantee health care to all Haitians, particularly to vulnerable groups, such as poor women, in accordance with Article 12 of the International Covenant on Economic Social and Cultural Rights, and General Comment 14 of the UN Committee on Economic, Social and Cultural Rights
8. Review the labour code to ensure full compliance with international standards particularly ILO standards on remuneration, maternity protection, child labour and safe work environment, and to comply with the ILO convention of equal pay for work of equal worth.
9. Establish within each ministry a committee on sexual harassment to discuss all problems faced in the workplace and to receive individual complaints of sexual harassment. (adopted by the UN Special Rapporteur on Violence Against Women during her Haiti mission).
10. Take measures to
 - a. create work for women,
 - b. protect domestic workers rights through specific legislation,
 - c. establish crèche facilities or day care centres for working women
 - d. establish loan and credit facilities for women,
 - e. give women access to land through agrarian land reform,

- f. provide housing facilities and tax relief and other social security measures for working women,
- g. combat employment discrimination against people living with HIV/AIDS.

8. Meetings

The following meetings were held with NGOs, authorities etc:

Batay Ouvriye

Sofa (Solidarite Famn Aytian –Haitian Women in Solidarity)

Organizasyon Fanm Deside Jacmel

National Coalition for Haitian Rights

Madam Saras in Jacmel and Kenscoff

Ministry of Women’s Affairs

Women’s prison in Port-au-Prince, Fort National

The Haitian Human Rights Ombudsman, OPC

Lutheran World Federation

OAS mission in Haiti

UNDP

9. Participants in the Delegation

Joy Ezeilo, Director of Women’s Aid Collective, WACOL, Nigeria

Francisco Soberón, Director of Coordinadora Nacional de Derechos Humanos, Peru

Anita Klum, Secretary General of the Swedish NGO Foundation for Human Rights, Sweden

Rose-Marie Asker, Head of Mission, Swedish NGO Foundation for Human Rights, Sweden