

COUNCIL MONITOR

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COUNCIL UPDATE – ITEM 3, SPECIAL RAPPORTEUR ON THE HUMAN RIGHTS OF MIGRANTS HUMAN RIGHTS COUNCIL, 11TH SESSION 17 JUNE 2009

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Overview

On 17 June 2009, the Human Rights Council discussed the annual report of the Independent Expert on the situation of human rights in Haiti, Mr Michel Forst, presented his report to the Council. He reported on the general situation of human rights in Haiti and on the implementation of the recommendations of previous reports.

The Council also held a general debate on technical assistance and advisory services, which drew very little interest from States and NGOs. Only the Czech Republic (on behalf of the EU), Brazil and the United States took part in the discussion. Unsurprisingly, Brazil underlined the need for the Council to focus more on providing assistance to countries and less on identifying human rights challenges or condemning violations.

Independent Expert on Haiti

Mr Forst appreciated the efforts made by Haiti in relation to justice since the report had been submitted: some judges had been dismissed who were not meeting the necessary ethical standards. The Independent Expert noted that the reform of the national police was also moving forward quickly, but at the same time, acts of violence and corruption persisted. In his report Mr Forst expressed concerns about the conditions of detainees, because of prison overcrowding and prolonged preventive detention. He underlined that the establishment of a national human rights institution was needed.

Haiti, as a concerned State, welcomed the transparency that characterized the exchange Mr Forst had had with the Government officials. Haiti underlined that a number of measures had been adopted for the protection of human rights, including the ratification on the *Convention on Transnational Crimes* and the *Convention on the Rights of Persons with Disabilities*, as well as the *Convention Against Torture*. The country noted that the Government is concerned about violence against women, poor conditions of detainees, and human trafficking, despite financial restraints, hunger riots and political crisis.

Interactive Dialogue

The States that took part in the dialogue expressed concerns about the poverty situation, lack of opportunities available to the people, especially for children in Haiti. Argentina, the United States, Canada and the United Kingdom noted the progress made by Haiti in the area of civil and political rights through the adoption of laws on the judiciary. However, they were concerned about lack of security; violence against women, girls and children; prison conditions; deportations; and trafficking in humans. Sweden asked whether the ratification of *the Convention on the Elimination of Discrimination Against Women* would be meaningful in the light of the high incidence of violence against women. Questions were raised about the reform of judicial system and the Independent Expert's recommendations on prioritising these key issues in order to strengthen the rule of law.

The Czech Republic (on behalf of the EU) highlighted that with regard to kidnappings it was important to coordinate work with the Special Rapporteur on contemporary forms of slavery. Norway drew attention to the problem of overpopulation of prisons and it was concerned that the judicial system did not seem to be able to cope with this problem. In this connection, Norway asked how the international community could better assist the Haitian Government.

Several NGOs took the floor during the dialogue. The International Federation of Human Rights Leagues expressed its concerns about the general human rights situation despite political stability since 2006. It underlined that detainees were kept in terrible conditions and that minors were imprisoned despite Haitian law stating that they should be placed in re-education centers. The International Centre for Human Rights and Democratic Development called on Haiti to strengthen the national human rights commission and since Haiti would be considered by the universal periodic review in 2010 it raised question about what form of collaboration would be useful to support the work of the Independent Expert.

In his concluding observations, Mr Forst highlighted that the reform of the police force was an important measure. In relation to the reform of the judiciary, he noted that training was a key element and recommended training of judges. Mr Forst underlined that the issues of economic, social and cultural rights and women's rights would be the central focus of his future reports.

In its final comments, Haiti thanked the United States, Brazil and Argentina for their technical and financial assistance to the country. In response to Sweden's comment on the ratification of the *Convention on the Elimination of Discrimination Against Women*, Haiti noted that this Convention was ratified and had entered into force on 11 May 1981.

General debate on Item 10

Only three States and one NGO intervened during the general debate on technical assistance and advisory services. The Czech Rep (on behalf of the EU) and the US highlighted the important work done by the field presences of the Office of the High Commissioner for Human Rights (OHCHR). In particular, the EU drew attention to the work done in Nepal acknowledging the willingness of the Government to extend OHCHR's mandate there for three months and called for more sustained and longer term collaboration. The US highlighted OHCHR's contributions in Burundi, Ethiopia, Mexico, Cambodia, Kyrgyzstan, Uganda, Colombia and the Democratic Republic of the Congo. The US called for the independence of OHCHR to be maintained to allow it to effectively carry out its work.

The Czech Republic (on behalf of the EU) also underlined the assistance provided by the special procedures stating that the country mandates are an important resource. Specifically it expressed support for the extension of the mandate of the Independent Expert on Somalia at the September session of the Council, when the mandate will be up for renewal.

Brazil argued that Item 10 provides one of the only positive items on the Council's agenda. It underlined that the expressed willingness of a State to cooperate provided a good path to further the promotion and protection of human rights at the national level. In what has become a traditional focus on international cooperation as the main solution to human rights challenges, Brazil stated that the Council must go beyond identifying such challenges or

only condemning violations, and provide cooperation and assistance. However, it may be argued that cooperation rather than condemnation has already become a main focus of the Council.

The Arab Commission for Human Rights called for translation of documents and multi-lingual webcasting of the Council's sessions.

Further information

For further information on the Human Rights Council, please consult the following resources:

- Web site of the International Service for Human Rights, providing up-to-date information before, during and after sessions of the Council: <http://www.ishr.ch/council>. During the session, ISHR will provide information about the Council's proceedings on a regular but not daily basis. You can subscribe to receive alerts of our publications by sending an email to information@ishr.ch.
- Oral statements made at the Council, as well as other informal documents and draft resolutions are available on the 'OHCHR extranet' at <http://portal.ohchr.org/portal/page/portal/HRCExtranet>. Username: 'hrc extranet' Password: '1session'.
- Web site of the Office of the High Commissioner for Human Rights (OHCHR) on the 11th session of the Human Rights Council: <http://www2.ohchr.org/english/bodies/hrcouncil/11session>. For direct access to reports considered, check <http://www2.ohchr.org/english/bodies/hrcouncil/11session/reports.htm>.

NGOs and human rights defenders seeking more specific information or individual advice on the Council session, please contact the ISHR secretariat by email or phone at +41 (0) 22 919 71 00.

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