



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Pre-session working group

Forty-third session

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List of issues and questions with regard to the consideration of periodic reports

Haiti

The pre-session working group examined the combined initial and second to seventh periodic report of Haiti (CEDAW/C/HTI/7).

Article 1

Definition of discrimination

1. The report stresses that, although the Constitution does not explicitly prohibit discrimination on the grounds of sex, several laws, decrees and regulations refer to non-discrimination. Please specify whether any of these defines discrimination against women. Please provide the Committee with updated information on steps taken to include a definition of discrimination against women, in line with article 1 of the Convention, in the Constitution or other national legislation.

Article 2

Visibility of the Convention

2. The report states that the main difficulty to “apply directly the provisions of the Convention in national jurisdictions” is a general lack of awareness of the existence of the Convention, as well as of other international instruments, in the population at large, including the legal professionals. In this regard, the report states that judges and lawyers hardly refer to the Convention. Please provide information on any measures in place to raise awareness among judges, lawyers and law enforcement officers with regards to the State party’s obligations under the Convention to achieve gender equality.

3. The report refers to the fact that, although the State has the obligation (article 40 of the Constitution) to publicize in the oral, written and televised press, in Creole and French, all laws, orders, decrees, international agreements, treaties



and conventions on all matters affecting national life, except information concerning national security, in practice, many laws and international measures are not translated into these languages. Please provide information on steps taken by the Government to improve the situation in this regard.

Discriminatory laws and practices

4. The report refers to a list of laws that discriminate against women, including in the area of Civil, Labour and Criminal Law. Kindly provide detailed information on steps the Government has taken or intends to take to amend all laws that discriminate against women and that are not in compliance with the Convention.

5. The report indicates that some practices and customs result in discrimination against women. Please provide information on any measures undertaken by the Government to modify these through legislation or other programmes.

6. The report refers to some discriminatory aspects against women that remain in Civil and Criminal Law, including discriminatory provisions regarding adultery, in particular articles 269, 284 and 287 of the Criminal Code. Please provide information on efforts being made to combat these discriminatory aspects that remain in the Haitian legislation and legal system. The report states that, although rape is considered a crime, in many cases, the conduct of proceedings by judges results in women bearing an increased burden of proof and, in turn, tend to create mitigating circumstances for the perpetrators of the violations. Please indicate any efforts carried out in this regard.

Equality laws

7. According to the report, three bills have been presented to Parliament regarding the admissibility of paternity proceedings, regulation of the status of concubines (*plaçage*) and domestic work. Please provide information on the status and content of these bills.

8. The report refers to bills that are being elaborated, specifically, a law on violence against women, partial decriminalization of abortion and a law on equality between women and men. Please provide detailed information on these bills and their present status.

9. The report states that sexual harassment and domestic violence are not specifically recognized and that domestic violence is only punished under general laws against battery. Please provide information on any efforts being taken in this regard.

10. Please provide detailed information on how many cases of discrimination against women have been brought before courts or other bodies, if applicable, in the last five years and what was their outcome.

Article 3

Plans of action

11. The report refers to the National Plan against violence against women and lists its goals, strategies and expected results. Please provide detailed information on results achieved, as well as on impediments to its effective implementation, particularly in the most remote areas, as acknowledged in the report.

Article 4**Temporary special measures**

12. According to the report, measures taken by the Government to accelerate equality between men and women are not carried out sufficiently. Taking into account the need to accelerate the establishment of gender equality in several areas, please provide information on any plan or policy that the Government may be considering in this regard, taking into account the Committee's general recommendation 25 on article 4, paragraph 1 of the Convention.

Articles 5 and 6**Violence against women and trafficking**

13. According to the report, one of the greatest difficulties in acquiring reliable data on cases of violence against women is the reluctance of victims to report attacks. The report refers to a "culture of silence of women". Please provide information on public campaigns, if any, to raise awareness on violence against women among the population. Please also provide information on efforts taken by the Government to ensure the implementation of a reliable statistical approach on cases of violence against women. The report refers to the 2006 study carried out by the Ministry for the Status of Women and Women's Rights and, specifically to its recommendations to fight violence against women. Please provide information on the follow-up to each of these recommendations and how the Government is implementing them or planning to do so.

14. The report refers to the use of rape as a political weapon, which has become a common practice among gangs. The poorest areas are the most affected. Please provide data on investigations, prosecutions, trials and convictions, if any, for rapes committed between 1991 and 1995. Please provide information on how many victims of these crimes have been compensated. Please provide detailed information on how many cases of gang rapes have been registered during the past five years and specify how many of the victims were girls and how many were adult women.

15. The report states that psychological violence is not considered to be violence. It also states that marital rape is not considered as violence and that only physical attacks are taken into consideration. Please provide information on any public awareness-raising campaigns on domestic violence including how they attempted to change the attitudes of men. Please specify whether there are shelters for women who face violence within the family and if there are special law enforcement units to deal with domestic violence. Kindly provide detailed information on any plan or action that the Government may be considering in this regard.

16. Teenage pregnancies as a result of rape and sexual harassment in schools are considered a serious problem in Haiti, as is violence and sexual abuse committed against young female domestic workers. Please provide statistical updated information on how frequently these abuses are reported, as well as any efforts carried out by the Government to combat these.

17. The report refers to specific vulnerable groups of women that face discrimination, such as migrant women, women working in prostitution and women domestic workers. Please provide specific information on any efforts the Government is undertaking to combat discrimination against these groups of women.

18. The report refers to article 341 of the Labour Code which establishes the age of 15 as the minimum age for remuneration. However, it also allows for younger children to be placed in families. Taking into account that, in practice, these children, most of them girls, are forced to work long hours under harsh conditions without any financial remuneration, and are subjected to ill-treatment and abuse, including sexual abuse, please provide information on any measures the Government is planning to take to change this practice. Kindly provide information on measures carried out to address the situation of child domestic workers (*restaveks*), on efforts taken to raise awareness on their situation and on social and educational programmes envisaged, if any.

19. The report acknowledges the grave difficulties faced in relation to trafficking in persons. Please provide information on measures adopted to fight trafficking in women and girls, including the follow-up to the draft law recently prepared on the subject.

Articles 7 and 8

Political participation and participation in public life

20. The report acknowledges the difficulties faced by women with regard to political participation and the slow progress achieved. Please indicate what measures are envisaged in this respect, particularly taking into account the statement of the State party whereby, with the present pace of progression, parity of the sexes will not be achievable in the short term. The report states that although, in principle, women have the right and the possibility to represent their Government at the international level and participate in the work of international organizations on equal terms with men, 93 per cent of representatives of diplomatic missions are men. Please indicate if the Government is contemplating any measures to ensure that women represent their Government at the international level and participate in the work of international organizations.

Article 10

Education

21. The report points out that both girls and boys have the same access to school. However, in practice, girls do not enrol in school or if they do leave school before school leaving age for several reasons, including the social role of women and early pregnancies, especially in rural areas. Please provide information on existing laws and policies, if any, that attempt to keep girls in school until school leaving age. Also, please provide detailed information on the memorandum of understanding between the Ministry for the Status of Women and Women's Rights and the Ministry for National Education, and in particular, measures have been taken to address this situation.

Article 11

Employment

22. The report indicates that women usually enter professions that attract low remuneration and have fewer advantages in employment markets. Moreover, the report states that women are usually involved in less qualified professions than men. Please provide information on which steps and measures, if any, are being

contemplated by the Government to change this situation so that women may have the same professional opportunities as men.

Article 12

Health

23. Please explain the meaning of the statement contained in the report of the State party whereby “sexual and reproductive health is considered an entry point of the health system”.

24. According to the report, abortion, which is often used as a means of family planning, is considered to be a crime under the Criminal Code, and even therapeutic abortion is forbidden. Considering the consequences which illegal abortion has on women’s health, please provide detailed information on any measures the Government is undertaking to address this situation, from a health, educational and social perspective, as well as steps taken to exempt women who undergo an abortion from prosecution, in line with the Committee’s general recommendation No. 24. Please provide information on how many women have reported becoming pregnant as a result of rape in the last four years and on any efforts taken to address this issue. Please also provide information on measures taken to raise victims’ awareness on the importance of receiving medical treatment after an attack.

25. According to the report, rural women lack access to medical care. In this regard, the report states that 90 per cent of rural women give birth at home. It also states that rural women are particularly vulnerable to HIV/AIDS and other sexually transmitted diseases due to cultural and socio-economic factors. Please provide information on whether the Government is taking any measure to improve this situation.

Article 13

Recreational activities and cultural life

26. The report states that stereotypes limit substantially the participation of most poor girls in cultural, sport and other leisure activities and that most of their time is dedicated to domestic labour and helping their mothers in commercial or other activities in order to increase the household income. Please provide detailed information on any strategies the Government may be contemplating to promote participation of girls especially from rural areas in cultural, sport and other leisure activities and on changing sex role stereotypes that limit such participation.

Article 14

Rural women

27. Considering the acknowledgement in the report of the feminization of poverty and of the particular difficulties faced by women in rural areas, including older women, please provide information on any steps taken to address this situation in the framework of the development and poverty reduction programmes.

28. According to the report, many women in rural areas live as concubines (*plaçage*). Since this status is not acknowledged by law, these women are deprived of all rights, in particular if the relationship ends, or if the partner dies. Please provide details on any measures the Government is taking to address this situation.

Article 16
Family relations

29. The report states that, in practice, forced marriages take place in cases of rape or pregnancy. It also states that while the Constitution provides 18 as the minimum age for marriage, the Civil Code, in its article 133, establishes 18 for men and 15 for women. Please provide information on any steps taken to amend this article of the Civil Code so it is in line with the Convention and other international instruments. Kindly also provide information on any measures taken to combat the issue of forced marriage.

30. The report refers to different discriminatory aspects that remain in marriage and family law, such as those related to the name of the spouse, the marital domicile and the management of joint marital assets. It also refers to some discriminatory aspects with regard to widows (article 213 of the Civil Code). Kindly provide information on any measures being taken to improve this situation.

Optional Protocol and Amendment to article 20, paragraph 1

31. Please indicate any progress made with respect to ratification of/accession to the Optional Protocol to the Convention. Please also describe progress towards acceptance of the amendment to article 20, paragraph 1, of the Convention.
