



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

### List of issues in relation to the initial report of Haiti\*

#### A. Purpose and general obligations (arts. 1-4)

1. Please explain the measures adopted to facilitate a correct understanding of the concepts under articles 1 and 2 of the Convention in practice, in the public and private sectors.
2. Please provide information on the measures adopted to modify or abolish laws, regulations, customs and practices that constitute discrimination against persons with disabilities and to eliminate the use of derogatory terminology and language concerning persons with disabilities. Please also provide updated information on new enactments.

#### B. Specific rights (arts. 5-30)

##### Equality and non-discrimination (art. 5)

3. Please indicate the legal and other measures adopted to:
  - (a) Ensure that persons with disabilities are entitled to protection under the law on an equal basis with others and the remedies provided in case of violations of their rights;
  - (b) Designate an independent mechanism to deal with complaints in cases of discrimination against persons with disabilities. Which mechanism is responsible for the investigation and sanction of cases of discrimination against persons with disabilities and ensuring that sanctions are proportional to the seriousness of the offences?

##### Women with disabilities (art. 6)

4. Please indicate the measures adopted to ensure that gender and disability perspectives are included in all legislation, administrative regulations and policies in all spheres covered by the Convention and that they effectively address specific risk and marginalization factors, such as age, location and socioeconomic status. How does the national policy on equality between women and men (2014-2020) take disability into account? What specific measures exist to address multiple forms of discrimination against women and girls with disabilities and to eliminate the barriers they face in all areas of their lives?

##### Children with disabilities (art. 7)

5. Please report on the measures adopted to guarantee full respect for the views of children with disabilities, including the views of children with psychosocial or intellectual disabilities and children with disabilities living in rural and remote areas.

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\* Adopted by the pre-sessional working group at its seventh session (13-20 March 2017).



**Awareness-raising (art. 8)**

6. Please report on what is being done to address the attitudes that have usually resulted in persons with disabilities being kept apart from the rest of the population (see CRPD/C/HTI/1, para. 34)<sup>1</sup> and provide information on:

(a) The mechanisms in place for monitoring and evaluating the effectiveness of awareness-raising campaigns and events to disseminate knowledge of the Convention among persons with disabilities and the population in general, particularly in rural areas (see paras. 49-52);

(b) The steps taken to combat harmful, negative stereotypes, discriminatory beliefs and prejudice against persons with disabilities, including those mainly affecting women and girls.

**Accessibility (art. 9)**

7. With reference to paragraph 32 of the State party report, please provide updated information on the mechanisms that exist to prepare building regulations with accessibility standards. What are the monitoring mechanisms within the framework of the act on the inclusion of persons with disabilities relating to access to buildings, transportation, information and communications? Please specify the remedies available in case of violations in this regard.

**Situations of risk and humanitarian emergencies (art. 11)**

8. Please provide information on:

(a) The measures adopted to ensure the protection of the life and safety of persons with disabilities in situations of risk and natural disasters. Is there a national strategic plan on disaster risk reduction and are existing early warning mechanisms, such as the one mentioned in paragraph 20 of the State party report, available in accessible formats and languages?

(b) Whether temporary shelters and camps take into account the requirements of persons with disabilities regarding accessibility and the relevance of relief and other services and facilities. What measures have been adopted to train emergency rescue personnel on the inclusion of an age and disability perspective?

(c) What measures have been adopted to ensure that post-emergency rehabilitation, resettlement, reconstruction and rebuilding processes are based on risk assessments that are inclusive and accessible to persons with disabilities, on an equal basis with others, and that they apply universal design and “build back better” principles?

**Equal recognition before the law (art. 12)**

9. What measures have been adopted or are envisaged to replace the existing legal incapacity regimes and to replace them by supported decision-making (see para. 74)? Please explain the safeguards in place to protect persons with disabilities, particularly persons with psychosocial and intellectual disabilities, who are restricted in their legal capacity.

**Access to justice (art. 13)**

10. Please provide more information on measures to ensure the availability of procedural accommodation for persons with disabilities to access the justice and law enforcement systems. With reference to paragraph 75 of the State party report, how many persons with disabilities have participated in judicial proceedings and in what role?

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<sup>1</sup> Unless otherwise noted, all paragraph numbers in brackets hereafter refer to those in the initial State party report (CRPD/C/HTI/1).

**Liberty and security of the person (art. 14)**

11. Please provide information on the legislative measures taken to repeal the declaration of exemption from criminal responsibility and the subsequent use of security measures in cases in which persons with disabilities are involved in criminal acts (see para. 82) and to eradicate practices which tolerate seclusion or the imposition of restrictions on persons with disabilities.

**Freedom from exploitation, violence and abuse (art. 16)**

12. Please provide information on legislative, policy and other measures adopted to eliminate the exploitation and abuse of and violence against persons with disabilities, particularly women and girls, and ensure their immediate protection and access to justice. What measures have been adopted to provide accessible temporary shelters, psychosocial recovery and rehabilitation programmes and legal redress? How are persons with disabilities, through their representative organizations, consulted on the design of policies and strategies to combat gender- and disability-based violence?

**Protecting the integrity of the person (art. 17)**

13. Please provide information on the measures taken to protect the integrity of persons with disabilities, in particular regarding medical or other treatment carried out without the free and informed consent of the person, and measures to prevent and prohibit the forced sterilization of women and girls with disabilities.

**Liberty of movement and nationality (art. 18)**

14. Please indicate the actions taken to guarantee that all persons with disabilities, particularly those living in rural and remote areas, are registered and have identity cards.

15. Please indicate the measures that have been adopted to protect the right to nationality of and the issuance of identity cards for persons with disabilities who are Haitian or of Haitian origin and at risk of deportation or statelessness and to facilitate the naturalization of stateless persons with disabilities, on an equal basis with others.

**Living independently and being included in the community (art. 19)**

16. Please provide information on the measures adopted, including budget allocations, for persons with disabilities to be able to live independently in the community and to have access to community-based services on an equal basis with others.

**Respect for home and the family (art. 23)**

17. Please explain the measures taken to provide information, services and support to parents, caregivers or other family members of children with disabilities, in order to prevent the concealment, abandonment, neglect or segregation of such children. Please also provide details of any measures taken to enable all persons with disabilities to form a family and to become parents on an equal basis with others (see para. 102).

**Education (art. 24)**

18. With reference to the Committee's general comment No. 4 (2016) on the right to inclusive education, please explain the measures taken to ensure that any efforts made in the context of the reorganization and rebuilding of the education system are in line with the Convention (see para. 106) and to increase access to inclusive, quality education of children with disabilities in a sustainable manner. Specifically, please include disaggregated data on the inclusion of learners with disabilities at all levels of education.

**Health (art. 25)**

19. Please explain whether mainstream health facilities and campaigns, including those related to HIV/AIDS and the prevention of infectious diseases, are accessible to all persons with disabilities, particularly women and girls, including in rural areas. Please also indicate

the measures taken to expand the availability of age-appropriate sexual and reproductive health services for persons with disabilities.

20. Please provide updated information on the measures taken to promote the deinstitutionalization of persons with disabilities, in accordance with the national health policy of October 2014, and on the mental health component of that policy.

#### **Work and employment (art. 27)**

21. How is the implementation of the act on the inclusion of persons with disabilities regarding the promotion of employment of persons with disabilities monitored and enforced and what are the sanctions in cases of non-compliance (see para. 133)?

22. Please provide updated information on the national solidarity fund to promote business opportunities and how persons with disabilities have benefited from it (see para. 93).

#### **Adequate standard of living and social protection (art. 28)**

23. What measures have been adopted to ensure:

(a) Equal access by persons with disabilities, including those who are particularly excluded, such as those living in situations of poverty and in rural areas, to social protection programmes and poverty reduction programmes and strategies that are gender- and age-appropriate and cover disability-related extra costs;

(b) The availability and accessibility of clean water and sanitation facilities for persons with disabilities on an equal basis with others, in view of Sustainable Development Goal 6 on clean water and sanitation.

#### **Participation in political and public life (art. 29)**

24. Please provide information on measures to:

(a) Repeal laws restricting the right to vote of persons with disabilities;

(b) Ensure the accessibility of voting procedures, facilities and materials.

25. Please give details of the number of persons with disabilities elected at the national and local levels.

### **C. Specific obligations (arts. 31-33)**

#### **Statistics and data collection (art. 31)**

26. Please provide updated information on the inclusion of disability in the general population census of 2014 (see para. 172) and measures to collect and analyse disaggregated statistics and data on the situation of persons with disabilities (see para. 170).

#### **International cooperation (art. 32)**

27. Please explain the mechanism for persons with disabilities to participate effectively in the implementation of policy measures and programmes financed by international development partners. Please also explain the measures taken to ensure that policies and programmes to achieve the Sustainable Development Goals are grounded in a human rights approach to disability.

#### **National implementation and monitoring (art. 33)**

28. Please provide information on:

(a) The steps taken to designate one or more focal points within the Government for the implementation of the Convention with the participation of persons with disabilities through their representative organizations, in line with the Convention;

(b) The mechanisms that ensure coordination and prevent duplication of roles among the various entities working for and with persons with disabilities.

29. Please explain:

(a) The measures taken to ensure that the monitoring framework is compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) in accordance with article 33 (2) of the Convention;

(b) The human and financial resource allocations as a percentage of the budget. How are persons with disabilities involved in monitoring processes, namely through the National Network of Associations for the Inclusion of Persons with Disabilities and the Haitian Federation of Associations and Institutions of Persons with Disabilities?

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