



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

### Nineteenth session

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Item 5 of the provisional agenda

**Consideration of reports submitted by parties  
to the Convention under article 35**

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

### Addendum

## Replies of Haiti to the list of issues\*

[Date received: 31 August 2017]

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\* The present document is being issued without formal editing.



## **I. 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.**

1. Explanations are provided to public servants in the various workshops conducted by the Government through the Office of the Secretary of State for the Inclusion of Persons with Disabilities and its partners. In addition, awareness-raising sessions are held for certain practitioners in fields such as law, construction and health. The following may be cited by way of example:

- One training course on disability, held on 22 and 23 January 2015 for senior staff of the Ministry of Tourism and Creative Industries;
- Three training/awareness-raising sessions on inclusive approaches, held in August 2015 for schools of teacher training and education science;
- Three training-of-trainers sessions on health and disability, held in September 2016 for teachers at schools of nursing.

2. In awareness-raising activities for the general public, such as the production of radio or television spots, leaflets and posters, the posting of messages on social media (Facebook and Twitter) and the publication of a monthly bulletin, emphasis is placed on the need to avoid stereotypes and discriminatory language in referring to disability. In order to supplement the definitions contained in the Act on the Inclusion of Persons with Disabilities, the authorities have decided to add a glossary at the beginning of certain bills, including the bill on accessibility standards for the built environment.

### **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.**

3. The Government carries out continuous monitoring through the Office of the Secretary of State for the Inclusion of Persons with Disabilities. When it detects public actions that have discriminated against individuals with disabilities or the entire community of persons with disabilities, it never fails to react, often by formally criticizing or condemning such acts. One high-profile case concerns a video clip, made by a well-known Haitian artist in 2014, that includes a person of short stature. The Office of the Secretary of State for the Inclusion of Persons with Disabilities reacted to the clip because the person was not portrayed in a dignified manner.

4. Since the submission of the initial report, a number of initiatives have been taken to expand or amend the legal framework to better address the issue of disability. The following are noteworthy in this connection:

- The bill to amend the Labour Code with a view to the inclusion of persons with disabilities in the labour force.
- The draft bill on the organization and functioning of a national solidarity fund for the inclusion of persons with disabilities. The text is being finalized prior to its submission to Parliament.
- The bill on accessibility standards for the built environment, which was adopted by the Cabinet on 30 June 2017 and sent to Parliament. It was passed in the Senate on 29 August 2017 and will be sent to the Chamber of Deputies for approval.
- The Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, signed by Haiti on 27 June 2013 and currently awaiting ratification by Parliament.

5. There are thus a number of pending bills that the authorities hope to enact over time.

## II. 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;

6. The Government, through the Office of the Secretary of State for the Inclusion of Persons with Disabilities, receives and registers complaints from persons with disabilities wishing to file proceedings before the courts in connection with violations of their rights. The Office does not have the capacity to provide ongoing legal assistance. However, depending on the individual case, it issues a legal opinion and refers or directs the victim to other competent agencies such as the legal aid office of the Port-au-Prince bar association. A sign language interpreter is made available to the complainant upon request.

7. Where appropriate, the Government intervenes directly to provide relief and assistance. For example, the Ministry of Justice and Public Security and the Ministry for the Status of Women and Women's Rights provided legal and social support in connection with the murder of three deaf women in March 2016. The Office of the Secretary of State for the Inclusion of Persons with Disabilities issued a press release deploring this heinous act, and supported the efforts of the national federation of the deaf (Fédération Nationale des Sourds d'Haïti) to seek justice and reparation.

##### (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?

8. There is no specific independent mechanism to deal with complaints in cases of discrimination against persons with disabilities. When such a situation arises, the Office of the Secretary of State for the Inclusion of Persons with Disabilities seeks assistance on a case-by-case basis from various authorities, including the Office of the Ombudsman (Office de la Protection du Citoyen). One example is the case of a young lawyer whose application, submitted in June 2017, to join the Croix-des-Bouquets bar association was denied, owing, he claimed, to his visual impairment. When contacted in this regard, the Office of the Secretary of State notified the Office of the Ombudsman, which officially communicated its intention to follow up on the matter. The Office of the Secretary of State is closely monitoring the developments in this case.

### 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?

9. While it has emphasized an inclusive approach that encompasses all women, including those with disabilities, the Government, through the Ministry for the Status of Women and Women's Rights, is sensitive to the comments and calls made by civil society organizations, especially with regard to the national plan of action on gender equality for the period 2014–2020.

10. While the Ministry does not have a list of specific measures, such concerns have already been raised in the gender and disability task force that is working on a project to organize a conference on gender and disability, during which such topics will be addressed for precisely the purpose of rounding out the plan of action with measures specifically concerning women with disabilities. In any event, it is encouraging to note that the Office of Management and Human Resources has sought to set the tone for the various public services by stating, in its vacancy announcements, that persons with disabilities, especially women, are encouraged to apply.

### **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.**

11. To support and encourage them in the work they do for children living with disabilities, the Government, inter alia through the Ministry of Education and Vocational Training and the Office of the Secretary of State for the Inclusion of Persons with Disabilities, makes every effort to provide support, for example through salary subsidies for some teachers and the provision of school supplies, to special schools such as the Saint Vincent School for Children with Disabilities, the Montfort Institute for Deaf Children, the Centre for Special Education and the Foyer d'Amour d'Haïti.

12. The Office of the Secretary of State also works with public institutions such as the Social Welfare and Research Institute, non-governmental organizations (NGOs) such as Plan International, World Vision, the United Nations Children's Fund (UNICEF) and enpaK, and other private institutions to raise awareness among these organizations and, in some cases, to develop partnership agreements with them to ensure that their child protection policies take due account of children with disabilities. Efforts are made to involve children with disabilities fully in the various activities carried out to mark Universal Children's Day and the International Day of Persons with Disabilities. The Office of the Secretary of State has social workers, both in Port-au-Prince and in some cities in the provinces, who are empowered to investigate and report on any cases of abuse of children with disabilities that have come to their attention.

13. A child-friendly version of the Act on the Inclusion of Persons with Disabilities has been made available for use in schools and children's clubs. Information sessions are carried out regularly in schools in order to increase awareness.

### **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) 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);**

14. Information is generally collected on the number of participants in each awareness-raising event; in formal training sessions, pre- and post-training evaluation forms are often used to assess how well the message has come across.

15. With regard to campaigns for the general public, the Government does not have precise data, but many testimonies and findings have pointed to an increase in individuals' and institutions' understanding of and interest in disability issues.

16. Radio and television spots on the issue reach a wide audience. The Government, in particular through the Office of the Secretary of State for the Inclusion of Persons with

Disabilities, strongly emphasizes initiatives to let persons with disabilities themselves know that they, like all other citizens, have rights and duties.

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

17. The Government's response, inter alia through the Office of the Secretary of State for the Inclusion of Persons with Disabilities, takes the form of various awareness-raising initiatives such as:

- Publicity spots on a number of leading media networks, such as Vision 2000, Radio Lumière, Mélodie FM, RFM, Radio Kiskeya and Signal FM, to highlight the legal framework for the protection of the rights of persons with disabilities;
- Billboards placed in strategic locations in the capital city of Port-au-Prince and in some cities in the provinces;
- Posters and flyers on topics such as the rights of persons with disabilities and the accessibility of the built environment;
- A regularly televised segment on activities in the field of disability, which is broadcast on Télévision Nationale d'Haïti;
- A monthly online newsletter on the activities of the Office of the Secretary of State for the Inclusion of Persons with Disabilities and its partners;
- A Creole translation of the Act on the Inclusion of Persons with Disabilities;
- Publication and distribution of thousands of copies of the Act;
- A transcription of the Act into Braille;
- An audio version of the Act on the Inclusion of Persons with Disabilities;
- Nationwide training seminars on the Convention on the Rights of Persons with Disabilities, the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities and the Act on the Inclusion of Persons with Disabilities;
- Awareness-raising and information workshops on these international conventions and the Act for various audiences, including journalists and senior civil servants.

**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.**

18. Under the provisions of chapter IV of the Act of 13 March 2012 on the Inclusion of Persons with Disabilities, the Office of the Secretary of State for the Inclusion of Persons with Disabilities has set up a Universal Accessibility Unit tasked with promoting and ensuring the creation of a built environment that takes the needs of persons with reduced mobility into account. It cooperates in revising public works plans, carrying out accessibility audits and providing training on universal accessibility, inter alia with public and private entities such as Christian Blind Mission and the Housing and Public Buildings Construction Unit of the Prime Minister's Office. In addition, the authorities have drawn up a bill on accessibility standards for the built environment. The text is the outcome of various consultations which the Government, through the Office of the Secretary of State for the Inclusion of Persons with Disabilities and the Ministry of Public Works, Transport and Communications, and its partners have carried out with organizations and networks of organizations of persons with disabilities, non-governmental organizations working in the

field of disability, construction companies and other public and private business and civil society institutions. The bill reflects a broad-based consensus. It was adopted by the Cabinet on 30 June 2017 and transmitted to Parliament for action. It was passed in the Senate on 29 August 2017 and will be sent to the Chamber of Deputies for approval.

19. Under article 41 of the Act on the Inclusion of Persons with Disabilities, the School Building Engineering Unit of the Ministry of Education and Vocational Training ensures that school, university and vocational training buildings are adapted to the needs of persons with disabilities so as to facilitate their mobility and learning.

20. Remedies and redress are provided for in Title IV, "Transitional and final provisions", of the bill on accessibility standards for the built environment, which stipulates inter alia that, after a period of 10 years, "any owner who cannot produce a certificate of accessibility for the building shall, upon payment of the real estate tax on buildings, pay a penalty consisting of a fixed amount of fifteen thousand (15,000) gourdes for the first three years, twenty thousand (20,000) gourdes for the fourth year, twenty-five thousand (25,000) gourdes for the fifth year and one hundred thousand (100,000) gourdes for the sixth and subsequent years. The funds from these penalties shall be paid into the National Solidarity Fund for the Inclusion of Persons with Disabilities."

### **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?**

21. Through the Civil Defence Directorate of the Ministry of the Interior and Local Government and the Office of the Secretary of State for the Inclusion of Persons with Disabilities, the authorities are working to better meet the needs of persons with disabilities during natural disasters. As the hurricane season approaches, and at times of specific natural disaster threats, these two institutions sometimes hold joint outreach activities to remind the public that persons with disabilities are generally among the victims of such disasters. The Office and the Directorate have agreed to strengthen their cooperation in order to share their knowledge in providing assistance to persons with disabilities in emergency situations. All of the Office's focal points in the country's geographical departments are members of local emergency committees and are also active in the Directorate's Departmental Emergency Operations Centres for the purpose of calling attention to the rights of persons with disabilities in discussions and strategies on disaster risk management.

22. After Hurricane Matthew struck the country in October 2016, the Office worked with the NGO Christian Blind Mission to set up a database listing approximately 6,000 persons with disabilities living in the Departments of Sud and Grande-Anse.

23. The national strategic plan on disaster risk reduction is not available in accessible format. The Government relies primarily on ad hoc mobilization and advocacy efforts to reach vulnerable people such as those living with disabilities.

- (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?**

24. Under the national strategic plan on risk management, the contingency plan is reviewed and an action plan is implemented every year for the hurricane season. Through these preparedness efforts, the authorities have established a minimum response capacity, enhanced coordination with the national and international humanitarian community and

educated populations at risk. The Government, through the Office of the Secretary of State for the Inclusion of Persons with Disabilities and the Civil Defence Directorate, is doing its best to raise the awareness of all stakeholders. Nevertheless, problems and bottlenecks remain, owing largely to the extreme complexity of coordination systems and stakeholders' unfamiliarity with the mechanisms for assisting persons with disabilities.

- (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?**

25. The departmental focal points of the Office of the Secretary of State for the Inclusion of Persons with Disabilities are members of risk and disaster management committees and local interministerial committees. Because of their close cooperation with organizations of persons with disabilities, they are well placed to make their voices heard for the benefit of persons with disabilities when response strategies are being introduced.

26. The Secretary of State for the Inclusion of Persons with Disabilities is part of the Cabinet and is entitled, where appropriate, to express opinions and draw policymakers' attention to the need to take inclusion and accessibility measures into account in the event of a natural disaster.

### **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.**

27. To date, no specific measures have been taken to replace the existing legal incapacity regimes with supervised decision-making. Persons with intellectual and psychological disabilities thus continue to have limited legal capacity. They are governed by the legal regime established by the Civil Code, of which most provisions are taken from the Napoleonic Code. Only when the legal regime established by the Civil Code for persons with intellectual and psychological disabilities is amended will such persons be able to benefit from adequate measures of assistance and supervision.

### **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?**

28. In order to facilitate access to justice for persons with disabilities, accessible premises and trained judicial staff are needed. Premises are not always disability-friendly. Moreover, courts in Haiti do not have an interpreting service for deaf or hard-of-hearing persons, nor do they have sign language specialists. Thus, the police and the courts unfortunately are not always equipped to deal with persons with disabilities.

29. The Act on the Inclusion of Persons with Disabilities contains a number of provisions (arts. 51, 52 and 53) to give persons with disabilities easier access to the courts. However, appropriate measures have not yet been taken to enable persons with disabilities to participate fully as complainants or witnesses in judicial proceedings.

30. The Act also provides, in article 54, that “The activity reports of legal aid bodies shall include statistics on the number and sex of persons with disabilities to whom they have provided services.”

31. Unfortunately, this legal provision is not observed in practice. It thus remains very difficult to obtain statistics on the number of persons with disabilities who have participated in judicial proceedings and in what role.

### **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.**

32. Persons with disabilities who are involved in criminal acts are not declared to be exempt from criminal responsibility unless they have an intellectual or psychosocial disability or were acting in self-defence.

33. When persons with disabilities are involved in criminal acts, no special security measures are taken in their favour. Nothing is yet being done for the care and socialization of persons with disabilities who are involved in criminal proceedings.

34. Advocacy and training are still the primary measures being taken to eradicate practices that 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?**

35. Haiti has, in fact, ratified a convention on the eradication of violence against women and girls. The implementation of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará) is under the responsibility of the Ministry for the Status of Women and Women's Rights.

36. Preparations are being made for the submission to Parliament of a draft bill on the elimination of violence against women and girls.

37. The Office of the Secretary of State for the Inclusion of Persons with Disabilities and the Ministry for the Status of Women and Women's Rights work together as members of a gender and disability task force set up to organize a conference on this issue. The conference will address topics such as exploitation, violence and abuse against women and girls with disabilities.

38. The country is lagging behind with regard to the establishment of accommodation centres that could serve as accessible temporary shelters, as well as the establishment of psychosocial recovery centres, rehabilitation centres and measures for legal redress.

### **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.**

39. Sterilization is not a common practice in Haiti. However, with regard to the protection of the integrity of persons with disabilities, article 81 of the Act on the Inclusion of Persons with Disabilities provides that "Any physician, surgeon or health professional



who is convicted of having subjected a person with a disability to medical or scientific experimentation without the person's genuine consent shall be punished by a prison term of one (1) to three (3) years and suspension from the medical profession for five (5) years."

### **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.**

40. For decades, the authorities have had serious difficulties in registering all citizens in the national territory and providing them with secure identity documents that protect the privacy of personal data. As a result, many citizens do not have the identity papers they need in order to exercise their civil and political rights.

41. The National Registry Office periodically makes efforts to enable persons with disabilities to obtain identity cards. For example, in the run-up to the elections, facilities were set up at the Office of the Secretary of State for the Inclusion of Persons with Disabilities to make it easier for persons with disabilities to obtain the national identity cards they needed in order to exercise the right to vote. Moreover, the Office has turned several times to the Office of National Archives for assistance in developing strategies to facilitate the registration of persons with disabilities. The problem mainly concerns persons in rural and remote areas.

42. In order to find a solution to this serious national challenge, the Government recently adopted, by Cabinet decision, a bill providing for procedures under which every child will, at birth, be issued a birth certificate with a unique national identification number that will be valid for life. The number has the same structure as the tax identification number and will replace the latter. This bill will soon be submitted to Parliament for appropriate action.

**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.**

43. Through the Ministry for Haitians Living Abroad, the Government has taken a series of measures, including the Registration and Documentation Programme for Haitian Immigrants, to enable Haitian nationals in an irregular situation in the Dominican Republic to receive identity documents (passport, civil status document and national identity card). While exact figures are not available, it is likely that a number of persons with disabilities have benefited from such initiatives.

### **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.**

44. Approximately 30 per cent of the beneficiaries of budget allocations from the Social Assistance Fund of the Ministry of Social Affairs and Labour are persons with disabilities.

45. The Office of the Secretary of State for the Inclusion of Persons with Disabilities has consistently ensured that a certain quota is set aside for persons with disabilities under the social housing programmes established by the Government, particularly in the wake of natural disasters.

46. The KoreMouriAndikape programme, which was run by the Economic and Social Assistance Fund of the Ministry of Economic Affairs and Finance, provided short-term support to many persons with disabilities facing challenges in life.

47. The draft bill on the organization and operation of a national solidarity fund for the inclusion of persons with disabilities, which will soon be brought before Parliament, provides for the allocation of funding to support persons with disabilities so as to promote their independence and socioeconomic development.

### **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).**

48. When a case is brought to its attention, the Government, through the Office of the Secretary of State for the Inclusion of Persons with Disabilities, provides the necessary information on appropriate facilities and services and, depending on the available budget, provides financial support to enable parents to meet the short-term or emergency needs of their children with disabilities.

49. The Social Welfare and Research Institute of the Ministry of Social Affairs and Labour focuses in particular on protecting the rights of children, including those living with disabilities.

50. Persons with disabilities are free to form a family if they so desire; there are no plans to implement specific measures to encourage or discourage them in this regard.

### **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.**

51. In 1994 the Ministry of Education and Vocational Training established the Commission on Special Education and Social Support with a view to ensuring that persons with disabilities are not excluded from the education system and facilitating their access to primary, secondary, technical and higher education. A training module on inclusive education has been developed in cooperation with the French National Institute of Advanced Training and Research for the Education of Young People with Disabilities and Special Education. Steps are being taken to include this module in the curriculum for students at the Teachers' College, the country's foremost teacher training institution.

52. In partnership with the United States Agency for International Development (USAID), the Office of the Secretary of State for the Inclusion of Persons with Disabilities and the Ministry of Education and Vocational Training have made certain schools accessible, such as the Célié Lamour secondary school and the Edèze Gousse National School in Jacmel, which were made accessible in 2014.

53. Disaggregated data on the inclusion of learners with disabilities at all levels of education are not available.

## 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.**

54. It must be acknowledged that there are huge gaps in terms of even minimum health facilities for effectively meeting the needs of the population in general and persons with disabilities in particular. In cooperation with the Ministry of Public Health and Population, the Office of the Secretary of State for the Inclusion of Persons with Disabilities works to:

- Ensure that access to health care is effectively broadened through initiatives such as incentives for existing hospitals and health-care professionals;
- Expand awareness-raising and prevention campaigns, including through the use of sign language, to ensure that they effectively reach persons with disabilities;
- Include a module on disability in the training curriculum for nurses;
- Conduct ad hoc training seminars on disability for certain health-care professionals;
- Ensure that universal accessibility standards are taken into account in the construction or renovation of health-care facilities.

55. The challenges, however, are enormous, and are much greater still in rural areas.

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.**

56. Deinstitutionalization is, in fact, one of the main thrusts of the mental health component of the national health policy. It requires new practices with regard to the length of hospital stays, the operation of halfway houses in the community and access to medication where necessary. Although training initiatives have been held for selected care providers in the country's 10 geographical departments, the implementation of the deinstitutionalization policy as a whole has been somewhat slow owing to a lack of resources. Access to psychotropic drugs and availability of halfway houses are currently the main challenges encountered in implementing the 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)?**

57. Pursuant to article 45 of the Act on the Inclusion of Persons with Disabilities, the Office of the Secretary of State for the Inclusion of Persons with Disabilities has set up a job placement service. The purpose of this service is to promote the employment of persons with disabilities, inter alia by helping to put them in touch with potential employers. It also offers appropriate guidance and suggestions to companies on how to comply with the Act.

58. The Office of Management and Human Resources has sent several communications to various State institutions in order to draw their attention to the legal measures aimed at promoting the employment of persons with disabilities and to the existence of the job placement service established as a governance structure by the Office of the Secretary of State for the Inclusion of Persons with Disabilities.

59. Circular No. 15, issued in 2014 by the Office of the Prime Minister, instructs all Ministers, Secretaries of State and Directors-General of the various ministries and independent agencies to promptly take all necessary measures for the implementation of the Act on the Inclusion of Persons with Disabilities. After that circular was issued, a number of persons living with disabilities were recruited by different ministries.

60. The following articles of the Act set forth the criminal penalties for non-compliance with the provisions on the employment of persons with disabilities:

Article 79. Discriminatory statements and practices of the kind referred to in article 3 of this Act shall be deemed to be insults or offensive remarks as provided for in article 320 of the Criminal Code and shall be punishable by the same penalties.

Article 80. Any employer who refuses to hire a person because the latter has a disability shall be punishable by a maximum fine ranging from two hundred thousand (200,000) gourdes to five hundred thousand (500,000) gourdes for each offence of which such employer is found guilty.

**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).**

61. The national solidarity fund for the inclusion of persons with disabilities is provided for in article 22.2 of the Act on the Inclusion of Persons with Disabilities. It safeguards the right of persons with disabilities to be protected from poverty and social exclusion, and involves the identification of clear sources of income for the launching of income-generating initiatives for persons with disabilities. The full text of the bill was reviewed on Monday, 7 August 2017, in plenary session with various stakeholders, including representatives of organizations of persons with disabilities, who were invited to offer comments and suggestions. An updated version will soon be submitted for parliamentary approval.

**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;**

62. It should be noted that approximately 30 per cent of the beneficiaries of the Social Assistance Fund are persons with disabilities.

63. The Haitian authorities have taken a number of steps to protect the rights of persons with disabilities. For example, the social assistance programme *KoreMounAndikape* was launched in 2013 to facilitate access to government social assistance for 25,000 persons with disabilities. It lasted for approximately one year. The authorities have yet to identify the lessons learned from this initiative.

64. More generally, the Ministry of Social Affairs and Labour began in 2015 to make robust efforts towards the establishment of a comprehensive social protection policy. It held a workshop to discuss the policy from 27 to 29 May 2015 on the theme “Social protection in Haiti: towards the development of a new policy”. On that occasion, the Office of the Secretary of State for the Inclusion of Persons with Disabilities highlighted the need to take persons with disabilities into account in this process. Subsequently, however, the project could not be completed.

**(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.**

65. The Office of the Secretary of State for the Inclusion of Persons with Disabilities has interceded with the National Directorate for Drinking Water and Sanitation to ensure that working sanitation facilities are available to persons with disabilities living in a camp commonly referred to as *La Piste*, located in the country’s capital. Nevertheless, it should be noted that most persons with disabilities do not live in a separate environment, but are integrated into the population. While the issue of drinking water and sanitation affects

everyone in Haiti, much remains to be done to ensure that persons with disabilities of all types have access, at least, to basic information on water hygiene, especially with a view to cholera prevention.

### **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;**

66. Discussions are under way on possible amendments to certain laws that restrict the voting rights of persons with disabilities. The Office of the Secretary of State for the Inclusion of Persons with Disabilities has consistently worked very closely with the electoral authorities, including the Provisional Electoral Council. On several occasions, the Office has proposed modifications to various electoral decrees, and these suggestions have generally been approved. In addition, together with the International Foundation for Electoral Systems, it introduced revisions to the training manual for election personnel to make it more inclusive. The Office has carried out a number of awareness-raising activities, which have effectively encouraged persons with disabilities to participate in the electoral process.

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

67. No specific measures have been taken to make accessible voting facilities or materials available to persons with disabilities wishing to perform their civic duty at election time.

68. However, just before the recent general elections, the National Registry Office took the commendable step of establishing facilities at the Office of the Secretary of State for the Inclusion of Persons with Disabilities to enable such persons to obtain a national identity card. In addition, especially during the most recent elections, the Office of the Secretary of State, in cooperation with other institutions, provided basic training to election personnel on how to provide appropriate support to any persons with disabilities wishing to cast a vote.

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

69. A number of persons with disabilities who were interested in standing as candidates have sought support and assistance from the State through the Office of the Secretary of State for the Inclusion of Persons with Disabilities. However, no official statistics are available on the number of persons with disabilities involved in politics, especially as potential candidates do not necessarily or automatically state that they have a disability, even if this is the case.

70. It should be noted, however, that persons with disabilities have in the past been elected to high public office, including as deputies and senators.

### **III. 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).**

71. The general population census originally scheduled for 2014 has not yet been carried out. However, as part of the cooperation between the Office of the Secretary of State for the Inclusion of Persons with Disabilities and the Haitian Institute of Statistics and Information Technology, which is the agency responsible for conducting nationwide surveys and

publishing the results, intensive efforts have been made to include a section on disability in the set of questions for the general census, in line with the model developed by the Washington Group on Disability Statistics. According to the most recent information, the general population census will be conducted in 2018, as the financing contract was recently signed. The Office will continue to work with the Institute and other relevant entities to ensure that the process is fully inclusive, including with respect to public advocacy and information campaigns.

### **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.**

72. There is no formal mechanism. However, the Office of the Secretary of State for the Inclusion of Persons with Disabilities has consistently sought to develop constructive relationships with various international agencies and non-governmental organizations such as the Organization of American States, the Brazilian Cooperation Agency, the Ecuadorian Cooperation Agency, Handicap International and Christian Blind Mission in order to seek their support for the implementation of policies and programmes for persons with disabilities. In all cases, the Office has consistently attached great importance to the participation of persons with disabilities, through representatives of organizations and networks of organizations of and for such persons, and to the consideration of their viewpoints at all stages: planning, organization, management, oversight, monitoring and evaluation.

### **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;**

73. To advance the cause of persons with disabilities, a decree published in the Official Gazette on 4 April 2014 established the Interministerial Disability Monitoring Committee to ensure the coordination and harmonization of public policies with a view to building an inclusive society for persons with disabilities. Although this Committee is constituted in accordance with the format prescribed by the law governing the establishment of interministerial committees, the Government recognizes the need for wider civil society participation in committees of this type. Discussions are already being held in this regard in order to determine a way forward.

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

74. There is no formal mechanism. However, periodic consultations and regular meetings are held with organizations of and for persons with disabilities in order to improve the coordination of decision-making and activities in relation to such persons.

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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;**

75. The Interministerial Disability Monitoring Committee consists essentially of public-sector entities, as recommended by the law governing the functioning of interministerial committees. Article 4 (12) of the decree establishing the Committee provides that its purpose is to “promote coordination on disability issues with other development stakeholders”, and article 12 provides that its technical secretariat “shall be supported in its work by all public and private entities involved in its area of activity”. These provisions are thus a starting point that opens the door to some degree of participation, but the question will be addressed in depth with relevant civil society actors. Measures to broaden participation will then be identified and subsequently implemented.

- (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?**

76. Multiple public-sector stakeholders, such as the Social Assistance Fund, the National Old-Age Insurance Office and the Economic and Social Assistance Fund, have a social mandate or programme component that covers persons with disabilities. The Office of the Secretary of State for the Inclusion of Persons with Disabilities, as the focal point, has a defined share of the national budget amounting to approximately 40 million gourdes, out of a total budget of 172 billion gourdes. However, precise figures are not available for other public authorities whose actions are not exclusively for the benefit of persons with disabilities.

77. Ad hoc or periodic meetings are held with representatives of various networks of organizations of and for persons with disabilities in Haiti, primarily for the purpose of sharing advice or information. However, such organizations are not yet formally involved in budget monitoring processes.

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