



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Consideration of reports submitted by States parties under article 35 of the Convention

Initial reports of States parties due in 2011

Haiti*

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I. Introduction

1. The Government of the Republic of Haiti has the honour to submit its initial report to the Committee on the Rights of Persons with Disabilities, in accordance with article 35, paragraph 1, of the Convention on the Rights of Persons with Disabilities.
2. The present report was prepared in accordance with the guidelines set out by the Committee relating to the form and content of reports submitted by the States parties.
3. The report was prepared under the guidance of the Office of the Secretary of State for the Inclusion of Persons with Disabilities, a public body set up in May 2007 as a part of the Ministry of Social Affairs and Labour. The Government of Haiti is committed to ensuring that persons with disabilities in this country can fully, and on an equal basis with others, exercise all human rights and fundamental freedoms, in accordance with the Convention.
4. The present report contains information relating to the period from 12 March 2009 (the date of the ratification of the Convention by the Haitian parliament) to 31 December 2013, on the implementation of the Convention in Haiti and sets out domestic policies, programmes and laws relating to the rights of persons with disabilities.
5. The report was prepared against the background of efforts to get the country back on its feet following a major earthquake (magnitude 7 on the Richter scale) that struck the country on 12 January 2010.
6. The report gives an overview of the main advances made by Haiti in improving the situation of persons with disabilities and the constitutional, legislative, judicial, administrative and other measures taken by the Government to comply with the Convention. While recognizing the challenges facing the country, the report also underlines the difficulties and shortcomings hampering implementation of the provisions of the Convention and the strategies that have been or are being put in place to bridge the existing gaps.

A. Geographical, socioeconomic and political context of Haiti

7. Haiti is a Caribbean nation occupying the western part of the island of Haiti, next to the Dominican Republic. The country's population is estimated to be around 10,413,211. Haiti is subdivided into 10 departments, 42 districts, 133 communes and 566 communal sections. Its human development index is 0.454 and its per capita GDP is US\$ 1,200.

8. Key statistics prior to the earthquake:
 - 78 per cent of the population lived in poverty (less than \$2 per day);
 - The infant mortality rate was 78 deaths per 1,000 live births (the highest rate in the region for children aged under 5);
 - The maternal mortality rate was 630 deaths per 100,000 live births;
 - At the national level, 47.7 per cent of young persons were unemployed;
 - Only 58 per cent of newborns had been vaccinated against measles;
 - 40 per cent of households did not have reliable access to food;
 - 30 per cent of children suffered from chronic malnutrition;
 - 58 per cent of the population did not have access to drinking water.

9. On 12 January 2010, the country was devastated by an earthquake that killed around 222,000 persons, injured 300,000, caused a significant increase in the number of persons with disabilities, including around 4,000 amputees, and left nearly 2.3 million persons homeless. In October of the same year, there was an outbreak of cholera in the area around the upper reaches of the Artibonite River, and it quickly spread, killing over 3,500 persons and infecting 150,000 by the end of 2010. On 5 November 2010, Hurricane Tomas passed Haiti by the west but even so several parts of the country were hit by torrential rains and winds of up to 130 km/h. Throughout the year, harrowing images of the shattered lives of the Haitian people, their daily struggles and their need for water, accommodation, employment, education and protection were broadcast to the entire world.

10. In the months immediately after the earthquake, the Government, already weakened and unable to direct emergency coordination efforts, was overwhelmed by the international humanitarian response. Gradually, the Government began to demonstrate its determination and leadership in the coordination of those efforts. The United Nations is supporting the various ministries and directorates in their efforts to meet the humanitarian and recovery challenges, including the Ministry of Public Health and Population, the Ministry of Social Affairs and Labour, the Ministry of the Interior and Regional and Local Governments, the Directorate for Civil Protection, the National Directorate for Drinking Water and Sanitation, the Ministry of National Education and Vocational Training, the Ministry of Agriculture, Natural Resources and Rural Development, the Ministry of Public Works, Transport and Communications and the Ministry of Communication, among others.

11. The 2006 elections marked a decisive turning point. Following the entry into office of a democratically elected president and the establishment of a new parliament, significant advances in security were made, preparing the way for political stability. Violence by armed gangs, a major cause of instability in the past, was dramatically reduced, while those State institutions essential to the rule of law were gradually strengthened. Human rights protection has also improved, though there are still major obstacles hampering protection against exploitation, non-discrimination, due process, gender equality and access to justice, education, health-care services and economic opportunities. Most of the country's 10.1 million inhabitants are extremely vulnerable and levels of environmental damage are high.

12. Haiti has made significant progress towards stability and economic development since 2004. The earthquake that devastated the capital and other large towns in the south on 12 January 2010 did not cancel out those achievements but it did create new obstacles.

13. The country currently faces a number of challenges, some of which have been exacerbated by the disaster. Prior to the earthquake, the public administration's capacities were already limited: structural weaknesses had led to inadequate and often poor-quality services, political instability was a constant threat, there were high levels of food insecurity, technical competencies had drained away as skilled workers left, there was limited expertise in budget mechanisms and financial management, an overly centralized State and, consequently, weak decentralized structures, and there were significant disparities in access to social services outside the capital and in rural areas. The social protection sector was particularly fragile and characterized by fragmented and ineffective interventions and the lack of a national plan. It is vital to rebuild and to develop human capital, in order to ensure sustainable social and economic recovery.

14. In the wake of an earthquake that is estimated to have caused more than US\$ 7,804 billion in damage in a few seconds (a figure slightly higher than the national GDP for 2009), and a major cholera epidemic, which even now continues to

infect large numbers of Haitians, the country's inhabitants naturally face enormous obstacles along the road to recovery.

15. Beyond those long-term challenges facing Haitians, which three years of post-earthquake humanitarian assistance have proved insufficient to overcome, real and often significant progress has nevertheless been made since the disaster of 12 January 2010. Results have been achieved thanks to efforts from many quarters: hundreds of thousands of Haitians, civil society organizations, weakened but still operational governmental institutions, the private sector and the country's many international partners.

16. At the height of the crisis, 1.5 million displaced Haitians were sheltered, fed and treated and many of them were provided with access to drinking water and latrines. Children attended classes at schools set up in temporary shelters, centres for children separated from their parents were opened to provide proper protection and farmers were provided with seeds and agricultural tools in order to help them increase food production.

17. Over 80 per cent of the 10 million m³ of debris generated by the earthquake has now been removed. Looking back and remembering the rubble that choked the affected areas and blocked most of the streets in Port-au-Prince, one realises that a vast amount of work has been carried out.

18. At the time of writing (late 2013), around 160,000 Haitians are still in camps. That is a lot of people living in ever more precarious conditions, but it also means that many of the persons displaced in July 2010 now live elsewhere, in better accommodation. Some of them are in the 100,000 temporary shelters, others in the over 21,000 houses that have been repaired or built to date, following a structural assessment of over 413,000 buildings by the Ministry of Public Works, Transport and Communications and its partners.

19. The number of children enrolled in primary school increased in 2013. Moreover, 80 per cent of children living in camps have access to education. Hospitals and clinics have been repaired or built.

20. A nationwide cholera alert system has been set up and is now operational. The vaccination rates for children are much higher than in the mid-2000s. Hundreds of kilometres of new roads have been built. Since 2009, agricultural production has been increasing slowly but steadily. Hundreds of thousands of Haitians have found jobs as a part of highly labour-intensive programmes. An industrial park recently opened in the north-east of the country is set to provide around 20,000 jobs.

21. In total, 88 per cent of the US\$ 4.6 billion pledged by donors in March 2010 for the years 2010 and 2011 has been disbursed or committed. There have been complaints about the speed at which payments are being made but, to date, overall, pledges made have been kept. During its 18 month-long mandate, the Interim Haiti Recovery Commission (IHRC) provided a platform which facilitated dialogue between Haitians and the international community and approved a grant of US\$ 3.2 billion for priority recovery projects.

B. Methodology

22. This report is the result of extensive consultations with the Interministerial Human Rights Committee, organizations of and for persons with disabilities, other national institutions and NGOs working to promote the rights of persons with disabilities. When work began on the preparation of the report, the various ministries and public bodies concerned were asked to fill in a form on actions taken to promote

and ensure respect for the rights of persons with disabilities. A first draft of the report was printed and made available in Word format, and the main bodies working in the field of disability were all informed of the public consultations. Subsequently, a workshop on reconstruction and consultation was held with representatives of the various organizations and bodies concerned, in order to gather their reactions and comments. Lastly, the Government of Haiti prepared a draft report, which it published on the website of the Office of the Secretary of State for the Inclusion of Persons with Disabilities, and invited the organizations and NGOs concerned and the general public to give their views on the document. The report was revised taking into account all the issues raised. This inclusive approach was designed to ensure that the report was representative of the situation prevailing in the country at the time of its submission.

C. Situation relating to the Optional Protocol to the Convention

23. The Haitian parliament ratified the Convention on 12 March 2009. The Convention entered into force for Haiti on 23 July 2009, and on that date the country also became party to the Optional Protocol to the Convention.

II. General provisions (arts. 1 to 4)

A. National legislation (art. 1)

24. Article 32, paragraph 8, of the Haitian Constitution of 1987 recognizes the right of persons with disabilities to autonomy, education and independence. The Labour Code contains a number of provisions covering disabilities caused by workplace accidents and protection for those disabled by such accidents.

25. In 1998, the Haitian State, along with other Caribbean and Latin American States, signed the San Juan Declaration on the Political Rights of Persons with Disabilities, which recognizes the need for such persons to take part in the democratic process in the region.

26. On 23 July 2009, the Republic of Haiti officially became party to the Convention on the Rights of Persons with Disabilities and its Optional Protocol. This act constituted a new commitment on the part of the Republic of Haiti in the field of the promotion and protection of human rights in general and the rights of persons with disabilities in particular.

27. Under article 276, paragraph 2, of the Haitian Constitution, “Once agreed on and ratified in the manner specified by the Constitution, international treaties and agreements become part of the national legislation and abrogate any conflicting laws.” In line with this constitutional provision, all the international conventions ratified by Haiti are implemented automatically, without the need for harmonization with national legislation.

28. Haiti is already party to the following related international instruments: the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities adopted by the Organization of American States (OAS).

29. In ratifying the Convention on the Rights of Persons with Disabilities, Haiti has undertaken to introduce a series of legislative, administrative and social measures and to prepare programmes to:

- Bring national legislation and policies into line with the Convention;
- Put in place mechanisms and programmes facilitating the inclusion of persons with disabilities at the national and local levels and to develop those which already exist.

30. Against that background, the Act on the Inclusion of Persons with Disabilities was adopted on 13 March 2012 and entered into force on 21 May 2012. The Act aims to promote principles and values that foster the full and comprehensive inclusion of persons with disabilities in all spheres of Haitian society.

31. In order to fulfil the obligations of Haiti relating to the compliance of its legislation with the Convention, the Office of the Secretary of State for the Inclusion of Persons with Disabilities has embarked on the technical process — still under way — of revising the Labour Code in order to bring it into line with the Convention and the Act of 13 March 2012 on the inclusion of persons with disabilities.

32. As to regulations, prior to the earthquake, with the technical support of OAS, the Office of the Secretary of State for the Inclusion of Persons with Disabilities had set up an ad hoc committee, one of whose main tasks was to prepare building regulations taking into account the principles of universal accessibility. The committee submitted a proposal to the Ministry of Public Works, Transport and Communications for consideration and action.

B. Definitions (art. 2)

33. Within the meaning of the Act on the Inclusion of Persons with Disabilities:

“Discrimination” means distinction, exclusion or restriction based on a disability, sequelae from a past disability, or the perception of a present or past disability, which has the effect or purpose of preventing or nullifying the recognition, enjoyment or exercise by persons with disabilities of all their human rights and fundamental freedoms;

“Disability” means limitation on activity or a restriction on participation in society that a person suffers as the result of a temporary or permanent change to one or more physical, sensory, cognitive or mental functions. This definition is in line with the spirit of the Convention, as expressed in preambular paragraph (e), in that the definition given in the Act of 13 March 2012 reflects the social model of disability. In other words, the definition presents disability as resulting from interaction between a person with an impairment and external barriers. On that view, participation in society can be limited only as a result of such barriers and not by an impairment;

“Reasonable accommodation” means adaption of existing arrangements according to need, in order to make them accessible to all. This definition is in line with the Convention, in that adaptations are made taking into account the specific needs of the person with a disability so as to give them the means to fully enjoy their rights, on an equal basis;

“Universal design” means structures put in place to foster participation by all persons, regardless of their level of mobility, without the need for special adaptation at a later date;

“Persons with disabilities” means persons with long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

C. General principles and general obligations (arts. 3 and 4)

34. In Haiti, people’s beliefs and a lack of information and training have given rise to long-standing wariness and insensitivity towards persons with disabilities. These attitudes have usually resulted in persons with disabilities being kept apart from the rest of the population.

35. Following intensive lobbying by the Office of the Secretary of State for the Inclusion of Persons with Disabilities and the involvement of a number of charities, NGOs, international organizations and local associations and networks, the way in which the issue of disability is perceived has begun to change. Significant measures to facilitate the daily lives of persons with disabilities and to ensure that they enjoy autonomy and effective participation in society are gradually being put in place.

36. The Haitian Constitution recognizes the right to participation as a fundamental right of all citizens. Thus, the relevant actors must ensure that deaf and hearing-impaired persons, persons with intellectual, physical or motor disabilities and blind and visually impaired persons can take part in decision-making processes relating to the rebuilding of society, on an equal basis and in safety, by facilitating their interaction with society by all possible means.

37. A number of general principles are also enshrined in the provisions of the Act of 13 March 2012 on the inclusion of persons with disabilities, including those of equality of opportunity, non-discrimination, accessibility, respect for the development of the capacities of children with disabilities and respect for inherent dignity, individual autonomy and independence.

38. In order to promote non-discrimination and respect for the inherent dignity of persons with disabilities, a series of initiatives and measures are being implemented by the Government with the aim of combatting discrimination and guaranteeing that such persons are treated on an equal basis and can exercise all their rights.

39. On 4 October 2012, in cooperation with OAS, the Government of Haiti organized a meeting on inclusive public policies on disability, under the aegis of the President. At that event:

- A joint declaration on the importance of taking persons with disabilities into account in sectoral public policies was signed by the President, the Prime Minister and most ministers, secretaries of state and directors-general;
- A circular addressed to ministers, secretaries of state and directors-general of central Government and autonomous bodies was issued by the Office of the Prime Minister (circular No. 15), ordering all necessary measures to be taken to implement the Act on the Inclusion of Persons with Disabilities.

40. According to the standard calculations of the World Health Organization (WHO) a country like Haiti should have around 1,041,321 persons with disabilities, or 10 per cent of the population. Based on the document entitled “Towards the preparation of a national strategy for the inclusion of persons with special needs”, published in May 2005 by the National Council for the Rehabilitation of Persons with Disabilities, persons with special needs in Haiti would fall into the following categories by impairment:

- (a) Motor impairment — 25 per cent;
- (b) Visual impairment — 9 per cent;
- (c) Hearing impairment — 9 per cent;
- (d) Persons with learning difficulties — 43 per cent;
- (e) Persons displaying unusual behaviour — 6 per cent;
- (f) Untreated cases of epilepsy — 6 per cent;
- (g) Untreated cases of leprosy — 1 per cent;
- (h) Multiple impairments — 1 per cent.

41. The following three governmental bodies play an important role in the disability sector: the Office of the Secretary of State for the Inclusion of Persons with Disabilities, the National Council for the Rehabilitation of Persons with Disabilities and the Interministerial Human Rights Committee.

42. The Office of the Secretary of State for the Inclusion of Persons with Disabilities was created by presidential decree dated 17 May 2007, and ushered in a new era for persons with disabilities, who had long been marginalized and stigmatized by Haitian society. The Office, which is dedicated to making Haitian society inclusive, is working to significantly change the living conditions of persons with disabilities and to include them in all spheres of social life.

43. The National Council for the Rehabilitation of Persons with Disabilities is an autonomous technical and administrative body attached to the Ministry of Social Affairs and Labour. It has legal personality and is responsible, among other things, for:

- (a) Improving the living conditions of all categories of persons with disabilities in urban and rural areas in the economic, moral, educational, medical and social spheres, in order to ensure their full participation on an equal basis in the life of the nation;
- (b) Creating, authorizing, encouraging and supervising public and private, secular and religious, not-for-profit and for-profit bodies for the rehabilitation of persons with disabilities, and coordinating their activities;
- (c) Assisting the Government in the planning and implementation of a national programme for the assistance of persons with disabilities, under the development plans.

44. The Interministerial Human Rights Committee was set up by presidential decree of 26 April 2013. The Committee is responsible for coordinating and harmonizing public human rights policies in order to safeguard the enjoyment, respect and defence of human rights and fundamental freedoms for all, without discrimination, in accordance with the Constitution and the country's commitments.

III. Specific rights

Article 5

Equality and non-discrimination

45. In addition to the Convention, which protects persons with disabilities from all forms of discrimination, chapters VII to X of the Act on the Inclusion of Persons with

Disabilities focus on their participation in social and political life without being subjected to stereotypes that are not applied to persons without disabilities.

46. Article 3, chapter II, of the Act prohibits discriminatory statements and public communications containing derogatory comments, statements, opinions or references relating to persons with disabilities. Offences against the dignity of persons with disabilities are also punishable under the Act.

47. The Government is working to develop concrete measures and activities to ensure that persons with disabilities of all types enjoy access to basic services, both in urban and rural areas.

Article 8

Awareness-raising

48. The Convention (art. 5) and the Act (art. 3, chap. II) prohibit all forms of discrimination based on disability and guarantee to persons with disabilities equal and effective legal protection against all discrimination on any grounds.

49. The State recognizes that it can demand nothing if the relevant legal framework is not well known. Accordingly, the Convention and the Act have been the subject of seminars and training workshops, posters, media advertisements, press briefings, etc., and have been printed in thousands of copies, in French and Creole.

50. With the support of the Office of the Secretary of State for the Inclusion of Persons with Disabilities and other partners, training sessions have been held for a number of associations belonging to the two main networks of organizations of persons with disabilities (the Haitian Federation of Associations and Institutions of Persons with Disabilities and the National Network of Associations for the Inclusion of Persons with Disabilities) on subjects such as the work of associations, organizational development, lobbying and leadership. These sessions aim to strengthen both governance within the beneficiary organizations and their ability to serve as valuable partners in promoting respect for the dignity of persons with disabilities and their effective participation in society.

51. A civic education project on the rights and responsibilities of persons with disabilities has been launched to raise the status of persons with disabilities and inform them of their rights and responsibilities, and at the same time to raise awareness of the concept of social responsibility and inclusive development in all sectors of society with due respect for diversity and equality of opportunity.

52. Since the ratification of the Convention, various initiatives have been put in place in order to raise public awareness of the need to promote, protect and respect the fundamental rights of persons with disabilities, including:

- A weekly programme on the issue of disability, broadcast on national radio during 2009-2011. The Office of the Secretary of State for the Inclusion of Persons with Disabilities currently provides technical support to a civil society organization which produces a weekly awareness-raising and information radio programme on disability;
- A weekly programme on disability sector activities is broadcast on Haitian National Television;
- Audio and video messages promoting the principles of universal accessibility have been broadcast via a number of Haitian media outlets;
- A series of programmes is broadcast through the community radio network;

- Leaflets and posters on specific disability-related topics;
- A singing competition in 2009 to support persons with disabilities;
- Awareness-raising events in various regions of the country;
- Haitian National Television broadcasts a weekly news programme with sign-language interpretation, with the aim of fostering a positive image of persons with disabilities in the media;
- A monthly online newsletter entitled “HANDISCOOP”;
- Wide publicity is given to sporting activities adapted to persons with disabilities.

Article 9

Accessibility

53. The Government of Haiti is working to eliminate physical, architectural, communication, information and transport barriers, while promoting the use of the concept of universal design in all new projects, and the renovation of existing infrastructure, the aim being to ensure that persons with disabilities can live independently and actively participate in all aspects of community and private life.

54. Under the Convention, persons with disabilities must be able to enter or leave, use and move around in all public buildings independently and in complete safety. Various measures have been taken in this regard.

55. Under chapter IV of the Act on the Inclusion of Persons with Disabilities, all sectors, public and private, must make buildings accessible to persons with disabilities. The Act also stresses the importance of putting in place adapted modes of transport. The Haitian State has taken various measures in that regard, including:

- A number of awareness-raising seminars to promote compliance with technical standards relating to accessibility for persons with disabilities;
- Awareness-raising activities targeting the Faculty of Sciences and engineering firms, in order to encourage them to take measures to ensure that new public buildings and installations are accessible for persons with disabilities;
- Exchanges with the Institute for the Preservation of the National Heritage, in order to explore ways and means of making public buildings accessible;
- The installation of access ramps in various institutions open to the public, as models of workplace design and adaptation for accessibility to persons with disabilities. In that regard, access ramps for persons with disabilities have been installed at the Foyer d'Amour special school in Port-au-Prince and in the Pétion-Ville town hall.
- Information and motivational events for mayors and officials from the Traffic Service, to promote the elimination of barriers on all forms of transport and facilitate access for persons with disabilities. Lobbying has also been carried out to encourage the use of alternative media such as sign language, Braille and audio, graphic and raised print information;
- Awareness-raising sessions on disability were held in 2010 for public transport drivers, in order to foster a positive attitude towards persons with disabilities. The response to the sessions was positive;
- A number of institutions working in their field are equipped with buses that have been adapted to transport groups of persons with disabilities;

- An accessibility award was launched for individuals and bodies working to ensure access to their services or premises for persons with disabilities.

56. The Act on the Inclusion of Persons with Disabilities is in line with the Convention in respect of the principles of accessibility. In order to eliminate barriers preventing access to buildings, a specially trained technical team, made up mainly of members of local associations of and for persons with disabilities, was set up in cooperation with an international organization working in the field of disability, and in 2013, carried out accessibility audits in 25 public-access buildings. The purpose of this initiative was to strengthen capacity in this regard among associations, retain knowledge by increasing the number of technical accessibility experts, raise building managers' and owners' awareness and understanding of their premises' level of accessibility for persons with disabilities and follow up with accessibility projects that could be held up as examples.

57. The improvement of accessibility of buildings is both democratic in nature and essential in terms of wider participation in society. As to the rebuilding of Haiti, the Act on the Inclusion of Persons with Disabilities contains two specific provisions whose implementation is potentially of particular benefit to persons with reduced mobility:

- Article 24: Houses that are to be rented out must be modified in order to make all or some of their facilities accessible to persons with disabilities;
- Article 27: Public contracts for the construction of any new public building shall be awarded only to operators whose tenders take into account the accessibility of the various spaces and installations to persons with disabilities.

58. A partnership has been established between three bodies — the Office of the Secretary of State for the Inclusion of Persons with Disabilities, which is a government agency, an NGO and an engineering school — with the aim of introducing a module on universal accessibility into the curriculum for trainee construction engineers.

59. Training and awareness-raising sessions on universal accessibility have been held in Port-au-Prince for construction industry actors in Haiti, in partnership with the two bodies referred to above.

60. Field visits were made by the Office of the Secretary of State for the Inclusion of Persons with Disabilities to Centre department in February 2013 and to Sud, Sud-Est, Ouest and Nippes departments in April 2013, as a part of a project on the adaptation of schools, launched in cooperation with the Ministry of National Education and Vocational Training and the development agency of a friendly country. The visits provided an opportunity to stress the importance of taking into account the principles of universal accessibility in school construction and renovation projects.

Article 10

Right to life

61. Article 19 of the Haitian Constitution stipulates that “the State has an absolute obligation to guarantee the right to life, health and respect for the human person for all citizens, without distinction, in accordance with the Universal Declaration of Human Rights”.

62. Haitian legislation is in conformity with the Convention, article 10 of which also recognizes the right to life of all: “States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.”

63. Among the legal measures taken to protect the right to life are those set out in article 12 of the Act on the Inclusion of Persons with Disabilities, which requires that the Ministry of Public Health and Population, to the extent of its means and capacities, shall:

- Put in place in public hospitals prevention, screening, detection and early intervention programmes designed to reduce and prevent the risk of disability;
- Take steps to provide prenatal, perinatal and postnatal care for newborns and their mothers;
- Carry out, at regular intervals, campaigns to diagnose potential risks of disability among children;
- Encourage public and private hospitals to put in place a system of immediate care for newborns with disabilities.

64. Furthermore, article 19 of the Act stipulates that “private hospitals shall provide a free minimum service for persons with disabilities”.

Article 11 **Situations of risk and humanitarian emergencies**

65. Haitian legislation is in line with the Convention in respect of the protection of persons with disabilities during disasters.

66. Articles 72 and 74 of the Act of 13 March 2012 state that:

“In any natural disaster as defined by the Act of 9 September 2008 on states of emergency (cyclone, tornado, storm, tidal wave, flood, tsunami, earthquake, volcanic eruption, fire, landslide, human or animal epidemic, crop disease or drought, among others), that affects populations, infrastructure and/or the productive sectors of the economy so seriously and to such an extent that it overwhelms local response capacity and requires intervention by the central administration, the State has a duty to give priority to persons with disabilities in the provision of relief, humanitarian aid, medical assistance and rehousing.”

“Persons with disabilities rehoused under the abovementioned conditions have the right to free prosthetics, psychological assistance and group psychotherapy sessions.”

67. Given that Haiti is a country vulnerable to natural disasters and that persons with disabilities make up 10 to 15 per cent of the population at risk, it is essential to pay particular attention to the implementation of this article.

68. The Office of the Secretary of State for the Inclusion of Persons with Disabilities and the Directorate for Civil Protection are working together to improve provision for persons with disabilities during natural disasters. In October 2013, a major awareness-raising campaign was run to remind the general public that persons with disabilities are usually among the victims of natural disasters even though the majority of them are never seen. The two bodies agreed that there was a need to strengthen cooperation between the emergency services and organizations for the defence of the rights of persons with disabilities, in order to pool knowledge relating to relief supplies and the means of assisting persons with disabilities in emergency situations.

Article 12

Equal recognition before the law

69. Everyone has the right to recognition everywhere as a person before the law (Universal Declaration of Human Rights, art. 6).

70. Article 16 of the Haitian Constitution states that citizenship entails both civil and political rights.

71. Article 16, paragraph 1: The enjoyment, exercise, suspension and loss of those rights shall be governed by law.

72. Article 16, paragraph 2: The age of majority shall be 18.

73. Article 17: All Haitians aged over 18, without distinction on grounds of sex or civil status, may exercise their civil and political rights provided that they meet the other requirements set out in the Constitution and in law.

74. The law provides for several incapacity regimes, which differ in terms of the conditions under which they are applied, the type of legal incapacity to which each gives rise and the protection measures put in place. Legal incapacity is defined in law in order to provide protection. The restriction of legal capacity is justified by the protection afforded the person concerned or those close to him or her and does not in any way constitute a punishment for disability.

Article 13

Access to justice

75. The Haitian State recognizes the right of persons with disabilities to effective access to justice on an equal basis with others. Articles 51 to 54 of the Act on the Inclusion of Persons with Disabilities protect those rights:

“Persons with disabilities may participate in all judicial proceedings, the investigation stage and other preliminary stages, as prosecution or defence witnesses, plaintiffs or civil parties. They may serve as members of a jury. To that end, the Office of the Secretary of State for the Inclusion of Persons with Disabilities shall assist local authorities in preparing a list of persons with disabilities.

Court rooms and other justice system premises shall be appropriately equipped to ensure that they are accessible to persons with disabilities.”

“Judicial and prison administration officials should receive appropriate training in order to facilitate access to justice for persons with disabilities. A sign-language interpreter or other disability specialist shall be included on the staff or, where that is not the case, shall be called in.”

“In their annual reports, legal aid bodies must present statistics on the number and sex of persons with disabilities using their services.”

76. Over the past two years, the Government has organized the following events:

- Seven training seminars on the issue of disability and the corresponding legal framework, for students from the School of Magistrates, serving magistrates and judicial officials, held in Jacmel on 1-2 October 2012, in Port-au-Prince on 25-26 and 29-30 April 2013, in Cap-Haïtien on 3-4 and 6-7 May 2013, in Gonaïves on 27-28 June 2013 (in partnership with OAS) and in Hinche on 18-19 July 2013;

- A workshop held on 12 April 2013 on a preliminary bill to amend the Labour Code in order to bring it into line with the Act on the Inclusion of Persons with Disabilities and on a preliminary draft of a presidential decree on the National Solidarity Fund for the Inclusion of Persons with Disabilities;
- A training session on the issue of disability and the corresponding legal framework, held on 9 October 2012, for a group of officials from an international development aid agency (in partnership with the OAS);
- Four training sessions on the issue of disability and the corresponding legal framework, held on 20-21 May 2013 for a group of 50 public officials from the metropolitan area, on 25 June 2013 for officials of the Ministry of Agriculture, Natural Resources and Rural Development, on 1-2 July 2013 for officials of the Supreme Court for Audits and Administrative Disputes and on 8-9 July 2013 for officials of the Ministry of Public Works, Transport and Communications (in partnership with the OAS).

Article 14

Liberty and security of the person

77. Individual liberty is guaranteed and protected by the State (Constitution, art. 23).

78. All breaches of the provisions relating to individual liberty constitute arbitrary acts. Injured persons may, without prior authorization, apply to the competent courts to prosecute the instigators and perpetrators of such arbitrary acts, regardless of their status or membership of any official body (Constitution, art. 23).

79. Persons with disabilities shall carry out work commensurate with their physical or intellectual abilities (Act on the Inclusion of Persons with Disabilities, art. 43).

80. The State shall take all the necessary measures to ensure the safety of persons with disabilities (Act on the Inclusion of Persons with Disabilities, art. 43).

81. Several meetings have been held with private businesses to promote the safety of persons with disabilities in the workplace, in particular through the setting up of sheltered workshops.

82. Persons with disabilities must, like everyone else, be protected from any attempt to deprive them of their individual freedoms. However, in an emergency, difficulties may arise when dealing with persons suffering from mental illness, in a medical context, and also in the criminal justice context. The law recognizes that, in such cases, the person concerned should be accompanied as a part of the applicable safety measures.

Article 15

Freedom from torture or cruel, inhuman or degrading treatment or punishment

83. Haiti has signed a number of United Nations and regional conventions on the prevention of torture and other cruel, inhuman or degrading treatment or punishment.

84. It is strictly prohibited to subject persons with disabilities to medical or scientific experimentation without their proper consent (Act on the Inclusion of Persons with Disabilities, art. 7).

85. The Office of the Ombudsman is responsible for monitoring conditions of detention, and carries out regular prison visits in order to assess the situation on the ground and putting forward proposals for appropriate measures to the State.

Article 16

Freedom from exploitation, violence and abuse

86. By ratifying the Convention, the Republic of Haiti has reaffirmed its obligation to take legislative, administrative, social, educational and other measures to protect persons with disabilities from all forms of exploitation, violence and abuse. In that regard, the Office of the Secretary of State for the Inclusion of Persons with Disabilities has set up a complaints and advice service for persons with disabilities who are victims of human rights violations. Persons without sufficient financial means are encouraged to request support from the Office, which will subsequently refer them to a lawyer for appropriate legal assistance.

Article 17

Protecting the integrity of the person

87. Article 3 of the Act on the Inclusion of Persons with Disabilities states that:

“The State shall ensure respect for the dignity of persons with disabilities. Discriminatory statements and public communications containing derogatory comments, statements, opinions or references relating to persons with disabilities are prohibited.

Offences against the dignity of persons with disabilities shall be punished under the present Act.”

Article 18

Liberty of movement and nationality

88. Under article 13 of the Universal Declaration of Human Rights, which has the force of law in Haiti:

1. Everyone has the right to freedom of movement and residence within the borders of each State.
2. Everyone has the right to leave any country, including his own, and to return to his country.

89. Against that background, Haiti recognizes the right of persons with disabilities to freedom of movement and residence, and to a nationality, on an equal basis with others.

90. Haiti does not discriminate against persons with disabilities when granting and registering citizenship. Persons with disabilities can request and be granted Haitian citizenship under the same conditions as others.

91. The following articles of the Constitution stipulate that citizens exercise the full range of their rights in the forms and under the conditions provided for by law:

- Article 10: The rules on Haitian nationality shall be determined by law;
- Article 11: All individuals are Haitian nationals by origin who were born of a Haitian father or mother who was born a Haitian national and who, at the time of the birth, had never renounced his or her nationality;
- Article 12: Haitian nationality may be acquired through naturalization;

- Article 12, paragraph 1: All foreign nationals having resided continuously in the territory of the Republic for five years may obtain Haitian nationality through naturalization, in accordance with the rules established in law;
- Article 12, paragraph 2: Naturalized Haitians may exercise their right to vote but must wait for five years from the date of naturalization to be entitled to stand for election or to hold public positions other than those reserved under the Constitution and by law for persons who are Haitian by origin;
- Article 14: Haitians naturalized abroad can recover their Haitian nationality if they meet the legal conditions and formalities applying to foreigners.

Article 19

Living independently and being included in the community

92. The Act on the Inclusion of Persons with Disabilities is in line with the Convention with regard to the protection of independent living and inclusion in society. Article 47 of the law states that “trade union associations cannot refuse to grant membership to a worker with disabilities on the basis of his or her disability”.

93. In order to ensure that this right is enforced, the following measures have been taken:

- The creation of a national solidarity fund to promote business opportunities, self-employment and the setting up of new micro and small enterprises by persons with disabilities and the strengthening of existing ones;
- The implementation of a microcredit programme, in particular in provincial areas, in order to support the development of productive projects and the promotion of products originating from micro and small enterprises of persons with disabilities and to set up funds and flexible credit lines to those ends;
- On 17 May 2008, on the occasion of World Telecommunication and Information Society Day, devoted that year to “Connecting Persons with Disabilities: ICT Opportunities for All”, the Office of the Secretary of State for the Inclusion of Persons with Disabilities signed an agreement with the National Telecommunications Council, the Haitian telecommunications service regulator, to raise awareness among industry actors of the importance of harnessing the potential and skills of persons with disabilities in what is a key sector. The National Telecommunications Council, working in partnership with telephone operators based in Haiti, consequently undertook to provide persons with disabilities with telephones adapted to a variety of disabilities;
- Action in cooperation with the Social Security Fund to implement effective policies supporting families and community work for persons with disabilities;
- Cooperation with a number of relevant bodies in order to facilitate access to decent housing in Lumane Casimir Village, for 50 families headed by persons with disabilities, as part of Government efforts to rehouse earthquake victims still living in tents.

Article 20

Personal mobility

94. Haiti recognizes that persons with disabilities must be provided with support in their daily lives. Personal mobility is key to their economic and social inclusion and their participation in economic, social and cultural activities.

95. Construction, where needed, of ramps and special counters for persons with disabilities has been promoted in a number of private banks and establishments.

96. In 2009, with the support of the United States Agency for International Development (USAID) and the OAS, the Office of the Secretary of State for the Inclusion of Persons with Disabilities began building up a special equipment bank, starting with a batch of wheelchairs, Braille machines, Braille paper, four-track tape recorders, white canes, support canes, etc. Other similar agreements were subsequently signed, in particular with:

- The Walkabout Foundation, for 10,000 wheelchairs over a period of five years, beginning in 2012;
- Global Links, initially for two container-loads of adapted material, and possibly more in the future once the need has been evaluated.

Article 21

Freedom of expression and opinion, and access to information

97. The Government of Haiti recognizes the right to information and communication as being essential to the participation of persons with disabilities. It is one of the most important means at the disposal of persons with disabilities for sharing their opinions and participating in public life. The principle is also enshrined in article 28 of the Haitian Constitution, which states that “all Haitians have the right to freely express their opinions, on any issue, in any way they choose”.

98. Furthermore, article 55 of the Act of 13 March 2012 states that “the private and public media shall cooperate with the competent authorities to put in place awareness-raising and information programmes on disability”, while article 56 states that “the State has a duty to make official documents available in Braille or in any other alternative format of communication, in order to facilitate access to information for persons with disabilities”.

99. In that regard, the State has taken the following measures:

- Awareness-raising, the procurement of adapted material, the holding of ad hoc information courses on adapted information technology to promote access for persons with disabilities to new information and communication systems and technologies;
- Braille and sign-language classes, in order to facilitate the learning of Braille, alternative script and other alternative modes of communication;
- Regular meetings between the Office of the Secretary of State for the Inclusion of Persons with Disabilities and organizations of persons with disabilities in order to keep persons with disabilities informed of any progress made in the sector;
- A web site where associations working in the sector can express their opinions and share their ideas relating to actions taken;
- Drop-in day on Wednesdays at the Office of the Secretary of State for the Inclusion of Persons with Disabilities, to receive suggestions and grievances from persons with disabilities;
- The Government has set up an interministerial committee to monitor disability affairs. A number of ministers will sit on the committee and its technical secretariat will come under the aegis of the Office of the Secretary of State for the Inclusion of Persons with Disabilities.

Article 22

Respect for privacy

100. Under the Haitian Constitution:

- Everyone has the right to respect for their private and family life and their relationships with others;
- Public authorities shall not interfere with the exercise of that right except where such interference is in accordance with the law and necessary in a democratic society in the interests of national security, public safety, the economic well-being of the country, the maintenance of order and the prevention of criminal offences, and the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 23

Respect for home and the family

101. In ratifying the Convention, Haiti has undertaken to eliminate discrimination against persons with disabilities in respect of marriage, the family, birth and personal relations, on the basis of equality with others.

102. Persons with disabilities have the right to marry and to start a family, in accordance with the provisions of the law. Unless so required by the results of medical or psychological examinations, it is formally prohibited to remove the child of a person with disabilities from his or her care on the basis of his or her disability. Should it be confirmed that a person with disabilities is incapable of raising his or her child alone, that person or his or her legal representative shall designate a person as the guardian of the child in question (Act on the Inclusion of Persons with Disabilities, art. 8).

103. The Haitian Constitution states that all persons have the right to respect “for their private and family life, home and correspondence” but sets out a series of restrictions that may be applied if they are “provided for by law” and are “necessary in a democratic society”. The Constitution clearly provides for protection against unlawful interference in the private life of the individual.

Article 24

Education

104. Like the Convention, Haitian legislation guarantees access to education for all persons with disabilities under the same conditions as non-disabled persons.

105. Article 32 of the Act of 13 March 2012 provides that “access to education is guaranteed to all persons with disabilities. The exclusion of an individual from the education system on grounds of disability is strictly prohibited”.

106. The provision of education services to children and young persons with any kind of disability, including a physical or intellectual disability, is one of the major challenges that the Haitian State intends to address as part of its reorganization and rebuilding of the education system. To that end, it intends to gradually introduce special education where necessary for all children with special needs, based on those needs. The strategies envisaged by the Government are to make the physical school environment accessible and adapted to them and to create the necessary conditions for their learning and physical and intellectual development.

107. Area 8 of the Ministry of National Education and Vocational Training operational plan for 2010-2015 provides that, as part of efforts to promote equal opportunity and social inclusion, the Government's main priorities over the five years will include two major aims, namely (i) increasing access to education for children with disabilities and (ii) improving the quality of their education and facilitating their development. In order to achieve these objectives, several strategic actions will be undertaken. These actions will relate to the improvement and extension of existing specialist institutions, specialized and specific training for the staff involved and the gradual adaptation of public and grant-aided schools, of curriculums and programmes, and of teaching methods and materials to these children's needs.

108. Within the Ministry of National Education and Vocational Training, there is a Commission on Educational Adaptation and Social Support that ensures that persons with disabilities are not excluded from the general education system. It promotes access to primary, secondary, technical and higher education for students with disabilities.

109. It should also be noted that the Office of the Secretary of State for the Inclusion of Persons with Disabilities has made the education of young persons with disabilities a priority. Several initiatives have been launched in that connection with the aim of raising the education levels of persons with disabilities and the number able to access education. They include:

- Support for the advocacy activities of associations and other civil society bodies to encourage the enrolment in school of young persons with disabilities;
- Advocacy for the consideration of children with disabilities in the implementation of the Government's universal, free and compulsory education programme;
- School grants awarded regularly to a number of children and young persons with disabilities who are in difficult economic circumstances;
- The acquisition of adapted material for around 800 students with disabilities over the last four years so as to meet their specific education needs. The students are included in mainstream schools or attend special schools;
- Training sessions on disability and inclusive education for around forty senior officials from the Ministry of National Education and Vocational Training on 14 and 15 November 2013, organized by the Office of the Secretary of State for the Inclusion of Persons with Disabilities in partnership with the Ministry and OAS.

110. The Haitian Government recognizes that efforts to make school buildings accessible improve the participation of children with disabilities in educational activities. It also recognizes that persons with disabilities ought to be able to have the necessary adaptations made to facilitate their learning.

111. Article 41 of the Act on the Inclusion of Persons with Disabilities states that "the Ministry of National Education and Vocational Training shall ensure that school, university and vocational training buildings constructed after the entry into force of this Act are adapted to the needs of persons with disabilities so as to facilitate their mobility and learning. This provision shall apply to buildings housing public and private institutions, whether rented or not".

112. A working meeting with special schools was organized in 2012 to strengthen their links with the Office of the Secretary of State for the Inclusion of Persons with Disabilities and explore how best to build their intervention capacities.

113. Following the signing of a memorandum of understanding in March 2013 by the Institute for Higher Education and Research on Disability and Special Educational

Needs and the Ministry of National Education and Vocational Training, awareness-raising days on the inclusion of children with disabilities in schools took place in the last week of April 2013 in Jérémie, Cayes and Butette, in the south of the country, and in June 2013 in Gonaïves and Hinche.

114. A joint committee was set up by the Ministry of National Education and Vocational Training and OAS to develop a module on special education.

Article 25

Health

115. The Haitian Constitution recognizes the right of all citizens to health. Thus, article 23 stipulates that “the State has the obligation to provide to all citizens in all territorial divisions appropriate means to guarantee the protection, maintenance and restoration of their health through the establishment of hospitals, health centres and clinics”.

116. Action of various kinds is being taken to provide equal access to physical and mental health services for persons with disabilities, with particular attention paid to their specific needs, by organizations and agencies such as the National Committee for the Prevention of Blindness, created in 1998 and comprising public and private sector bodies, the Special Education Centre, St. Vincent’s Center for Children with Disabilities and the Assistance Centre for Persons with Hearing Impairments (Cappa-Sourds-Haiti).

117. The Government recognizes that there is a clear need for a disability prevention policy. The prevention of disability is sometimes a question of reacting to facts and the circumstances that give rise to them, and sometimes a question of spotting them in time to prevent them deteriorating, for they may remain harmless, or even disappear.

118. The Government, through the Ministry of Public Health and Population, strongly supported the creation of the National Committee for the Prevention of Blindness.

119. A policy on disability prevention, screening and early intervention is being developed in order to promote the adoption of preventive measures focusing on early detection and intervention in cases of disability and accidents.

120. Several national non-governmental health bodies that have an interest in the matter work alongside the Government to promote antenatal care and comprehensive health services, including information and nutrition tailored to pregnant women and children aged under 3, bearing in mind the disabilities that may be caused by risks before and during birth.

121. Following the earthquake of 12 January 2010, there has been a significant increase in the provision of orthotics and prosthetics, particularly in the capital and certain provincial towns. Most children and adults with amputations have been able to access these services regularly and free of charge, or at a very affordable price.

122. In response to the shortcomings in the health-care system and the minimal structures in place to help persons with disabilities effectively, the Office of the Secretary of State for the Inclusion of Persons with Disabilities, in cooperation with the Ministry of Public Health and Population, intends to:

- Expand health care through incentives for existing hospitals and health-care professionals, for example;
- Encourage more hospitals to develop rehabilitation services so that persons with disabilities may receive the necessary care and therapy;

- Promote a policy of mutual medical aid for disadvantaged persons with disabilities, in the form of a contributions-based insurance scheme;
- Sign memorandums of understanding with health NGOs to broaden awareness-raising and prevention campaigns, including by the use of sign language, so that they may also reach persons with disabilities effectively.

123. Some of the Office's activities relating to the protection of the rights of persons with disabilities are also noteworthy. Between October 2011 and April 2012, 600 persons with disabilities received kits and cash handouts at the Office's headquarters, 700 others received kits through its regional branches, and a programme of health care at preferential rates, serving 500 persons with disabilities, was established by a memorandum of understanding signed with Développement des Activités de la Santé en Haïti (Development of Health Activities in Haiti) (DASH).

Article 26

Habilitation and rehabilitation

124. The Haitian Government recognizes that rehabilitation services are one of the rights that persons with disabilities should enjoy on an equal basis with others, without discrimination.

125. Article 16 of the Act on the Inclusion of Persons with Disabilities provides that "medical and nursing faculty curriculums shall include courses on the habilitation and rehabilitation of persons with disabilities".

126. Several training sessions have been organized for professional and technical staff in the area of rehabilitation in order to improve comprehensive care for motor, physical, sensory, intellectual and psychosocial disabilities.

127. Article 11 of the Act on the Inclusion of Persons with Disabilities provides that "the State shall encourage medical research and investigation into the causes and factors responsible or potentially responsible for disability, for the purposes of prevention, treatment and rehabilitation".

128. With a view to promoting — in addition to medical rehabilitation — work rehabilitation and survival strategies in community-based rehabilitation, vocational rehabilitation activities are regularly included in community rehabilitation programmes.

129. In 1983 the Haitian State created the National Council for the Rehabilitation of Persons with Disabilities.

130. Several organizations of persons with disabilities have, with the support of the authorities, established community-based rehabilitation programmes and projects in order to promote strategies for community-based rehabilitation services with an emphasis on primary health care, with a comprehensive health system adapted to the specificities of each area, and the participation of organizations of persons with disabilities in its design and implementation.

131. Since 2012, a rehabilitation service has been in operation within the Workplace Injury, Sickness and Maternity Insurance Office, the main State agency in matters of treatment under the health insurance scheme.

132. The Haiti Rehabilitation Institute was set up in 2013 with the support of the Brazilian Government. Its role is to offer rehabilitation services for all kinds of disabilities and in-service training for rehabilitation professionals. It will soon be operational.

Article 27

Work and employment

133. Persons with disabilities have the right to income-generating activity so that they are able to meet their own needs and those of their family. This is enshrined in article 42 of the Act on the Inclusion of Persons with Disabilities: “Any practice that discriminates against persons with disabilities in recruitment or employment is strictly prohibited.” Article 44 provides that: “At least 2 per cent of the staff of all businesses with more than 1,000 employees in the agricultural, service, commercial and industrial sectors must be persons with disabilities, in accordance with their qualifications and aptitudes for the tasks to be undertaken.”

134. Article 48 of the Act provides that “employers are required to make the necessary adaptations to workplaces, including access to sanitary facilities, so as to enable employees with disabilities to work in safety and give full satisfaction”.

135. In that connection, two memorandums of understanding have been signed with employers’ associations to ensure that persons with disabilities are free to exercise their trade union rights at work, without discrimination. These memorandums also encourage the affirmative action measures needed to create equality of opportunity.

136. Furthermore, the Office of the Secretary of State for the Inclusion of Persons with Disabilities has developed links with several business leaders and employers’ associations in order to promote access to the labour market for persons with disabilities.

137. As a result, a memorandum of understanding was signed between the Office, Ecuador and the World Bank to establish a placement service, as provided for by the Act on the Inclusion of Persons with Disabilities, in order to promote the employment of persons with disabilities.

138. To increase the representation of persons with disabilities in the workplace, the Act covers a number of points such as employment policies, the prevention of illness and accidents, health, social security, training and retraining, and the development of human resources, including positive measures for persons with disabilities in the workplace such as the monitoring of job retention and loss or change of job, flexible, part-time working and job-sharing.

139. A solidarity agreement was signed on 14 February 2008 between the National Council for the Rehabilitation of Persons with Disabilities and the Haitian Chamber of Commerce and Industry, representing the private business sector. Under the agreement, the Chamber of Commerce undertakes to promote respect for the rights of persons with disabilities by combating discrimination of any kind against them in the labour market.

140. If necessary, the legal department of the Office of the Secretary of State for the Inclusion of Persons with Disabilities provides legal support for workers with disabilities in order to ensure the effective implementation and application of the provisions contained in International Labour Organization (ILO) conventions and recommendations.

141. A job fair was organized in September 2013 at the Office’s and other actors’ initiative and with the support of the Office of the President and the Office of the Prime Minister. It aimed to make on-the-spot job offers to professionals with disabilities and was a turning-point in the effective inclusion of persons with disabilities in the labour market. The results obtained were encouraging and demonstrate that the long-sought objective is attainable. Ten persons with disabilities had found stable employment by the end of the first job fair.

142. Other results achieved during 2013:

- Training for around 300 persons with disabilities in entrepreneurship and telecommunication tools as part of a programme promoting financial independence, developed in cooperation with a mobile telephone company and a local association for persons with disabilities;
- The enrolment of around 2,000 persons with disabilities in the “Kore Moun Andikape” programme, with the cooperation of the Economic and Social Assistance Fund (Haiti);
- Grants for around 300 persons with disabilities for school fees or income-generating activities, or for other activities allowing them to become independent.

Article 28

Adequate standard of living and social protection

143. Haitian legislation sets social security standards that take into account the particular situation of persons with disabilities in respect of time in employment, number of years of contributions and conditions for retirement.

144. The Haitian Government ensures that persons with disabilities have access to protection and social security programmes and guarantees the necessary assistance to their families. For example, in cooperation with the Economic and Social Assistance Fund (Haiti), food packages were distributed to 1,200 persons with disabilities in Port-au-Prince on 3 December 2012.

145. With the aim of protecting the rights of persons with disabilities, certain affirmative action measures have been adopted by the Haitian authorities. In that connection, it should be noted that the “Kore Moun Andikape” social assistance programme was launched in June 2013 and aims to provide access to Government social assistance for 25,000 persons with disabilities.

Article 29

Participation in political and public life

146. The Haitian Government ensures the active participation and inclusion of persons with disabilities in political and public life in order to promote their rights on an equal basis with others.

147. In that regard, the Act on the Inclusion of Persons with Disabilities contains the following provisions:

- Article 58: The Electoral Council shall ensure that election equipment and materials are suitable, accessible and easy to understand and use for persons with disabilities;
- Article 59: In public elections, persons with disabilities shall vote by secret ballot and without intimidation. However, some persons with disabilities may, on request, be assisted in voting by a person of their choosing. Electoral staff assigned to candidate registration and to polling stations shall authorize individuals accompanying persons with disabilities to assist them in all formalities or acts that they are unable to complete alone.

148. Various steps are taken by the different electoral councils to ensure the full participation of persons with disabilities in elections on an equal basis, whether as

voters or candidates, bearing in mind the necessary accessibility measures, including the possibility of being assisted by a person of their choosing when voting and the adaptation of voting systems to that end.

149. Organizations of persons with disabilities are represented on several decision-making bodies and contribute to the development, implementation and follow-up of public policies in the area, particularly those which concern them directly.

150. The National Council for the Rehabilitation of Persons with Disabilities also aims to promote coordination and training in the different associations for persons with disabilities, and the development of the skills needed to enable them to influence public affairs.

151. The legitimate, free and unrestricted functioning of several groups of associations of persons with disabilities has served to strengthen coordination between associations and lend greater weight to their participation in debates on public policies at all levels.

Article 30

Participation in cultural life, recreation, leisure and sport

152. Under articles 60 and 62 of the Act on the Inclusion of Persons with Disabilities, “cultural products of all kinds shall be available in formats accessible to persons with disabilities” and “cultural venues such as theatres, museums, cinemas, libraries and tourist sites shall be adapted to be accessible to persons with disabilities”.

153. The Haitian Government ensures that persons with disabilities can participate in cultural, sporting, recreational and other activities in order to promote individuals’ inclusion and social development on an equal basis. It therefore encourages the use of technical, material and human aids to develop the creative, artistic and intellectual skills of persons with disabilities in need.

154. The National Paralympic Committee of Haiti was created on 18 November 2005 by the Haitian Federation of Associations and Institutions of Persons with Disabilities, and in 2007 the Special Olympics Haiti programme received accreditation.

155. In July 2007, for the first time, Haiti sent three athletes with disabilities to the Parapan American Games, in Brazil, and in November 2007 two Haitian athletes with disabilities participated in the Special Olympics World Summer Games in Shanghai. In October 2010, a few months after the earthquake, Haiti participated for the first time in the Amputee Football World Cup in Argentina, with 15 athletes with amputations.

156. It should be noted that several measures have been adopted by the Haitian Government to encourage persons with disabilities to participate actively in cultural, artistic, sporting and recreational activities. They include:

- Music competitions, grants, certificates recognizing special performances and the allocation of financial resources;
- Support for sporting and cultural activities by disabled persons’ sports organizations and national bodies responsible for organizing and developing sporting activities in order to promote and maintain physical and mental health;
- The appointment of two well-known artists as ambassadors for persons with disabilities in order to promote the artistic professions, creativity, self-confidence and communication among persons with disabilities, in an atmosphere of equality, dignity and mutual respect, leading to a better quality of life for that sector of the population.

IV. Situation of boys, girls and women with disabilities

Article 6

Women with disabilities

157. Some women in Haiti suffer double discrimination. Underestimated, excluded and sometimes abused, they provoke rejection and superstition because of their disabilities.

158. In relation to women with disabilities and their particular needs, the Office of the Secretary of State for the Inclusion of Persons with Disabilities has developed a policy to support female artists with disabilities and their particular inclinations and talents.

159. Women receive continued assistance in terms of security on all fronts: basic services, including health and education; social security; food security; employment security and personal safety. The Office encourages women with disabilities to take their place in society, as they have a right to do as citizens.

160. Associations of girls with disabilities come together on International Women's Day on 8 March to make their voices heard and show off their skills.

161. A beauty pageant is organized every summer by the Filles et Femmes au Soleil (Girls and Women in the Sun) Association so as to showcase girls with disabilities. This pageant is supported by the Office and other partners.

162. Haiti is a signatory to the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women,¹ ratified by decree of 3 April 1996.

Article 7

Children with disabilities

163. In 1994, the Haitian Parliament ratified the Convention on the Rights of the Child, recognizing the enjoyment of the rights contained therein by children with disabilities, without discrimination.

164. An inclusive national policy on early childhood care is currently being drawn up to promote early education programmes that develop the skills of preschool children with disabilities in accordance with their specific needs.

165. School grants are awarded to around 150 pupils and students with disabilities each year. Various study grants are awarded to children and adolescents with disabilities from disadvantaged families as a form of aid to their families, so that poverty does not hinder their access to appropriate public education.

166. As part of mass education efforts, the Office of the Secretary of State for the Inclusion of Persons with Disabilities, in partnership with the Ministry of National Education and Vocational Training, aims to enrol children with disabilities in school.

167. Several proposals are on the table in that connection, including:

- As far as possible, including children with disabilities in neighbourhood schools, that is, schools located not far from their family environment;

¹ Convention adopted in Belém do Pará, Brazil, on 9 June 1994 at the twenty-fourth regular session of the General Assembly of the Organization of American States.

- Setting up special classes and/or classes with additional resources in mainstream schools with a view to facilitating the inclusion of children with disabilities in ordinary education;
- Creating special schools where warranted, for example for children with visual or hearing impairments;
- Providing in-service training for teachers on special education and rehabilitation through agreements with the State University of Haiti and private universities;
- Using Braille and sign language to teach persons with disabilities to read and write;
- Providing vocational training so as to allow persons with disabilities to access employment.

168. With the assistance of the Zanmi Beni home for children with disabilities, part of the Zanmi Lasante organization, a training day was organized on 28 May 2013 for persons providing health services to children with disabilities, particularly cerebral palsy and autism.

169. Students with disabilities at the Foyer d'Amour school participated in the children's week organized by the Social Welfare and Research Institute from 3 to 9 June 2013 as part of activities to mark National Children's Day.

V. Specific obligations

Article 31 **Statistics and data collection**

170. The Haitian Institute of Statistics and Information Technology does not have administrative master data on the situation of persons with disabilities. To mitigate that shortcoming, however, the Institute has undertaken to include a special module on the situation of persons with disabilities in the questionnaires used for all data-collection operations on the ground, such as population censuses and household surveys, including:

- The 2001 Haiti Living Conditions Survey;
- The 2003 census;
- The 2012 survey on living conditions in households following the earthquake;
- The census planned for 2014.

171. The Institute has a website, www.ihsi.ht, where the results of its surveys are published. Additionally, hard copies of the documents are available and accessible to all.

172. A general population census is planned for 2014, and the Institute is working closely with the Office of the Secretary of State for the Inclusion of Persons with Disabilities to ensure that questions on disability are included in the form to be used. The census will provide information on the socioeconomic situation of persons with disabilities, by geographical area. The plan is to enable broad participation by young people with disabilities at all stages of the operation.

Article 32 **International cooperation**

173. The programme undertaken in partnership with the Brazilian Cooperation Agency, to build the political and institutional capacities of governmental and non-governmental agents, with a view to promoting the rights of persons with disabilities, has continued its activities:

- In partnership with the Brazilian Cooperation Agency, two training seminars on institutional capacity-building for organizations involved in promoting the rights of persons with disabilities took place; one for civil society representatives from 10 of the country's departments, from 22 to 26 October 2012, and another for members of the press, from 8 to 12 July 2013;
- A memorandum of understanding was signed on 12 June 2012 between the Office of the Vice-President of the Republic of Ecuador, the Office of the Secretary of State for the Inclusion of Persons with Disabilities and the World Bank to encourage the exchange of scientific and technical experience in the area of disability; to facilitate coordination and cooperation in the strengthening of policies on prevention measures, health care and the protection of the rights of persons with disabilities; and to share knowledge, services and technology between the parties;
- The Secretary of State for the Inclusion of Persons with Disabilities visited Washington D.C. from 25 February to 1 March 2013 to deliver a presentation on the situation of persons with disabilities in Haiti to OAS and meet with political and civil society actors working in the area of disability in the United States;
- Six senior officials from the Office of the Secretary of State for the Inclusion of Persons with Disabilities and one member of an association for persons with disabilities took part in training in Ecuador from 3 to 15 March 2013. The course, run under the memorandum of understanding between the Governments of Ecuador and Haiti and the World Bank, allowed participants to observe several inclusion programmes for persons with disabilities implemented in Ecuador, such as programmes relating to their identification and registration, training and inclusion in the labour market, assistance and social protection;
- A high-level ministerial meeting of the Caribbean Community (CARICOM) on the rights of persons with disabilities was held in Haiti on 5 and 6 December 2013. In addition to strengthening cooperation in the area of disability, the meeting aimed to raise awareness among the different CARICOM member States of the situation of persons with disabilities so as to encourage the inclusion of their needs in the countries' public policies.

Article 33

National implementation and monitoring

174. There are numerous national associations and institutions working with persons with disabilities. However, most struggle to address the difficult situation of persons with disabilities effectively because structurally and organizationally they are so very weak. Some of them are affiliated with the two main networks: the National Network of Associations for the Inclusion of Persons with Disabilities and the Haitian Federation of Associations and Institutions of Persons with Disabilities, which, together with the Office of the Secretary of State for the Inclusion of Persons with Disabilities, have participated in advocacy work and joint workshops on:

- Ratification by parliament of the Inter-American Convention on the Elimination of all Forms of Discrimination Against Persons with Disabilities and the United Nations Convention on the Rights of Persons with Disabilities;

- Publication and dissemination of the Inter-American Convention;
- Publication and dissemination of the United Nations Convention;
- Finalization and introduction of the preliminary bill on persons with disabilities;
- Promotion of the implementation of the two conventions;
- Finalization of the national policy document on disability.

175. Other important activities include:

- The drafting of a national strategic inclusion plan by the Office of the Secretary of State for the Inclusion of Persons with Disabilities;
- At the Office's behest, various measures by the electoral councils to enable persons with disabilities to vote in elections in complete privacy, including billboards and commercials designed to raise awareness, information meetings and the setting aside of specially designated areas;
- The inclusion of representatives from organizations of persons with disabilities in several decision-making bodies;
- The support of the Office for sporting and cultural activities for persons with disabilities, including recognition, grants and publicity for their special achievements in several areas, such as sport, culture and education;
- The organization of a joint workshop by the Office and the Unit for the Construction of Housing and Public Buildings to promote accessibility in public spaces and buildings;
- A legal quota for employees with disabilities in all businesses;
- Cashier's desks reserved for persons with reduced mobility in some banks;
- A draft presidential decree published in October 2013, appointing the eight members of the National Council for the Rehabilitation of Persons with Disabilities, who are expected to commence their duties in February 2014. In late 2013, the Government issued a presidential decree establishing an Interministerial Disability Monitoring Committee.

176. The Government team intends to work with commitment and drive to achieve the large-scale inclusion of persons with disabilities in the life of the nation. The Office of the Secretary of State for the Inclusion of Persons with Disabilities is working on all fronts to provide access for persons with disabilities to education and vocational training, information, employment, health services, decent housing, physical infrastructure, sport and leisure.

177. A strategy centring on awareness-raising and information from the national and international communities should be set in motion so as to bring a real change in attitudes and behaviour towards persons with disabilities.

178. Given that disability is a cross-cutting issue, it is equally important to communicate to all the country's key sectors the urgent need for them to play their part in the process of including persons with disabilities in society.

179. Currently, the Government's main aims in terms of improving the living conditions of persons with disabilities are as follows:

- (1) To build the institutional capacities of the Office of the Secretary of State for the Inclusion of Persons with Disabilities and of associations working in the area of disability;

- (2) To provide access to education and vocational training to a larger number of persons with disabilities, in both mainstream and special institutions;
- (3) To improve the access of persons with disabilities to social protection, employment and enterprise;
- (4) To encourage the creation of physical infrastructure that is accessible to persons with disabilities;
- (5) To promote and strengthen the legal framework for persons with disabilities;
- (6) To provide access for a larger number of persons with disabilities to health care and rehabilitation services.
