



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women Forty-third session

Summary record of the 875th meeting

Held at the Palais des Nations, Geneva, on Tuesday, 27 January 2009, at 3 p.m.

Chairperson: Ms. Gabr

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Combined initial through seventh periodic reports of Haiti (continued) (CEDAW/C/HTI/7, CEDAW/C/Q/7 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Haiti took places at the Committee table.*

2. **Mr. Jean** (Haiti), responding to follow-up questions posed at the 874th meeting, said that his Government was clear about the accepted definition of the term “trafficking”, which included an element of constraint and implied that individuals were forced to perform certain types of work against their will. In line with that definition, constraint was involved in the duties expected of many of the so-called “restavek”, children performing domestic work in exchange for education; furthermore, those children were vulnerable to being forced into other activities or sold as forced labour at the border with the neighbouring Dominican Republic.

3. **Ms. Merlet** (Haiti) said that the framework laws on violence against women and on equality were works in progress. It was too early to say more about the content of the equality act than the fact that its title would contain the words “women” and “equality”.

4. **Ms. Lassegue** (Haiti) said that the national budget was insufficient to meet all the needs and priorities expressed; the Ministry therefore appealed for external cooperation to allow it to implement its various equality mechanisms. The cooperation agenda of its partners sometimes did not correspond to the agenda for the sector in question, which could pose an obstacle. The Ministry also had to fight to ensure that the bills on which it placed priority were included in the legislative agenda, and the Committee’s assistance in that area would be valuable.

5. **Mr. Bastien** (Haiti) said that the Government was currently giving priority to bills concerning cancellation of debt, which were being considered at the January session of the National Assembly. The bills on *plaçage* (informal unions) and responsible paternity were on the agenda for its March-April 2009 session, with the other bills submitted by the Ministry scheduled to be considered before the end of its May session. There had been long-standing tensions

between the executive branch and the legislature in Haiti, but both branches were working towards building the legislative agenda on a basis of consensus.

6. **Ms. Lassegue** (Haiti) said that the services provided to rape victims included provision of a medical certificate free of charge and a national shelter for victims where they received medical, legal and psychological assistance.

7. **Ms. Merlet** (Haiti) said that the proposed act on violence against women covered all forms of violence, from domestic violence through sexual harassment in the workplace. It included criminal penalties or rehabilitation for the perpetrators of such violence, as well as provisions regarding care for its victims.

8. **Ms. Chancy** (Haiti) said that the discussion surrounding the preparation of the report, in particular the responses to the Committee’s list of issues and questions, had made it clear to the Government that it would be impossible to make further progress in the advancement of women without a comprehensive national equality policy, which would include a law on equality of women and men and a national plan of action. Establishing such a policy, which would be able to reach marginalized women and would involve all institutions as stakeholders, was the current priority of the Ministry for the Status of Women and Women’s Rights.

9. **Ms. Lassegue** (Haiti), in response to questions regarding cooperation with the United Nations Stabilization Mission in Haiti (MINUSTAH), said that the Mission’s Equality Office supported the work of the Ministry and other women’s organizations. The Ministry had worked to raise the profile of the work of the Equality Office in society. In cases where violations of women’s rights had been committed by members of some troop contingents, she had worked with the Conduct and Discipline Unit to address those issues and seek justice.

10. **Mr. Jean** (Haiti) said that it was lack of resources rather than lack of political will that prevented the Government from completing the ratification and incorporation into domestic law of many of the international instruments to which it had become party.

Articles 7 and 8

11. **Ms. Neubauer** said that women in Haiti were largely absent from political life. A study on women’s

political participation had been conducted in 1999, and she asked what measures had been taken to address the obstacles identified in that study, especially with regard to the patriarchal culture and the perceptions of women's role in society. More effective consideration must be given to the participation of women at the highest levels of decision-making; the Government needed to view itself as a role model for changing the culture regarding the role of women in society. She asked whether the gender equality policy would contain any concrete objectives for increased participation of women in decision-making at the national, departmental and municipal levels. She also wondered whether there were any consequences under the Elections Act when the participation of women candidates in party lists did not reach 30 per cent, and whether there was any intention to apply and enforce special temporary measures in that area. The low participation of women in the diplomatic service pointed to the need for initiatives to promote women in diplomatic missions and the Ministry of Foreign Affairs. Finally, she would like to hear more about the participation of women in the post-conflict reconstruction of a democratic society in Haiti.

12. **Ms. Merlet** (Haiti) said that despite all efforts, results in the area of women's political participation had not met expectations, and obstacles persisted both in women's perception of their role and in political structures. The Ministry and women's organizations were working with a group of women candidates to attempt to determine how to reverse those tendencies and to ensure that they were prepared to take their rightful place.

13. **Ms. Lassegue** (Haiti) said that obstacles also included the disproportionate amount of responsibility women carried as heads of households. Furthermore, women candidates for office did not have much practice in raising campaign funds. The Government must pass a law establishing quotas for women's participation in order to ensure a significant presence of women in political life, and the Committee's support in that area would be valuable in achieving the necessary critical mass at all levels.

14. Strictly speaking, the situation in Haiti was not a post-conflict situation, as no war had been fought, although civil unrest had persisted for many years. Women were a major presence in civil society and human rights organizations working to guarantee tolerance in Haitian society.

Article 9

15. **Mr. Flinterman** requested clarification of the laws governing nationality, in particular the possibility of dual nationality for a Haitian citizen, whether a man or a woman, married to a foreigner. He would also like to know what part of Haitian legislation made it clear that a Haitian woman could transmit her nationality to her child if the father was a foreign national.

16. **Mr. Jean** (Haiti) said that Haiti applied the rule of *jus sanguinis*, or blood ties, in the area of nationality; one parent must have Haitian citizenship in order for a child to have Haitian nationality. Haitian law currently did not allow for the possibility of dual nationality, and a child with one Haitian parent must choose to adopt Haitian nationality on reaching the age of majority.

17. **Mr. Bastien** (Haiti) said that the Constitution did not allow for dual nationality, but that there had been a great deal of discussion in the Senate and National Assembly on the possibility of amending the Constitution in that area. The matter would be addressed in the legislative session between June and September 2009.

Article 10

18. **Ms. Zou Xiaohua** asked how the Government guaranteed that access to free primary education extended to rural areas and whether any statistics were available on the results of efforts to improve access to education. She would also like to know if any studies had been carried out on the high school dropout rates for girls, how many of those girls left school because of pregnancy, and whether they were offered any assistance in completing their education. There were significant disparities in education funding between urban and rural areas, and she inquired about plans to reduce those disparities and, funds permitting, increase the availability of rural educational services, in particular women's literacy. Finally, she asked for more information about enrolment rates for men and women at the university level and the fields of study they chose.

19. **Ms. Pimentel** noted the positive results achieved through the emphasis on teacher training in the 2007 education strategy. She would like to know whether progress was being made in eliminating gender stereotypes from textbooks, and how much control the Government could exercise over textbooks produced

by publishers in the private sector. The communications media could be very helpful in ensuring that a gender perspective was reflected in educational programmes.

20. **Ms. Lassegue** (Haiti) said that education was a Government priority, and that a gender perspective in education was a part of the national education plan. New textbooks that had been revised from a gender perspective were being introduced, starting in the western part of the country and moving eastward. Although the companies printing the textbooks were in the private sector, their content was under the supervision of the Ministry of Education. Programmes and scholarships were available to keep young mothers in school; in fact, under the protocol her Ministry had signed with the Ministry of Education, the figures showed that 55 per cent of scholarships had been awarded to girls.

21. Women's enrolment rates at university level had risen from a rate of 1 in 7 in the recent past to the current rate of one woman for every two men, although they were still concentrated in traditional fields of study like education. She stressed the need for resources and support from cooperation partners to improve access to education, given the priority the Government placed on it.

22. **Ms. Merlet** (Haiti) said that recent data showed that in vocational schools, girls usually chose such subjects as accounting and dressmaking, while boys chose electrical engineering and construction. Partnerships with civil society organizations were focused on keeping girls in school, encouraging them to continue their education to higher levels and giving them incentives to study non-traditional subjects.

23. **Ms. Sincimat** (Haiti) said that the Ministry of Education was working to incorporate a gender perspective in its formal curriculum at all levels. At the university level, a post-graduate course in population studies from a gender perspective for professionals in the fields of population, the family and development had been established. Out of approximately 70,000 university students, current statistics showed that about 64 per cent were men compared to 36 per cent women; the comparison was roughly the same for all three cycles.

24. **Mr. Bastien** (Haiti) said that both financial and geographical factors affected access to education. Eighty per cent of educational institutions were private, linking access to education to the capacity to pay.

Currently, 8 per cent of the national budget was allocated to education, while 25 per cent of the budget would be required in order to meet the Millennium Development Goals for education. In order to counteract the disparity in access between urban and rural areas, the Government was concentrating on building more public schools in rural areas.

Article 11

25. **Ms. Patten** noted the high rate of unemployment among women, especially in rural areas, and asked what measures the Labour Inspectorate was taking to address the evident discrimination in the labour market. Women were concentrated in the lowest-paying jobs and the informal sector, and she would like to know if there was any national policy regarding social protections for the 90 per cent of workers who were engaged in the informal sector of the economy. She would also like to hear about any efforts to involve women in non-traditional jobs.

26. Neither the Criminal Code nor the Labour Code made any mention of sexual harassment in the workplace. Although it would be covered in the Act on violence against women, it seemed to her that it should also appear in the Labour Code.

27. **Mr. Bruun** asked if self-employed women workers were covered by the protections for pregnant workers in the Labour Code, and if not, whether there were any plans to include them in the future. Turning to child labour, he said that 75 per cent of "restavek" were girls, most of whom were not attending school. He wondered if the assistance of the International Labour Organization (ILO) had been sought in dealing with that problem.

28. **Ms. Garçon** (Haiti) said that, under the Labour Code, a Women's Labour Inspectorate investigated cases of gender discrimination and violations of women's employment rights and would accompany women presenting cases of wrongful dismissal before the Labour Tribunal. Although sexual harassment was not covered in the Labour Code, the Labour Inspectorate was forcing employers to observe the criminal provisions in that area and had helped to prosecute violators of those laws.

29. With regard to the "restavek", she was pleased to report that in 2007, the Parliament had unanimously adopted ILO Convention No. 138 on the minimum age for admission to employment and No. 182 on the worst

forms of child labour. Efforts to disseminate information regarding those conventions were ongoing.

30. The Ministry of Social Affairs ensured that all women working in the formal sector were entitled to paid maternity leave. While most women in the informal sector had no such protection, it was possible for them to participate in paid insurance schemes that provided some coverage.

31. The ILO had recommended a review of the Labour Code, and the Ministry of Social Affairs had secured cooperation funds in order to conduct that review, which was under the oversight of the Tripartite Consultative Committee.

32. **Mr. Jean** (Haiti) said that cancellation of an employment contract on the grounds of colour, religion or gender could lead to a lawsuit for wrongful dismissal.

33. **Ms. Lassegue** (Haiti) said that the Government was working to raise women's salaries in factories and in domestic service. In order to ensure equal treatment in the public sector, agreements had been signed with the Ministry of Public Works and the Ministry of Agriculture to hire women in non-traditional fields. The departmental offices would soon be operating training programmes for women to provide them access to non-traditional jobs.

Article 12

34. **Ms. Arocha Dominguez**, turning to the subject of women's health, asked for the reasons women's mortality rate was higher than that of men. She also wanted to know if integrated women's health services were available that were not related to maternity and reproduction.

35. The rising maternal mortality rate was another cause for concern, and the rise in that rate between 2000 and 2005 required an explanation. She wondered what incidence illegal and unsafe abortion could have on the maternal mortality rate. Although fertility rates had declined, they still remained relatively high, and therefore she would like more information about access to and use of contraception among the rural population and those with lower educational levels.

36. She asked if the HIV/AIDS prevalence rate of 15 per cent among women had stabilized or if it was continuing to rise, whether rape and violence against

women had an effect on the prevalence rate and if condoms were widely available.

37. **Ms. Coker-Appiah**, noting the low rate of contraceptive use among the poor, asked what was being done to make contraception affordable and available. She would like to know if any studies had been done of possible links between unsafe abortion and the high maternal mortality rate, and if there were any plans to decriminalize abortion. It would also be interesting to hear more about the social, economic and cultural factors involved in women's high HIV/AIDS prevalence rate. She asked about the effectiveness of the ABC (Abstinence-Be faithful-Condom use) approach to controlling the spread of the AIDS virus, especially in a society where women had little room to negotiate sexually, and wondered if there were any other prevention strategies in use.

38. **Mr. Timothé** (Haiti) said that the high maternal mortality rate, added to other economic and educational factors, were behind women's higher mortality rate. The current maternal mortality rate of 636 per 100,000 live births was the highest in the Western hemisphere; unsafe abortion was certainly a factor, as were such problems as delays in access to emergency care for complications of childbirth, since most Haitian women still delivered at home rather than in hospital.

39. Abortion remained illegal, but complications of abortion could be treated without penalty, and discussions had begun on the possibility of offering safe interruption of pregnancy in instances of rape or to save the life of the mother. He also pointed out that the emergency rape kit kept in medical centres and police stations included the so-called "morning-after pill" to prevent pregnancy, which in the strictest sense could be considered to cause abortion. In some respects the law had not yet caught up to general practice.

40. Contraceptives were distributed free of charge in health centres and condoms were also sold at low cost or distributed free of charge, so there was no economic barrier to condom use. The growing feminization of HIV/AIDS was due to the increasing shift to heterosexual transmission. Although the overall rate of infection had declined steadily between 1993 and 2006, poverty and lack of awareness were factors that contributed to the high infection rates among women.

41. **Ms. Merlet** (Haiti) said that studies on abortion and its links to family planning and cultural values had

encouraged decriminalization, which was also favoured by the majority of the population, at the least in cases of rape or when the mother's life was endangered by the pregnancy. A draft of a bill on decriminalization was undergoing a second round of consultations with civil society in order to reach consensus before submitting it to Parliament.

Article 13

42. **Ms. Awori** asked what strategies were planned to provide social security benefits for the 90 per cent of workers in the informal sector of the economy who currently had no benefits. She would also like to know more about the reality of women's access to credit and if micro-credit was available to women without the requirement of collateral.

43. **Mr. Jean** (Haiti) said that in his country's current economic situation, where the unemployed outnumbered workers, it was not really possible to speak of a social security system. Civil service and private sector employees and their employers each made contributions to insurance and pension plans, but the risks covered were limited. The Labour Code contained provisions holding employers liable for up to a year's salary in compensation for work-related accidents.

44. **Ms. Merlet** (Haiti) said that Haitian women had access to credit without any requirement of permission, but they still had difficulty securing conventional bank loans because of the requirement of collateral. Credit programmes for women operated by non-governmental organizations (NGOs) had been designed to give women entrepreneurs access to funds and credit. Haitian women employed in the private sector or the civil service had the right to three months of paid maternity leave.

Article 14

45. **Ms. Zou Xiaohu** said that it was regrettable that the report had not mentioned any policies and strategies to target the needs of rural women. She wondered whether the 2007 National Development Strategy contained a gender component and if a timeframe for implementation had been established. She would also like to know how many women were participating in the programmes to encourage women's entrepreneurship in the 2008-2009 development plan.

46. It would be important to learn how many women were landowners, if women had the same right to inherit land as men, and how the land reform laws affected the rights of rural women.

47. **Ms. Ameline** said that civil and political rights were linked to economic, social and cultural rights in the case of rural women in informal unions (*placage*) who had no rights to joint property. If the relationship ended, those women lost both their home and their livelihood; she wondered if any efforts were being made to change that situation. She asked if there were any plans to formalize the status of agricultural workers to enable them to receive social benefits.

48. **Ms. Lassegue** (Haiti) said that women in informal unions were in the majority in Haiti, and the act to address that situation would be brought before the National Assembly in the very near future, after action on the acts on domestic workers and responsible paternity. Rural women were a priority for the Ministry, which had strengthened its field presence by establishing offices in each of the country's ten departments. The Ministry was making efforts to overcome the lack of data on rural women through coordination and training for the staff of the departmental offices on data collection, and statistics would be available in the next report. Women were also included in agrarian reforms. The programme to stimulate agricultural production in partnership with the Ministry of Agriculture was aimed at stemming the tide of migration to the cities by making it possible for the rural population to stay on the land.

49. **Ms. Merlet** (Haiti) said that the laws on inheritance did not discriminate against women, though some discriminatory practices did continue. It was important to give women control of productive resources.

Articles 15 and 16

50. **Ms. Awori** requested confirmation that the absence of a Chief Justice of the Supreme Court was not affecting the pace of reform of laws affecting women's rights. She also requested assurance that, after ten years of wide consultation in society, the bills on the rights of domestic workers, responsible paternity and informal unions would be given priority in the forthcoming legislative sessions, as they would have a significant impact on the advancement of women in Haiti.

51. Turning to the subject of marriage, she asked for an explanation of why the minimum age of marriage was 15 for women and 18 for men. She would also like to know how widespread the practice of forced marriage after rape was, and whether steps were being taken to draft a comprehensive sexual offences act separate from the act on violence against women.

52. **Mr. Jean** (Haiti) said that the absence of a Chief Justice had no impact on the pace of legislative reform, as the two branches of Government were entirely separate. Furthermore, after the 2005 decree criminalizing rape, it was not possible for a judge to order a rapist to marry his victim without the judge becoming criminally liable as well, essentially putting an end to the practice of forced marriage. As to the age of marriage, in 1938 it had been established as 21 for women and 25 for men, but the Constitution of 1980 had declared the age of majority for all civil actions, including marriage, as 18 for both men and women. Work on a separate law on sexual violence would begin after the passage of the act covering domestic violence.

53. **Ms. Pimentel** said that the laws on rape and other sexual offences were very recent, and that a great deal of work was needed to raise awareness among women about their rights under those laws.

54. **Ms. Patten** said that, as it stood, article 133 of the Civil Code stipulated the minimum age of marriage as 15 for women and 18 for men; until that provision was amended, that article prevailed. There were other discriminatory provisions in the Civil Code as well, and she asked if there were any plans to amend them.

55. **Ms. Lassegue** (Haiti) said that awareness campaigns on new legislation were being conducted through the local media in order to provide women with the information they needed to exercise their legal rights.

56. **Mr. Bastien** (Haiti) said that the provision of the Constitution of 1987 establishing the age of majority in civil matters as 18 thereby abrogated the conflicting provisions of the Civil Code.

57. **Mr. Jean** (Haiti) said that similarly, the 1982 decree abolishing the principle that the husband's home was the marital domicile had broken the hold of patriarchal and parental authority, at least under law. The forthcoming act on informal unions was an attempt to correct an injustice and give women in informal unions joint property rights.

58. **Ms. Merlet** (Haiti) said that some discriminatory legislation remained, and the challenge was for the Government to draft a comprehensive equality law that would explicitly prohibit discrimination and abolish all the remaining discriminatory laws.

59. **Ms. Lassegue** (Haiti) said that the preparation of the report, despite national emergencies and natural disasters, had been an indication that Haiti had the capability of meeting the challenges before it, with the support of the Committee and the international community. Women's lack of participation in decision-making and political life, given the huge responsibilities they bore in all other areas of the life of the country, was the major challenge remaining.

60. **The Chairperson** said that the preparation of the report was a positive process for both the Government and society. She hoped that the process that had begun in Haiti would continue, through changes in legislation and provision of essential social services for women.

The meeting rose at 5.25 p.m.