

THE ALTERNATIVE REPORT -- RECOMMENDATIONS

The Haitian Coalition for the Defense of the Child's Rights (COHADDE) coordinated, as prescribed by Article 45 of the Convention of the Child's Rights, the development of the *alternative report* that was prepared by some non-governmental organizations (see list in annex) working in the domain of the rights of the child in Haiti.

The *alternative report* reviews the following themes that constitute the six chapters of the initial report:

- 1- GENERAL MEASURES OF APPLICATION
- 2- LIBERTIES AND CIVIL LAWS
- 3- HOME ENVIRONMENT AND PROTECTION OF REPLACEMENT
- 4- HEALTH AND WELL-BEING OF THE CHILD
- 5- EDUCATION, LEISURES, RECREATIVE AND CULTURAL ACTIVITIES
- 6- SPECIAL MEASURES FOR THE PROTECTION OF THE CHILD

Some remarks and comments support the deficiencies as well as the degree of realization of some initiatives. Every theme and sub-title analyzed is followed by pertinent recommendations to help the decision-makers. This *alternative report* results from the analysis of the Haitian legal setting and the survey of the social context, in regard to the Convention of the Child's Rights and the initial report presented by the Haitian state. It completes, in some way, the said report while showing the non-governmental organizations concerns as for the process of realization of the rights of the child and the improvement of their condition in the process of realization or materialization of the Convention on the Child's Rights.

In summary, while admitting that the political and economical context played a determining role in the slow process of the improvement of the fate of the Haitian child, the *alternative report* recognizes that some efforts have been made by the Haitian state since the ratification of the Convention, particularly in the legal and social domain. But, many challenges need to be taken up.

Considering the extent of the deficiencies concerning the protection of the child in Haiti and the conditions in which he lives in a general manner, it is right to have a systematic approach and consider urgent measures in some fields. It is in this regard that some recommendations are made to the *alternative report*. They are specific to each one of the themes and sub-titles of the Haiti initial report. The set of these recommendations is compiled in the pages that follow.

Annex C - General Recommendations

Section 1.0 : Legislative measures

1.1 Recommendations : The state must :

- Elaborate a framework law that takes all positive elements contained in the Haitian laws;
- Abrogate all laws in contradiction with the CRC;
- Elaborate an application law for the CRC;
- Make the work undertaken on the *Child's Code* more dynamic until its enforcement.

1.2 Recommendations :

The state must :

- Adopt new mechanisms adjusted to international treaties;
- Implant and make functional the courts for children;
- Pursue awareness of consciousness by the professionals working for the rights of the minors;
- Integrate courses concerning rights of the child in the curricula of several faculties, notably the Law School, the Faculty of Medicine, the Superior Teacher Training College, the Faculty of Social Studies, the School of the Magistracy and the Police Academy;
- Elaborate and establish a policy of delinquency prevention;
- Make functional for the Haitian National Police (HNP) the structures foreseen for the prevention of juvenile delinquency;
- Promulgate the law barring corporal punishments to children;
- Elaborate a law against mistreatment of children.

1.3 Recommendations :

The state must :

- Reinforce the ties of partnership with the civil society in order to articulate an efficient policy for the promotion of the Convention and to coordinate the setting in work of activities diffusion.

1.4 Recommendations :

The state must :

- Enact on the definition of *Child in Haiti* and harmonize the laws consequently.

1.5 Recommendations :

The state must:

- Abrogate the discriminatory laws in the superior interest of the Child;
- Elaborate a law on fatherhood responsibilities;
- Include all measures recommended in this symposium for the inclusion of people having some disabilities in a special legislation with application mechanisms and sanction in case of violation;
- Encourage and support the associations of handicapped people and the associations of handicapped children's parents;
- Encourage obligatory involvement of the associations for the definition of policies that concern them and for the implantation of big projects on the national level;
- Implant adapted welcoming structures for the handicapped in all private and public services.

1.6 Recommendations :

The state must :

- Elaborate application laws of the Constitution and the CRC in the child's superior interest;
- Put in application the enacting terms of a statute of September 7, 1961 barring the incarceration of children;
- Abrogate the law of October 8, 1982 on parental authority, allowing parents to incarcerate their children.

1.7 Recommendations :

The state must :

- Prioritize its resources according to these commitments. It should also ascertain the respect of the laws in force, notably the one of September 14, 1953 relating to deferred sentence granted to the pregnant woman. In some reports it is mentioned the incarceration of pregnant women in jails in spite of the stage of their pregnancy.

Section 2.0 : Civil laws

2.1 Recommendations :

The state must :

- Make birth certificates available to the whole population;
- Write birth certificates in both French and Creole;
- Lead campaigns of sensitization on the question and inform the population of its rights and duties in regard to that question;
- Abolish Article 306 of the Civil Code.

2.2 Recommendation :

The state must :

- Encourage the involvement of children on the questions that concern them as indicated in the CRC.

Section 3.0 : Home environment and replacement protection

3.1 Recommendations :

- That some efforts be invested in order to elaborate and implant a policy on family;
- That the state endows itself with the necessary instruments in order to reflect the importance granted to the family;
- Elaborate a Family's Code.

Section 4.0 : Well-being and health of the child

4.1 Recommendations :

The state must :

- Undertake some initiatives in both the public and the private sectors in order to offer free services or give preferential prices to children in difficult situation;
- Take charge of sero-positive pregnant women;
- Integrate the handling of handicapped children in all national strategic plans.

4.2 Recommendation :

The state must :

- Promote social programs to improve the life conditions of the population.

4.3 Recommendations :

The Ministry of Public Health and Population (MSPP) must :

- Reinforce the institutions of health in order to correctly assure the child's global handling;
- Ascertain the training of the staff in this domain;
- Put a follow-up and assessment system in place.

4.4 Recommendation :

The Ministry of Public Health and Population (MSPP) must:

- Reinforce the follow-up of vaccination programs and make parents aware of their importance so that children receive all doses of vaccines.

Section 5.0 : Education, leisure and cultural activities

5.1 Recommendation :

The Ministry of National Education, Youth and Sports (MENJS) must:

- Finalize its policy on *Small Childhood* and elaborate a coherent setting of reference for this sub-sector—which would be most desirable.

5.2 Recommendation :

The state must :

- Undertake supplementary efforts.

5.3 Recommendation :

The state must :

- Reinforce institutional capacities of the MENJS in order to elaborate and put in application an educational policy and an adequate program that guarantees a better process of the vulnerability of some socio-economic categories and some groups of children in difficult situation.

5.4 Recommendations :

The state must :

- Improve teaching quality;
- Set in motion an articulated training plan for the teachers;

- Assure the governance of the sector in a flexible and rational manner.

5.5 Recommendation :

See section 1.4

5.7 Recommendations :

The MENJS, by the slant of National Commission for Girl Education (CONEF), must:

- Articulate elements of policies that help towards the integration of gender in the plans for expansion of fundamental, secondary and permanent education in the country;
- Take protective measures to assure effective education of girls in difficult situation;
- Put a support service in place to fight against violence to young girls and female teenagers;
- Incite the civil society to promote fairness of the gender mainly by the slant of teachers unions and women organizations.

5.8 Recommendation :

The MENJS must:

- Encourage and support these initiatives. The Ministry will have to define the leading principles that govern a Council of establishment and assure an efficient follow-up of moving actions, for a participating management of school communities in the schooling of children.

5.9 Recommendation :

The MENJS must:

- Integrate in the curricula modules of the Convention relating to *Children's Rights*, in order to valorize childhood.

Section 6.0 : Special measures

6.1 Recommendations :

The state must :

Children refugees

- Bring the Haitian and the Dominican governments to elaborate a migratory agreement—taking into account the children having no nationality;
- Sustain the setting up, together with the legal setting, of structures to welcome outcast Haïtiano-Dominican children and to place them in humane conditions susceptible to encourage their blossoming.

Street Children

- Put some functional, state-controlled, welcoming structures in place to answer the demand and assure the rights to health and education ;
- The state must consider the reasons of the phenomenon and must try to develop viable alternatives for the population;
- Elaborate some child's protective laws. These will take account of the reasons that make them leave the country and resulting circumstances while initiating a good preventive formula (the *Family's Code*).

Children in domesticity

- Put some necessary conditions in place for the eradication of infantile domesticity.
- Define a policy on the handling of children in difficult situation.
- Spread and make the SOS line for children functional everywhere in the Republic. In a country where there are only 80,000 telephone lines for a population of 8.1 millions, and where a quarter of those lines are non-functional, other solutions must be found and quickly applied.

6.2 Recommendations : **The state must :**

Justice for minors

- Conduct the reform of the legal setting;
- Create Welcoming Centers;
- Institute additional administrative and judicial structures;
- Harmonize the child's definition according to the CRC and the penal age.
- Abolish the law of October 8, 1982 on parental authority that plans an active confinement up to six months for children in conflicts with their parents.
- Familiarize the various judicial processes in the CRC in a formal way (School of the Judiciary, Law School, Police Academy, etc.) with follow-up mechanisms.

6.3 Recommendations : **The state must :**

Working Children

- Research the types of work achieved by children, their working conditions, as well as the number of children implied.
- Review the legal provisions carrying this question in harmony with the CRC and Conventions 138 and 182. This would be strongly supported, as some say that this text is merely theoretical.

Drugs

- Harmonize the Haitian legislation with the CRC and take some measures in order to slow down the use of drugs and drug trafficking in the country, especially for children and the young,
- Create and support the organizations working toward the prevention and the treatment of addiction to drugs as well as the families that are victims.

Violence and sexual exploitation

- The state must protect all children who are susceptible to be victims, to make people respect the Haitian legislation in this domain, to apply the anticipated sentence, and especially, to control the Haïtiano-Dominican border where some cases of abductions of children have been reported.

Thefts, sales and abductions of children

- That all adults using the services of children to commit some acts in conflict with the law are pursued by the penal law and that sentences are set.

Annexe A – Working group

- Coalition Haïtienne pour la Défense des Droits de d'Enfant (COHADDE)
- Fondation Haïtienne de l'enseignement privé (FONHEP)
- Groupe Haïtien de Recherches et d'Actions Pédagogiques (GHRAP)
- Plan International
- Save the Children – Canada (Aide à l'Enfance-Canada)
- Save the children - UK
- World Vision