



## Human Rights Watch Statement

### Item X – Universal Periodic Review

#### General Debate

Thank you, Mr. President.

Human Rights Watch welcomes the Human Rights Council's review of Haiti in October 2011 and its March 2012 adoption of the UPR report. This process is an important step in ensuring that the rebuilding of Haiti is rights-respecting.

First, we must congratulate the Parliament of Haiti in passing a bill in February to ratify the International Covenant on Economic, Social and Cultural Rights. As one of the key recommendations offered by several member states, and indeed in Human Rights Watch's own stakeholder submission, Haiti's adoption of the Covenant is a welcome indication that the government is committed to being an active participant in the UPR process and responding to recommendations made within it.

Ratification of the treaty cannot be empty rhetoric. The government of Haiti must begin to take steps towards the progressive realization of the rights enshrined in this treaty, and fulfill its existing obligations under other human rights treaties. This includes ensuring that women and girls have access to reproductive and maternal health services, a human rights concern documented by Human Rights Watch throughout 2011. As international medical NGOs withdraw from public institutions, the government of Haiti should carefully consider the human rights of citizens when making budget allocations to public institutions.

Human Rights Watch is concerned, however, that the government of Haiti's attitude since the UPR review in October, ~~not~~ to hold former President Jean-Claude Duvalier to account seriously damages its credibility with respect to upholding a core and fundamental element of human rights.

Mr. Duvalier's rule was marked by systematic human rights violations. Hundreds of political prisoners held in a network of prisons known as the "triangle of death" died from mistreatment or were victims of extrajudicial killings. Torture was frequent. Under

human rights conventions to which Haiti is party, statutes of limitations are inapplicable in connection with gross human rights violations proscribed by international law.

Yet, in November 2011 the new state prosecutor recommended dismissal of the human rights charges in the criminal case against Mr. Duvalier, while President Michel Martelly suggested on several occasions that he would pardon or amnesty Mr. Duvalier. On January 30, 2012, the instructing judge in the case issued his ruling, finding that statute of limitations in the criminal code prevented the prosecution of human rights crimes.

President Martelly listed building the rule of law as a priority in his reconstruction efforts. Indeed, Human Rights Watch sees strengthening the rule of law as a critically important step for addressing a wide range of human rights problems, including gender-based violence. If the concept of the rule of law has any meaning, however, it is that those accused of the worst crimes are brought to justice and given a fair trial. Impunity in the Duvalier case would entrench the distrust many Haitians have in the justice system.

In rebuilding the country, the government of Haiti must respect human rights, though we recognized the government faces many challenges. We therefore repeat our call for all governments to insist on the creation of a vigorous, transparent, and participatory follow-up mechanism to translate the UPR recommendations into meaningful action to improve conditions for the people of Haiti.