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ADVISORY SERVICES AND TECHNICAL COOPERATION
IN THE FIELD OF HUMAN RIGHTS

Argentina, Brazil, Canada, Chile, Colombia, Costa Rica*, Cuba, Denmark*,
Ecuador, El Salvador, France, Germany, Haiti*, Hungary*, Mexico,
Norway, Paraguay*, Peru and Venezuela: draft resolution

2000/... Situation of human rights in Haiti

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women,

Reaffirming that all Member States have the obligation to promote human rights and to fulfil the obligations they have undertaken under the various international instruments in this field,

Recalling its resolution 1999/77 of 28 April 1999 and General Assembly resolution 54/187 of 17 December 1999,

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Having in mind the report of the Secretary-General on the situation of democracy and human rights in Haiti (A/54/625), and the report of the Secretary-General to the Security Council on the United Nations Civilian Police Mission in Haiti (S/2000/150), and considering the statement by the President of the Security Council of 15 March 2000 (S/PRST/2000/8),

Welcoming Economic and Social Council resolution 1999/11 of 27 July 1999 in which the Council, inter alia, emphasized the need to establish the necessary mechanisms to develop, on a priority basis, a long-term strategy and programme of support for Haiti,

Recognizing the interdependence and the mutual reinforcement between democracy, development and respect for human rights and fundamental freedoms, and the commitment of the international community to supporting, strengthening and promoting this principle,

Expressing its appreciation for the important contribution of the United Nations Civilian Police Mission in Haiti and the International Civilian Mission in Haiti,

Expressing its gratitude to all the countries that took part in the work of the United Nations Civilian Police Mission in Haiti and the International Civilian Mission in Haiti,

Recognizing the major contribution that the Truth and Justice Commission is called upon to continue to play in strengthening the process of democratization and establishing a climate of freedom and tolerance conducive to respect for human rights in the country,

Noting the establishment of the International Civilian Support Mission in Haiti with the mandate to promote and protect human rights, to reinforce the institutional effectiveness of the police and judiciary, and to coordinate the international community's dialogue with political and social actors in Haiti,

Inviting the Organization of American States to pursue, as appropriate, its cooperation with the United Nations in Haiti,

Recalling the statements by the Haitian authorities to the effect that the Government of that country remains committed to upholding human rights, and encourages further improvement,

Underlining the importance of a functioning parliament to the development of democratic government, the rule of law and the advancement of political, social and economic human rights to the benefit of all Haitians,

Expressing concern over recent acts of violence that negatively affect the political evolution and the stability of the country, and at the security problems faced by Haitian society, some of which are due to the difficult social and economic conditions of that society, and which

both account for and result from the limitations of the judicial and police systems, as indicated in the reports of the independent expert of the Commission on Human Rights on the situation of human rights in Haiti,

Regretting the continuous unfortunate delays in the electoral process, in spite of the expressed commitment of the Government, since March 1999, to have as its principal goals the holding of early, free and fair elections,

Welcoming the visit to the country of the Special Rapporteur on violence against women and taking note of her report,

Taking note of the announcement by the Provisional Electoral Council that the first round of elections will take place on 21 May and the second round on 25 June 2000, confirmed by presidential decree, and urging the Government, in coordination with the Provisional Electoral Council, to provide full financial, security and logistical support to ensure free, fair, transparent and prompt elections,

1. Expresses its gratitude to the Secretary-General, his Special Representative for Haiti and the independent expert of the Commission on Human Rights on the situation of human rights in Haiti for their continuing efforts in favour of the consolidation of democratic institutions in Haiti and respect for human rights;

2. Commends the United Nations Civilian Police Mission in Haiti for its successful training and mentoring assistance to the Haitian National Police, as well as the efforts of the joint United Nations/Organization of American States International Civilian Mission in Haiti in monitoring human rights and promoting democratic reforms and assisting the Haitian authorities in the area of institution-building;

3. Takes notes with interest of the report on the situation of human rights in Haiti submitted to the General Assembly by the independent expert of the Commission on Human Rights on the situation of human rights in Haiti (A/54/366) and encourages active follow-up of the recommendations contained therein;

4. Calls upon the Government of Haiti to ratify the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocols to the International Covenant on Civil and Political Rights;

5. Insists on the importance, for combating impunity and for the realization of a genuine and effective process of transition and national reconciliation, of the investigations undertaken by the National Commission for Truth and Justice, and once again strongly urges the Government of Haiti to institute legal proceedings against perpetrators of human rights violations identified by the National Commission and to create effective facilities for providing support to the victims, in particular women, children and members of their families, and in this specific context reiterates the recommendations contained in the report of the independent expert of the Commission on Human Rights on the situation of human rights in Haiti;

6. Requests all interested Governments to make available to the Government of Haiti information and documentation to enable it to prosecute where appropriate the perpetrators of human rights violations in order to facilitate the reconciliation process;

7. Reiterates its concern over the lack of a functioning parliament and over the lack of fully independent local government;

8. Regrets the continuing delay of the parliamentary elections foreseen initially for 19 March 2000;

9. Strongly urges the Government of Haiti to enable the people of Haiti to express their political will through scheduled elections in good conditions of security, as soon as possible, and in this connection urgently calls upon the Government of Haiti, in coordination with the Provisional Electoral Council, to hold free, fair and prompt elections, in order to ensure that the parliament and local government are put in place without delay;

10. Deplores the recent increase of acts of violence and urges the Haitian authorities and political leaders to cooperate with a view to putting an end to such violence;

11. Calls upon the Government of Haiti to investigate properly politically motivated crimes and prosecute perpetrators of such crimes in accordance with Haitian law, to take vigorous action to eliminate any continuing human rights violations, including illegal arrests and detentions and the detention by authorities of individuals in violation of court orders for their release, and to ensure due process including reasonable timeframes;

12. Calls upon the Government of Haiti to comply with its existing obligations under international human rights law by harmonizing all relevant provisions of Haitian national law with international standards and by continuing to comply with its reporting obligations to treaty-monitoring bodies, in particular the Committee on the Elimination of Discrimination against Women;

13. Calls upon the Government of Haiti, in cooperation with the International Civilian Support Mission in Haiti, to continue structural reforms in the police and judicial system and the improvement of the prison sector, as a way to reinforce the promotion and protection of human rights;

14. Recalls with appreciation, and urges implementation of, the initiative of the Government of Haiti, in collaboration with the international community and women's groups, to adopt measures to promote the human rights of women and to fight against the violence of which they are victims, through the training of judicial staff and the dissemination of information on women's rights at all levels of the educational system;

15. Stresses the importance of the Haitian National Police maintaining professional and apolitical behaviour and in this connection reiterates the need for the Haitian National Police to continue receiving technical training to enable it to perform its functions efficiently, within a framework of respect for human rights;

16. Welcomes the establishment of the International Civilian Support Mission in Haiti, and supports its activities, in particular in the human rights field and that of judicial and police system reform, encourages the Haitian authorities to cooperate fully with the representative of the Secretary-General in this regard and urgently appeals to all countries in a position to do so to make financial contributions to the Mission as soon as possible, in order to allow it to perform its work effectively;

17. Invites the international community, including the Bretton Woods institutions, to stand ready to continue their involvement in the reconstruction and development of Haiti, when conditions permit;

18. Encourages the Government of Haiti to promote the rights of children, in particular their right to education;

19. Invites the Secretary-General and the Government of Haiti to contribute to the strengthening of the Office for the Protection of Citizens, including through regional representation as appropriate, incorporating a gender perspective, through the establishment of a programme of technical cooperation, in close collaboration with the High Commissioner for Human Rights and the International Civilian Support Mission in Haiti, and encourages the international community to assist in this effort;

20. Requests the High Commissioner for Human Rights to provide all necessary human and financial resources for the effective fulfilment of the mandate of the independent expert of the Commission on Human Rights on the situation of human rights in Haiti;

21. Invites the independent expert to report to the General Assembly at its fifty-fifth session and to the Commission on Human Rights at its fifty-seventh session on developments in the human rights situation in Haiti;

22. Decides to continue its consideration of this question at its fifty-seventh session under the agenda item entitled "Advisory services and technical cooperation in the field of human rights".
