

UN CRC	Ratification Date	Care-Related Concluding Observations
	8 Jun 1995	<p>CRC/C/HTI/CO/2-3 24 February 2016</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fHTI%2fCO%2f2-3&Lang=en</p> <p>IV. Main areas of concern and recommendations</p> <p>A. General measures of implementation (arts. 4, 42 and 44 (6))</p> <p>Dissemination, awareness-raising and training</p> <p>17. The Committee reiterates its previous concluding observations (CRC/C/15/ Add.202, para. 20) and recommends that the State party:</p> <p>...</p> <p style="padding-left: 40px;">(b) Undertake systematic education and training programmes on the provisions of the Convention for all professional groups working for and with children, in particular parliamentarians, judges, lawyers, law enforcement officials, civil servants, municipal and local workers, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers;</p> <p>...</p> <p>C. General principles (arts. 2, 3, 6 and 12)</p> <p>Non-discrimination</p> <p>22. While welcoming the adoption in 2014 of the Law on paternity, maternity and filiation, which guarantees equal treatment of children born out of wedlock, the Committee notes with concern that the law is not retroactive thereby excluding children born outside wedlock before 2014 and that insufficient measures have</p>

		<p>been taken to implement the law, in particular regarding DNA testing. Furthermore, the Committee is concerned about:</p> <p>...</p> <p>(b) Ongoing de facto discrimination against children with disabilities, children in street situations, children engaged in child labour and children born out of wedlock or abandoned by their father, and discrimination, threats and attacks against lesbian, gay, bisexual, transgender and intersex children.</p> <p>...</p> <p>23. The Committee recommends that the State party take all necessary measures to:</p> <p>...</p> <p>(d) Undertake awareness-raising programmes, including campaigns, with a view to eliminating discrimination against and social exclusion of children with disabilities, children in street situations, children engaged in child labour, children born out of wedlock or abandoned by their father and lesbian, gay, bisexual, transgender and intersex children, protect them against all forms of attack and foster an inclusive and tolerant environment in society, particularly in schools and other spaces for children.</p> <p>F. Family environment and alternative care (arts. 5, 9-11, 18 (1 and 2), 20, 21, 25 and 27 (4))</p> <p>Family environment</p> <p>40. The Committee notes with concern that article 189 of the Civil Code on parental responsibility refers only to children of married parents. It also notes with concern that fathers frequently refrain from fulfilling their parental responsibilities and mothers seldom report these cases. Furthermore, it is concerned that the decree of 8 October 1982, providing for the arrest of persons who do not abide by their obligation to pay an alimentary pension, does not apply to unmarried couples.</p> <p>41. The Committee recommends that the State party take all necessary measures to ensure that mothers and fathers share equally the legal responsibility for their children and that it:</p> <p>(a) Revise article 189 of the Civil Code and the decree of 8 October 1982 with a view to ensuring that they apply to children of both married and non-married parents;</p>
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		<p>(b) Raise awareness among mothers and fathers, particularly those living in rural and remote areas, about their right to report a lack of payment of maintenance and set up a national fund that would meet the maintenance obligations of defaulting parents and subsequently recover outstanding payments;</p> <p>(c) Support public awareness-raising programmes, including campaigns, aimed at men and boys on the need to exercise responsible parenthood;</p> <p>(d) Ratify the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance, the Hague Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations and the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children.</p> <p>Children deprived of a family environment</p> <p>42. While welcoming the establishment of a pilot programme by IBESR to place children into foster families, the Committee is concerned about the lack of any mechanism to monitor the treatment of children therein. It is furthermore concerned about the high rates of children deprived of their family environment, further exacerbated by the 2010 earthquake, and also notes with concern that:</p> <p>(a) A high number of children are in alternative care institutions despite having one or both parents alive;</p> <p>(b) The vast majority of alternative care institutions are privately run, often operate without authorization and are insufficiently monitored and that many of these institutions are profit motivated, using donor funds as a source of revenue, and actively look for children to host while refraining from promoting family reunification;</p> <p>(c) No measures have been put into place to support children of incarcerated parents, including parents in pre-trial detention.</p> <p>43. The Committee recommends that the State party support and facilitate familybased care for children wherever possible, including by expanding the IBESR programme with a view to establishing a national system of foster care, ensure periodic review of the placement of children in foster families and monitor the quality of care therein, including by providing accessible channels for reporting, monitoring and remedying maltreatment of children. The Committee furthermore emphasizes that financial and material poverty — or conditions directly and uniquely attributable to such poverty — should never be the sole</p>
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		<p>justification for removing a child from parental care, for receiving a child into alternative care or for preventing a child's social reintegration. It further recommends that the State party:</p> <ul style="list-style-type: none">(a) Ensure adequate safeguards and clear criteria, based on the best interests of the child, for determining whether a child should be placed in alternative care and develop an appropriate legislative and administrative framework for reunification of children who are deprived of their family environment with their families, taking into account the best interests of the child and providing psychosocial and economic support to the families where necessary;(b) Increase the proportion of publicly run alternative care institutions, allocate adequate human, technical and financial resources to these institutions, ensure that all privately run institutions are non-profit, officially registered and subject to regular control and monitoring and ensure the full protection of children residing therein;(c) Provide all necessary support and care to children whose parents are serving a prison sentence or who are in pre-trial detention, regularly review their placement in alternative care, ensure that personal relations and direct contact with the parent in prison is maintained and give due consideration to the circumstances in which non-custodial sentences may be possible. <p>Adoption</p> <p>44. The Committee welcomes the ratification of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoptions and the efforts made by the State party to increase regulation of adoption, in particular the enactment of the law reforming adoption in 2013. It is concerned, however, that the law has not yet been fully implemented.</p> <p>45. The Committee recommends that the State party adopt all necessary administrative procedures necessary for effective implementation of the law and ensure that sufficient human, technical and financial resources are made available for that purpose. It also recommends that steps be taken to monitor implementation of the law and to ensure that professionals responsible for adoption cases are fully equipped with the technical expertise needed to review and process cases in the light of the Hague Convention. It furthermore recommends that the State party strengthen its efforts to encourage national adoptions.</p> <p>I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b-d) and 38-40)</p>
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		<p>(c) Take all necessary measures to prevent children in street situations from getting involved with and being used by gangs.</p> <p>Sale, trafficking and abduction</p> <p>68. The Committee welcomes the adoption of the law on the sale and trafficking of persons in 2014, as well as the development of an anti-trafficking national plan of action. It notes with concern, however, that the law is insufficiently implemented and that the State party is a source, transit and destination country for child trafficking for the purpose of forced labour and sexual exploitation, and is concerned about:</p> <ul style="list-style-type: none"> (a) The penal code not specifying a punishment for child kidnapping; (b) Reported cases of child victims of trafficking being detained by law enforcement officials; (c) Many families having been separated without any record following the earthquake, leading to the trafficking of several children, and about children in IDP camps, children in unauthorized alternative care institutions, children in poverty, children in street situations and children engaged in child labour remaining particularly vulnerable to being trafficked; (d) Adequate victim identification and referral procedures to provide assistance to child victims of trafficking being very limited. <p>69. The Committee recommends that the State party take adequate measures to vigorously implement the law and hold perpetrators of the sale of children, child trafficking and abduction accountable for their offences, and adopt a comprehensive policy with targeted measures to address the root causes of child trafficking, focusing on children in the most vulnerable and marginalized situations. It also recommends that the State party:</p> <ul style="list-style-type: none"> (a) Amend the penal code and ensure that child kidnapping is adequately punished with a sanction commensurate to this crime; (b) Vigorously implement victim protection policies introduced with the 2014 law and ensure that child victims of trafficking are always treated as victims and not as criminals; (c) Take all necessary measures to reunify children with their families when this is in the children’s best interests; (d) Proactively identify trafficking victims among children in vulnerable situations; (e) Define referral procedures for victims of trafficking and strengthen its efforts to ensure physical and psychological recovery and social reintegration of child victims of exploitation and trafficking.
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		Country Report
		CRC/C/HTI/2-3 http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fHTI%2f2-3&Lang=en
OPSC to CRC	Ratification Date	Care-Related Concluding Observations
	9 Sep 2014	
OPAC to CRC	Ratification Date	Care-Related Concluding Observations
	N/A	
ICCPR	Accession Date	Care-Related Concluding Observations
	6 Feb 1991	
ICESCR	Accession Date	Care-Related Concluding Observations
	8 Oct 2013	
CEDAW	Ratification Date	Care-Related Concluding Observations
	20 Jul 1981	
CRPD	Accession Date	Care-Related Concluding Observations
	23 Jul 2009	CRPD/C/HTI/CO/1

		<p>13 April 2018</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fHTI%2fCO%2f1&Lang=en</p> <p>III. Principal areas of concern and recommendations</p> <p>B. Specific rights (arts. 5–30)</p> <p>Children with disabilities (art. 7)</p> <p>12. The Committee is seriously concerned by the abandonment and neglect of and violence against children with disabilities, including ill-treatment and corporal punishment, within the family, at schools and in residential alternative care facilities. It is particularly concerned about:</p> <ul style="list-style-type: none">(a) The lack of consultation with the Office of the Secretary of State for the Integration of Persons with Disabilities during the development of the national strategy for the protection of the child;(b) The fact that children with disabilities and their families do not have access to social, health-care, education or economic services and support on an equal basis with others;(c) Insufficient resources, including a lack of adequately trained personnel or accessible facilities in residential alternative care facilities. <p>13. The Committee recommends that the State party take concrete legal and other measures to ensure the protection of children with disabilities from abandonment, neglect and abuse, including the explicit prohibition of corporal punishment in all settings. It also recommends that the State party collect and analyse disaggregated data on the situation of children with disabilities, including child abandonment and neglect, with a view to designing appropriate policy responses. In particular, the Committee recommends that the State party:</p>
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		<p>(a) Ensure the inclusion of children with disabilities in the national strategy for the protection of the child;</p> <p>(b) Increase resources for parents and families with children with disabilities and ensure that they are provided with social, health-care, education and economic services and support on an equal basis with others;</p> <p>(c) Encourage alternative care in family settings for children with disabilities and, in the meantime, ensure that residential alternative care facilities have adequately trained staff and sufficient financial resources to ensure the realization of the rights of children with disabilities in those facilities.</p> <p>Freedom from torture or cruel, inhuman or degrading treatment or punishment(art. 15)</p> <p>28.The Committee is concerned about the situation of persons with disabilities, particularly women and children, who are abandoned and placed in long-stay residential centres or private care homes on the grounds of their disability, without their free and informed consent, where they are subject to torture or cruel, inhuman or degrading treatment or punishment, such as being chained.</p> <p>29. The Committee recommends that the State party prohibit all forms of coercive practices against adults and children with disabilities, including physical restraints and isolation, particularly against persons who are held in long-stay residential centres or private care homes or are otherwise deprived of their liberty. It also recommends the establishment of an independent mechanism to monitor residential centres for persons with disabilities, including centres for children with disabilities and private homes, in order to prevent, and offer protection from, acts that may constitute torture or other cruel, inhuman or degrading treatment or punishment.</p> <p>Freedom from exploitation, violence and abuse (art. 16)</p> <p>30.The Committee notes with concern that persons with disabilities, particularly women and children, face intersectional discrimination, abuse, exploitation, trafficking and violence, especially sexual assault and violence in institutions and in post-earthquake camps. It is particularly concerned by:</p>
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		<p>...</p> <p>(c) Inadequate training of the staff, carers and families of persons with disabilities, health personnel and law enforcement officials to recognize all forms of exploitation, violence and abuse, particularly with respect to children with disabilities who are orphans and engaged in domestic work;</p> <p>...</p> <p>31. The Committee recommends that the State party adopt and develop a strategy with targeted time frames and adequate funding to provide security, health and safety for women and children with disabilities in post-earthquake camps. In particular, it recommends that the State party:</p> <p>(a) Enact legislation, including monitoring mechanisms, to detect, prevent and combat violence within and outside the home against persons with disabilities, especially women and children with disabilities;</p> <p>Respect for home and the family (art. 23)</p> <p>40. The Committee is concerned about:</p> <p>...</p> <p>(b) The inadequacy of support services to strengthen the capacity of parents and families of children with disabilities, particularly single mothers of children with disabilities;</p> <p>...</p> <p>41. The Committee urges the State party to:</p> <p>...</p>
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		(b) Allocate sufficient resources to support parents and families of children with disabilities, especially single mothers, and parents with disabilities; ...
UPR	Date of Consideration	Link to Page
	13 Oct 2011	http://www.ohchr.org/EN/HRBodies/UPR/Pages/HTSession12.aspx
Hague Intercountry Adoption	Ratification Date	Link to Country Profile
	16 Dec 2013	https://www.hcch.net/en/states/other-connected-states/details2/?sid=250

Acronyms and Abbreviations:

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child/Committee on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
OPAC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
OPSC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
UN	United Nations
UPR	Universal Periodic Review