

order to ensure provision of quality health care to the entire population, specifically, the most remote and destitute groups; and adopt regulations on the opening of private health practices.

In considering education, the report states that the educational system had been widely discredited, not only because of its poor quality but also because it was beyond the reach of many children. The report notes that the priorities established by the Ministry of National Education include improvement of the quality of basic education, increased access to basic education, improvements in the system's external effectiveness, and strengthening the Ministry's planning and management capacity.

On the question of international cooperation, the Expert stated that it was essential for the international community to strengthen its programmes of cooperation related to the modernization of the state apparatus, strengthening civil society, and promotion of economic reforms and growth so as to ensure the durability of the reform process and democratization. The report notes that international assistance was disorganized, with a significant number of initiatives paralysed, in particular, by the shortage of managerial staff in the Haitian administration. The report states that some of the managers spent over 70 per cent of their time at meetings with donors and suggested that donors could more effectively coordinate their support.

With regard to prisons, the report notes that, with significant support from the UNDP, improvements have been made in penitentiary institutions but that there remained the need to integrate the National Penitentiary Administration (APENA) into the police force, while retaining its special characteristics. The system of "majors" in the prisons — a prisoner who is the chief of the cell and enjoys a position of confidence with the prison administration — had repercussions on the treatment of detainees and respect for their rights because the "major" actually holds the keys to the cell during the day, opens the door to enable detainees to go to the toilets or have medical consultations at the infirmary, and distributes food to the prisoners in the cell. The delegated authority of "majors" was often obtained through violence within the cell and was the source of many abuses and arbitrary treatment, violating such fundamental rights of detainees as health, hygiene and food. The report notes that: living conditions in the prisons had improved but remained well below the level required by the Standard Minimum Rules for the Treatment of Prisoners; some escapes from the prisons were allegedly made possible by the complicity of prison officers who were rarely prosecuted; and the problem of prison overcrowding had still not been solved.

The report refers to the recommendations of the International Civilian Mission in Haiti (MICIVIH) that: steps be taken to ensure, as far as possible, the separation of the different categories of prisoners, especially the separation of minors from adults; a partnership with the Ministry of Health be established in order to provide medical care for prisoners, organize medical examinations for

them upon admission to prison and ensure that regular medical examinations are carried out; the system of "majors" be eliminated so that no prisoner carries out disciplinary functions; specialized institutions for juvenile offenders and a system for the rehabilitation of offenders be established — with the aim of giving them the necessary skills and motivation to live in a law-abiding and autonomous manner after their release; organize post-release assistance aimed at reintegration into society; make special efforts to facilitate the return of convicted juveniles to their families; address the issue of prisons in the wider context of the prevention of crime and treatment of offenders; envisage the formulation of non-custodial measures with the aim of harmonizing the penal system with modern trends and limiting the overcrowding of prisons; continue efforts to improve the management of parquets and courts so as to ensure continuity of the criminal chain and accelerate the course of justice; ensure the presence of a legal assistant in all penitentiary centres; and set up a small library of legal works and documents.

Concerns arising from the functioning of the judicial system included the question of a statute of limitation for crimes committed between September 1991 and October 1994; the fact that prolonged pre-trial detention was a perversion of the Haitian penal system and took the place of conviction in a judicial system that was improperly and inefficiently managed; and, the need to undertake a major revision of the Code of Criminal Investigation of 1835 and the Penal Code.

The report concluded that the human rights situation had improved considerably but noted that the disarmament of Haiti could not be described as a success and that an armed population posed a danger to security and stabilization.

Resolution of the Commission on Human Rights

At the 1998 session the Commission adopted a resolution by consensus on the situation in Haiti (1998/58) and renewed the mandate of the Independent Expert for a further year.

The Commission, *inter alia*: expressed concern at the negative effects on Haiti's political, economic and social situation as a result of the lack of agreement on the appointment of a prime minister; recalled that elections were planned for 1998; noted the decision of the General Assembly (July 1997) to renew the mandate of the International Civilian Mission to Haiti (MICIVIH); expressed concern at the security problems arising, in part, from the difficult social and economic conditions in the country and resulting in limitations on the judicial and police systems; invited the government to ratify the Covenant on Economic, Social and Cultural Rights, the Convention against Torture and the Optional Protocols to the ICCPR; urged the government to institute legal proceedings against perpetrators of human rights violations identified by the Commission for Truth and Justice and create effective facilities of support to the victims,