

Referring to the issue of international cooperation the report states that it is essential for the international community to strengthen its programmes of cooperation related to: 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 is very disorganized, like Haiti itself, with a great many initiatives paralysed, in particular, by the shortage of managerial staff in the Haitian administration. It stresses that, when too much is offered to a Ministry which lacks adequate human resources for proper programme implementation, the result is to disrupt the work of the few managers available. The report states that some of the managers spend over 70 per cent of their time at meetings with donors and others and donors would do well to coordinate their support more fully.

On the issue of prisons the report notes: with significant support from UNDP, improvements have been made in penitentiary institutions but there remains 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 considered as the chief of the cell and enjoys a position of confidence with the prison administration) has 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 is often obtained through violence within the cell, is the source of many abuses and much arbitrary treatment violating the fundamental rights of the detainees (health, hygiene and food); living conditions in the prisons have improved, but remain well below the level required by the Standard Minimum Rules for the Treatment of Prisoners; some escapes from the prisons are allegedly made possible by the complicity of prison officers who are rarely prosecuted; and the problem of prison overcrowding has 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; establish a partnership with the Ministry of Health in order to provide medical care for prisoners, organize medical examinations for prisoners upon admission to prison and ensure that regular medical examinations are carried out; eliminate the system of majors that prevails in the prisons, so that no prisoner carries out disciplinary functions; establish specialized institutions for juvenile offenders; establish a system for the rehabilitation of offenders 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 and 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 related to the judicial system related to: reform related to the question of a statute of limitation; the fact that prolonged pre-trial detention is a perversion of the Haitian penal system and takes the place of conviction in a judicial system that is 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 concludes that the human rights situation has improved considerably but notes that the disarmament of Haiti cannot be described as a success and that an armed population poses a danger to security and stabilization.

#### **Resolution of the General Assembly**

The resolution adopted by the General Assembly (A/52/644/Add.3 p. 27-28): welcomed the efforts of the government to improve the situation of human rights and noted the policy statements by authorities that the government remains committed to upholding human rights and improving accountability; expressed concern at the continuing problem of common crime, and noted the ongoing need for technical training of the Haitian National Police and for the strengthening of the judicial system; welcomed the reports of the National Commission for Truth and Justice and the reports of the International Civilian Mission to Haiti on Haitian justice and on respect for human rights by the Haitian National Police; urged the government to take appropriate follow-up action on the recommendations contained in those reports, with the support of the international community; requested the government to publish the complete report of the National Commission for Truth and Justice and to make it widely available throughout the country, and to initiate legal action in serious cases; expressed concern at the security problems faced by Haitian society; supported the reform of the judicial system currently being carried out, including training in international humanitarian law and human rights; welcomed the establishment of the programme of technical cooperation prepared by the Office of the United Nations High Commissioner for Human Rights aimed at strengthening institutional capacity particularly in the areas of legislative reform, training of justice administration personnel and human rights education; invited the international community, including the Bretton Woods institutions, to continue their involvement in the reconstruction and development of Haiti, having regard to the fragility of the political, social and economic situation of the country; encouraged the government to ratify the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and the Optional Protocols to the International Covenant on Civil and Political Rights; and, invited once again the Special Rapporteur on violence against women to consider favourably the invitation to visit the country extended by the government.

#### **SECURITY COUNCIL**

##### **Reports of the Secretary-General**

The reports of the Secretary-General on the UN Support Mission and the UN Transition Mission in Haiti (S/1997/244, 24 March 1997; S/1997/564, 19 July 1997; S/1997/832, 31