

Commission; encouraged the government to consider ratifying the Covenant on Economic, Social and Cultural Rights, the Convention against Torture and the Optional Protocols to Covenant on Civil and Political Rights; invited the Special Rapporteur on violence against women to consider favourably the invitation to visit Haiti.

THEMATIC REPORTS

Arbitrary detention, Working Group on: (E/CN.4/1997/4, para. 17)

The report notes that two urgent appeals were sent to the government on behalf of 21 persons but does not provide any details on the cases.

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 167–170)

No new cases of disappearance were transmitted by the Working Group (WG) to the government. Of the 38 cases that remain to be clarified, the majority occurred in three waves during the periods 1981–1985, 1986–1990 and 1991–1993. The report notes that most of those occurring during the first period concerned members or supporters of the Haitian Christian Democrat Party who were arrested by members of the armed forces or by the Tonton Macoutes. The cases that occurred during the second period concerned persons who were reportedly arrested by armed men in civilian clothes, members of the Anti-Gang and Investigation Service, and by the police. The last wave of cases took place in the aftermath of the coup which ousted President Aristide.

The Government informed the WG that when President Aristide assumed the Presidency in 1991, no files were found relating to the disappearances that reportedly occurred between 1981 and 1990 and that, following the return to a constitutional government in 1994, no files were found relating to cases of disappearance in the period between 1991 and 1994. The government stated that all files of the Haitian Armed Forces and of the Front for the Advancement and Progress of Haiti had been sent abroad by the multinational forces. The government, therefore, would be unable to report on the fate or whereabouts of the persons reported as disappeared until the documents were returned. The report notes that the WG decided to raise the issue of the files with the Special Representative of the Secretary-General for Haiti.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, para. 16; E/CN.4/1997/60/Add.1, paras. 213–216)

The Special Rapporteur (SR) transmitted to the government information on the case of a priest who was killed by several armed men as he was entering the residence of the Montfortain Fathers in Port-au-Prince. The information indicated that police officers were suspected of having inspired this murder and that no one had been arrested. A separate communication was sent to the government about a massacre of 30 unidentified people in shanty towns in Raboteau in April 1994. According to information received by the SR, soldiers arrived in Raboteau, armed with machine-guns and accompanied by members of the Front for the Advancement and Progress of Haiti, and opened fire on the inhabitants. The report notes that the government did not respond to the information.

GENERAL ASSEMBLY

Report of the CHR Independent Expert

The Independent Expert's report (A/52/499) includes commentary on: the social and political context in Haiti; the rights to health and education; participation in development; the elections; the governmental "crisis"; international cooperation; and prisons and the judicial system.

The Expert expressed concern over a number of issues and incidents, including: the deterioration in economic and social conditions and the political situation; the strike at TELECO and the State University Hospital of Haiti; allegations of ill-treatment or acts of torture committed by the police; the new wave of acts of violence; the overcrowding in the National Penitentiary; the rise in the cost of certain essential foodstuffs; and the weaknesses of the judicial system.

Referring to the divisions within the Lavalas movement, the open conflict between OPL and Fanmi Lavalas and the April 1997 elections, the report states that it is important to curb the tendency to reduce democracy to its purely electoral dimension and notes that barely 10 per cent of the voters went to the polls, the rest having preferred to send a signal which was interpreted as being a refusal to participate in a duel within a political class which aspired to power.

On issues related to health, the report notes that: the right to health is guaranteed in the Constitution but there is little access for the population as a whole to public health services (medical personnel, facilities and drugs); the Ministry of Public Health and non-governmental organizations have established a system for the sale of generic essential drugs at cost price in their various facilities; and, the government has drafted several laws to improve the functioning of and access to the health care system but the allocation of resources to the public health sector remains inadequate. The report recommended that, *inter alia*: the Ministry of Public Health receive support in managing public funds and strengthening management, redefine the specific function of each type of health-care facility (basic health-care services, effective role of the State University Hospital of Haiti) and take measures to reconcile the purpose of the facilities and their effective role, effectively redistribute existing resources in the health system to outlying districts in order to ensure provision of quality health care to the entire population, in particular the most remote and destitute groups, and adopt regulations on the opening of private health practices;

The report states that the educational system has been widely discredited, not only because of its poor quality but also because it is beyond the reach of many children. The priorities established by the Ministry of National Education are noted as including improvement of the quality of basic education, increased access to basic education, improvement of the system's external effectiveness and the strengthening of the Ministry's planning and management capacity. Reference is made to the need to resolve the problem of the payment of back wages owed to reinstated teachers who had been wrongly dismissed. In terms of development, the report states that it is necessary to seek increased opportunities for dialogue and put aside the tradition of social polarization.