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Right to Education

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I. INTRODUCTION

1. Children from low-income families in Haiti lack access to adequate education. Even before the devastating earthquake of January 12, 2010, nearly 80 percent of Haitians lived in extreme poverty.¹ The earthquake exacerbated an already perilous situation and has resulted in the denial of the right to adequate education for the vast majority of Haitian children.

II. LEGAL FRAMEWORK FOR THE PROMOTION AND PROTECTION OF THE RIGHT TO EDUCATION

2. Universal free primary education is a right protected by Article 26 of the Universal Declaration of Human Rights. Moreover, Haiti has ratified or acceded to the following human rights treaties and conventions that contain protections for the right to education: the Convention on the Elimination of all Forms of Racial Discrimination (Article 5); the Convention on the Rights of the Child (Articles 23, 24, 28, and 32); and the Convention on the Elimination of all Forms of Discrimination against Women (Article 10).
3. The Haitian Constitution also provides individuals with the specific right to education.² According to Article 32-1, “Education is the responsibility of the State and its territorial divisions. They must make schooling available to all, free of charge, and ensure that public and private sector teachers are properly trained.” Art. 32-3 further declares, “Primary schooling is compulsory under penalties to be prescribed by law. Classroom facilities and teaching materials shall be provided by the State to elementary school students free of charge.”
4. While the Haitian government has begun to enforce the right to education, its efforts have proved insufficient to realize the right to education for all of its citizens. Education in Haiti is regulated by the Haitian Ministry of National Educational and Professional Training, which is responsible for both providing educational services to its citizens and playing a normative regulatory role over schools.³ While the Haitian Government sponsored the National Plan of Education and Training in 1997, which identified education as an important national goal, the government has never had a long-term plan for fully realizing the right to education. Interviews with various stakeholders repeatedly identified the government’s lack of a comprehensive strategy as the largest problem with the primary education system. While the Interim Haiti Recovery Commission (IHRC) led by former U.S. President Bill Clinton and Haiti’s Prime Minister Jean-Max Bellerive released the Action Plan for National Recovery and Development of Haiti after the earthquake, which includes education as a priority,⁴ it also failed to provide a comprehensive strategy for fixing Haiti’s education system.
5. In 2008, public spending on education comprised only 1.97% of the gross domestic product.⁵ A comparison between Haiti and peer countries in the Caribbean and Latin America reveals that the low rate of expenditure is not so much a matter of resources but of priorities.

III. REALIZATION OF THE RIGHT TO EDUCATION IN HAITI

6. The actual state of education in Haiti bears little resemblance to the norms espoused in the Haitian Constitution or international treaties. According to a 2007 World Bank

project appraisal document, in which it approved a grant of US \$25 million to the Haitian government as part of the Education for All initiative, at least 500,000 Haitian children between the ages of 6-11 are not in school. Only half of all six-year-olds enroll in the first grade.⁶ More than 21 percent of children ages 6 to 9 do not go to school because their parents feel they are too young to walk the distances of several kilometers to and from school by themselves.⁷ For this reason, among others, more children ages 10 to 14 attend school than those 6 to 9 years of age. Classrooms are full of *surâgés*, or students older than the expected age for their grade level.⁸

A. High Cost of Education

7. One of the primary goals of the 1997 National Plan of Education and Training was to ensure primary education would be made compulsory and free. However, weak state institutions and shrinking budgets dedicated towards education have led to increased school privatization. As a result, 92% of Haitian schools are privately owned, many of which charge high rates of tuition.⁹
8. The amount of money required to pay for children's schooling varies widely depending on the school, education level and whether the school is in an urban or rural area. To take one example, a 2006 article in the Haitian newspaper *Le Nouvelliste* quoted two Port-au-Prince parents who were paying between US \$200 to 300 for entry fees alone (fees paid to enroll children; many schools also charge a monthly fee).¹⁰ The impact of such fees on access to education in a country in which an estimated 75 percent of the population lives on less than \$2 a day and 55 percent live on less than \$1 a day needs little explanation.¹¹ While public schools have lower costs, numerous "hidden" fees—for school maintenance, uniforms, books, and teacher-salary augmentation—put even public education out of the reach of many parents. Haitian families may spend up to half of their total income on their children's schooling. As a result, education is cost-prohibitive for many families. In a Living Conditions Measurement Survey cited by the World Bank, 43 percent of all parents said the reason their children were not in school was their inability to pay.¹² For families with multiple children, it is not uncommon for children to take turns attending class, resulting in further setbacks, high repetition rates and dropout rates among students.¹³
9. Due in part to the lack of affordability of Haitian schools, only 55% of primary-school-age children in Haiti attend school, and less than one third of those enrolled reach the fifth grade.¹⁴ Secondary school education is even more limited. The Haitian government's 2007 Growth and Poverty Reduction Strategy Paper shows that only 123,000 students were admitted to Haitian secondary schools in 2004, and of those only 67% were able to receive secondary schooling.¹⁵

B. Lack of Schools

10. Rural areas support some of the poorest populations and contain few schools. The schools that do exist are inadequately funded. This is one push factor behind unsustainable population migration to more urban areas such as Port-au-Prince, which have limited employment opportunities and weak infrastructure. In many cases, the lack of education opportunities in rural areas has led to the separation of families because families send

their children to urban areas to be educated. In some instances, children who have to relocate are entrusted to more affluent families, where they will trade domestic labor for the promise of education in a form of modern slavery. The UN Special Rapporteur on Modern Slavery has estimated that between 150,000 and 500,000 children serve as *restaveks* in Haiti. The Special Rapporteur raised the concerns that *restavek* children are economically exploited since they are not being compensated for the work that they are doing, and are often not receiving the education that they were meant to receive. In instances where *restavek* children are provided education, the Special Rapporteur found that the education was inferior to the education provided to non-*restavek* children.¹⁶

11. Following its most recent review of Haiti, the Committee on the Elimination of Discrimination Against Women (“CEDAW”) was concerned about the high level of illiteracy among women, in particular the wide disparity in access to education between urban and rural areas.¹⁷ Due to economic burdens, young women are often called to contribute to a Haitian household in ways that are detrimental to their education. Additionally, due to the lack of access to potable water, particularly in rural areas, school-age girls must miss school to fetch water for their families and care for family members who are sick due to water-borne illnesses.¹⁸

C. Impact of the Earthquake

12. The impact of the January 12, 2010 earthquake on the Haitian education system has been devastating. The earthquake destroyed or badly damaged at least half of the nation’s 15,000 primary and 1,500 secondary schools. The three universities in Port-au-Prince were almost completely destroyed, and the Ministry of Education building is in ruins.¹⁹ The entire school system shut down for three months following the earthquake.
13. Nearly six months after the earthquake, more than half of the students impacted by the earthquake remained out of school, with children in displacement camps facing particular challenges in accessing education. In early 2011, more than 1 million people — approximately 380,000 of whom are children—still lived in crowded, inhumane camps.²⁰ Efforts to build temporary schools within camps are often blocked by landowners who fear that the camps will turn into permanent settlements.

D. Poor Quality of Education

14. Due to economic constraints, public schools are over grossly overcrowded, lack essential educational facilities, such as libraries and laboratories, and rely on outdated textbooks. Often, the teacher has the only textbook in the classroom.²¹ Many teachers lack the necessary teaching credentials. Only 60% of private school teachers are appropriately trained.²² Nearly 80% of primary school teachers hold no official teaching certificate.²³ Additionally, adequately trained teachers are burdened with more than 50 students per class, lack of materials or curricula and chronically late wage payments, which has resulted in high teacher absenteeism.²⁴ Private schools in general are largely unregulated—three-fourths operate with no certification or license²⁵—resulting in varying degrees in the quality of education provided.

15. Schools also lack adequate sanitation facilities, further limiting girls' access to education, since "girls, particularly after puberty, are more likely to skip school or drop out when the school does not have adequate sanitation facilities as they are unable to properly care for and clean themselves during their menstrual period."²⁶
16. Students who are economically disadvantaged are often disadvantaged at school as well. Classes are often taught in French, rather than Haitian Creole. While French and Haitian Creole are both official languages of Haiti, French is only spoken by 20-40% of the population, and generally by those in the affluent socioeconomic class. As a result, poor children frequently lack the French proficiency necessary to complete their education.²⁷
17. While public higher education is provided by the National University of Haiti, it graduates only 600 students a year. Of Haiti's private higher education institutions, only three are officially recognized by the government and "of any quality."²⁸ The total higher education enrollment ratio in Haiti is among the lowest in the world.

IV. RECOMMENDATIONS TO THE HAITIAN GOVERNMENT AND PARTNERS

1. Create a long-term plan for education with concrete milestones to achieve universal access to quality primary and secondary education and increase access to quality higher education based on consultations with key stakeholders, including students, teachers, parents, private and public school directors and relevant government Ministries;
2. Increase the national budgetary allocation for education to at least 25% and increase public funding for public schools;
3. Create and implement a nationwide education grant scheme that pays families a monthly stipend to send their children to school and assists with any fees for school supplies and transportation costs for students to travel to and from school;
4. Provide students with free school lunches that support local food production;
5. Implement special efforts, particularly in rural areas, to ensure that young girls are provided the same access to education as their male counterparts and that girls have access to adequate sanitation facilities;
6. Provide instruction in Haitian Creole at all educational levels. The Ministry of Education should establish and adequately fund a National Haitian Creole Institute to standardize Creole's written and verbal forms, and to encourage its acceptance and use at all levels of society;
7. Provide schools with updated textbooks reflecting recent Haitian history and sufficient pedagogical tools;
8. The Ministry of Education must provide, regulate and monitor training to all teachers in both the public and private schools. In an effort to ensure that there will be a sufficient number of teachers to meet the increased number of schools, special recruiting and training efforts for new teachers must be created. The Ministry of Education should be provided sufficient personnel and funds to ensure that the accreditation process for all schools can be implemented;
9. Produce global and local statistics on education, disaggregated by rural and urban areas in a systematic manner;

10. Adequately fund and build the capacity of quality control agencies such as the National Pedagogical Institute or the National Institute for Professional Training; and
11. Ensure teachers are paid on time and create more attractive employment packages for teachers by including health benefits and create incentive programs to attract teachers to rural schools.

ANNEX I: Endnotes

- ¹ Women Struggle for Rights as Haiti Recovers, United Nations Development Programme, March 2010. See <http://content.undp.org/go/newsroom/2010/march/women-struggle-for-rights-as-haiti-recovers.en>
- ² Haitian Constitution, Preamble, Art 22 and 32.
- ³ United States Institute of Peace, Education and Conflict in Haiti, “Rebuilding the Education Sector after the 2010 Earthquake,” Special Report 245, Aug. 2010, p. 3 (the “Special Report”).
- ⁴ *The Action Plan for National Recovery and Development of Haiti* (the “Action Plan”) p. 8.
- ⁵ Laurence Wolff, “Education in Haiti: The Way Forward,” Partnership for Educational Revitalization in the Americas (Sept. 2008) available at <http://www.thedialogue.org/PublicationFiles/Education%20in%20Haiti%20-%20The%20Way%20Forward%20-%20FINAL%20-%20209-15-08.pdf>.
- ⁶ World Bank, *Project Appraisal Document*, Mar. 21, 2007.
- ⁷ UNDP, Press Release: *Millennium Development Goals Look Out of Reach for Increasingly Impoverished Haiti, Concludes Detailed Report by the UN and Interim Government*, Nov. 17, 2004, available at <http://www.undp.org/dpa/pressrelease/releases/2004/november/haitirelease.pdf>.
- ⁸ *Id.*
- ⁹ Special Report p. 2.
- ¹⁰ “Les frais scolaires: véritable casse-tête pour les parents”, *Le Nouvelliste*, Haiti.
- ¹¹ Statistics are cited in the Bank’s project appraisal document. The original source is a 2001 living conditions survey, and the same figure is repeated in UNDP/Government of Haiti, National Report on the Millennium Goals for Development: A Common Vision of Sustainable Development (2004), <http://www.ht.undp.org/OMD/> (in French). Comparative 2001 numbers are from WORLD BANK, WORLD DEVELOPMENT INDICATORS 2005 tbl. 2.5a (2005), available at <http://devdata.worldbank.org/wdi2005/Cover.htm>.
- ¹² World Bank, *supra* note 4, p. 9.
- ¹³ Special Report, pp. 2-3.
- ¹⁴ See http://www.unicef.org/infobycountry/haiti_statistics.html#67.
- ¹⁵ Special Report p. 2.
- ¹⁶ *Report of the Special Rapporteur on Modern Slavery*, by Gulnara Shahninian, Sept. 4, 2009 (the “Special Rapporteur Report”).
- ¹⁷ Convention on the Elimination of All Forms of Discrimination against Women (“CEDAW”), Committee on the Elimination of all Forms of Discrimination Against Women 43rd Session, *Concluding Observations of the Committee on the Elimination of Discrimination Against Women*, February 10, 2009 (the “CEDAW Report”).
- ¹⁸ UNICEF, State of the World’s Children, 23 (2004), available at www.unicef.org/sowc04/files/SOWC_O4_eng.pdf
- ¹⁹ See http://portal.unesco.org/geography/en/ev.php-URL_ID=12145&URL_DO=DO_TOPIC&URL_SECTION=201.html
- ²⁰ *Children in Haiti - One Year After the Long Road from Relief to Recovery*, January 2011, UNICEF, p. 5.
- ²¹ Laurence Wolff, “Education in Haiti: The Way Forward,” Partnership for Educational Revitalization in the Americas (Sept. 2008) available at <http://www.thedialogue.org/PublicationFiles/Education%20in%20Haiti%20-%20The%20Way%20Forward%20-%20FINAL%20-%20209-15-08.pdf>.
- ²² Special Report, p. 3.
- ²³ Laurence Wolff, “Education in Haiti: The Way Forward,” Partnership for Educational Revitalization in the Americas (Sept. 2008) available at <http://www.thedialogue.org/PublicationFiles/Education%20in%20Haiti%20-%20The%20Way%20Forward%20-%20FINAL%20-%20209-15-08.pdf>.
- ²⁴ Laurence Wolff, “Education in Haiti: The Way Forward,” Partnership for Educational Revitalization in the Americas (Sept. 2008) available at <http://www.thedialogue.org/PublicationFiles/Education%20in%20Haiti%20-%20The%20Way%20Forward%20-%20FINAL%20-%20209-15-08.pdf>.
- ²⁵ Laurence Wolff, “Education in Haiti: The Way Forward,” Partnership for Educational Revitalization in the Americas (Sept. 2008) available at <http://www.thedialogue.org/PublicationFiles/Education%20in%20Haiti%20-%20The%20Way%20Forward%20-%20FINAL%20-%20209-15-08.pdf>.
- ²⁶ Center for Human & Rights & Global Justice et al., “Woch Nan Soley: The Denial of the Right to Water in Haiti,” 2008, p. 44; UNICEF, State of the World’s Children, 23 (2004), available at www.unicef.org/sowc04/files/SOWC_O4_eng.pdf at 55, 88; see also Jackie Kirk & Marni Sommer, “Menstruation and Body Awareness: Linking Girls’ Health with Girls’ Education,” available at www.schools.watsan.net/content/download/323/2726/file/Kirk-2006-Menstruation-KIT%20paper.pdf.

²⁷ Special Report p. 3.

²⁸ Laurence Wolff, "Education in Haiti: The Way Forward," Partnership for Educational Revitalization in the Americas (Sept. 2008) available at <http://www.thedialogue.org/PublicationFiles/Education%20in%20Haiti%20-%20The%20Way%20Forward%20-%20FINAL%20-%2009-15-08.pdf>.