

'NOWHERE TO GO'

FORCED EVICTIONS IN HAITI'S
DISPLACEMENT CAMPS

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Cover photo: People living in Camp Mozayik, Delmas municipality, Port-au-Prince, Haiti, demonstrate against forced evictions, September 2011. On 4 May 2012, all 131 displaced families in the camp were forcibly evicted by local municipal officials.

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1. INTRODUCTION

“Housing is a problem that affects people in the camps and people living in the slums. They don't realize yet that housing is a human right... That is a major challenge we have today in mobilizing people.”

Jackson Doliscar, Haitian human rights defender, Force for Reflection and Action on Housing (Fos Refleksyon ak Aksyon sou Koze Kay – FRAKKA)

More than three years after the devastating earthquake that left over 200,000 people dead and some 2.3 million homeless, tens of thousands of families are still living in shelters made of frayed tarpaulins or tin sheets. The majority of internally displaced persons are women and children.¹ For them, home has been anything but a place of comfort and security.

Life for those made homeless on 12 January 2010 has been a seemingly endless ordeal, as they have struggled to make a life for themselves and their families with little access to safe drinking water, sanitation, health care, schools or other essential services. Insecurity, chronic unemployment and threats of forced eviction have pushed them even deeper into poverty. Against this backdrop, their resilience and determination to live in dignity bears testament to the enormous potential among Haiti's people for reconstruction and a better future – a potential that has been largely thwarted by chronic and widespread failures of the Haitian authorities to guarantee their human rights.

In Haitian society, women are seen the central pillar of the household (*fanm se poto mitan*). It is they who carry the responsibility in the overwhelming majority of households for looking after children, doing household chores and, in some cases, caring for elders or other family members. In many cases, women are also the main providers for their families, working primarily in the informal sector. However, the recognition of women's central role is not devoid of contradictions. Discrimination, gender-based violence, the increasing burden of poverty on women (particularly on women-headed households) and exclusion from power and decision-making, affect most women's lives on a daily basis. These have an impact on women's capacity to enjoy their human rights including their right to adequate housing. Nowhere is this exclusion and its consequences more acutely felt than in the camps for displaced people that sprang up following the earthquake: poverty, gender-based violence, lack of or limited access to water, sanitation and other services, and inadequate living conditions.

The number of internally displaced people and the number of makeshift camps have been decreasing since the July 2010 peak of some 1.5 million people living in 1,555 camps. Thousands of families have left the camps for temporary shelter or other types of accommodation made available through different projects and programmes coordinated by the Haitian government, with the support of various international agencies. However, forced evictions² appear to have become an important factor behind the reduction in camp numbers. Amnesty International has documented a pattern of forced evictions of internally displaced families, carried out or condoned by the authorities. Forced evictions are evictions that are carried out without the legal and procedural safeguards that are required under various international human rights treaties that Haiti is a party to. These include genuine consultation with those affected to identify all feasible alternatives to evictions, provision of adequate notice, access to legal remedies, compensation, and alternative housing for those who cannot provide for themselves. The Haitian Constitution also recognizes the right to decent housing.³

According to the latest figures issued by the International Organization for Migration (IOM), as of the end of March 2013, 16,104 families had been forcibly evicted from private and public land or properties without access to legal remedies or alternative accommodation.⁴ The overwhelming majority of such evictions have involved people claiming to own the land or landowners reclaiming possession of properties from displaced people through intimidation and violence. Some, although fewer in number, are connected to planned official projects to restore public spaces, involving local officials and the police. The IOM also reported that more than 21,000 families – approximately 75,000 individuals, nearly one in four of those living in makeshift camps – were threatened with forced eviction by private landowners or the authorities.⁵

This report shows how the government has failed to protect people from forced evictions and other human rights violations in the post-quake reconstruction process. The report also briefly discusses the failure of the draft national housing policy to address these issues and to set out a policy framework aimed at guaranteeing the right to adequate housing, protection from non-discrimination and the right to equality.

To make the right to adequate housing a reality for all, the government of Haiti must put human rights at the heart of the reconstruction effort and its national policy on housing. It must ensure that all sectors of society are fully involved in devising and implementing housing policy and put in place and enforce legal safeguards against forced evictions.

The report is part of Amnesty International’s Demand Dignity campaign, which focuses on human rights violations that drive and deepen poverty. As part of the campaign, Amnesty International is focusing on human rights violations against people living in informal settlements and slums. Amnesty International is also calling on all governments to end forced evictions, ensure equal access to public services, and promote the active participation of people living in informal settlements and slums in decisions and processes that impact their lives.

METHODOLOGY

This report is based on three fact-finding visits to Haiti by Amnesty International delegates in

September 2011 and in May and July 2012, which focussed on forced evictions and other human rights violations in the context of post-quake displacement in the metropolitan area of Port-au-Prince.⁶ It draws mainly on some 22 group discussions and individual interviews involving women who have been forcibly evicted or were living in displacement camps under threat of eviction, and women who had been relocated under the government's Project 16/6 (see page 26). The respondents were purposefully sampled and identified with the assistance of Haitian human rights organizations. Most of the women interviewed by Amnesty International were heads of household and the main providers for their families.

In total, the experiences of nearly 150 individuals have helped shape this report. They are former residents of Champ-de-Mars who were relocated by the government; evictees from different makeshift camps, including Sylvio Cator Stadium, Camp Django, Camp Mozayik, Camp Grace Village; current residents of Camp Canaan, Camp Mormon, Camp Grace Village, Camp Pasteur Eddy François and Jalousie, among others. In order to respect confidentiality, the views of individuals have not been attributed in this report unless their express consent was given.

The interviews focused on current living conditions and how residents were affected by forced evictions or threats of forced evictions. Most cases of forced eviction featured in this report were documented through Amnesty International interviews with affected persons. Some, however, were documented by Haitian human rights organizations.

Amnesty International would like to thank the community-based organizations and camp residents who shared their stories and their hope for a life with dignity. Their resilience is a source of inspiration as they continue to campaign for their rights in a very challenging context, politically, socially and economically.

Amnesty International would like to thank the following organizations in particular: the Refugees and Repatriates Support Group (Groupe d'Appui aux Réfugiés et Rapatriés, GARR); the Force for Reflexion and Action on Housing (Foz Refleksyon ak Aksyon sou Koze Kay, FRAKKA); the Platform of Haitian Human Rights Organizations (Plateforme d'Organisations Haïtiennes des Droits Humains, POHDH); the Institute for Technology and Training (Institut de Technologie et d'Animation, ITECA); the Platform for an Alternative Development (Plateforme de Plaidoyer pour un Développement Alternatif, PAPDA); Haitian Women in Solidarity (Solidartié Fanm Ayisien, SOFA); the Bureau des Avocats Internationaux; the Commission of Women Victims for Victims (Komisyon Fanm Viktim pou Viktim, KOFIVIV); and Défenseur des Opprimés (DOP) for sharing their insights about the human rights issues facing women and residents of makeshift camps and slums in Port-a-Prince and elsewhere in Haiti. Amnesty International is also grateful to all the human rights activists for their assistance in the field and for their contributions, which have enriched this report.

While in Port-au-Prince, Amnesty International delegates met representatives of the Haitian government; the head of the Haitian National Police; the Public Prosecutor of Port-au-Prince (Commissaire du Gouvernement de Port-au-Prince); the Director of the Housing and Public Buildings Construction Unit (Unité de Construction de Logements et Bâtiments Publiques, UCBLP); the head of the Human Rights Section of the UN Stabilization Mission in Haiti (MINUSTAH); and representatives of UN-Habitat, the United Nations Development Programme (UNDP) in Haiti, and the International Organization for Migration (IOM).

Amnesty International wrote to the President of the Republic, M. Michel Martelly; the Prime Minister, M. Laurent Lamothe; the Ombudsman Office (Office du Protecteur du Citoyen); the Mayor of Port-au-Prince; and the Mayor of Delmas, to seek meetings with them. These requests were declined or remained unanswered.

2. FROM PRECARIOUS HOUSING TO MAKESHIFT CAMPS

The January 2010 earthquake triggered an unprecedented humanitarian crisis. The scale of the destruction and the massive displacement of people in Port-au-Prince, one of the most densely populated cities in the world, created enormous challenges for the immediate relief operations and the long-term reconstruction process.⁷

The earthquake completely destroyed 105,000 houses; a further 208,164 others were badly damaged. Structurally unsound and inadequate dwellings that had been built in unsafe areas and without following any construction standards just crumbled. An estimated 600,000 people left the quake-affected areas for other parts of the country while 1,550,000 people gathered in 1,555 spontaneous camps.⁸ According to the Post-Disaster Needs Assessment carried out by the government of Haiti with the assistance of the Global Facility for Disaster Reduction and Recovery, the housing sector registered the greatest losses, assessed at US\$2.33 billion.⁹

Humanitarian aid agencies and governments around the world responded swiftly to the disaster. However, it soon became clear that delivering humanitarian assistance in a densely populated urban context presented enormous challenges. These included: the complexity of coordinating hundreds of agencies on the ground, the lack of government leadership, the obstacles to distributing aid and services, and the difficulties encountered in clearing the rubble from thousands of destroyed houses. Weeks after the earthquake, many camps and communities reported not having received any kind of assistance.¹⁰

The humanitarian crisis was compounded by the high incidence of poverty among the displaced population, the onset of a cholera epidemic in October 2010 and by at least three major tropical storms since the earthquake¹¹. In spite of the generous pledges and contributions from governments and citizens from many countries for Haiti's recovery and reconstruction, living conditions in the makeshift camps were appalling and have deteriorated over time.

In a report on the humanitarian assistance, UN Secretary-General Ban Ki-moon, recognized that "humanitarian aid is only part of the essential response required for Haiti." The report stressed the need to rebuild the housing sector and revitalize urban planning and that these would require large-scale investment to spark socio-economic recovery and overcome the massive challenges of long-term recovery.¹²

THE HOUSING SECTOR BEFORE THE EARTHQUAKE

The earthquake hit the housing sector the hardest, exacerbating an already precarious situation regarding the quality and quantity of homes. Before the earthquake, Haiti’s national housing deficit was estimated at 700,000 units.¹³ This was most acute in the metropolitan area of Port-au-Prince. Widespread poverty in rural areas pushed many to move to the city in search of a better life, contributing to a rapid population increase and “wild urbanization” (“urbanisation sauvage”) in the capital and other urban centres.¹⁴ This resulted in over 200 slums¹⁵ in Port-au-Prince alone characterized by a high incidence of poverty and unemployment, inadequate services, a lack of adequate housing, and environmental degradation.¹⁶

Uncontrolled and rapid urbanization contributed to the multiplication of slums, many of which are in inaccessible locations such as on steep slopes or at the bottom of ravines. In the slums, the lack of access to water, energy, sanitation, and household waste collection compounded the marginalization and the poverty of their inhabitants.¹⁷

The majority of the population in the capital reportedly lived in slums or informal settlements that failed to meet minimum standards of habitability.¹⁸ Haiti’s Post-Disaster Needs Assessment cites a study from 1997 which showed that 67 per cent of the urban population lived in spontaneous settlements that covered only 22 per cent of inhabited land. At that time, the estimated population of metropolitan Port-au-Prince was just over 1.5 million.¹⁹ Government housing schemes failed to supply adequate housing, especially for those living in poverty and the provision of basic infrastructure and services could not keep up with the rate of urbanization. As a result, public services deteriorated rapidly, for all but the wealthiest people.²⁰

The Ministry of the Environment described Port-au-Prince’s rapid urbanization as “anarchic” due partly to its pace, the families’ lack of resources to build adequate housing, and the lack of zoning and urban planning to direct the city’s growth.²¹ “Cement slums” (“*bidonvilles en ciment*”) sprang up on mountainsides and ravines.²² Less than half of the population had access to water or sanitation facilities.²³

Half of the slums were located on steep slopes or at the bottom of ravines and were in danger of being swept away during periods of heavy rain or hurricanes. Inner-city and coastal slums were also exposed to floods.²⁴ It was in these precarious neighbourhoods, where 80 per cent of the urban population lived, that the destruction caused by the earthquake was most extensive and severe, exacerbating the pre-existing housing crisis.

HOUSING AND POVERTY IN HAITI

Poverty and inadequate housing are intimately linked and this relationship became manifest in the post-quake scenario. Although more recent figures are lacking, the incidence of poverty and the inequality that prevailed prior to the earthquake paint a stark picture. At the national level, 56 per cent of households lived in ‘extreme poverty’ (on less than US\$1.25 a day), and 77 per cent on less than US\$2 a day.²⁵ In 2003, nearly one household in four (23 per cent) in metropolitan Port-au-Prince lived on less than US\$1 a day, and 45 per cent lived on less than US\$2 a day. In urban areas, at the national level, housing and food accounted for up to

83 per cent of the expenditure of families living in poverty.²⁶ The richest 10 per cent of households in Haiti earned 68 per cent of the total revenue of all households, while the poorest 10 per cent earned just 0.7 per cent.²⁷

The latest data available on the incidence of 'extreme poverty' (defined by the World Bank as average daily consumption of US\$1.25 or less) suggests that the incidence of extreme poverty in households with a woman as main provider is significantly higher in certain areas. In metropolitan Port-au-Prince, extreme poverty affects women disproportionately. Women are the main providers in the majority of households (51 per cent). A significant majority (61 per cent) of all extremely poor households are those where a woman is the main provider.²⁸

One of the main factors contributing to this difference is that women are less likely to be employed in the formal sector. Very few women who are the main providers are salaried (16 per cent) and the majority of women are employed in the informal sector.²⁹ Similarly, unemployment is higher among women who are the main providers (40 per cent); the comparable figure for men who are main providers is 24 per cent.³⁰

Without external assistance, few Haitians have the resources to rebuild a durable and safe house. The lack of affordable housing in Haiti reinforces the cycle of poverty affecting those that remain in the displacement camps. Despite the appalling and deteriorating living conditions, leaving the camps is therefore not an option for most people interviewed by Amnesty International.

LIVING CONDITIONS IN THE CAMPS

Following the earthquake, displaced people built their shelters wherever they could find some space to tie up some poles and stretch a plastic sheet over them. A great number stayed within their communities, close to their homes. Shelters were built in Port-au-Prince's stadium, in public buildings (such as the prime minister's residence), in all public squares, on private vacant land, in school courtyards, on the pavements, and on thoroughfares.

Overcrowding in these camps led to appalling living conditions. Sheltered living space is well below the minimum standards in humanitarian responses set by Sphere of a covered living area of 3.5m² per person.³¹ In some camps, shelters had been built less than a foot apart, making passage difficult and considerably reducing the privacy of camp residents.

Living conditions in the camps have deteriorated dramatically over the past year. Worsening living conditions – including lack of access to services such as water, sanitation and waste disposal – have put residents at heightened risk of infectious diseases such as cholera. According to data published by the International Organization for Migration (IOM) in January 2013, internally displaced people in 427 of the 450 camps – some 311,196 people in total – did not have on-site access to water, while 228 camps had no access to toilets.³² The withdrawal of humanitarian agencies in early 2011 and funding shortfalls exacerbated the problem and contributed to reduced access to water, sanitation and hygiene services. The Office for the Coordination of Humanitarian Affairs (OCHA) reported that in August 2011, only 7 per cent of people living in camps for the internally displaced had regular access to drinking water; a sharp decrease from March when regular access was estimated at 48 per

cent.³³ While the necessary measures were taken to increase access to water in the displacement camps, concerns remain regarding the quality of drinking water. A survey found that in Delmas commune, for example, 78 per cent of water outlets were not chlorinated and of poor quality. In its July and August 2012 humanitarian bulletin, OCHA reported that the “quality of available water remain[ed] questionable”.³⁴

GENDER-BASED VIOLENCE IN THE CAMPS

Lack of adequate living conditions in the camps and unsafe housing exacerbate gender-based violence. Amnesty International has highlighted how the risk of rape and other forms of gender-based violence increased in camps but the government has failed to take adequate measures for protection for women and girls in the camp.³⁵ Various organizations have documented that the risk of rape and other forms of gender-based violence in the makeshift camps remains a serious concern.³⁶ Women interviewed by Amnesty International identified the following factors as increasing the risk of gender-based violence in the camps:

- insecure and inadequate shelters;
- inadequate toilets/latrines and washing facilities in and around the camps;
- overcrowding in the camps;
- the lack of access to any means of earning a living or generating income;
- the lack of lighting at night;
- the lack of security and policing inside the camps and the inadequate response by police officers to women and girls reporting cases of rape.

Poverty and the precarious and dangerous condition in the camps, combined with the lack of access to jobs and livelihoods, have led some women and girls to engage in transactional or survival sex. According to the women interviewed by Amnesty International and recent surveys conducted by other human rights organizations, the exchange of sex for food is common in the makeshift camps.³⁷

3. INTERNATIONAL LEGAL FRAMEWORK

THE RIGHT TO ADEQUATE HOUSING

The right to adequate housing is protected under various international and regional human rights treaties and forced evictions violate these provisions.³⁸ Article 25(1) of the Universal Declaration of Human Rights (UDHR) recognizes the right to adequate housing as a determinant of one's standard of living.³⁹ Since the proclamation of the UDHR in 1948, the right to adequate housing has been reaffirmed and recognized in numerous international and regional human rights instruments as a component of the right to an adequate standard of living.

The **International Covenant on Economic, Social and Cultural Rights (ICESCR)**, contains the most significant international legal source of the right to adequate housing. Article 11(1) of the ICESCR states: "The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realisation of this right, recognising to this effect the essential importance of international cooperation based on free consent."

At the time of this writing, Haiti had yet to ratify the ICESCR.⁴⁰ However, the right to adequate housing is also recognized in several other international human rights instruments that focus on the protection of the rights of particular groups and that have been ratified by Haiti.

The **Convention on the Rights of the Child (CRC)**, ratified by Haiti in 1995, reaffirms the right to adequate housing and is of special significance in the context of the prolonged displacement of tens of thousands of children. Article 27 states: "1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development [...] 3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing."

In addition, Article 16 protects the right of the child to privacy, which is linked to the right to adequate housing: "1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation. 2. The child has the right to the protection of the law against such interference or attacks."

Haiti, as a state party to the CRC has an obligation to protect children from being subjected to forced evictions. Children's right to adequate housing, as a component of the right to an adequate standard of living, cannot be protected and fulfilled when their whole family is

under threat, or has been subjected to, forced eviction. It can, therefore, be argued that even though Haiti has not ratified the ICESCR, it nevertheless has an obligation to protect and realize the right to adequate housing for every child and all members of his or her family.

The **International Covenant on Civil and Political Rights (ICCPR)**, ratified by Haiti in 1991, contains important provisions with regard to the right to housing. In particular, the right not be subjected to arbitrary interference with one’s privacy, family, home or correspondence, constitute very important dimensions in protection the right to adequate housing in the context of forced evictions.⁴¹

The **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)** also contains provisions on housing rights, but with limitations as they only protect rural women’s right to adequate housing. Article 14.2 (h) affirms that: “States Parties shall undertake all appropriate measures to eliminate discrimination against women in rural areas in order to ensure [...] to such women the right ... (h) to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.”

International human rights monitoring bodies have held that in certain circumstances, forced evictions can amount to cruel, inhuman or degrading treatment or punishment.⁴²

THE OBLIGATION TO PROTECT INTERNALLY DISPLACED PERSONS

Haiti also has specific obligations under human rights law to protect internally displaced persons and safeguard their rights. These obligations are elaborated in the UN Guiding Principles on Internal Displacement,⁴³ which call on states to ensure the liberty and personal security of displaced persons, provide them with necessary humanitarian assistance, guarantee them treatment equal to that given to those who are not displaced among other safeguards. The state should promote the return of displaced persons to their home communities only when such returns are voluntary and can be accomplished in safety and with dignity.

National authorities have the primary responsibility to provide humanitarian assistance, including through international cooperation and assistance. Those who are internally displaced have the right to liberty of movement and freedom to choose his or her residence, including the right to seek safety in another part of the country.⁴⁴

Internal displacement is a prohibited ground of discrimination.⁴⁵ In addition, distinctions based on current or former place of residence—for example, “whether an individual lives or is registered in an urban or a rural area, in a formal or informal settlement, is internally displaced or leads a nomadic lifestyle”⁴⁶—are not legitimate bases for differential treatment in the absence of a reasonable and objective justification.⁴⁷

The Guiding Principles emphasise the obligation of competent authorities, to at a minimum, provide internally displaced persons with and ensure safe access to: (a) Essential food and potable water; (b) Basic shelter and housing; (c) Appropriate clothing; and (d) Essential medical services and sanitation.⁴⁸

States have the responsibility "to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country."⁴⁹ The state should not encourage returns to home communities when they are not voluntary and in conditions of safety and dignity. The Guiding Principles also provide that "[s]pecial efforts should be made to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration".⁵⁰

THE PROHIBITION OF FORCED EVICTIONS

Haiti is obliged under a range of human rights treaties, including the ICCPR, the CRC, and the American Convention on Human Rights to refrain from and prevent forced evictions.⁵¹ The most detailed guidance on state obligations to refrain from, prevent and protect people from forced evictions has been provided by the UN Committee on Economic Social and Cultural Rights. Other human rights monitoring bodies have relied on the guidance developed by the Committee on Economic, Social and Cultural Rights while examining forced evictions in the context of treaties that they monitor. The Committee on Economic Social and Cultural Rights has defined forced evictions as "the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of and access to, appropriate forms of legal or other protection".⁵²

The Committee on Economic, Social and Cultural Rights has stressed that evictions may only be carried out as a last resort, once all feasible alternatives have been explored.⁵³ It clarified that evictions can only be carried out when appropriate procedural protections are in place. These include:

- an opportunity for genuine consultation with those affected;
- adequate and reasonable notice for affected people prior to eviction;
- information on the proposed evictions and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected;
- government officials or their representatives to be present during evictions;
- everyone involved in carrying out the eviction to be properly identified;
- evictions not to take place in particularly bad weather or at night unless the affected people consent otherwise;
- provision of legal remedies;
- provision, where possible, of legal aid to people who are in need of it to seek redress from the courts.⁵⁴

The Committee also emphasized that when an eviction is considered to be justified, "it should be carried out in strict compliance with the relevant provisions of international human

rights law and in accordance with general principles of reasonableness and proportionality”.⁵⁵ Evictions must not “render individuals homeless or vulnerable to the violation of other human rights”.⁵⁶

The Human Rights Committee has also stated that forced evictions contravene article 17 of the International Covenant on Civil and Political Rights, which provides for the right to the protection of the law against arbitrary or unlawful interference with a person’s privacy, family or home.⁵⁷ In the case of *Liliana Naidenova et al. v. Bulgaria*, the Human Rights Committee found that “ the State party would violate the authors’ rights under article 17 of the Covenant if it enforced the eviction order of 24 July 2006, so long as satisfactory replacement housing is not immediately available to them.”⁵⁸ The Human Rights Committee also stated that “In accordance with article 2, paragraph 3(a), of the Covenant, the State party is under an obligation to provide the authors with an effective remedy, including refraining from evicting them from the Dobri Jeliatzkov community, so long as satisfactory replacement housing is not immediately available to them. The State party is also under an obligation to ensure that similar violations do not occur in the future”.⁵⁹

The prohibition on forced evictions does not apply to evictions carried out in accordance with the law and in conformity with the provisions of international human rights standards. In other words, if the Haitian government puts in place processes such as genuine consultation to explore all feasible alternatives; provides adequate notice, remedies, alternative housing and compensation; and meets all other procedural requirements, the eviction and, if necessary, the use of force in a proportionate and reasonable manner to carry out the eviction, would not amount to a forced eviction.

The UN Special Rapporteur on adequate housing has developed the Basic Principles and Guidelines on Development-Based Evictions and Displacement (the Basic Principles). These reflect existing standards and jurisprudence on the issue of evictions.⁶⁰ They include detailed guidance on steps that should be taken before, during and after evictions in order to ensure compliance with relevant principles of international human rights law.

Under the Haitian Constitution, international human rights treaties, once ratified by the government, become part of Haitian law and they take precedence over national legislation.⁶¹ In practice, however, international standards regulating the right to housing are not adequately reflected in Haitian legislation and practice. Judges rarely apply provisions arising from Haiti’s international commitments when the civil, political, economic, social or cultural rights of individuals are at stake.

At present, Haitian law does not:

- explicitly prohibit forced evictions;
- set out sufficient safeguards that should be followed in evictions, particularly in situations where people are living on state-owned land or land which they do not own;
- provide for genuine consultation with people prior to eviction;

- provide for adequate and reasonable notice to those to be evicted in cases of eviction from state-owned land;
- require identification of those carrying out the eviction or for government officials to be present during eviction, even though in practice this does happen;
- prohibit evictions during bad weather or at night.

Many Haitians have little to no access to the justice system and seeking remedies for forced evictions is extremely difficult. Those living in poverty simply cannot afford court and lawyers' fees and the government does not offer mechanisms for legal assistance. In addition, the weakness of the justice system makes virtually impossible any progress in applying international human rights law.

4. FORCED EVICTIONS

“[The] practice of forced eviction constitutes a gross violation of human rights, in particular the right to adequate housing.”

United Nations Commission on Human Rights, Resolution 1993/77, para. 1.

Forced evictions – evictions undertaken without legal protections such as genuine consultation with affected communities, provision of adequate notice and legal remedies, compensation and adequate alternative housing for those who can not provide for themselves - continue to devastate the lives of thousands of internally displaced families living in makeshift camps in Haiti. They are tolerated by the state and carried out in total impunity by state agents and private individuals or groups (non-state actors) alike. As far as Amnesty International is aware, no one so far has been held accountable.

SYLVIO CATOR STADIUM: REPEATED FORCED EVICTIONS

In early July 2011, the City Council of Port-au-Prince announced that on Friday 15 July it would evict over 500 families living in a makeshift camp located in the parking lot of Sylvio Cator Stadium in central Port-au-Prince. These families were among the 7,000 displaced people who sought shelter inside the Sylvio Cator Stadium in the immediate aftermath of the earthquake and set up makeshift shelters on the pitch.

Many of these families had already been forcibly evicted before from the pitch in March 2010 by the authorities without a court order and without any information or alternatives being offered to the earthquake survivors. Police officers entered the stadium at night and started pulling down shelters and forced survivors to leave the premises.

About 514 families rebuilt their shelters in the parking lot, around the stadium fascia. On Tuesday, 12 July 2011, the former mayor of Port-au-Prince went to the Sylvio Cator Stadium to inform the 514 families living there that they had to leave before Friday 15 July; no written notice or judicial order as required in Haitian law, was presented.⁶² This was the first notification of impending eviction that the families received.

The families that Amnesty International interviewed, stated that they were told they would be forcibly removed if they did not leave voluntarily. The reason for the eviction was related to an upcoming sporting event being held at the stadium and the need to carry out some repairs.

Under pressure from the camp residents, Haitian and international human rights organizations, the municipal authorities sought quickly to find a relocation area. They identified a property less than 2km away, in the

courtyard of an abandoned and partially demolished radio station. Only 40 families were able to build new makeshift shelters on the small walled property which was prone to flooding. No further assistance for relocation or rebuilding of shelters or facilities was provided.

When Amnesty International visited the resettlement site in September 2011, it was evident that the new location was too small for the families living there. The shelters were built around a partially demolished structure, six plastic toilets had been installed in the central reservation of a busy thoroughfare (Boulevard Harry Truman) at the entrance of the camp; three of them were overturned and the rest were clogged according to the camp residents.

Sylvio Cator Stadium was among the six "most visible" displacement camps that Haitian President Michel Martelly slated for closure and resettlement of the camp inhabitants under the programme 16/6.⁶³

As highlighted earlier, according to IOM, between July 2010 and March 2013, 16,104 families were forcibly evicted from 175 different camps.⁶⁴ Nearly one in four Haitians currently living in a camp for internally displaced people, is under threat of forced eviction.⁶⁵

Behind these alarming figures are the unheard stories of the women, men and children who have seen their homes and their lives torn apart by landowners, local officials, municipal agents or police officers. The threat of forced eviction is often accompanied by systematic intimidation, harassment and violence. Those who are forcibly evicted are pushed from the land or the property they have occupied since the earthquake without due process, consultation or an offer of adequate alternative accommodation. Nor do they have access to effective remedies. They are made homeless once more and often find it difficult to find a new location where they can re-build lives, housing and community ties. In most cases, their makeshift shelters and their belongings are destroyed.

The causes of forced evictions vary. Forced evictions have been carried out by the Haitian authorities to allow for repairs to the football stadium, to clear public squares where the authorities believed criminal activities were being carried out, and to allow alleged private owners to regain possession of their properties.

Haiti's Code of Civil Procedures sets out clear parameters for landowners seeking to assert ownership rights or possession of private property. It also defines the powers of various judicial officials. The law, therefore, allows landowners to seek the legal eviction of the displaced people occupying their properties.⁶⁶ Justices of the Peace, the lowest level in the Haitian justice system, play a key role in disputes over property. They are responsible for, among other things, recording infringements of property rights and ordering evictions. However, in the context of internally displaced people occupying private property, the Justice of the Peace can only order their eviction during the first year of occupation. After that time, landowners have to initiate legal proceedings in a civil court and prove that they are the rightful owner. The Code of Civil Procedure requires the alleged landowner to initiate a legal action to enforce their title to property (*une action pétitoire*). Initiating this kind of legal action is problematic if the person seeking the eviction is not the rightful owner or does not have a legal title to support their claim in court, as is often the case; before the earthquake, few Port-au-Prince residents had titles to their land.⁶⁷

The legal process can take from one to two years, or even more if the camp residents have legal representation that can extend the process and appeal any decision of eviction from a Civil Court.

People claiming to be landowners therefore often avoid legal processes to seek evictions. Many forced evictions are therefore carried out through the use of threats, intimidation, and violence rather than through the use of legal means. Financial compensation is sometimes offered as an incentive to displaced families to leave the property they are occupying, but the sums offered are generally not enough to secure adequate alternative accommodation.

Residents of Camp Mormon, in Delmas, have been under threat of forced eviction for more than a year. Camp residents reported that the camp was attacked on several occasions at night by armed men and the president of the camp's organizing committee was also verbally threatened. On one occasion, the attackers fired live ammunition at the camp and threw stones and bottles. One camp resident suffered minor injuries while trying to take cover from the gunfire. The incident was reported to the local authorities, who denied all responsibility for the attack or for ensuring the protection of those living in the camp. The attacks on the camp continued.

In Carrefour, the committee president of Camp Grace Village was allegedly forcibly evicted from his home by security guards hired by the alleged owner and he has been barred from entering the camp. He had been a key figure in mobilizing the community to prevent shelters from being cleared off the property.

LACK OF GENUINE CONSULTATION AND ADEQUATE NOTICE

Not one of the families interviewed by Amnesty International had been consulted or informed in any way about the eviction process before they were evicted. Without exception, the authorities also failed to give adequate notice to residents before the police and the demolition crew from the municipality arrived. Any notice that was provided, normally 15 days, was given verbally or just paint-sprayed on the shelters to be demolished as was the case in Camp Mormon and Camp Mozayik, in Delmas municipality.

The plan to evict internally displaced people is more often than not communicated as a threat rather than to start a process of consultation to identify and discuss feasible alternatives. This necessarily limits people's ability to ask questions about the procedure that will be followed or other details related to the eviction, the future use of the land, compensation, assistance and other avenues for redress that should be available to them.

No fixed date for the actual eviction is communicated to camp residents. Normally, they are warned that they will have to leave the site within a fixed number of days, varying from few days to two weeks. However, as in many cases the forced eviction is not carried out within the timeframe issued in the initial threat, the communities are left in a state of permanent anxiety, knowing that the eviction could take place at any time from when the threat is issued.

CAMP MOZAYIK: FORCED EVICTION BY MUNICIPAL AUTHORITIES

On 4 May 2012, 126 families who lived in Camp Mozayik in Delmas municipality were forcibly evicted by local municipal officials accompanied by armed members from the Delmas' Streets Control Brigade (Brigade de Contrôle des Rues, BRICOR) and officers from the Haitian National Police.

The land where the internally displaced people built their makeshift shelters in the wake of the earthquake was set aside for a commercial development. The alleged owners did not initiate any legal proceedings to obtain an eviction order from the courts, as required under national law. They instead regained possession of the property through the involvement of the local municipal authorities and private individuals.

In early September 2011, representatives from the local municipal authorities visited Camp Mozayik and spray painted "to be demolished" on some makeshift shelters. Prior to this, camp residents had also received some verbal threats of the eviction. Later the same month, the camp residents organized a demonstration against the demolition and eviction threats and through the local media covering the event, they called on the authorities to initiate a dialogue and consultation with them and to provide them with alternative housing.

At around 4pm on 4 May 2012, without prior notice and without an eviction order, a demolition crew from Delmas municipality accompanied by armed agents from BRICOR started to destroy the makeshift shelters with hammers and machetes. Footage of the eviction made available to Amnesty International showed the former mayor of Delmas supervising the destruction of the makeshift shelters and the eviction of the camp residents. Shelters were torn down before many affected people could retrieve their belongings and were left empty-handed. Former Camp Mozayik residents told Amnesty International that what was not broken or torn down during the demolition of their homes was stolen by gang members who accompanied the demolition crews and who had in the past issued the threats against the camp residents.

The families did not receive any compensation or alternative accommodation. All 126 families were left homeless.

Around half of the families forcibly evicted from Camp Mozayik have rebuilt their shelters several kilometres away on the northern outskirts of Port-au-Prince in an informal settlement known as Canaan. At the time of writing, this informal settlement, which has no running water or sanitation, was home to more than 10,000 families and was continuing to grow as more victims of forced evictions arrived.⁶⁸

Camp Mozayik is not an isolated case. In an earlier forced eviction carried out on 23 May 2011, in Carrefour de l'aéroport, Delmas, municipal agents from BRICOR and the former mayor of Delmas arrived at the camp and started to demolish the shelters without prior notice. Indeed, none of the tens of families was ever consulted to try and identify alternatives to the eviction or even provided with information on the need to vacate the square.⁶⁹ A former municipal official was reported in the national press trying to justify this forced eviction in the following terms: "This is a public square, a place of recreation. Everybody needs it. It cannot remain the private domain of a group of people. All I care about for the moment, is to empty the square... These plazas are a refuge for armed criminals and a place where brothels are in operation."⁷⁰

In fact, Delmas is the municipality with the highest number of internally displaced persons in



Many of those made homeless by the earthquake in Haiti in January 2010 are still living in makeshift camps in appalling conditions. There is little access to safe drinking water, sanitation, health care, schools or other essential services. Insecurity, chronic unemployment and threats of forced eviction have pushed families even deeper into poverty. Against this backdrop, their resilience and determination to live in dignity bear testament to the enormous potential among Haiti's people for reconstruction and a better future – a potential that has been largely thwarted by chronic and widespread failures to fulfil their human rights.

Above: Demonstration by camp residents threatened with forced eviction. Camp Grace Village, Carrefour municipality, Port-au-Prince, May 2012. Waving branches at demonstrations is traditional and a way of calling for change.



Left: Showers at Camp Grace Village, Carrefour municipality, Port-au-Prince.

Below: Camp Grace Village, Carrefour municipality, Port-au-Prince, is home to several hundred families displaced by the 2010 earthquake.

Lack of access to essential services such as water, sanitation and waste disposal – have put residents at heightened risk of infectious diseases such as cholera.





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Above: Camp for internally displaced people in Port-au-Prince. Overcrowding in the camps has led to appalling living conditions. In some camps, shelters are less than a foot apart.

Right: Camp Grace Village, Carrefour municipality, Port-au-Prince. The tarp has been spray painted with the words “Ademoli” (“to be demolished”). Residents are not given adequate notice before they are forcibly evicted. Any notice that is provided is given verbally or just paint-sprayed on the shelters to be demolished.



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'NOWHERE TO GO'
FORCED EVICTIONS IN HAITI'S DISPLACEMENT CAMPS



Left: Forced evictions at Camp Mozayik, Delmas municipality, Port-au-Prince, May 2012.

Below: People survey the wreckage of their homes in the aftermath of the forced evictions from Camp Mozayik, Delmas municipality, Port-au-Prince, May 2012.





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Above: The aftermath of the forced evictions from Camp Mozayik, Delmas municipality, Port-au-Prince, May 2012.

Right: Demonstration against forced evictions by residents of Camp Mozayik, Delmas, Delmas municipality, Port-au-Prince, September 2011.

The placard cites Article 22 of the Haitian Constitution, which sets out the right to decent housing. The placard says: “Dear State, rats are eating our children’s feet; the rain wets us; the sun scorches us. Home. Article 22”



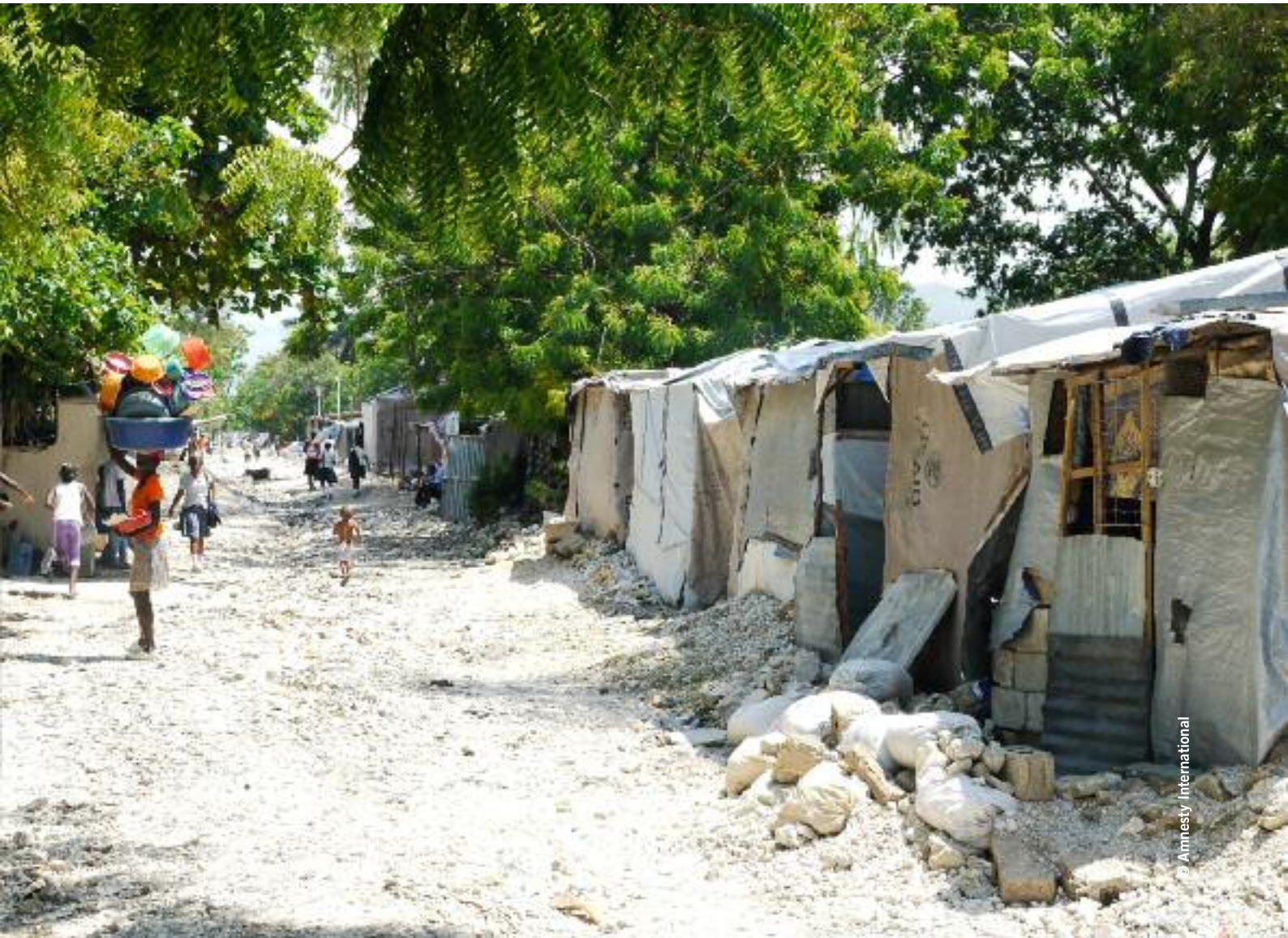
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Above: An informal settlement commonly known as Canaan (which also incorporates the areas of Onaville and Jérusalem) on the northern outskirts of Port-au-Prince, where many displaced families have resettled after they were evicted.

At the time of writing, this camp, which has no basic services including no running water or sanitation, was home to more than 10,000 families and was continuing to grow as more victims of forced evictions arrived.



Above: Outside Camp Grace Village, Carrefour municipality, Port-au-Prince, where a number of families who have been evicted from other camps have set up shelters.



Camp Palais de l'Art, Delmas municipality, Port-au-Prince. A survey published by the UN Office for the Coordination of Humanitarian Affairs in July 2012 found that in Delmas commune, 78 per cent of water outlets were not chlorinated and of poor quality. In its July and August 2012 humanitarian bulletin, OCHA reported that the "quality of available water remains questionable".

the country and with the highest number of forced evictions and threats of evictions recorded by the International Organization for Migration and its partners from the Shelter Cluster. From July 2010 to the end of August 2012, 4,315 families had been evicted from 52 different camps in Delmas, 46 of which were closed following the eviction. In addition, 16,320 families were under threat of eviction from 125 other sites in the same locality.⁷¹ Similar situations have been documented in all the other municipalities of the metropolitan region: Tabarre, Pétionville, Port-au-Prince, Carrefour, Croix-des-Bouquets and Cité Soleil.

PRESSURE, COERCION AND VIOLENCE

Forced evictions often involve the total destruction of temporary housing. In most cases, in Haiti, this is done by hand with knives and razor blades to cut through the tarpaulins; the poles are torn down. Then, a tractor is brought in to clear away the rubble. It is clear that the destruction of the shelters not only removes internally displaced people from a particular site, it also destroys the few belongings and materials they had that would enable them to rebuild a shelter somewhere else.

FORCED EVICTION FROM PLACE JÉRÉMIE

On 21 December 2011, camp residents were woken up in the middle of the night by a group of around 10 men armed with knives, clubs and machetes, accompanied by a group of police officers that arrived in three police vehicles. The men tried handing over an envelope with some money in it to the residents and then they proceeded to destroy the shelters. Families were literally pushed out of their homes and did not have time to collect their belongings. Some camp residents, including children were still asleep when the tarp shelters collapsed on them. Within four hours, all the families were left homeless and destitute.

Around 130 families (464 people) had built their makeshift shelters in Place Jérémie, the small square located in the neighbourhood of Carrefour Feuilles. Before the earthquake, the square was the venue for basketball and football matches organized by the local youth and the *Place Jérémie Sports Centre*.

Since August 2011, camp residents had been subjected to threats, violence and intimidation from people living near the camp. Leaflets had been distributed in the camp threatening the residents with violence, arson and eviction. The leaflets distributed had the following threat:

“The people living in Place Jérémie must vacate the area before 30 August 2011... there won’t be any other warning, no dates; you will be served with rocks, bottles and your tents will be burned down”⁷²

According to former residents of Place Jérémie interviewed by Amnesty International, money was also offered for them to leave the square. However, they were not told why they were being evicted nor were they offered any alternative accommodation. In fact, they were not given even the most basic information, such as the date when the eviction would take place, how the eviction would be carried out, where they could resettle afterwards and what kind of recourse or assistance they were entitled to. In May 2012, at the celebration of his first year in power, President Martelly mentioned the relocation of Place Jérémie, among others, as one of his government achievements.⁷³

The eviction was carried out without a judicial order and without any protection guarantees afforded to those affected. Although it is required by law that judicial authorities be present during an eviction, no Justice of the

peace had been seen during that night. Some families that remained in the area of Place Jérémie following the forced eviction, continued to be threatened with arson.

Marie* and her child were violently and forcibly evicted along with tens of other families from Place Jérémie on 21 December 2011.

"The self-appointed camp committee was putting pressure on us to leave the camp. They said they needed the square for a [football] championship. But we didn't have anywhere to go so we stayed there. They distributed leaflets every now and then with threats. At night they would throw stones and bottles on our tents... If we left the square, they said that every head of household would receive 20,000 gourdes [US\$500]... but the most that someone got was 2,500 gourdes [US\$125] and these were only those that were friends with the committee members or women that agreed to sleep with them... Then one day at around 3 o'clock in the morning, they came and started knocking on the doors. Then they destroyed my shelter with razor blades and knives... They pushed me out and started tearing down everything. I did not have time to take any of my things with me; I left only with the clothes I was wearing. The day after, everything was cleared from the square with a machine... Three days after they kicked us out, the President came to the square; I saw him."

Another woman and former resident of Camp Jérémie shared a similar story with Amnesty International.

"It happened on 21 December [2011]. They came and they destroyed everything. They cut the tarpaulins with knives and they tore down the wooden structure. Members of the camp committee and others from the area did that. These men imposed themselves as camp leaders. No one had chosen them. A police officer who lived in the camp was among them. They were accompanied by the police. Police officers also took part in the destruction of the shelters. We had to accept the blows because the police were present... It was between 3 and 4 o'clock in the morning when they came to kick us out of the square. They put an envelope with money in my hands, I asked them where should I go and they told me that that was not their concern. They came in with sticks and knives, they pushed me out with my baby and they started to tear down everything... I've lost everything, including my baby's clothes... I looked in the envelope and there were 1,000 gourdes [US\$25]... I refused the money."

After they kicked us out of Place Jérémie, we spent three months sleeping in the courtyard of the home of a local women's rights organization; we didn't have anywhere to go and we lost everything."

(*) Not her real name.

In 2000, the then UN Special Rapporteur on violence against women wrote: "[v]iolence occurring in relation to forced eviction starts before the eviction process. Psychological stress on learning about the eviction can destabilize the family atmosphere and cause emotional trauma... During the eviction, verbal abuse and beatings, rape and even killing are common. The destruction of the home and the destruction of property are further traumatic experiences... Coping with injuries, the death of family members, inadequate housing or even homelessness, poverty, lack of community support when relocated away from the home town are all possible burdens that have to be taken on by women after eviction."⁷⁴

Many women interviewed by Amnesty International felt very vividly the psychological stress

and the trauma caused by their forced eviction or the ongoing threats of eviction, in particular those with children. Being a victim of a forced eviction, as they are carried out in Haiti, means not only losing a home in a makeshift camp, however inadequate this is, but also means losing most of the possessions including the resources that were essential in ensuring families’ livelihoods such as merchandise for trading in the informal sector.

VIOLENT FORCED EVICTION ON THE EARTHQUAKE ANNIVERSARY

On 12 January 2013, as the world commemorated the third anniversary of Haiti’s devastating earthquake, municipal officials and officials from the Civil Protection Agency forcibly evicted around 600 families from Camp Place Sainte-Anne, in the municipality of Port-au-Prince. The camp’s residents were informed of the eviction only five days in advance and were promised 20,000 gourdes (approximately US\$480) per family. However, many of the families never received the money. On the day of the eviction, none of the families were given enough time to gather their belongings before their shelters were destroyed.

“We saw municipal officials firing in the air, throwing stones so we would leave, the police came later to back them up. Four people were hurt including a one year-old baby and a five year-old child who were injured by a falling plank of wood when the municipal officials were destroying their tent. Other residents were hit by stones and a lot of us lost money, mobile phones and other personal effects.”

Carnise Delbrun, member of the camp committee in Camp Place Sainte-Anne

FORCED EVICTION AND IMPACT ON LIVELIHOODS

The earthquake had a severe impact on the livelihoods of all those affected. Nearly 50 per cent of Haitian women are economically active but the majority are employed in the informal sector.⁷⁵ Around 45,000 workers in the informal sector (trading at home, in the streets and in markets) were particularly badly affected by the earthquake and it is estimated that women accounted for 75 per cent of these.⁷⁶ Women living in makeshift camps told Amnesty International over and over again that with the earthquake they lost all their capacity to earn a living. Women involved in street vending lost all their merchandise and related-assets and it has been impossible to recapitalize without access to micro-credit or other forms of support. Some, however, succeeded in starting small vending stalls (*ti komes*, *ti degaje*), buying and reselling a very limited quantity of goods, mostly food staples. Even then, they barely made enough money to feed their families once a day. This type of activity is the only source of income for a great number of women in Haiti and precludes many women head of households from accessing adequate housing.

Forced evictions have severe effects on people whose livelihoods and access to housing was already devastated in the earthquake. Whatever financial resources the families affected by forced evictions have at their disposal, these have to be devoted to transportation towards a new location, to buying new construction materials (poles, tarps, etc.) and to replacing other essential items lost during the forced eviction.

Women told Amnesty International that the little they had recovered, was again lost or stolen

during the arbitrary violence and destruction that accompanied their forced eviction. After men armed with knives pushed Carline (not her real name) out of her shelter during the forced eviction at Place Jérémie, they took all her personal belongings and her merchandise. Seven months after the forced eviction, she was still unable to set up a new vending stall because of lack of funds and relied on friends for access to food.

Other women described similar experiences during their own forced evictions. The vast majority of women interviewed by Amnesty International were the main providers in their families or were single parents. They all stressed the enormous difficulty they faced in earning enough to feed their families. They spent most of their money on food and drinking water, but, even so, could not satisfy their families' minimum requirements.⁷⁷ Forced evictions pulled to pieces what women and families had arduously built up over months, destroying their means of earning a living and pushing them even further into poverty.

HOMELESSNESS FOLLOWING EVICTION

Homelessness is the most immediate consequence of forced eviction. For those living in Haiti's makeshift camps and already coping with displacement, it signals the start of yet another phase of uncertainty, disruption and distress. None of the affected persons interviewed by Amnesty International received information about, or were offered, an alternative location where they could resettle or even where they could find accommodation for the nights immediately following the forced eviction.

Sleeping on the street, without shelter, security or access to food, services such as water and sanitation, internally displaced people who have been forcibly evicted are at serious risk of other human rights violations and gender-based violence.

Families already struggling to survive face the daunting task of starting all over again, often with nothing more than the clothes they are wearing as the few possessions they had were destroyed in the eviction. They have few options about where to resettle because of limited availability of land where they can build shelters. If they try to move into another camp, they risk rejection by families already settled there and possibly renewed threats of eviction. Many internally displaced people have been unable to rebuild their livelihoods, precarious even before the earthquake. They are, therefore, not able to buy materials with which to build a new shelter, or to pay transport costs, or replace essential items.

A LIFE LEFT IN THE RUBBLE

Virgiela, aged 47, was evicted from Place Jérémie. Her shelter was destroyed and all her belongings stolen.

"I can talk to you about this but I feel as if my mind was far, far away. I had spent six days under the rubble after the earthquake, then this thing happened, they destroyed my tent and took everything. They didn't leave anything. When I returned to the camp, everything had been destroyed. I was at the hospital with my daughter who was sick. That [the eviction] was a Wednesday [21 December 2011], I returned on Thursday morning. I couldn't find anything, not even a single paper... like birth certificates, mine and those of my children. Nothing. They tore up everything. They took my moneybox with the little money I had saved. They took

everything.

“After they destroyed the camp, I left for Jacmel with my daughter but she died 10 days later. I stayed there until March. When I returned to Port-au-Prince I went to my sister’s house... I’m living with my sister now but her husband doesn’t want me in the house so I have to sleep under the balcony, on the ground. I am not well at all.”

LACK OF ADEQUATE ALTERNATIVE HOUSING

Securing a new home is a matter of urgency for families who have been forcibly evicted. Whatever resources they possess have to be diverted from buying food or water to buying a new tarpaulin and other materials necessary to build minimum shelter. Even when families succeed in rebuilding a basic shelter, they often have few options about where to site it so that camps are often in unsafe locations – such as steep hills, ravines or flood-prone areas – or in slum areas where there is a chronic lack of basic services, job opportunities, education, health care, and water.

The informal settlement known as Canaan, for example, has sprung up on the outskirts of Port-au-Prince. Entire communities left homeless following forced evictions in different parts of the city have resettled there because they hope that in Canaan at least they will not face further threats of forced eviction. The area is located on an extensive track of land that former President René Préval declared of “public utility” two months after the earthquake.⁷⁸ However, the status of the land remains unclear and the families resettled there do not have any security of tenure. In fact, families evicted from Camp Mozayik who resettled in Canaan in May 2012 received threats of violence and forced eviction from a group of armed men who claimed they owned the land. In several parts of Canaan, Amnesty International was told that parcels of land had been sold for US\$400 to evicted families that were looking to rebuild their shelters. However, as these transactions were unofficial and illegal, these payments do not provide the families with security of tenure.

In Canaan, Amnesty International came across many families and individuals who had been forcibly evicted from several camps in Port-au-Prince and left homeless. Among these were around 40 of the 250 families that had been forcibly evicted from Camp Django in Delmas on 3 August 2011. As more and more desperate people seek shelter in Canaan, this informal settlement risks becoming a new slum. In mid-2012, Canaan, which has no services of any kind, was home to more than 40,000 people. Uncertainty of land ownership persisted at the time of writing as the state had yet to compensate the former rightful landowners after declaring it of “public utility”.

5. HOUSING SOLUTIONS IN POST- QUAKE HAITI: HUMAN RIGHTS LEFT OUT OF THE EQUATION

PROJECT 16/6

Project 16/6 is a government-led initiative to close six priority camps in metropolitan Port-au-Prince – Place Boyer and Place Saint-Pierre in Pétionville, Sylvio Cator Stadium, Canapé Vert, Maïs Gaté, and Primature – and relocate the internally displaced residents to 16 neighbourhoods.⁷⁹ The Project is supported by IOM, the UNDP, the UN Office for Project Services (UNOPS), and the International Labour Office (ILO). The project was launched by Haiti's President in August 2011 and received US\$30 million funding from the Haiti Reconstruction Fund.⁸⁰ The same strategy of rent subsidies was later applied to close the makeshift camp in Champ-de-Mars and relocate 4,600 families and it was being extended to other camps at the time of writing.

Through the Project, families receive a rent subsidy of US\$500 over a period of 12 months to encourage them to leave the camps for better housing and US\$25 for transport. Families are responsible for finding their own home to rent and reaching an agreement with the landlord. Two months after the relocation, families receive an additional grant of US\$125 if they are still living in the place that they originally rented.

Although the relocation through rent subsidy is presented as voluntary and is the option most favoured by families living in makeshift camps, Haitian housing rights activists and the families who have opted for rent subsidy have concerns about Project 16/6. Chief among them is that the lack of support in finding adequate housing. Although families were able to leave behind the appalling conditions of the camps and find alternative accommodation, their housing situation often remained inadequate. The level of subsidy for a year's rent only allows families to afford a small room in a house where essential services may be lacking. As IOM's Project 16/6 coordinator candidly stated: "[w]e're not talking about a house. We're talking about renting a room, space on the floor, with a roof, access to water, a communal kitchen, maybe a toilet".⁸¹

Women heads of households who were relocated under the rent subsidy programme told Amnesty International that finding adequate housing for a family was impossible with just US\$500 for a year's rent. They could only afford a small and bare room in conditions that were as overcrowded as in the makeshift camps they had left behind. In addition, because they could only afford a room in a deprived neighbourhood (*quartier populaire*), they faced the same challenges as before in accessing water, sanitation, washing facilities and electricity. Ensuring education for their children and employment also remained a challenge. They did, however, feel more secure in the rented accommodation than living under tattered tarpaulins, particularly at night and during the rainy season.

DRAFT NATIONAL HOUSING POLICY

The Haitian government is developing the country’s first policy on housing. The National Policy on Housing, Habitat and Urban Development is being drafted by the Housing and Public Buildings Construction Unit (Unité de Construction de Logements et de Bâtiments Publics, UCLBP), a technical unit created in November 2011 and working under the direction of Haiti’s Prime Minister.⁸²

In an April 2012 draft version of the policy circulated for consultation, the UCLBP gives priority to finding safe and durable solutions for families living in the displacement camps. The draft policy sets out key principles including that the construction of houses is the responsibility of families themselves, while the state has a leadership role in terms of policy and regulations to address, for example, land use, planning, the selection of priority development zones, building codes, and risk reduction and environmental management.

Amnesty International welcomes the drafting of the policy which, for the first time, proposes a national strategy for the development of the housing sector. However, despite the fact that thousands of internally displaced people are living under the threat of forced evictions, the draft policy does not identify measures to ensure that all persons have a minimum degree of security of tenure and to ensure that all evictions comply with international standards. The policy also fails to set out an adequate plan to ensure affordability of housing, which will have severe consequences for the ability of disadvantaged groups to benefit from the new policy.

One of the areas of action in relation to internally displaced people living in makeshift camps that the draft national policy puts forward is the strategy of either closing the camps through the resettlement of residents or joining camps and transforming existing camps into new neighbourhoods. The strategy for the transition process of camps is based on “humanitarian” principles, including voluntary resettlement. The draft policy proposes to guarantee these principles through effective communication, agreement between all stakeholders, and mechanisms for conflict resolution. It proposes a process of assessment to categorize the different camps into groups, including:

- 1) camps that must remain temporarily open;
- 2) camps that must be closed based on criteria such as: property status, exposure to natural hazards, population density in the camp, and opportunities to build adequate housing in the site;
- 3) camps where residents have already started construction with more durable materials; and
- 4) camps where new developments could take place, but which will not necessarily benefit the current camp residents who will have access to financial assistance to for resettlement.

Finally, the transitional process for camps hinges on rent subsidies (Project 16/6) that allow families to leave the camps behind and find alternative housing. The specific strategy for the

camps is thus integrated into the general housing policy, which is based on an increase of available rental housing units.

The draft policy recognizes the lack of control in the urbanization process, mostly due to the informal character of housing construction and anarchic development and occupation of urban spaces, particularly in the metropolitan area. It highlights the need to urgently address issues of planning, control of the urbanization process, land and tenure – issues which will need, as the policy recognizes, political decisions at the highest level.

In pursuing a range of feasible, safe and durable solutions for the families living in the camps; the policy proposes to support the private housing sector to increase the supply and improve the quality of housing. Through the promotion of rental housing, the government aims both at closing the gap in housing and to address the needs of those living in poverty.⁸³ With regards to security of tenure, the policy recognizes the complexity of the issue in Haiti but fails to identify concrete measures to ensure that all persons have a minimum degree of security of tenure.

The draft policy on housing does not make any reference to human rights nor does it refer to the Constitutional protection of the right to housing or explain how the policy will further this right; only the right to private property is mentioned in relation to the current housing context in Haiti.

The policy addresses the issue of affordability under the financing strategy which is based on the capacity of the private sector, including the families, to invest in housing construction. The state limits its role to regulate and facilitate the mobilizing of investments, including from donors and public funds would only be used to encourage private investment or to cover the gaps left by the private housing sector, such as reduction of risks, promotion of security of tenure or improvement of infrastructures. The UCLBP proposes to work with the Ministry of Economy and Finances to implement a series of reforms needed for creating a formal financing market for affordable housing which, at the moment, is severely limited in Haiti due to systemic legal weaknesses in the finance sector.

The strategy of financial assistance to the families would allow for a direct contribution to a limited number of families according to a set of, but yet-undefined, priorities for receiving the assistance. The policy clearly rules out the state's capacity to repair all the houses damaged by the earthquake and the provision of homes to those left homeless. In addition, it asks its international partners to refrain from doing so.⁸⁴

At no point does the policy on housing contemplate the construction of low-cost housing which would guarantee affordability not only to the tens of thousands of families that are still living in makeshift shelters three years after the earthquake but also to the poor families that have not been displaced by the earthquake but that are nevertheless in need of affordable housing.

While the reform and restructuring of the financial sector and the provision of greater access to credit are essential to promote housing construction through private investments in Haiti, it is nevertheless clear these initiatives would not benefit the poorest sectors of Haitian society in accessing adequate housing. The high incidence of extreme poverty (56% at

national level) and of unemployment among those displaced automatically rule them out from formal financing mechanisms.

The draft policy does not pay attention to gender inequalities in Haitian society and the fact that extreme poverty affects women disproportionately and is an important barrier to women’s access to adequate housing. For instance, access to housing is proposed solely through private financing and private or family-oriented construction. It does not take into consideration the disparities that exist between men and women in securing their livelihoods in the formal sector and risks reinforcing poverty and deprivation of adequate housing among households where women are the main providers.

The policy must explicitly address the provision of adequate housing for marginalized groups and propose special mechanisms to allow them to access affordable and adequate housing. It must also include a commitment and concrete measures to overcoming the specific barriers that women face in accessing adequate housing. The draft policy formalizes access to housing by government intervention and regulatory mechanisms, which could be a positive development given that up until now access to housing has been dominated by informal mechanisms. However, without special measures or incentives that take into consideration women’s over-representation in the informal sector, women living in poverty will still not be able to afford adequate housing. Leaving the construction of housing to the families themselves and to the private sector would most certainly recreate the same conditions prevailing before the earthquake where the right to adequate housing was enjoyed only by a few.

In addition, the draft national housing policy, does not address access to suitable and affordable land for construction, a key factor in allowing those living in poverty to aspire to adequate and affordable housing.⁸⁵ Those living in poverty are not in a position to acquire land through formal land markets and have little option but to access land through informal markets. Such land is generally inappropriate for construction. It is often sited in areas such as ravines, flood-prone areas, informal settlements or slums and far from potential employment opportunities. It also often lacks access to services such as water, sanitation and waste disposal, and so does not provide healthy living conditions.

6. CONCLUSION AND RECOMMENDATIONS

The Haitian authorities have violated their international human rights obligations by carrying out and failing to protect people from forced evictions. Thousands of displaced people have already been forcibly evicted from public spaces and private properties. Those affected have been further marginalized and driven deeper into poverty. They have also been put at heightened risk of other human rights violations.

Amnesty International acknowledges the enormous challenges faced in Haiti's reconstruction. However, the reconstruction process must be structured and carried out in a way which promotes and protects human rights, rather than violating the rights of people whose lives have already been devastated by the earthquake. The government must prioritise the most disadvantaged groups in its policies and programmes. An essential step is for the government to legislate and enforce a prohibition on forced evictions and set out legal safeguards that must be complied with prior to any eviction.

The legislation should also regulate evictions by private landowners to prevent forced evictions. While the government is required to protect private owner's rights under national law to their property, all evictions must comply with international human rights standards. It must also take decisive action against violence and threats against people occupying private property. In addition, security forces must refrain from taking part in forced evictions. The Haitian government must immediately stop all forced evictions and adopt a moratorium on all evictions of internally displaced people, whether they occupy public or private land, until adequate safeguards have been put in place to ensure that evictions comply with international human rights standards.

The government's plans to close the camps where internally displaced people are living must comply with international standards, including support in terms of adequate alternative housing for people who can not provide for themselves. Project 16/6 which has helped internally displaced persons living in situations of extreme vulnerability to relocate into homes with a year's rent subsidy is a useful first step. More needs to be done to ensure that housing support that is provided to people enables them to live in adequate housing and to provide them with greater security of tenure. The adequacy of the housing afforded to the displaced families with the rent subsidy is questionable in many cases. Many women interviewed by Amnesty International said that they could only afford to rent small rooms in deprived areas or slums with inadequate access to basic services.

In addition, many families now benefiting from the rent subsidy fear they will not be able to cover the expense the following year if the government, with the assistance of its international partners, does not put in place a programme to assist them rebuild their livelihoods. Special attention must be given to women head of households and other groups at particular risk to prevent their becoming homeless once the subsidy ends.

RECOMMENDATIONS TO THE GOVERNMENT OF HAITI

Stop forced evictions

Immediately end all forced evictions from private and public land and enforce a clear prohibition on forced evictions.

Adopt a moratorium on all evictions until adequate safeguards have been put in place to ensure that all evictions comply with international human rights standards.

Adopt and enforce legislation prohibiting forced evictions and which sets down safeguards which must be complied with prior to any eviction being undertaken, in conformity with international human rights standards including the UN Basic Principles and Guidelines on Development-Based Evictions and Displacement. The law should apply to all evictions of people from private and public land;

Evictions should only be carried out as a last resort and only after all the procedural safeguards required under international law are in place. These safeguards include genuine consultation with residents to identify all feasible alternatives to eviction, provision of adequate prior notice, legal remedies, compensation, and adequate alternative housing to those who cannot provide for themselves;

Local authorities and the Haitian National Police should be instructed to strictly comply with the safeguards listed above and to not participate in, support or authorise forced evictions by any public or private actor.

The Haitian National Police and other security forces must be instructed that any use of force during evictions must respect principles of necessity and proportionality as well as the Basic Principles on Use of Force and Firearms by Law Enforcement Officials

Provide effective remedies to those affected by forced evictions

Respect the rights of all victims to an effective remedy, including access to justice and the right to reparation which may include restitution, rehabilitation, compensation, satisfaction and guarantees of non-repetition.

While communicating any decision in relation to evictions, inform the residents of their right to appeal and the means and procedures to exercise this right and provide them with legal aid, where necessary.

Ratify the International Covenant on Economic, Social and Cultural Rights

Complete the ratification process of the International Covenant on Economic, Social and Cultural Rights without delay by promulgating the ratification law already adopted by the Haitian National Assembly.

Resettlement and relocation programmes

Ensure that alternative housing including that afforded through the subsidized rent programme complies with requirements for adequacy of housing under international law, including location, affordability, accessibility, habitability, security of tenure, availability of

services, facilities and infrastructure, and cultural adequacy.

Open meaningful consultation on the draft national housing policy

The Housing and Public Buildings Construction Unit (UCLBP) must set up a process for public participation and consultation on the draft national housing policy and support disadvantaged groups in participating in the process.

Ensure that the national housing policy is consistent with international human rights standards, including on the rights to adequate housing, gender equality and prohibition on discrimination. It should prioritize disadvantaged groups, including women living in camps, in all programmes and while allocating resources.

RECOMMENDATIONS TO DONOR AND OTHER GOVERNMENTS AND INTERNATIONAL AGENCIES

Donor and other governments and international agencies that are providing financial or technical assistance to the Haitian government should put in place safeguards to ensure that their funding or the initiatives that they are supporting do not lead to forced evictions or other human rights violations.

Donors and agencies should also ensure that all international assistance and cooperation to the Haitian government is directed and distributed in a non-discriminatory manner, promotes gender equality and prioritises the most disadvantaged

ENDNOTES

¹ According to figures provided by the International Organization for Migration (IOM), 52 per cent of the population in the makeshift camps are women. IOM, IASC- Inter-Agency Standing Committee, Haiti E-Shelter/CCCM Cluster, Displacement Tracking Matrix, V2.0 Update, 12 January 2013. Available at: <http://iomhaitidataportal.info/dtm/index2.aspx>, accessed on 11 March 2013.

² The Committee on Economic, Social and Cultural Rights defines a forced eviction as “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of and access to, appropriate forms of legal or other protection.” (General Comment 7, The Right to Adequate Housing: forced evictions, para 3.). The Human Rights Committee has stated that forced evictions contravene article 17 of the International Covenant on Civil and Political Rights, which provides for the right to the protection of the law against arbitrary or unlawful interference with a person’s privacy, family or home (*Concluding Observations of the Human Rights Committee: Kenya*, UN Human Rights Committee, CCPR/CO/83/KEN 29 April 2005, para 22.)

³ Article 22 of the Constitutions recognizes the right of every Haitian citizen to decent housing, education, food and social security.

⁴ According to IOM, between July 2010 when records began and the end of March 2013, 16,104 families (which represents more than 60,000 persons) had been forcibly evicted from 175 different makeshift camps in the earthquake affected area. In the context of Haiti, the IOM and its partners of the Housing, Land and Property Working Group of the Shelter Cluster define a forced eviction as “*the permanent removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection (alternative adequate housing, etc.)*”. Of the 385 camps which remained open at the end of March 2013, 105 remained under the threat of forced eviction, containing 21,596 families (approximately 75,000 individuals). See: IOM Displacement Tracking Matrix, 31 March 2013, <http://iomhaitidataportal.info/dtm/>.

⁵ Ibid.

⁶ The metropolitan area of Port-au-Prince is comprised of six communes : Cité Soleil, Delmas, Tabarre, Port-au-Prince, Pétiion-Ville and Carrefour with an estimated total population of 2.47 million.

⁷ Port-au-Prince is one of the most densely populated cities in the world. According to the Haitian Institute for Statistics, the city’s estimated population in 2012 was 927,575 with a density of 36,678 people per km². The metropolitan area of Port-au-Prince with an estimated population of 2.47 million had a density of 15,588 people per km². Source : Institut Haïtien de Statistiques et Informatique, Population totale, population de 18 ans et plus, ménages et densités estimés en 2012 ;

⁸ IOM, IASC- Inter-Agency Standing Committee, Haiti E-Shelter/CCCM Cluster, *Displacement Tracking Matrix, V2.0 Update, 20 June 2012*. Available at: <http://tinyurl.com/cz3xd56>, accessed on 30 August 2012.

⁹ Government of Haiti, *Haiti Earthquake PDNA (Post-Disaster Needs Assessment): Assessment of damage, losses, general and sectoral needs*, p. 6.

¹⁰ See: Amnesty International, *Haiti after the earthquake: Initial mission findings* (Index: AMR 36/004/2010).

¹¹ Hurricane Thomas battered Haiti in November 2010. In August 2012 tropical storm Isaac affected more than 15,000 families living in 160 makeshift camps, mainly in the metropolitan area of Port-au-Prince. See: OCHA, *Bulletin Humanitaire, Haiti*, Numéro 21, 1er au 31 août 2012. Available at: <http://tinyurl.com/d9mad2g>. Hurricane Sandy killed more 54 people and left 21 others missing when it hit Haiti on 23 October 2012. Over 33,760 families were affected, with 6,059 homes flooded; 6,274 destroyed and 21,427 damaged. ;See OCHA Situation Report, Situation Report No. 04, 09 November 2012, available here: <http://haiti.humanitarianresponse.info/document/tropical-storm-sandys-impact>

¹² Report of the Secretary-General, *Humanitarian assistance, emergency relief, rehabilitation, recovery and reconstruction in response to the humanitarian emergency in Haiti, including the devastating effects of the earthquake*, A/66/332, 2 September 2011, para. 6.

¹³ Government of Haiti, *Plan stratégique de développement d'Haïti, Pays émergent en 2030. Tome I: Les grands chantiers pour le relèvement et le développement d'Haïti*, p. 161.

¹⁴ The slum population across the country increases by 9 per cent each year (7.3 per cent in Port-au-Prince), and rural migrants formed 50 per cent of the overall urban population. See UNDP, *La vulnérabilité en Haïti. Chemin inévitable de la pauvreté*, 2004.

¹⁵ Slum households are defined by UN-Habitat (the UN Human Settlements Programme) as households that lack a decent water supply, adequate sanitation facilities, sufficient living area (overcrowded), decent structural quality and/or security of tenure.

¹⁶ Government of Haiti, *Document de Stratégie Nationale pour la Croissance et la Réduction de la Pauvreté (2008-2010). Pour Réussir le Saut Qualitatif*, novembre 2007, para. 171.

¹⁷ Government of Haiti, *Document de Stratégie Nationale pour la Croissance et la Réduction de la Pauvreté (2008-2010). Pour Réussir le Saut Qualitatif*.

¹⁸ Camp Benediction, Camp CAPVVA and 15 others, *Submission to the United Nations Universal Periodic Review, 12th Session of the Working Group on the UPR, Human Rights Council, October 3-24 2011, Right to Housing*, p.1.

¹⁹ Institut Haïtien des Statistiques et Informatique, *Haïti: Projection de la population totale par arrondissement et par commune*, Port-au-Prince 1997.

²⁰ UN-Habitat, *A Situational Analysis of Metropolitan Port-au-Prince*, 2010.

²¹ Ministère de l'Environnement, *La réhabilitation de l'environnement et la réduction de la pauvreté en Haïti*, Juin 2007, p.14. Available at: <http://www.eclac.org/ddisah/noticias/paginas/9/35479/01-dsrp.pdf>.

²² Ministère de l'Environnement, *La réhabilitation de l'environnement et la réduction de la pauvreté en Haïti*, Juin 2007, p.14.

²³ Ministère de l'Économie et des Finances, PNUD, FAFO, *La pauvreté en Haïti, Un profil de la pauvreté en Haïti à partir des données de l'ECVH*, Juin 2005, p. 33.

²⁴ UN Global Platform for Disaster Reduction, *Post-Disaster Needs Assessment*, p. 73.

²⁵ Ministère de l'Économie et des Finances, PNUD, FAFO, *La pauvreté en Haïti, Un profil de la pauvreté en Haïti à partir des données de l'ECVH*, Juin 2005.

²⁶ Commission Economique pour l'Amérique Latine et les Caraïbes (CEPALC), *La pauvreté en Haïti : situation, causes et politiques de sortie*, LC/MEX/R.879 12 août 2005, p. 29

²⁷ Source: World Bank, *Inequality in Latin American and the Caribbean – Breaking with History?* Washington D.C., World Bank Latin American and Caribbean Series, 2003, p. 401.

²⁸ Ministère de l'Économie et des Finances, PNUD, FAFO, *La pauvreté en Haïti, Un profil de la pauvreté en Haïti à partir des données de l'ECVH (Enquête sur les conditions de vie en Haïti)*, Juin 2005, p. 50.

²⁹ In comparison, 38 per cent of men that are the main household providers are employed in the formal sector, Ibid

³⁰ Ministère de l'Économie et des Finances, PNUD, FAFO, *La pauvreté en Haïti, Un profil de la pauvreté en Haïti à partir des données de l'ECVH (Enquête sur les conditions de vie en Haïti)*, Juin 2005, p. 50.

³¹ In the guidance notes, the Sphere handbook states: “If 3.5m² per person cannot be achieved, or is in excess of the typical space used by the affected or neighbouring population, the impact on dignity, health and privacy of a reduced covered area should be considered. Any decision to provide less than 3.5m² per person should be highlighted, along with actions to mitigate adverse effects on the affected population.” See: Sphere Project, *Handbook : Humanitarian Charter and Minimum Standards in Humanitarian Response*, Shelter and Settlement Standard 3 : Covered living space, p. 258. Available at: <http://tinyurl.com/9kuj8t>.

³² Calculation based on information from IOM's Displacement Tracking Matrix for January 2013. The internally displaced population is not uniformly distributed among the camps. The results were obtained by filtering the columns with data on the availability of water and toilets and then adding the number of households and people in the camps relevant to these criteria. The table contains all the 450 camps with an assessment of the number of households and people in the camps, the size of the camp and the type of services available in the camp. IOM, IASC- Inter-Agency Standing Committee, Haiti E-Shelter/CCCM Cluster, *Displacement Tracking Matrix, V2.0 Update, January 2013*. Available at: <http://iomhaitidataportal.info/dtm/>, accessed on 12 March 2013.

³³ OCHA, Humanitarian Bulletin, (21 September-18 October 2011). Available at: <http://tinyurl.com/9l2ucvx>, accessed on 2 October 2012.

³⁴ OCHA, Humanitarian Bulletin, Haiti, Issue 21, 1st to 31st August 2012.

³⁵ Amnesty International, *Aftershocks: Women speak out against sexual violence in Haiti's camps*, AI Index AMR/36/001/2011.

³⁶ MADRE, KOFIV, International Women's Human Rights Clinic, Center for Gender and Refugee Studies, and Center for Human Rights and Global Justice-Global Justice Clinic, *Struggling to Survive: Sexual Exploitation of Displaced Women and Girls in Port au Prince, Haiti, 2012*; Report of the Independent Expert on the situation of human rights in Haiti, Michel Forst, A/HRC/20/35/Add.1, 4 June 2012; OCHA, Consolidated Appeal Process, Haiti 2012.

³⁷ MADRE, KOFIV, International Women's Human Rights Clinic, Center for Gender and Refugee

Studies, and Center for Human Rights and Global Justice-Global Justice Clinic, *Struggling to Survive: Sexual Exploitation of Displaced Women and Girls in Port au Prince, Haiti, 2012*; Human Rights Watch, *"Nobody Remembers Us" Failure to Protect Women's and Girls' Right to Health and Security in Post-Earthquake Haiti, 2011*; and NYU School of Law Center for Human Rights and Global Justice/Global Justice Clinic, *Yon Je Louvri: Reducing Vulnerability to Sexual Violence in Haiti's IDP Camps, 2012*.

³⁸ These provisions include Article 11, International Covenant on Economic, Social and Cultural Rights, Article 17, the International Covenant on Civil and Political Rights, Articles 16(1) and 27(4), Convention on the Rights of the Child; Art 5 (e), the Convention on the Elimination of All Forms of Racial Discrimination, Article 14(2) of the Convention on the Elimination of All Forms of Discrimination against Women, Articles 9 and 28, Convention on the Rights of Persons with Disabilities, 21(1) and 26 of the American Convention on Human Rights. The Right to Adequate House is also recognised under Article 25 (1) of the Universal Declaration of Human Rights.

³⁹ "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services."

⁴⁰ On 31 January 2012, Haiti's National Assembly adopted a law ratifying the ICESCR. However, for the proper ratification of the ICESCR to take place, Haiti's President must promulgate and publish the new legislation in *Le Moniteur* (Haiti's official gazette) and then the government must submit a ratification document to the United Nations Secretary General. At the time of this writing, the President had not yet promulgated the law ratifying the ICESCR.

⁴¹ Article 17 of the ICCPR states: "1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. 2. Everyone has the right to the protection of the law against such interference or attacks."

⁴² The Committee Against Torture stated in the case of *Hajrizi Dzemajl v. Yugoslavia* that in certain circumstances forced evictions may amount to cruel, inhuman or degrading treatment or punishment and contravene Art. 16 of the Convention against Torture. Communication No. 161/2000, U.N. Doc. CAT/C/29/D/161/2000 (2002).

⁴³ The Guiding Principles "reflect and are consistent with international human rights and humanitarian law and analogous refugee law." "Introductory Note by the Representative of the Secretary-General on Internally Displaced Persons, Mr. Francis M Deng," June 2001, in UN Office for the Coordination of Humanitarian Affairs, *Guiding Principles on Internal Displacement*, 2d ed. (2004).

⁴⁴ See International Covenant on Civil and Political Rights, art. 12(1), Guiding Principles on Internal Displacement, princs. 14, 15.

⁴⁵ Principle 1(1) of the Guiding Principles on Internal Displacement notes:

Internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.

⁴⁶ Committee on Economic, Social and Cultural Rights, *General Comment No. 20: Non-Discrimination in Economic, Social and Cultural Rights*, U.N. Doc. E/C.12/GC/20 (2009), ¶ 34.

⁴⁷ Such distinctions are presumptively discriminatory: "Differential treatment based on prohibited grounds will be viewed as discriminatory unless the justification for differentiation is reasonable and

objective. This will include an assessment as to whether the aim and effects of the measures or omissions are legitimate, compatible with the nature of the Covenant rights and solely for the purpose of promoting the general welfare in a democratic society. In addition, there must be a clear and reasonable relationship of proportionality between the aim sought to be realized and the measures or omissions and their effects.” Ibid., ¶ 13.

⁴⁸ Principle 18.

⁴⁹ See Guiding Principles on Internal Displacement, princ. 28(1).

⁵⁰ Principle 28 (2).

⁵¹ The UN Commission on Human Rights has also recognized that under international human rights law, forced evictions constitute gross violations of a range of human rights, in particular the right to adequate housing. UN Commission on Human Rights Resolution 1993/77, para. 1.

⁵² CESCR, General Comment No. 7, para. 3.

⁵³ UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 7. The Right to Adequate Housing: Forced Evictions.

⁵⁴ CESCR, General Comment No. 7, para. 15.

⁵⁵ CESCR, General Comment No. 7, para.14.

⁵⁶ CESCR, General Comment 7, para. 16.

⁵⁷ UN Human Rights Committee, *Concluding Observations of the Human Rights Committee: Kenya*, CCPR/CO/83/KEN 29 April 2005, para 22.

⁵⁸ Communication No. 2073/2011, Views adopted by the Committee at its 106 session, UN. Doc. CCPR/C/106/D/2073/2011, 14 November 2012, para 15.

⁵⁹ Para 16.

⁶⁰ UN Basic principles and guidelines on development- based evictions and displacement (Basic Principles), UN Doc. A/HRC/4/18.

⁶¹ Article 276-2 of the Haitian Constitution states: “Once international treaties or agreements are approved and ratified in the manner stipulated by the Constitution, they become part of the legislation of the country and abrogate any laws in conflict with them.”

⁶² Under Haitian law (Code of Civil Procedures), in the case where a camp is located on private land, all the camp residents should have been notified individually of the legal procedure initiated against them individually and not as a group, and should have been summoned to a hearing at a Civil Court. When an eviction order is issued in the end, each individual must also be identified in the order and notified directly in order to vacate the premises. However, the law does not define the procedure to be followed when individuals must be evicted from public land nor the authority responsible for carrying out the eviction.

⁶³ IOM, *Haiti : From Emergency to Sustainable Recovery. IOM Haiti two-year report 2010-2011*, p. 9.

Available at : <http://tinyurl.com/8ofek2z>.

⁶⁴ IOM Displacement Tracking Matrix, 31 March 2013, <http://iomhaitidataportal.info/dtm> .

⁶⁵ Ibid.

⁶⁶ The legal procedure to regain possession of a property occupied by another party starts with a complaint filed with the Justice of the peace (Civil Code, article 35) who then needs to visit the site and write a *procès verbal* in which he acknowledges that the property has been occupied. The legal process can however last more than two years before the landowner obtains an eviction order from a civil court.

⁶⁷ UN-Habitat, *A Situational Analysis of Metropolitan Port-au-Prince*, 2010, p. 20.

⁶⁸ IOM, IASC- Inter-Agency Standing Committee, Haiti E-Shelter/ CCCM Cluster, *Displacement Tracking Matrix, DTM rd_10 Master List June 2012*. Available at: <http://www.eshelter-cccmhaiti.info/jl/index.php>, accessed 30 August 2012.

⁶⁹ See Amnesty International, *Urgent action : Stop evictions of homeless Haitians*, 27 May 2011, UA: 156/11 Index: AMR 36/006/2011.

⁷⁰ The Mayor's statement was reported in the newspaper *Le Nouvelliste*, « *Le maire Jeudy récupère de force les places publiques de Delmas* », Monday, 23 May 2012. Available at: <http://www.lenouvelliste.com/article4.php?newsid=92828>, accessed 2 September 2012.

⁷¹ IOM and Camp Coordination and Camp Management (CCCM) /Shelter Cluster, *Eviction Situation in Camps hosting Internally Displaced Persons (IDPs)*, September 2012. Available at: http://www.eshelter-cccmhaiti.info/jl/images/pdf/evictionreportenglish_august2012.pdf.

⁷² Reported by Groupe d'Appui aux Réfugiés et Rapatriés (GARR), a Haitian human rights organization working with IDPs and member of the Coalition for the protection of the rights of the internally displaced persons and for the right to adequate housing. Available at : <http://old.garr-haiti.org/?article900>.

⁷³ Radio Métropole, « *Le président haïtien Michel Martelly a dressé un bilan positif de sa première année au timon des affaires* », 14 May 2012. Available at: http://www.metropolehaiti.com/metropole/full_poli_fr.php?id=20803; accessed on 2 September 2012.

⁷⁴ Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, *Economic and social policy and its impact on violence against women*, E/CN.4/2000/68/Add.5. See also E/CN/4/2006/118.

⁷⁵ UNDP, "*Women struggle for rights as Haiti recovers*". Available at: <http://tinyurl.com/ao7kbud>. Accessed 2 September 2012.

⁷⁶ Post-Disaster Needs Assessment 2010, p. 119.

⁷⁷ According to women interviewed by Amnesty International (July 2012), 5 litres of treated water costs 5 gourdes (US\$0.10), and for a family of four, they can make it last 2 or 3 days. Untreated water was sold at 5 gourdes for 25 litres. The World Health Organization (WHO) sets the drinking water requirements for survival at 2.5 to 3 litres per person, per day; as do the Sphere standards (The Sphere Project – Humanitarian Charter and Minimum Standards in Disaster Response).

⁷⁸ Government of Haïti, « Arrêté déclarant d'Utilité Publique les propriétés s'étendant de l'angle de la Rivière Bretelle à la Route nationale numéro 1 en passant par Bon Repos et Corail-Cesselesse formant un polygone avec la zone communément appelé Cocombre », 19 March 2010, Le Moniteur 165e année No. 28, 15 April 2010. Available at: <http://tinyurl.com/8z4xvy7>

⁷⁹ The 16 neighbourhoods targeted for rehabilitation in metropolitan Port-au-Prince are : Morne Hercule, Morne Lazard, Nérette, Delmas 60 Argentine, Panaméricaine Haute, Panaméricaine Bas, Morne and Villa Rosa, Bas Canapé Vert, Bois Patate, Jean Baptiste, Mapou/Mont Elbo, Maïs Gâté 1, Maïs Gâté 2, Barbancourt, Carrefour Clercine, Fond Delmas 31 and 33.

⁸⁰ The Haiti Reconstruction Fund (Fonds pour la Reconstruction d'Haïti) is a partnership between the Haitian government and the international community to help finance post-quake reconstruction. It is chaired by the Government of Haiti, which also sets its priorities. It was established in March 2010 by the World Bank, the Inter-American Development Bank, and the UN at the request of the Haitian government. The role of the Haiti Reconstruction Fund is to support the Haitian government's post-earthquake Action Plan for the Recovery and Development of Haiti and related initiatives. The International Development Association of the World Bank Group serves as trustee for the Fund.

⁸¹ William Booth, “Two years after the earthquake, Haiti is trying to clear tent cities”, *The Washington Post*, 19 February 2012.

⁸² The UCLBP is made up of three divisions: public buildings, new developments, and rehousing and resettlement. The latter coordinates Project 16/6, with the participation of the UNDP, the UNOPS, the ILO and the IOM.

⁸³ This approach is at variance with housing trends in Latin America and the Caribbean where policies and practices have focused mainly on access to housing through ownership. See UN-Habitat, *Affordable land and housing in Latin America and the Caribbean*. Available at: <http://tinyurl.com/9bw5d2t>.

⁸⁴ UCLBP, *Politique nationale de logement*, p. 38.

⁸⁵ UN-Habitat, *Affordable land and housing in Latin America and the Caribbean*.



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'NOWHERE TO GO'

FORCED EVICTIONS IN HAITI'S DISPLACEMENT CAMPS

Three years after the devastating earthquake in Haiti, tens of thousands of people are still living in insecure and inadequate shelters. Most are women and children. They continue to struggle to make a life for themselves and their families with little access to safe drinking water, sanitation, health care, schools or other essential services. Their resilience and determination to live in dignity bear testament to the enormous potential among Haiti's people for reconstruction.

Amnesty International has documented a pattern of forced evictions of internally displaced families. This has involved the mass removals – sometimes of hundreds of families at a time – without notice. Forced evictions violate the rights of internally displaced people at all stages: threats prior to the eviction, violence during the eviction, and homelessness following the eviction. Over 20,000 families – more than one in five of those living in makeshift camps – are threatened with forced eviction by private landowners or the authorities.

Drawing on interviews with women living in the makeshift camps, this report shows how Haiti's post-quake reconstruction is failing to protect and fulfil the right to adequate housing. It ends with a series of recommendations calling for an end to forced evictions and for urgent steps to make the right to adequate housing a reality.

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