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Haiti: Failure to deal with the consequences of the 2010 devastating earthquake

Four years after the devastating earthquake which killed around 200,000 people and left some 2.3 million homeless, very little has been done to ensure the respect, protection and fulfilment of the right to adequate housing in Haiti, Amnesty International said today.

More than 170,000 people are estimated to still be living in more than 300 displacement camps, in the majority of cases in appalling conditions with no access to essential basic services such as clean water, toilets and waste disposal. While the dire sanitation conditions leave them exposed to the risk of cholera and other diseases, the lack of solid shelters makes them vulnerable to flooding and other adverse weather conditions especially during the hurricane season.

Although official numbers of internally-displaced persons (IDPs) have significantly gone down from the initial estimated 1.5 million in July 2010, most people who have been relocated from camps have not benefitted from durable housing solutions which ensures their right to adequate housing.

According to the International Organization for Migration (IOM), more than 113,000 internally displaced households have been resettled in transitional shelters while more than 55,000 have been relocated through rental subsidies programmes. Families who are beneficiaries of those programmes receive about US\$500 to rent accommodation of their choice for a year and an additional grant of about US\$125.

“While these strategies have achieved a drastic reduction in the number of displacement camps, they have not contributed at all to solving the housing crisis that the earthquake exacerbated. It is like sweeping the problem under the carpet”, said Javier Zúñiga, Amnesty International’s special advisor.

An evaluation commissioned by donors in January 2013 on the rental subsidies programmes found that 60% of beneficiaries believed they would not have enough funds to maintain the same quality of accommodation once the rental subsidy period had ended. Of the 75% whose contracts had ended and who had moved, they were generally living in declining standards of accommodation.

Forced evictions is another factor contributing to the reduction in the number of IDPs living in camps. According to IOM statistics from September 2013, forced evictions accounted for 11% of those leaving IDP camps whilst another 45% of the remaining camp population is under threat of eviction.

In April 2013, Amnesty International published the report “Nowhere to go. Forced evictions in Haiti’s displacement camps” which documented a pattern of forced evictions of internally displaced families from camps built both on public and private land.

Although the Haitian Government responded to Amnesty’s report with two public statements distancing it from those practises and promising thorough investigations into allegations of forced evictions, nobody has yet to be brought to justice, victims have not received any remedy

for the violations of their rights and there is no evidence that such investigations are being carried out. Moreover, further forced evictions have taken place since those statements were made.

Amnesty International is particularly concerned for the security of people living in Canaan, a large tract of land several kilometres away on the northern outskirts of Port-au-Prince which was declared for “public use” (*utilité publique*) by the then government in March 2010.

Tens of thousands of people who lost their homes in the earthquake, including many who had been forcibly evicted from camps in Port-au-Prince, resettled in Canaan hoping to be safe from evictions. Many have started building concrete houses. However, the status of the land remains unclear and none of the families have security of tenure protecting them against forced eviction. Confusion remains about which exact portion of land has been declared of “public use” and about the completion of the expropriation procedure. As a consequence, thousands of people living there are under threat of forced eviction, exposed to intimidation and harassment from those who lay claim to the land.

“Canaan is a powder keg. Failure from authorities to address the situation of security of tenure could lead to countless conflicts and leave those living there exposed to serious violations of human rights”, warned Zúñiga.

The most recent forced eviction in Canaan took place between 7 and 10 December in the sector known as Titanyen when more than 200 families were made homeless. Many of them were internally displaced by the earthquake and had relocated in Titanyen after having been forcibly evicted in May 2012 from Camp Mozayik in the Delmas municipality of Port-au-Prince. According to the residents they had no prior notice of the eviction and therefore had no opportunity to appeal against it. They were not allowed time to collect their belongings and over a dozen people were assaulted, including a woman who was four months pregnant. More than 3,000 families living in other sectors in Canaan known as *Village des Pêcheurs* and *Grâce de Dieu* are believed to be at imminent risk of eviction.

On 23 October 2013, the Prime Minister announced the adoption of the country’s first National Housing and Habitat Policy. Even though the Prime Minister defined the policy as “the reference framework for public institutions, regional authorities, civil society organisations and technical and financial partners”, the full document of the policy has yet to be distributed and civil society organisations have told Amnesty International that they are not aware of its contents. Previous drafts seen by Amnesty International failed to set out concrete plans for those living in poverty to access adequate and affordable housing and did not include measures to prevent forced evictions.

“The Haitian government cannot afford to lose this opportunity. The adoption of a human rights based national housing policy and its effective implementation are the only way the Government can show real commitment to respecting people’s dignity and to give them what the Haitian constitution entitles them to: decent housing”, said Zúñiga.

Four years on, Amnesty International is urging the Haitian authorities to prioritise action to make the right to adequate housing a reality in the country, in particular by ensuring that:

- Plans are set in place to relocate IDPs from camps based on durable solutions which ensures that all alternative accommodation meets the requirement for adequacy of housing under international law;
- The National Housing and Habitat Policy is designed to be consistent with relevant international human rights standards and to ensure access to adequate housing for all those who need it, particularly the most vulnerable and marginalised such as those living in poverty;
- Measures are put in place to clarify the status of the land in Canaan and to provide residents with security of tenure;

- Adopt a moratorium on all mass 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
- Effective mechanisms to prevent forced evictions by both state and non-state actors are put in place, including by reviewing existing procedures and improving coordination among relevant actors;
- Formal instructions are passed to mayor's offices, police stations and municipal courts, for them not to participate in or facilitate forced evictions and clear mechanisms to monitor the implementation of these instructions are put in place.
- Cases of forced evictions and of threats of forced evictions (including threats against IDPs and human rights defenders trying to prevent forced evictions) are effectively investigated and perpetrators brought to justice;
- Victims of forced evictions are provided with effective remedies.