

‘15 MINUTES TO LEAVE’

DENIAL OF THE RIGHT TO ADEQUATE HOUSING IN POST-QUAKE HAITI

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Cover photo: A kid in camp Carradeux, Port-au-Prince, home of thousands of displaced persons, September 2014. Many of the families still living in the camp five years after the earthquake are desperately waiting for sustainable housing solutions, including security of tenure, protection from forced evictions and access to essential services. © Amnesty International

Back cover photo: Ms. Charles and her family, in village Grâce de Dieu, in Canaan, on the outskirts of Port-au-Prince. The land, declared of public utility in 2010, is now home to around 200,000 people. Residents, particularly in village Grâce de Dieu, are yet to access essential services while they remain at risk of forced evictions. © Amnesty International

Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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METHODOLOGY

This report is based on interviews and research carried out by Amnesty International in Haiti in April and October 2013, and in September 2014, as well on additional information obtained from numerous sources between September and December 2014.

Amnesty International visited several displacement camps where people were under threat of eviction, including Camp Christopher and Camp KID in Christ Roi (April 2013), Camp Accra/Adoquin in Delmas 33 (April 2013 and September 2014), Camp Grace Village and Camp Gaston Magwon in Carrefour (April and October 2013), Camp Carradeux in Tabarre/Delmas (April 2013 and September 2014) and Camp Ti-Trou in Turgeau (September 2014). Amnesty International delegates also went to the Canaan informal settlement, including sectors where residents have been forcibly evicted or are under threat of eviction, such as Village La Renaissance, Lanmè Frape, Mozayik, Village Grâce de Dieu and Village des Pêcheurs. During these visits, Amnesty International delegates met members of the camp committees and interviewed residents. Amnesty International also visited the social housing settlement of Village Lumane Casimir in Morne-à-Cabrit where they interviewed several residents and police officers from the local police station.

Amnesty International visited the part of downtown Port-au-Prince where houses were demolished between the end of May and the beginning of June 2014 and interviewed people in the area, as well as at least 20 people who had been forcibly evicted from their homes as a result of the demolitions. They also conducted phone interviews with several people who had been forcibly evicted from their houses in Cap Haïtien between September and October 2014.

While in Port-au-Prince, Amnesty International delegates met the Minister of Justice and Public Security; the Delegate Minister for Extreme Poverty and Human Rights; the Secretary of State for Public Security; the Presidents of the Senate and of the Chamber of Deputies; the Director of the National Police, representatives of the Haitian government; the head of the Haitian National Police; the Director of the Judicial Police; the Inspector General of the Police; and representatives of the Housing and Public Buildings Construction Unit (Unité de Construction de Logements et Bâtiments Publiques). Discussions were also held with representatives of international organizations, bilateral donors and international human rights and humanitarian NGOs.

Amnesty International is grateful to those state officials who made themselves available to the organization. However, at the time of writing, Amnesty International had not received any response to its request for crucial information, such as statistics on the number of houses repaired, rebuilt and constructed; information on investigations in a number of cases of forced evictions detailed in this report; and copies of the instructions given to state officers in relation to evictions.

Amnesty International wrote to the President of the Republic, Michel Martelly, and the Prime Minister, Laurent Lamothe, in April 2013; the Public Prosecutor of Port-au-Prince (Commissaire du Gouvernment) in September 2013; the Delegate Minister for Extreme

Poverty and Human Rights in August 2014; and the Director of the Inter-Ministerial Committee for Territorial Planning (Comité Interministeriel d'Amenagement du Territoire) in August 2014, to seek meetings with them. These requests were declined or remained unanswered.

ACKNOWLEDGEMENTS

Amnesty International would like to thank the following organizations in particular: the Support Group for Refugees and Returnees (Groupe d'Appui aux Réfugiés et Rapatriés); the Force for Reflexion and Action on Housing (Foz Refleksyon ak Aksyon sou Koze Kay); the Platform of Haitian Human Rights Organizations (Plateforme d'Organisations Haïtiennes des Droits Humains); the Platform for an Alternative Development (Plateforme de Plaidoyer pour un Développement Alternatif); Defence of the Oppressed (Défenseur des Opprimés); the National Human Rights Defence Network (Réseau National de Défense des Droits Humains); and the International Laywers' Bureau (Bureau des Avocats Internationaux) for sharing their insights about the human rights issues facing residents of makeshift camps and slums in Port-au-Prince and elsewhere in Haiti. Amnesty International is also grateful to all the national and international human rights activists who generously contributed their knowledge and assistance in the field.

Amnesty International wishes to thank above all the community-based organizations, camp residents and victims of human rights violations who shared their experiences and insights. This report bears witness to their steadfast demands for dignity and rights.

1. INTRODUCTION

"The Haitian Constitution recognizes the right to adequate housing. But this is only on paper. In practice, this is not respected".

Resident of the Carradeux camp for internally displaced people, Port-au-Prince, September 2014.

The 2010 earthquake in Haiti, which killed over 200,000 people and made more than 2 million people homeless, exposed in the most horrific way the dire state of the housing sector in Haiti.

The Haitian government has acknowledged that the scale of the devastation exposed a number of grave pre-existing problems.[1] Key among them was the huge number of poor quality houses; most had been built by residents themselves using unsuitable materials and poor construction techniques. Many were built on sites exposed to natural hazards.

When the earthquake struck, these vulnerable and inadequate dwellings were devastated and unprecedented numbers of people were left homeless. Most settled in makeshift camps for internally displaced people (IDPs). The Haitian government and the international community faced the challenging task of dealing with more than 2 million IDPs in a context of widespread extreme poverty, a severe lack of safe and adequate housing and numerous disputes over land and property.

The lack of affordable housing in Haiti reinforced the cycle of poverty affecting those living in the IDP camps, specifically those who were already at risk of discrimination, such as women head of households or people with disabilities. Lack of adequate living conditions in the camps and unsafe housing exacerbated gender-based violence and had a negative impact on the health of camp residents.

Living conditions in camps today remain extremely precarious. The provision of essential services has been progressively declining over the years owing to reduced funding and the greater priority given to closing the camps. According to the Office for the Coordination of

Humanitarian Aid, most camps have no access to even the most essential services and living conditions fall far below international standards.[2] For example, in June 2014, only 67% of camp residents had access to latrines and the average number of people per functioning latrine was 82. The majority of camps have no waste management. A substantial increase in the number of cholera cases in camps was reported in the first half of 2014. Malnutrition rates in camps are considered to be beyond emergency thresholds.[3] By September 2014, 45,030 people (or 11,913 families) were living in 35 camps considered at risk in the event of a natural disaster (28% of existing camps, 52% of families).[4]

Against this backdrop, guaranteeing the right to adequate housing became even more urgent, especially given the implications for the enjoyment of other human rights. From the early stages of the recovery efforts, Amnesty International has supported calls by Haitian human rights organizations for post-earthquake reconstruction to address effectively the right to adequate housing for IDPs specifically and for population as a whole.

In April 2013, Amnesty International published "*Nowhere to go": Forced evictions in Haiti's displacement camps* (Index: AMR 36/001/2013). This report documented a worrying pattern of violations of the right to adequate housing, mainly in the form of forced evictions of IDPs which were either carried out or condoned by the authorities.

FORCED EVICTION

A forced eviction is "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".

Committee on Economic, Social and Cultural Rights, General Comment No. 7, The right to adequate housing: forced evictions, para. 3.

The Prime Minister reacted to Amnesty International's report by acknowledging instances of forced evictions by private landowners and by highlighting that this "was emphatically not something the government endorsed".[5] The Delegate Minister for Extreme Poverty and Human Rights went further, expressing the government's condemnation of cases of forced eviction and its commitment to "take all necessary measures to stop all instances of evictions which would be against Haiti's international commitments and the rights of its citizens".[6] Encouraged by these reactions, Amnesty International continued to monitor forced evictions and access to adequate housing both for IDPs and for others living in inadequate housing.

Five years after the devastating earthquake, it is clear that while there have been some significant developments, a lot more needs to be done.

As of September 2014, an estimated 80,000 people[7] were still living in makeshift displacement camps, 19% of whom were at risk of forced eviction. Although the number of people living in displacement camps remains large, it represents a decrease of more than 90% since July 2010. However, the numbers tell only part of the story. In reality, the majority of people who have left the camps have not benefitted from durable housing solutions, especially those who did not own land or a house before the earthquake.

In the absence of sustained and comprehensive efforts by the Haitian authorities and the

international community, many people have moved back to unsafe houses. Others have started building or reconstructing their houses, in most cases with no assistance or guidance, often in informal settlements located in hazardous areas. This risks recreating and intensifying the pre-earthquake housing crisis. It also runs counter to the "build back better"[8] slogan frequently cited in the aftermath of the disaster by the government and international and humanitarian organizations.

This report examines the situation of IDPs and the measures taken by the government to find durable housing solutions in the five years since the earthquake. It highlights the need for greater government commitment in policy and practice to refrain from and prevent forced evictions in all contexts. The report also examines the housing options provided so far to IDPs and new initiatives that are being put in place. It concludes that the Haitian government and the international community need to take much more decisive action to ensure full recovery and to make the right to adequate housing a reality for all.

The report ends with a number of specific recommendations to the Haitian government and to the international community aimed at stopping forced evictions, providing durable housing solutions for IDPs and facilitating access to adequate housing for all in Haiti, especially those living in poverty.

2. THE LEGAL FRAMEWORK

THE RIGHT TO ADEQUATE HOUSING

The right to adequate housing is protected under various international and regional human rights treaties.[9] Article 25(1) of the Universal Declaration of Human Rights recognizes the right to adequate housing as a determinant of one's standard of living.[10]

The **International Covenant on Economic, Social and Cultural Rights (ICESCR)** contains the most significant international legal guarantee 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."

Haiti ratified the ICESCR in October 2013 and is due to submit its initial report to the UN Committee on Economic, Social and Cultural Rights by January 2016.

Haiti has also ratified several other international human rights instruments that focus on the protection of the rights of particular groups and that recognize the right to adequate housing.[11]

Under the Haitian Constitution, international human rights treaties, once ratified by the government, become part of Haitian law and take precedence over national legislation.[12] The right to adequate housing is recognized in Article 22 of the Haitian Constitution. However, international standards regulating the right to housing are not adequately reflected in Haitian legislation and practice.

THE PROHIBITION OF FORCED EVICTIONS

Haiti is obliged to refrain from and prevent forced evictions under a range of human rights treaties, including the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the American Convention on Human Rights.[13]

The Committee on Economic, Social and Cultural Rights (CESCR) has provided detailed guidance on state obligations to refrain from, prevent and protect people from forced evictions. It has stressed that evictions may only be carried out as a last resort, once all feasible alternatives have been explored.[14]

Evictions can only be carried out when appropriate procedural protections are in place. 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 it for themselves.

The CESCR 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".[15] Evictions must not "render individuals homeless or vulnerable to the violation of other human rights".[16]

At present, Haitian law does not explicitly prohibit forced evictions. The law on expropriations for reasons of public utility provides for compensation for property compulsorily acquired in the national interest.[17] However, Haitian legislation falls short of the safeguards required under international law.

INTERNALLY DISPLACED PEOPLE

Haiti has specific obligations under human rights law to protect IDPs and to safeguard their rights.

The Guiding Principles on Internal Displacement stipulate in Principle 6 that: "displacement shall last no longer than required by the circumstances". Principles 28-30 set out the right of IDPs to a durable solution.[18]

Drawing on the Guiding Principles, in 2010 the Inter-Agency Standing Committee (IASC) [19] adopted a reference document, the Framework on Durable Solutions for Internally Displaced Persons. This describes "the key human rights-based principles that should guide the search for durable solutions and establishes the criteria that determine to what extent a durable solution has been achieved".[20]

FRAMEWORK ON DURABLE SOLUTIONS FOR INTERNALLY DISPLACED PERSONS

According to the Framework, a durable solution is achieved when IDPs no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement. It can be achieved through:

- Sustainable reintegration at the place of origin (referred to as "return");
- Sustainable local integration in areas where IDPs take refuge (local integration);
- Sustainable integration in another part of the country.

All relevant actors need to respect the right of IDPs to make an informed and voluntary choice on what durable solution to pursue and to participate in the planning and management of durable solutions.

The Framework states that IDPs who have achieved a durable solution will enjoy, without discrimination:

- Long-term safety, security and freedom of movement;
- An adequate standard of living including, at a minimum, access to adequate food, water, housing, health care and basic education;
- Access to employment and livelihoods; and
- Access to effective mechanisms that restore their housing, land and property or provide them with compensation.

3. LIMITED ACCESS TO DURABLE SOLUTIONS

According to the latest available data, by the end of September 2014, about 85,432 people (22,741 households) were living in the remaining 123 IDP camps. This represents a huge reduction of 92.1% in the number of camps and 93.7% in the number of households living in IDP camps since July 2010.[21] However, the majority of people who have left the camps have not benefitted from a durable solution to their displacement, including in terms of access to adequate housing.

The Haiti Emergency shelter and Camp Coordination and Camp Management (E-Shelter & CCCM) Cluster is responsible for coordinating humanitarian assistance in IDP camps, providing transitional shelter and distributing non-food items.[22] According to the Cluster, in total, 1,432 IDP camps have been closed and the three main reasons for their closure were: spontaneous return (55.7%), allocation of rental subsidies or "return grant" (31.9%) and evictions (12.3%).

	Number of camps closed	**Number of households affected**	**Number of individuals affected**
Eviction	176	14,444	60,570
Return grant	457	74,582	256,334
Spontaneous return home	799	249,750	1,134,111
Total	**1,432**	**338,776**	**1,451,015**

Source: Haiti Emergency shelter and Camp Coordination and Camp Management Cluster, Displacement Tracking Matrix Haiti, September 2014.

The majority of people who were forcibly evicted were not offered an alternative location where they could resettle. Left homeless once again, many evicted families had no choice but to move to other camps or to settle in the informal settlement known as Canaan on the outskirts of Port-au-Prince (see below, page 48).[23] It is only in the last year that mechanisms have been developed to provide some assistance retrospectively to forcibly evicted families, mainly through the allocation of rental subsidies (see below, page 26).

The E-Shelter & CCCM Cluster does not give a definition of "spontaneous return home" and in many cases has been unable to identify the reasons that triggered a return or where people go after leaving camps. This was particularly true of returns that took place in the first two

years of the humanitarian response, the period when the majority of "spontaneous returns" occurred. It would appear that the category "spontaneous return" includes those cases when the reasons for the departure of families from a camp have not been confirmed. It is, therefore, possible that some of the camp closures that are listed as being a result of "spontaneous return" may in fact have been closed after the families were evicted.

While the various strategies adopted have been successful in closing camps, they have not provided durable solutions for IDPs. Indeed, durable solutions to displacement — namely repairing, rebuilding or building housing — have accounted for less than 20% of the measures provided.

HOUSING SOLUTIONS PROVIDED TO IDPS[24]					
Solution adopted	**Transitional shelters**	**Rental subsidies**	**Housing repair**	**Transitional shelters upgrades**	**Housing (re)construction**
Number provided	114,124	74,582	27,353	9,033	9,032
Number planned	0	5,024	8,196	0	10,398

Source: Haiti E-Shelter & CCCM Cluster, Fact Sheet October 2014.

RENTAL SUBSIDIES

"The closure of IDP camps by itself does not mean that durable solutions for them have been found… the rental subsidy policy which aims to help IDPs leave camps and find a place to rent in the neighbourhoods is a transitional measure to decongest the camps. In order to be sustainable, this policy must be linked to livelihoods and income-generating activities and benefit the entire community where IDPs are settled, including through enhanced access to basic services."

UN Special Rapporteur on the Human Rights of Internally Displaced Persons, July 2014[25]

Rental subsidies (also called "return grants" or "rental support cash grants") enable IDPs to rent accommodation for one year. Both the government and humanitarian organizations have made extensive use of these grants in order to close camps relatively quickly. The strategy was based on the recognition that by January 2012, about 78% of the people remaining in camps had lived in rented accommodation before the earthquake but lacked the resources to rent a new house.[26]

A document issued by the Housing and Public Buildings Construction Unit (Unité de Construction de Logements et Bâtiments Publiques, UCBLP) and the E-Shelter & CCCM Cluster in 2012 indicated that: "Rental Support Cash Grant programs cannot deliver a permanent solution for displaced families who did not previously own housing or land. Instead, these programs offer a helping hand, returning the family to a rental situation similar to their life before the earthquake. Rental support programs buy each family some time to help themselves."[27]

Under the rental subsidy model, IDPs living in camps are allocated a grant of US$500 to pay their rent for a year and another small grant to cover transport costs. If after six to eight weeks they are found to be living at the same place, they can receive another US$125.

Agencies carrying out the camp closures identify those who will receive the grant by paying a surprise visit to the camp at night and listing all those present in the tents and other shelters. Those who are absent, or those whose cases raise doubts about their genuine needs,[28] are not included in the beneficiary list and have to go through a grievance procedure in order to show that they are entitled to the grant.[29]

One of the first rental subsidy programmes to be implemented was the government-led "Project 16/6", which combined providing rental subsidies and infrastructure works for essential services in certain neighbourhoods.[30]

Some of the rental subsidy programmes include livelihood support components. While the full impact of these measures have yet to be evaluated, in February 2014 the International Organization for Migration (IOM) and the Brookings independent research organization, published a joint report which found that the majority of IDPs and communities interviewed believed that these grants were "too little for people to convert into sustainable income-generating opportunities".[31] The report identified a number of concrete steps to support a range of durable solutions at the community level for the benefit of those who were displaced and the neighbourhoods they were living in.

Several Haitian human rights organizations have raised concerns about the capacity of families who have received rental grants to stay in their homes or find secure alternative adequate housing after the end of subsidy. This concern was reinforced by the results of a survey carried out as part of an external evaluation of rental subsidy programmes that were published in January 2013. The survey found that 60% of those surveyed believed they would not have enough funds to maintain the same quality of accommodation once the rental subsidy period had ended. The same study found that 75% of beneficiaries who had moved out of their homes after the end of the grant were generally living in declining standards of accommodation.[32]

A survey carried out in 2013 by the Bureau des Avocats Internationaux and the Institute for Justice and Democracy in Haiti revealed that only 51% of those surveyed had continued to live in the same home after the rental subsidy programme ended and of these 61% had not been able to continue paying their rent. The survey also indicated that 80% of those interviewed reported that their overall living situation in 2013 was worse than it had been before the earthquake.[33]

As highlighted by the 2014 joint Brookings and IOM report, "national and international actors coordinated the delivery of solutions-related interventions such as rental subsidies, but a broader national durable solution strategy never materialized, and opportunities were missed to integrate displacement concerns into relevant plans and policies on issues such as housing and development".[34]

In May 2013, in an effort to link relief to reconstruction and development, UN-Habitat formulated concrete proposals aimed at switching from an approach that focused on "emptying camps" or "ending displacement in camps" to one aimed at "reinforcing the

housing sector: increasing and improving housing including rental housing".[35] Similarly, in his 2014 report to the UN General Assembly focusing on the challenge of finding durable solutions for IDPs in urban settings, the UN Special Rapporteur on the Human Rights of Internally Displaced Persons recommended that rental cash grants be accompanied by "legal support in housing, land and property matters to facilitate length and security of tenure".[36]

A second external evaluation of rental subsidy programmes was being conducted by independent consultants on behalf of the Haitian government and implementing agencies at the time of writing. Results were due to be published in early 2015.[37]

TRANSITIONAL SHELTERS

During the first phase of the humanitarian response, the preferred measure offered to IDPs to meet their housing needs was transitional shelters (T-shelters).

ALLOCATION OF T-SHELTERS AND RENTAL SUBSIDIES PER YEAR						
	2010	**2011**	**2012**	**2013**	**2014***	**Total**
T-shelters	20,000	80,664	10,300	3,160	0	114,124
Rental subsidies	0	6,000	17,438	40,362	10,782	74,582

*Data available by September 2014

Sources: Haiti E-Shelter & CCCM Cluster, Fact Sheet December 2012, Fact Sheet February 2014 and Fact Sheet October 2014.

T-shelters are generally small structures (between 12m^2 and 24m^2) intended to last between three and five years. They usually have roofs of corrugated metal sheeting and the frames are made of timber, bamboo or steel. They offer better protection than emergency shelters and can be built much more quickly than permanent houses. However, the massive donor investment in T-shelters resulted in a focus on providing provisional housing measures which did not address the needs of the most marginalized IDP households and undermined the possibility of implementing more permanent solutions from the outset.

Because of the difficulties humanitarian agencies faced in identifying sites that offered secure tenure, most T-shelter programmes benefited families who owned or had access to land and who were in areas where secure land was available.[38] Families who did not own land were largely excluded from these programmes. For example, in 2012 it was estimated that only 23% of T-shelters went to families living in IDP camps.[39]

T-shelters were also intended to be adaptable and allow for relocation or upgrade once the land tenure would be cleared. However, by September 2014, less than 10% of T-shelters had been upgraded.[40]

The construction of T-shelters proved to be more costly than expected. An evaluation carried out on behalf of the International Federation of the Red Cross (IFRC) found that the average unit price was nearly three times higher than anticipated: US$4,226 as opposed to the projected US$1,500.[41] Moreover, the IFRC evaluation highlighted that the provision of T-shelters was to a large extent based not on a needs assessment but rather on decisions made by humanitarian agencies "based on their previous know-how, supposed ease of implementation, outcome control, liability concerns and/or visibility".[42] In a 2013 document, UN-Habitat also highlighted criticisms of the mass construction of T-shelters for "being

supply driven, inflexible and for consequences which were not adequately monitored or addressed mid-course".[43]

"The massive construction of transitional shelters might not always be required or appropriate and in some cases might impede durable solutions, such as in dense, urban settings where people might be prevented from incrementally building permanent housing due to lack of space. The production of these shelters might unintentionally divert resources from the reconstruction of permanent housing and neighbourhoods, in a context of diminishing attention and aid flows over time".

UN Special Rapporteur on the Right to Adequate Housing, Report to the UN General Assembly (A/66/270), 5 August 2011

REPAIRING, REBUILDING AND BUILDING HOUSING

In March 2010, under the supervision of the Ministry of Public Works, Transport and Communications, a pool of engineers visited each building in the earthquake-affected areas to conduct rapid structural evaluations.

The Ministry tagged each building with a code and colour:

- "Green: safe to inhabit, minor damages, no structural repair needed";
- "Yellow: limited occupation, moderate damage, structural repairs needed"; and
- "Red: unsafe to inhabit, risk for its occupants and their environment, serious damage, important structural repairs or total demolition needed".

The final result of the assessment, published in January 2011, established that of the 359,853 residential buildings assessed, 194,621 (54.08%) were Green, 94,002 (26.12% were Yellow) and 71,230 (19.79%) were Red.[44]

According to the International Federation of Red Cross and Red Crescent Societies, it was only after the publication of the final results in 2011 that agencies intervening in the shelter sector started showing an interest in getting involved in housing repairs.[45] Since then, many houses have been repaired or rebuilt. For example, by December 2013, 936 houses had been repaired and 60 rebuilt as part of the Project 16/6.[46] The Port-au-Prince Neighbourhood Housing Reconstruction project (PREKAD), funded by the World Bank through the Haiti Reconstruction Fund,[47] had enabled the repair of 1,124 houses and the reconstruction of another 402 by the end of June 2014.[48] The Programme of Integral Reorganization of the Port-au-Prince Informal Settlements of Martissant and Baillergeau (AIQIP), launched in July 2013 and funded by the French Development Agency and the European Union,[49] plans to rebuild 383 houses and to repair a further 252.[50]

Some of these projects also include the construction of new housing units, although on a limited scale. For example, 280 houses are to be built as part of the AIQIP project.[51]

Some donors have sponsored or have pledged to support specific housing construction

projects. For example, in June 2013 the US Agency for International Development (USAID) and the State of Qatar Fund for the Reconstruction of Haiti (Qatar Haiti Fund) announced the launch of a project aimed at developing a new community on the outskirts of Port-au-Prince with the construction of 148 new houses, a vocational school and a commercial area which would also be provided with essential services.[52] Beneficiaries will be given the deeds to their home after paying a monthly rent of about US$45 for five years.

In October 2013, the Prime Minister announced that the Venezuelan government had pledged to construct 4,400 new housing units in Haiti using Petrocaribe funds. Most of the new homes (3,900) would be constructed in Port-au-Prince and the rest (500) on Ile-à-Vache, [53] an island where the government has launched a large scale tourism development programme. In September 2014, the UCLBP announced that studies were being carried out in connection with the construction of 600 housing units in the Port-au-Prince locality of Bowenfield as part of the Petrocaribe-sponsored project.[54] UCLBP also announced that 1,280 housing units have been completed since May 2014 as part of the Petrocaribe-funded social housing project, known as the Village Lumane Casimir, in the area of Morne-à-Cabrit, on the northern outskirts of Port-au-Prince.[55]

VILLAGE LUMANE CASIMIR



Village Lumane Casimir was inaugurated on 16 May 2013 by the Haitian President. However, the first families did not begin to move into the housing complex until October 2013. In December 2013, the keys to their homes were handed over to 50 people with disabilities and to 75 police officers. When Amnesty International visited Village Lumane Casimir in September 2014, only about 300 units had been allocated.[56]

According to UCLBP, eligible beneficiaries are people who were made homeless by the earthquake, have a family of between three and five people and have a source of income.

All the people interviewed by Amnesty International complained that when they were allocated houses they had not been informed that the monthly rent would increase from 1,500 gourdes (about US$30) to 2,500 gourdes (about US$50) after the first six months and that they would never be able to acquire property deeds to their houses. None of the residents interviewed seemed to have signed a contract at the moment of the handover.

Many residents, including people with disabilities, expressed anxiety about being unable to afford to pay rent. Access to employment appeared to be a source of concern for all those interviewed as the village is located in a remote area and the government's plan to build a factory nearby had yet to be realized. Although the

government has set up a free weekday bus service to the nearest town, residents complained that they had no way of transporting goods or of carrying out other income-generating activities at the weekend.

Residents told Amnesty International that they had planned to hold a demonstration on 30 June 2014 about the situation, but had called this off after two residents were arrested on the morning of the planned protest. All the people interviewed by Amnesty International believed that the arrests were linked to fact that the two men had taken an active role in mobilizing the community and organizing the protests. In mid-September, the families of the two men were evicted for failing to pay the rent.

Amnesty International was informed that the two men had been arrested on charges of making death threats against a police officer. At the time of writing, one of them remained in detention.

Although several housing construction initiatives are currently being implemented, they are not sufficient to meet the extensive and urgent housing needs of the Haitian population. Before the earthquake, Haiti's national housing deficit was estimated to be 700,000 units[57]. At least another 250.000 buildings were damaged or destroyed by the earthquake.[58]

Organizations involved in the recovery effort highlight the lack of leadership by the Haitian authorities in the first few years after the earthquake as one of the major reasons for the delays in delivering permanent housing solutions. For example, the last PREKAD implementation report cites a "lack of clear reconstruction guidelines" as the main reason for the project's slow implementation during the first two years.[59] The 2011 IFRC evaluation report also lists the fact that "there was no clear roadmap on what to do for permanent housing in the urban setting, no model or process had been outlined, no vision or guidance was in view" as one of the causes for delays in carrying out house repairs.[60] In addition, the National Housing and Habitat Policy (see page 49) was not adopted until October 2013 and not published until August 2014.

Another major reason for delays in building permanent housing is the lack of suitable land available for residential housing developments. According to a 2013 Oxfam report, unclear ownership, conflicting title claims and large sections of land under long-term lease to the government *(affermage)*, make securing control of potential sites problematic in existing urban centres.[61] This was echoed in the audit report of USAID/Haiti's New Settlement Construction Activities,[62] published in April 2014, which found that difficulties in determining land tenure was a contributing factor in significant delays in construction.[63]

4. FORCED EVICTIONS OF DISPLACED PEOPLE

"We came from Delmas 30 to find a new life… for what? To be evicted again? After the eviction, we were sleeping for days under the stars. Even now, we are still under threat"

Resident of Canaan, forcibly evicted from Mozayik Camp in Delmas in 2012 and again from Canaan in December 2013, interviewed by Amnesty International in September 2014

There are no comprehensive figures for the number of IDPs who have been forcibly evicted since 2010. The only available data is that compiled by IOM in its trimestral Displacement Tracking Matrix (DTM) which covers only the number of camps closed as a result of forced eviction. The last of these reports, published in October 2014,[64] stated that 176 camps had been closed since 2010 following evictions, affecting a total of 14,444 households (or 60,570 individuals).[65]

However, many cases of forced evictions of IDPs –, for example, cases in which only a part of the camp population was evicted – are not captured in any statistics. Also forced evictions of IDPs from informal settlements, such as those in Canaan, Jérusalem and Onaville, were removed from the DTM from September 2013 onwards at the request of the government (see page 48). In addition, it is likely that some forced evictions may have been classified as "spontaneous returns" because the reasons for the sudden departure of the IDPs could not be verified, especially during the first months of the humanitarian response (see page 14).[66] The DTM figures also do not capture the hundreds of displaced families who fled IDP camps after their homes were set on fire in incidents that may have amounted to forced evictions (see page 26).

In September 2014, 22 camps housing 24,204 IDPs (or 5,966 households) were considered at risk of forced eviction.[67] Of these, 14 have been targeted for closure through solutions that include the allocation of rental subsidies. The remaining eight camps at risk are home to 22,506 IDPs. T-shelters make up more than 60% of dwellings in some of the camps at risk,[68] and are situated on privately owned land where the rental lease is approaching expiry or has expired.[69]

The risk of forced eviction remains high also for people living in the area of Canaan, especially because land tenure arrangements remain unclear and informal (see below, page 48).

FORCED EVICTIONS FROM DISPLACEMENT CAMPS

Since the publication of its previous report on forced evictions in April 2013, Amnesty International has documented at least four new cases of mass forced evictions from IDP camps.

CAMP BRISTOU

Between 4 and 5 June 2013, about 150 families who lived in Camp Bristou in the Pétion-Ville municipality were forcibly evicted by police officers and several people identified by camp residents as Pétion-Ville municipal officials. The Pétion-Ville municipality denied any involvement in the evictions.

Residents were not given any notice that the eviction would take place and were not shown any court eviction orders. According to residents' testimonies gathered by the Groupe d'Appui aux Réfugiés et Rapatriés, a Haitian human rights organization, shelters were destroyed by a tractor and people were not given time to gather their belongings:

"The municipal officials tore IDPs' mattresses and set them on fire. They stopped residents from taking their personal belongings with them. There was a truck collecting all remaining possessions in order to throw them away".[70]

On 10 June, the UN Humanitarian Coordinator publicly expressed her concern about the eviction, stated that the case had been brought to the attention of the Prime Minister and called for an investigation in the incident. However, no investigation was known to have been initiated by the time of writing.[71]

In many cases, the police and justices of the peace (judicial officers of the lower courts) are legally required to be present when evictions ordered by the courts take place. However, both police officers and justices of the peace are reported to have taken part in evictions that had no legal basis. In addition, victims of forced evictions have made frequent allegations that police used excessive use when carrying out evictions.

CAMP TI-TROU

On 15 July 2014, approximately 146 displaced families living in one section of the camp Ti-Trou, located in the sector of Turgeau in Port-au-Prince, were forcibly evicted. The alleged landowner, a Member of Parliament; several police officers; and a justice of the peace were reportedly present during the eviction. Residents had not received any notice of the eviction and were not shown any judicial order.



Prior to the July eviction, camp residents had been identified as eligible for rental subsidies. As a consequence, after their eviction, procedures were fast-tracked and most of the affected families were given rental subsidies.

At the end of August, IDPs living in the other section of the camp told Amnesty International that the alleged landowner had repeatedly threatened them with eviction, either directly or through police officers. They also alleged that a tractor contracted by the alleged landlord was dumping rocks in the ravine to put pressure on them to leave.

In at least two cases, a large number of families were forcibly evicted during the closure of camps. Both in Camp Teleco Sans Fil (see below) and Camps Corena/Safari/Metayer [72] a large number of families (respectively a third and two thirds) were judged by the UCLBP not to be eligible for rental subsidies.[73] Following unsuccessful appeals through the established grievance process, they were given three days' notice to vacate the camp.

LACK OF ADEQUATE NOTICE IN CAMP TELECO SANS FIL

Camp Téléco Sans Fil, located on a public land in the municipality of Delmas, had been targeted for closure through the allocation of rental subsidies. Out of the 1,448 families registered by IOM in March 2014, around 500 had been found by UCLBP and the municipality ineligible for a rental subsidy.

On 5 August 2014, UCLBP officers arrived at the camp to distribute letters to the families found ineligible, informing them that they had failed to qualify for a subsidy and giving them three days to leave the camp, after which they would be evicted by force.

On 8 August, UCLBP and municipal officers, accompanied by several police units, arrived with a tractor and started to demolish all the shelters, including those of the families who had been left without rental subsidies. Around 500 families lost all their belongings in the eviction and one boy reportedly sustained a leg injury.

More restrictive criteria seem to have been applied for the allocation of subsidies to families in Camp Téléco Sans Fil and Camps Corena/Safari/Metayer. Contrary to normal practice in which all families present during an unannounced verification visit are registered for rental grants (see page 15), only families who appeared both in the 2010 and 2014 registration automatically qualified for a grant. Those who were not included in one of the two registration lists were excluded at first and had to go through the grievance procedure. While in most camps only a handful of people were denied rental subsidies, in the cases of Camp Téléco Sans Fil and Corena/Safari/Metayer large numbers of people were deprived of assistance. The UN Human Rights Committee, during its review of Haiti's initial report in October 2014, asked the government whether the criteria for the allocation of subsidies had been changed.[74] The government denied there had been any change and insisted that greater diligence had to be shown given that a growing number of families were trying to unduly benefit from the grants.[75] In its concluding observations, the Committee expressed concern that "certain people who had been registered as IDPs were later removed from the list of beneficiaries of relocation programmes and therefore risked being victims of forced evictions".[76]

These cases also reveal that procedures for evicting families who had been declared ineligible for rental subsidies fall short of international standards. Procedures agreed between the

government and international partners for the closure of camps through the allocation of rental subsidies allow for three days' notice to be given to families who found ineligible for the rental subsidies.[77] However, this does not satisfy the requirement under international standards to give "adequate and reasonable notice". Under these standards the exact date and time of the eviction should be communicated to the affected people and the time between notice being given and the date of the eviction must be sufficient to enable people to challenge the decision legally, to assess any potential losses for which they would require compensation and to finalize discussions on resettlement.

Existing procedures also fail to require that the authorities provide those affected with information about the legal remedies available to them and ensure that legal aid is available to people who need it. There is also no mechanism for providing compensation to all those affected by the eviction for any economically assessable damage.

This is a danger in all camp closures facilitated by rental subsidies. However, in the cases of Camp Téléco Sans Fil and Camp Corena/Safari/Metayer such cases occurred on a much larger scale and severely affected large numbers of people.

FORCED EVICTIONS FROM INFORMAL SETTLEMENTS

Several families living in informal settlements located on the northern outskirts of Port-au-Prince, commonly known as Canaan, were also victims of forced evictions. The majority of the victims had been made homeless by the earthquake and some of the families had already been forcibly evicted from displacement camps.



LANME FRAPE

Residents of the Lanmè Frape sector of Canaan had their homes repeatedly destroyed by police officers accompanied by armed men between 2012 and 2013. In October 2013, residents told Amnesty International that they had been the victims of attacks on more than 10 occasions over the previous 18 months and several of them had also been detained for up to a month on trumped-up charges.[78]

According to residents, police accompanied by armed men arrived and began pulling down their shelters on 31 August 2013. They returned on 4 September with a tractor and continued to tear down homes. In total, 393 shelters were destroyed. On 18 September, the shelters they had managed to rebuild were again destroyed by police and armed men. Residents told Amnesty International that on each occasion their belongings were

stolen, including construction materials and commercial goods on which they depended for their livelihoods.

They said that they had never been presented with an eviction order. They filed complaints with the Office of the Public Prosecutor (*parquet*), the police, the Ministry of Justice and the Senate but, as far as they knew, no investigation had been initiated.

MOZAYIK AND VILLAGE GRÂCE DE DIEU



More than 200 families were forcibly evicted between 7 and 10 December 2013 from Mozayik, a sector of Canaan located in an area known as Titanyen. Displaced families relocated here after they were forcibly evicted from the Mozayik camp in Delmas municipality in May 2012.[79]

A justice of peace from the municipality of Croix-des-Bouquets carried out the eviction, accompanied by police officers and a group of armed men. The police reportedly used tear gas grenades and fired gunshots into the air to intimidate residents who tried to resist the eviction. According to residents, a dozen people were assaulted, including a woman who was four months pregnant. The armed men also tore down the residents' dwellings without allowing them time to collect their belongings. A court order for the eviction was allegedly issued in June. However, residents stated that they were never notified of the order and did not receive notice of the eviction.[80]

The same justice of peace returned to the area on the morning of 30 January 2014. He was accompanied by police officers and a group of men armed with machetes and sticks who proceeded to forcibly evict approximately 100 families from the Mozayik sector and a neighbouring area known as Village Grâce de Dieu. Residents said that the police fired their guns into the air and also used tear gas against them. At least three people are reported to have been injured, including a four-year-old child and an 84-year-old man. A makeshift structure that was being used as a school was torn down and a water tank serving thousands of people was destroyed.

Residents stated they were given no notice of the eviction and that the justice of peace claimed he was completing the eviction process started in Mozayik on 7 December, which was based on a court order issued in June.[81] According to international standards, even in cases where evictions are considered justified, the authorities have a duty to put in place the necessary legal and procedural safeguards before evictions.[82]

The police returned at 5am on 3 February 2014 and reportedly fired their guns into the air once more. In order to stop further forced evictions, residents blocked the highway between their community and the sea. According to the residents, the police used tear gas to try to disperse them and there are reports that two people required hospitalization after being beaten by police.

More recently, on 5 November 2014, families in Village Grâce de Dieu were again targeted for forced eviction when police officers, accompanied by men armed with sticks and hammers, arrived on the site and destroyed

a concrete house, an unfinished house and part of the wall surrounding the site. According to witnesses, the police used force against some of the residents, including a pregnant woman. They also reported that the police said that they would come back to demolish all the houses and shelters on the site.[83]

FIRES IN IDP CAMPS EFFECTIVELY RESULTING IN FORCED EVICTIONS

In at least two cases in the last 18 months, fires destroyed large numbers of shelters and led to camp closures, leaving people to fend for themselves. This effectively resulted in the forced eviction of affected IDPs. For example, on the night of 14/15 July 2014, a fire completely destroyed the market place of "Tête de Boeuf" where around 500 displaced families had been living since the 2010 earthquake.[84]

In both cases, residents alleged that the cause of the fires was arson and that they had received threats of eviction before the fires. The authorities have failed to carry out thorough investigations into the incidents to establish the cause of the fires.



CAMP "COMITE DU PEUPLE PROGRESSISTE"

On 11 January 2014, at about 10am, a fire tore through the "Comité du peuple progressiste" displacement camp in Port-au-Prince. Three people died in the fire, including two young children, and some 30 others were hospitalized with burns.

All of the makeshift shelters of the 108 families who lived in the camp were completely destroyed, along with their personal belongings.

Some of the residents told Amnesty International that the fires were the result of arson. They said that since 2010 they had been repeatedly threatened with eviction by the alleged landowner. According to residents, a few days before the fire, a man who claimed to be the landowner had come to the camp accompanied by security guards and police officers and threatened that the camp would be destroyed if they refused to leave.

On the day of the fire, a justice of the peace and officers from the Central Directorate of Judiciary Police had visited the camp to draft a report on the damage. A representative of the Directorate for Civil Protection interviewed on local radio said that the authorities would open an investigation into the incident. High-ranking UN officers brought the case to the attention of several government ministers.

Despite this, there is no evidence that a thorough investigation has been carried out. According to a Haitian human rights organization, which lodged few weeks later a judicial complaint on behalf of the victims of the fire, the Port-au-Prince prosecutor had yet to process the complaint at the time of writing.

The government did not respond to Amnesty International's repeated requests for information on the status of the investigation.

PREVENTING AND RESPONDING TO FORCED EVICTIONS

Amnesty International has documented fewer forced evictions from displacement camps in 2014 compared to previous years.

One of the factors that is thought to have contributed to this decrease is the mobilization of a range of actors to address this issue, including Haitian and international human rights and humanitarian organizations. Forced evictions have been high on the agenda of the Protection Cluster,[85] and senior UN officials and diplomatic representatives have raised the issue in their meetings with the Haitian government, which has been generally receptive to their representations.

The main strategy adopted by the authorities and the international community to address threats of eviction by private landowners seems to have been the provision of rental subsidies to IDPs and the subsequent closure of the camp in question. Although the threats of eviction do not automatically lead to the allocation of rental subsidies, the existence of such a threat has been an important factor when prioritizing camps for closure through the allocation of rental subsidies. The reduction in the number of camps has allowed a much faster focus on the needs of those at risk of eviction.

Ahead of the UN Human Rights Committee review of Haiti's initial report,[86] the Haitian government informed the Committee that, in order to avoid evictions by private land-owners, it "had passed instructions to public prosecutors with the aim of staying the execution of eviction orders against displaced people living in camps".[87] Asked by the Committee how long this instruction would remain in force, the government responded that the circular issued by the Minister of Justice and Public Security had not set a deadline and that the government "intended to maintain such a moratorium in force until displaced people living in camps had been relocated".[88]

While such an announcement is welcome, this measure only affects cases where the landowner seeks an eviction order from the courts. In Amnesty International's experience, the majority of forced evictions are arbitrary acts by real or alleged landowners and not the result of legal actions.

The fact that the existence and the content of such circular have not been widely advertised, also raises concerns. None of the national and international organizations that Amnesty International contacted, including those working closely with the government, had been aware of this circular prior to the statements made to the UN Committee. Amnesty International has not received a copy of this circular, despite repeated requests.

Additional measures have been put in place to provide assistance to families who have been the victims of forced evictions. A nominal registration of all IDPs living in camps was carried out between 2013 and 2014 to update information gathered in the 2010 registration.[89] This was used in some cases to locate families following an eviction. The European Commission Humanitarian Office (ECHO) allowed greater flexibility in its sponsored rental subsidy

programmes in order to allow rental cash grants to be given to families after an eviction.

In October 2014, the UN Human Rights Committee recommended that Haiti "ensure that nobody is evicted from camps without ensuring that they, their families and all displaced people can benefit from durable solutions".[90]

Amnesty International documented fewer cases of forced evictions from displacement camps in 2014. However, in the light of previous trends and the emergence of cases of forced evictions outside displacement camps, there is still a clear need for long-term and sustained measures to prevent and respond to forced evictions.

IMPUNITY AND LACK OF LONG-TERM PREVENTIVE MEASURES

Following the publication in 2013 of the Amnesty International's report "*Nowhere to go": Forced evictions in Haiti's displacement camps*, the Delegate Minister for Extreme Poverty and Human Rights stated that that the Haitian authorities had received formal instructions to carry out investigations into allegations of forced evictions and promised that those found responsible would be brought to justice.[91]

Despite this assurance, Amnesty International found no evidence that thorough investigations are being carried out. For example, when Amnesty International's delegates visited Haiti in October 2013, they requested information on the investigation of cases including the eviction in Camp Bristou (see page 22) and the arson attack in Camp Acra 2 in February 2013,[92] which had prompted a statement from the UN Humanitarian Coordinator and government reassurance that an investigation would be carried out.[93] The Secretary of State for Public Security told Amnesty International delegates that he had been unable to gather information on investigations of those cases. Police officers at the Pétion-Ville police station, who would be in charge of such investigations, confirmed that there was no ongoing investigation into either of these two cases and did not seem to have received any formal instructions to thoroughly investigate cases of forced evictions. Similarly, the Director of the Judicial Police did not appear to be aware of any such instruction. In 2014, Amnesty International repeatedly wrote to the Minister of Justice and Delegate Minister for Extreme Poverty and Human Rights to request information about investigations into these cases, among others, but received no response.

To date, impunity has prevailed in cases of forced evictions, arson attacks in camps and threats of evictions. Nobody is known to have been brought to justice for their involvement in these criminal offences.

No systematic investigation was carried out into allegations of excessive use of force by police officers during forced evictions. Questioned by Amnesty International during a meeting in September 2014, high-ranking officers of the General Inspectorate of the Haitian National Police (IGPNH) did not appear to be aware of the role the institution should play in preventing wrong-doing in the context of evictions and insisted that in the absence of a complaint from the victims, it was difficult for them to initiate investigations.

Although the IGPNH has an obligation to initiate investigations even in the absence of a complaint by the victims, there is no evidence that it has done so in relation to cases of alleged police abuses during forced evictions. For example, there were several allegations of police abuses during the evictions from Mozayik and Village des Pêcheurs between December 2013 and 2014. These were widely reported in the media and by Amnesty International. However, the IGPNH stated that, although they had heard about the cases through the media, no investigation had been carried out because no victim had lodged a complaint with them.

In addition, no specific measures seem to have been taken to prevent the unlawful involvement of police officers in forced evictions. In October 2013, Delegate Minister for Extreme Poverty and Human Rights informed Amnesty International that a circular had been issued by the Director of the National Police informing officers that they would face sanctions if they took part in forced evictions. However, neither the Secretary of State for Public Security nor the police officers who spoke to Amnesty International were aware of such a circular.

The Haitian authorities have failed to put in place legislation that explicitly prohibits forced evictions or to set out full and adequate safeguards that must be complied with before any eviction is carried out, in line with international human rights standards. As far as Amnesty International is aware, no initiative has been taken to put forward such a bill in Parliament.

Haiti: Five years of struggle for human rights and dignity



Above: **Street in downtown Port-au-Prince showing the scale of the destruction, March 2010.**

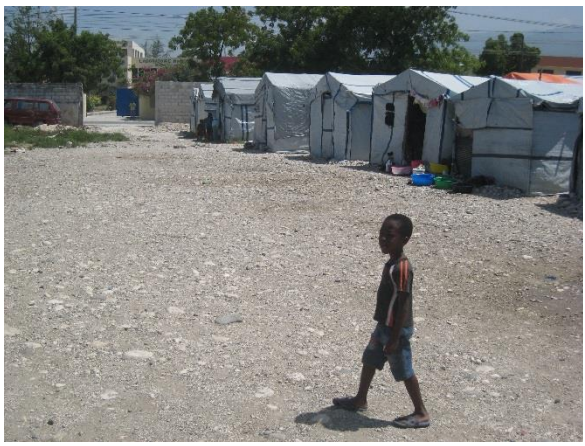


Above: **Day labourers clearing away the rubble caused by the disaster, June 2010.**

Central: **Makeshift camp set up in Champ de Mars (Port-au-Prince's main square), January 2011.**

Below: **Makeshift shelters in Camp Palais de l'Art, Delmas municipality, Port-au-Prince, September 2011.**







Above: **Temporary shelter marked "Ademoli" ("to be demolished"), camp Grace Village, Carrefour municipality, Port-au-Prince, May 2012. Such markings are often the only warning given to families before eviction.**

Below: **Demonstration by camp residents threatened with forced evictions. Camp Grace Village, Carrefour municipality, Port-au-Prince, May 2012.**





Above: **Forced eviction at Camp Mozayik, Delmas municipality, Port-au-Prince, May 2012. (© private)**



Below: **Champ de Mars after the removal of the temporary shelters, July 2012.**



Above: **Camp Grace Village, Carrefour municipality, Port-au-Prince, April 2013.**

Below: **Demonstration to mark World Habitat Day, Port-au-Prince, October 2013.**





Above: **Downtown Port-au-Prince following the demolition of residential buildings to make way for an administrative complex, September 2014.**

Below: **Village Grâce de Dieu, sector of Canaan, where residents are currently at great risk of forced eviction, September 2014.**





Mural reading "In Carradeux Village, Haiti lives on!", Camp Carradeux, Port-au-Prince, September 2014.

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5. OTHER FORCED EVICTIONS

"Reconstruction cannot happen without the people… The authorities must come to discuss expropriation conditions with us. They must find a place to relocate us before evicting us."

Victim of forced eviction, "Manif contre le projet d'expropriation des résidents du centre-ville de Port-au-Prince", Haiti Press Network, 21 August 2013

While the government and international organizations have taken some steps in 2014 to avoid forced evictions from IDP camps and to provide assistance to victims, the same cannot be said for evictions not related to post-earthquake displacement. The Haitian authorities have been directly responsible for a number of forced evictions in the context of post-earthquake reconstruction and infrastructure development projects. There are fears that these projects could result in large numbers of evictions and the internal displacement of many people if due process is not followed.

On Ile-à-Vache, the government launched an ambitious tourist development project in 2013[94] without prior consultation with the local population, sparking fears of forced evictions among the island's inhabitants.[95]

The international community has so far failed to pay sufficient attention to the issue of forced evictions and threats of evictions in contexts not related to internal displacement. Its efforts to raise concerns about these practices with the Haitian authorities has so far been very limited.

FORCED EVICTIONS IN PORT-AU-PRINCE

"In order to evict people, you need to relocate them somewhere else. Once you have identified a place to relocate people, you have to tell them when and how they will be relocated. In order for people to leave their homes, they need another place to go to, and they need enough time to relocate. This way, there would be no suffering. But this is not what happened. This is not what the government did."

Man evicted from Port-au-Prince, interviewed by Amnesty International, September 2014.

At about 5am on 31 May 2014, bulldozers from the Ministry of Public Works surrounded an area of Port-au-Prince that had been declared as an area of public utility. Several police

units, representatives of the Directorate for Civilian Protection, Port-au-Prince municipal officials and a justice of the peace were also present.

Witnesses and Haitian human rights organizations told Amnesty International what happened next. Residents were informed by megaphone that they had 30 minutes to leave their houses before demolition began. With so little time, most could not collect their belongings, which were destroyed in the demolition or looted. The demolitions amounted to a forced eviction, as the main safeguards required under international law were not respected.



LACK OF GENUINE CONSULTATION

No genuine consultation with those affected was carried out to identify feasible alternatives to eviction. The decision to expropriate selected areas of what is generally known as "downtown Port-au-Prince" was taken in September 2010 by the previous government when the then President issued a decree declaring an area of around 200 hectares in downtown Port-au-Prince to be of "public utility".[96] The decision was then confirmed by the current government in May 2012, when President Martelly issued another decree reducing the public utility areas to a zone of around 30 hectares.[97]

Following the publication of the second decree in May, the expropriation procedure was initiated according to the law of 5 September 1979 regulating expropriation for public utility.

House owners were invited to present their title deeds to the General Directorate of Taxes and to participate in one of the six information sessions organized between 14 and 20 August 2013. During those sessions, house owners were informed that their houses needed to be expropriated as the government was planning to build an administrative hub on the site.

Several house owners who attended those meetings complained through the press[98] and directly to Amnesty International that they were not given an opportunity to ask questions and express their views. Tenants living in the houses affected by the expropriation decision were not invited to the meetings and no other action was formally taken to engage directly with them.

This is contrary to the UN Basic Principles and Guidelines on development-based evictions and displacement, which state that: "States should explore fully all possible alternatives to evictions. All potentially affected groups and persons, including women, indigenous peoples and persons with disabilities, as well as others working on behalf of the affected, have the right to relevant information, full consultation and participation throughout the entire

process, and to propose alternatives that authorities should duly consider."[99]

The fact that only house owners received information about the expropriation procedure and that nobody was given the opportunity to put forward alternatives to the evictions, means that the Haitian authorities failed to carry out genuine consultation prior to the evictions, as required by international human rights standards.

LACK OF ADEQUATE NOTICE

None of the affected people received adequate and reasonable notice prior to the scheduled date of eviction.

On 24 May, some of the house owners were formally notified by a court eviction order issued on 21 May. This gave them three days to vacate their properties. This did not represent adequate or reasonable notice as no clear date or time for the eviction was given and the timeframe was utterly inadequate in that it did not give people sufficient time to challenge the decision legally, to assess any potential losses for which they would require compensation, or to discuss resettlement plans, let alone ensure that resettlement was available and fully functional prior to the eviction.

According to the UN Basic Principles: "If, after a full and fair public hearing, it is found that there still exists a need to proceed with the resettlement, then the affected persons, groups and communities shall be given at least 90 days' notice prior to the date of the resettlelment."[100] For situations involving mass evictions, 90 days would therefore normally be a minimum requirement.

"I had received the court order giving me five days to vacate my house. But five days is not enough. In Haiti there are no jobs, not enough houses. You need at least a month or two to find a house to rent. If you only give me five days, when am I going to find another place to go? And with what money I am going to pay?"

Man evicted from downtown Port-au-Prince, interviewed by Amnesty International, September 2014



Although representatives from the UCLBP told Amnesty International that information about the demolitions had been provided to all house owners in writing and in situ, Amnesty International found that the majority of the people affected had received no detailed information whatsoever that the eviction was imminent and none of them had been informed about the date and time of the eviction. As a consequence, all of the people affected, both house owners and tenants, were caught by surprise when the authorities arrived with bulldozers to evict them in the early hours of 31 May 2014.

"What it really hurts me is that the state came to demolish our houses without warning us in advance"

Man evicted from downtown Port-au-Prince, interviewed by Amnesty International, September 2014

"I had heard some rumours about the demolitions, but I didn't know with certainty that they would come to demolish and when they would come".

Man evicted from downtown Port-au-Prince, interviewed by Amnesty International, September 2014

"Since last year I had heard that they would demolish our houses, but I never received a paper informing me that this would happen"

Woman evicted from downtown Port-au-Prince, interviewed by Amnesty International, September 2014

LIMITED ACCESS TO LEGAL REMEDIES

One of the core safeguards against forced evictions identified by the CESCR is that: "Legal remedies or procedures should be provided to those who are affected by eviction orders." [101] The CESCR has also stated that governments should provide legal aid to people who are in need of it to enable them to seek redress from the courts.[102]

UN guidelines on evictions also emphasize the need for all final decisions on evictions to be subject to administrative and judicial review. Affected parties must also be guaranteed timely access to legal counsel, without payment if necessary."[103]

At no stage were the people affected by the expropriation decision in downtown Port-au-Prince given information about the legal remedies available or how to obtain them. No legal aid was offered to people in need of it.

LACK OF COMPENSATION

After the publication of the 2012 decree declaring the area of public utility, an inter-ministerial committee, the permanent committee for amicable property acquisition (Comité permanent d'acquisition amiable, CPA) was put in place to liaise with the house owners and carry out the process of amicable property acquisition.

According to the procedures spelled out in the law of 5 September 1979 regulating expropriations for public utility, house owners must present their title deeds to a notary appointed by the CPA. After verification of the deeds, the notary informs each owner of the amount of compensation determined by the CPA. If the property owner accepts this offer, compensation is paid and a contract transferring the property to the state is signed. If the owner is not satisfied with the compensation offered, they can start a legal process to resolve the dispute.

Although the Haitian authorities had started to follow the procedures for granting compensation, a few days after the demolitions the notary appointed by the inter-ministerial committee publicly declared that at the time of the demolitions only 17 of the 180 owners had received compensation. The authorities indicated that 439 properties had been identified as being affected by the decision.

As Haitian human rights organizations pointed out,[104] this represented a breach of Haitian law, which requires the payment of fair compensation before the state takes possession of properties declared of public utility.[105] It was only after the demolition and the outcry that it provoked that the government tasked the CPA with receiving complaints from those who had yet to receive compensation and speeding up the compensation procedure.

The actions of the authorities fell short of international standards, which guarantee the "right to adequate compensation for any property which is affected to all the individuals concerned."[106] The authorities should, therefore, have given affected people time to assess all possible losses and ensure that these were compensated. Instead, by demolishing the properties before the completion of the expropriation procedure, the Haitian authorities deprived house owners of the possibility of claiming a fair compensation. Since their houses have now been demolished, they cannot have the value of the properties re-assessed, should they want to challenge the offer of compensation being made to them and start litigation.

International standards clearly set out a right to adequate compensation for all individuals affected by eviction for any economically assessable damage, including loss of opportunities, material damages and loss of earnings.[107] However, the Haitian authorities have not created any mechanism to provide compensation for such damages and loss, despite the fact that the lack of any prior warning about the eviction resulted in severe loss of personal property and damage to goods for the vast majority of the people affected.

JACQUELINE*

"When they came to demolish [the houses in downtown Port-au-Prince] I was not at home, I was in church. Some of my neighbours came to look for me shouting that they were demolishing all our houses. I rushed back home and found a great confusion.

A man gave us 15 minutes to leave our houses and take our things with us. I started panicking. I had five children and two grandchildren living with me. I found a collective taxi which could take us away, but while I was helping my children and grandchildren to get in, thieves stole most of our belongings.

All the money I had was stolen, the money I needed for my small business. I used to buy goods and re-sell them. I now don't have money to rent another house. I now live in Belair with some relatives, but this is not a good place for the children, so they are all dispersed between Carrefour and Pétion-Ville. Some are staying with relatives, some with friends.

All this is extremely distressing. I had heard that some houses would be demolished but I thought it would be in Champs de Mars, not here. Nobody contacted me about possible compensation."

*Real name withheld to protect her safety and privacy.

At the end of November, the executive secretary of the permanent committee for amicable property acquisition informed the Haitian NGO GARR that out of 439 house owners identified, only 250 had presented their title deeds and, of these, only 85 had received compensation.

LACK OF ALTERNATIVE HOUSING

None of the people evicted from downtown Port-au-Prince was provided with alternative housing or resettlement.

While house owners may be able to obtain some financial compensation, tenants who have been evicted at present have no prospect of receiving any remedy. UCLBP officers told Amnesty International that, according to Haitian law, the state has no obligation towards tenants throughout the expropriation process and that it was the house owners' responsibility to inform tenants about the imminent eviction and take appropriate measures.

However, Haiti has ratified the ICESCR, according to which the authorities have an obligation to provide adequate alternative housing to all those who cannot provide for themselves, both house owners and tenants, and to ensure that no one is left homeless or at risk of human rights violations as a result of an eviction.

Amnesty International and Haitian human rights organizations documented dozens of cases of families who had no means of obtaining adequate alternative housing. Many lost all their sources of income in the demolition. At the time of the eviction, many tenants had just recently paid their rent and therefore could not afford to pay rent somewhere else.

CLAUDE*

"I lived with my mother in one of the houses which were demolished. My family has been living there for about 40 years. My mother came to Port-au-Prince from the provinces when she was five years old, and since then she had lived in that house. We had just paid our annual rent when they came to demolish. We had paid 20,000 gourdes (about US$400).

So now, we don't have the money to rent another house. My mother was obliged to go back to the provinces. But she had left when she was five, so now she doesn't know much about life there. I am sleeping with friends and relatives. This government ended my family.

In the house where we lived we had water, electricity, we were in decent conditions. Now, in my friends' house where I am staying there is no electricity. I am not comfortable."

*Real name withheld to protect her safety and privacy.

The vast majority of the people interviewed have been made homeless by the eviction. In the majority of cases, families have been broken up and dispersed.

MIRLANDE*

"I am widow. I have four daughters and three sons. I lost a son and my mother in the earthquake. I pay the bills by producing home-made spirits, popcorn and other things. I was at the church when they came demolishing. My children came to look for me and told me that looters had taken all our belongings. We couldn't save anything. I had a fridge, a crepe-maker which I used to sell crepes. Everything is gone.

Now, some of my children are in Carrefour Feuille, others in Delmas. I am living with two of my children and my grandchildren in a friend's house. I am a widow, as I said, I don't have a place to stay with my children. We are all dispersed. What kind of life is this? We are like stray dogs wandering the streets."

*Real name withheld to protect her safety and privacy.

Amnesty International interviewed some people who were living in containers or cars on a vacant site where the Supreme Court had been before the earthquake. Some said they had kept their belonging at the houses of friends or relatives, but they spending the night in cars as the vacant site was near their work.

ARNEL*

"I had lived in the same house for 37 years, since I was born. I was a tenant in that house. I lived with my two children, aged 14 and 10. They came around 5am to demolish. They gave us 15 minutes to leave. I could save a few of my belongings, but looters were faster and took the rest. I am a photographer. I could save my camera but then I had to sell it to survive. We now sleep in Martissant, on the roof of our relatives' house, under a tarpaulin. But sometimes I remain sleeping here, in the container."

*Real name withheld to protect her safety and privacy.

FORCED EVICTIONS IN CAP HAITIEN

At the end of September 2014, the municipal authorities started demolishing scores of houses in the coastal part of the northern Haitian town of Cap Haïtien, near the airport. Although it is not known to have been declared an area of public utility, media reports indicate that the demolitions are part of a tourism development project.[108]

Residents of the affected houses told Amnesty International that they had received no information whatsoever prior to the demolitions. They said that soon after the demolitions started, a vehicle began moving around in the area announcing through a megaphone that those with title deeds could go to the government's local office or to the mayor's office to claim compensation.

Although local officials had reassured house owners with title deeds that they would receive compensation, residents encountered a number of obstacles in the compensation process. These included a lack of clarity about which authority was coordinating the procedure and difficulties in collecting all the supporting documents requested by the authorities. They also complained that the amount of money being offered to them as compensation was inadequate, but that it was difficult to claim a higher amount as the houses had been demolished before the value had been properly assessed. Some house owners complained to the UN office in Cap Haïtien that an officer from the Ministry of Public Works had informed them that they would receive a "gratuity" rather than compensation, which the affected people judged absolutely inadequate.

Many of the people affected reported that, following the demolitions, they had nowhere to go and that families had been dispersed.

Residents organized several demonstrations to protest against this situation and demand fair compensation. They did not voice opposition to the government's plans for the area but claimed that alternative adequate housing should have been provided prior to the demolitions.

6. NEW INITIATIVES

"We would like to stay on this land and have support from the state to access water, electricity and have a hospital here… Without the state, we cannot live well."

Resident of Village Grâce de Dieu, located in Canaan, September 2014

The closure of IDP camps remains a government priority. However, there are signs that the Haitian authorities and the international community are increasingly recognizing that rental subsidies cannot be a one-size-fits-all solution and that a range of more durable options must be explored in order to deal with internal displacement and access to adequate housing.

Initiatives aimed at the transformation of IDP camps into neighbourhoods and the regularization of informal settlements like Canaan are promising moves in the right direction. The adoption of the first National Policy on Housing and Habitat – which recognizes the right to adequate housing and tackles several crucial issues such as providing affordable housing for low-income families, security of tenure and access to housing finance – is also a major step forward.

Although promising, these initiatives are still in the early stages of development and many key questions about their design and implementation have yet to be determined.

TRANSFORMATION OF DISPLACEMENT CAMPS INTO NEIGHBOURHOODS

There is no official working definition of what transformation of IDP camps into neighbourhoods means in the Haitian context. In addition, different terminology (such as "formalization", "regularization", "transformation" and "informal upgrades") is used to refer to the concept of pursuing local integration of the residents of IDP camps.

In general, the transformation of camps into neighbourhoods is understood as the process of allowing camp residents to remain permanently on the land where makeshift camps were established by guaranteeing residents' security of tenure. The process also entails facilitating the community's access to essential services and in some cases can include the provision of some kind of housing support to households, such as the "sites and services" model (see below), T-shelter conversion or new construction.

Although the government has yet to provide guidelines to regulate the process, formalizing

some camps appears more likely to be considered as an option than was the case at the beginning of the humanitarian response.[109]

The Special Rapporteur on the human rights of internally displaced persons has stressed that formalization through local integration may be the best solution when "IDPs have lived in camp settings for years and created ties among one another, to the land that they occupy and the neighbourhood communities... This presupposes, however, that the authorities concerned solve the land tenure issue, among others".[110]

According to a 2013 E-Shelter & CCCM Cluster document, in order for a camp to be considered for formalization, the following criteria must be met:

- The owner of the camp, whether a private owner or the state, must be identifiable; land tenure must be clarified; and the land should not have been allocated for use by a private or public owner;

- It must be possible to mitigate risks (such as forced eviction and environmental risks, or those related to insufficient space available per family, access to water or availability of a waste management system).

In September 2014, UCLBP officials told Amnesty International that the possibility of formalizing camps was being studied. They stated that the main difficulty that needed to be overcome was that most remaining camps were on private land and the government lacked the resources to compensate the owners for the land that would have to be expropriated to allow camp formalization.

At the time of writing, UCLBP, UN-Habitat and the American Red Cross were working to establish criteria for identifying camps to be formalized and, on the basis of that, to compile a list of camps which could undergo the regularization process.

In the absence of clear government guidelines, some attempts at camp formalization have already being made by a variety of actors.

CARRADEUX



Carradeux (also known as Terrain Toto) is a large IDP camp in Port-au-Prince with thousands inhabitants. Some of the residents were relocated there by the government in April 2010 and given T-shelters.

Since early 2013, two international NGOs have been developing, in partnership with the community, an urban development programme on the site that includes the construction of 125 houses.

The government had been informed about the project on the site. However, in April 2014, following pressure from one alleged landowner, the government asked IOM to start procedures for the allocation of rental subsidies and camp closure. On the night of 23/24 April, IOM representatives arrived on the site accompanied by several police units and UN police, to carry out a registration of camp residents. Residents immediately responded to this operation by organizing a protest inside the camp and refusing to cooperate with the process. They told Amnesty International that as soon as the IOM and UN police officers left, the National Police used tear gas and beat several camps residents.

In September 2014, residents told Amnesty International that they had refused to participate in the registration process as they do not want to leave the camp. Some of them showed strong support for the housing project planned by the two international NGOs. Others simply showed no interest in receiving the one-year rental subsidies and said they were only willing to leave the site if the government relocated them into permanent housing.

At the time of writing, ownership of the land remained unclear and residents of Carradeux did not know whether they would be able to remain on the site or not.

THE SITES AND SERVICES MODEL

Although sites and services projects can vary greatly depending on the level of public investment, they generally include the provision of land divided into parcels and access to essential services. Parcels of land are either given free or sold at a lower price than market cost. Beneficiaries are required to build their own houses but benefit from some assistance in order to ensure that the construction is safe and of good quality and they enjoy security of tenure.

The sites and services model is being considered both for camp formalization and in other contexts of urban planning.[111] It is presented as a social housing approach, but there are doubts that it will be able to benefit the poorest sectors of society. According to recommendations issued by a sites and services working group,[112] vulnerability will be taken into account in the selection of beneficiaries. However, the same group considered it essential that recipients have a source of income, however modest, in order to be able to

build the houses. Moreover, investment costs will be recovered from beneficiaries through an initial payment and other regular fees.

In January 2014, the government launched a two-year pilot sites and services project with funding from Chile and technical support from the United Nations Development Programme (UNDP). At the time of writing, Amnesty International had not received confirmation as to whether the required land for the project had been identified.

REGULARIZATION OF INFORMAL SETTLEMENTS: CANAAN

Canaan is a large area in metropolitan Port-au-Prince, about 18km from the city centre, under the administrative authority of the Croix-des-Bouquets municipality. It includes several sectors such as Canaan, Jérusalem, Onaville and Saint Christophe. The area was largely uninhabited before the earthquake, but since then it has attracted a huge number of people, mainly after the creation of the planned IDP camp of Corail-Cesselesse and the publication of a government decree declaring it to be an area of public utility in April 2010.

At present the settlement is estimated to be home to around 200,000 people. Current inhabitants of Canaan include people made homeless by the earthquake, those forcibly evicted from IDP camps, some of those who were given one-year rental subsidies, and others who moved there owing to lack of access to housing.

Despite the fact that it was declared an area of public utility, the state did not take any steps to introduce urban planning in the area and left the residents without any support to access essential services. The majority of people in Canaan have started building concrete houses at their own pace as best they can. Residents have also organized themselves and created their own structures and mechanisms to cope with issues such as access to water, waste management, and security. They have established schools, training centres, churches and commercial activities.

A 2012 report by the Groupe Urgence, Réhabilitation, Développement highlighted that Canaan is "an example of what a population seeking to survive can produce. It was not the result of a concerted action by decision-makers".[113]

Land tenure in Canaan remains unclear. The publication of a second decree in December 2012 reducing the area declared of public utility, combined with the fact that the expropriation procedures have not been completed, have exposed residents to forced evictions and threats of forced evictions (see pages 24-25).

In September 2013, at the request of the government, the areas of Canaan, Jérusalem and Onaville were excluded from the IOM's Displacement Tracking Matrix (DTM). The reasons given for this were that these areas presented the characteristics of "new neighbourhoods in need of urban planning with a long-term vision" rather than of IDP camps.[114] While this was true, the exclusion of these areas from the DTM had the consequence of leaving thousands of IDPs outside the scope of intervention by humanitarian organizations.

In 2014 the Haitian government and several international organizations agreed to carry out an urban upgrading programme in Canaan. This is expected to start at the beginning of 2015. The programme, which will be funded in large part by USAID, aims to regularize residents in the area and to provide infrastructure for accessing essential services. However, the geographical boundaries of the programme have yet to be determined. In September, relevant stakeholders told Amnesty International that it will only cover the areas included in the second decree published in 2012, namely Canaan, Jérusalem and Onaville. However, they also mentioned that the scope might even be more restricted as the government was planning to issue a third decree which would reduce the area of public utility even further.

According to the information received from USAID, in the initial phase of the project, priority will be given to constructing major roads, road tracing (for secondary routes), drainage and upgrading existing community spaces for recreational purposes. Discussions were still ongoing on the possibility of covering access to water and electricity within the current level of funding. The American and the Haitian Red Cross will lead a community mobilization component of the programme, aimed at building the cohesion of the community and its capacity to actively contribute and engage in issues of common concern such as those related to disaster risk reduction, health, livelihoods, safe housing and public services.

The programme does not include a housing construction component. The building of 15 to 20 houses with the participation of local builders is being planned with the objective of serving as a model for future constructions or upgrading of existing structures. It is not clear, however, if financial support for construction will be offered to families, which would be essential in many cases in order to ensure that households can afford good quality construction materials and build adequate housing.

In September 2014, UCLBP senior officials told Amnesty International that giving security of tenure to people in Canaan remained a priority. However, it remains unclear how this will be achieved. The same representatives stated that land tenure in Canaan had yet to be clarified and that discussions were continuing as to whether the government would buy the land and rent it out to residents or residents would be asked to purchase the plot they were occupying.

USAID officers told Amnesty International that they anticipated that only a few families would need to be relocated for environmental reasons or for needs related to infrastructure construction.

THE NATIONAL POLICY ON HOUSING AND HABITAT

In October 2013, the government announced the adoption of the National Policy on Housing and Habitat,[115] 18 months after the first draft was circulated for consultation. The full policy document was finally made available in August 2014 to the public and to the Haitian civil society organizations and international organizations that had taken part in the consultation process.[116]

The document is the first of its kind and is an improvement on the initial version. It is based on the authorities' acknowledgement that the 2010 earthquake exposed "the urgent need of Haitian families to access safe and adequate housing".[117] It clearly states "the national authorities' will to make the response to housing problems a priority" and a desire to

"encourage the production of adequate and affordable housing in specifically planned spaces, where every Haitian family will be able to live, work, circulate, enjoy themselves and participate in the development of their country".

Although access to adequate housing is presented more as a need than a right, the document does contains some references to the right to adequate housing. The Foreword by the Prime Minister states that the policy is: "an essential instrument in the process of realizing the right to adequate housing for all". In the introduction, it states that the policy is inspired by Article 22 of the Haitian Constitution which recognizes "the right of every citizen to adequate housing" and by Article 25 of the Universal Declaration of Human Rights.

Both the 2012 draft and the final agreed policy ascribe a central role to the private sector, including beneficiaries, as regards investment in the housing sector; the government's role is mostly focused on regulating and facilitating the mobilization of investments. However, while the first draft specified that public funding would only be used to cover the gaps left by the private sector,[118] the final agreed policy indicates that public funding will be used as a matter of priority to respond to the demand for housing and will take the form of direct or indirect subsidies.[119]

The final policy acknowledges that measures have to be taken in order to provide access to housing which is not only safe and of good quality but also affordable. It "encourages the construction of social housing with the participation of both the private and public sector" and foresees the creation of a range of affordable housing options in order to meet the needs of different socio-economic groups, in particular low-income families, middle-class households and public administration employees.

The policy states that options for low-income families will include: sites and services initiatives; "neighbourhood rehabilitation programmes with a particular focus on housing"; and support and supervision of "self-construction initiatives". The document also indicates that subsidies will be provided "in order to facilitate access to adequate and affordable housing for destitute people". It provides for the possibility of direct financial assistance to households and pledges to expand access to housing credit for people on low incomes by encouraging banks and micro-finance institution to create targeted financial products.

The adoption of the policy represents an essential step for the promotion of the right to adequate housing. Nevertheless, the policy contains some important gaps which should be addressed in future reviews. These include:

- The absence of a definition of security of tenure. The UN Special Rapporteur on the right to adequate housing defines security of tenure as "a set of relationships with respect to housing and land, established through statutory or customary law or informal or hybrid arrangements that enables one to live in one's home in security, peace and dignity. It is an integral part of the right to adequate housing and a necessary ingredient for the enjoyment of many other civil, cultural, economic, political and social rights".[120] The policy should include a definition in line with the above and, based on the recommendation of the UN Committee

on Economic, Social and Cultural Rights,[121] it should specify that every possible measure will be taken to confer a degree of security of tenure to all in order to ensure legal protection against forced eviction, harassment and other threats.

- The failure to acknowledge that forced evictions are taking place in Haiti and to include provisions to ensure that all evictions comply with international standards. This is extremely worrying, especially given the context of reconstruction and urban transformation that the policy encourages.[122]

- A lack of clarity on how those most in need will be identified and supported in accessing adequate housing. It is extremely important to identify factors that increase risk to human rights violations, such as age, gender, disabilities, single parenthood and post-earthquake displacement and to guarantee, as a general principle, that people and families with specific levels of vulnerability to human rights violations will be given priority in accessing adequate housing options. Once this principle is established, clear mechanisms should be established to ensure effective access to adequate housing for these individuals or families.[123]

- The absence of reference to the situation of IDPs and their access to adequate housing. The only indirect reference to IDPs is included in the chapter on the implementation of the policy and it refers to the need to ensure "the continuity of the Project of relocalization of victims of the 2010 earthquake". The policy fails to acknowledge that the vast majority of IDPs have not benefitted from durable solutions and does not provide a comprehensive framework to take corrective action. Following his visit to Haiti, the UN Special Rapporteur on the human rights of internally displaced persons specifically recommended the integration of IDPs "into sectorial reforms, including the new housing policy".[124] More generally, he also urged the inclusion of displacement-affected communities and IDPs in the development of an appropriate legislative and administrative framework regulating urban planning and housing.[125]

Moreover, as Haitian civil society organizations working on the right to adequate housing have noted, the policy also fails to recommend that responsibilities on housing and habitat issues, which at present are scattered among different entities falling under the supervision of different Ministries, be consolidated within a single institution. In a 2013 report, Oxfam also emphasized that the consolidation of functions into a single legal entity would reflect international best practice and recommended elevating housing and urbanization to a national ministry in order to treat those issues as matters of urgent national priority.[126]

7. CONCLUSIONS AND RECOMMENDATIONS

Five years after the devastating earthquake, durable solutions to the housing crisis remain out of reach for hundreds of thousands of people displaced by the disaster.

The reasons for this are varied and complex. The scale of the displacement was unprecedented. Most of those affected lived in urban settings and many in conditions of extreme poverty. The lack of political leadership at the outset and a short-term humanitarian approach to the crisis, resulted in an over-reliance on temporary solutions, particularly for those who did not have access to their own land or property. Delays in adopting and publicizing the National Policy on Housing and Habitat has been a major obstacle, hampering coordinated interventions in the housing sector and preventing more vigorous sustained efforts to provide durable housing solutions at an earlier stage.

The cumulative result has been that the housing problems that existed before the earthquake have been exacerbated and entrenched and many victims continue to be denied their right to adequate housing and a durable solution to displacement.

There is a growing awareness among the Haitian authorities and the international community that options allowing more durable solutions have to be explored. Nevertheless, it remains a serious concern that the government continues to measure the success of the post-earthquake relief operations above all in terms of the reduction in the number of camps and that the stated goal of the administration remains the indiscriminate closure of camps.[127]

The options that are being proposed to address internal displacement and access to adequate housing, such as the transformation of some IDP camps into neighbourhoods and the regularization of informal settlements like Canaan, have the potential to provide more durable solutions. The adoption of the National Policy on Housing and Habitat offers the opportunity to give coherence to existing projects with housing components and to provide a comprehensive framework for intervention on key issues related to the right to adequate housing. However, clarity on crucial issues, such as ensuring security of tenure for all and establishing how those most in need will be identified and supported in accessing adequate housing, remains elusive. Other crucial factors related to the right to adequate housing have yet to be discussed. These include issues such as habitability, cultural adequacy and locations allowing access to employment options, health-care services, schools, childcare centres and other social facilities.[128]

Forced evictions of thousands of IDPs from displacement camps, carried out or condoned by the authorities, have had traumatic effects on a population already gravely affected by the earthquake. Although the number of forced evictions in the context of displacement decreased in 2014, this was mainly due to the increased capacity to provide rental subsidies to people living in camps under threat of eviction. The coordination and advocacy efforts carried out by the Protection Cluster have also proved to be effective in preventing and responding to forced evictions from displacement camps.

However, forced displacement in other settings – in particular in the framework of reconstruction and infrastructure development projects – continue unabated. The demolitions of hundreds of houses and forced evictions of residents in downtown Port-au-Prince in May 2014 in order to clear the area for the construction of public administration buildings is a clear example of what could become a growing and worrying trend.

None of the sustainable solutions to prevent forced evictions, including the adoption of legislation prohibiting forced evictions, recommended by Amnesty International in its 2013 report have been put in place. The National Policy on Housing and Habitat does not even acknowledge that forced evictions are a recurring problem nor does it include measures to ensure that all evictions comply with international standards.

Strong leadership and political will by Haitian authorities, as well as continuing support from the international community, are needed to establish sustainable legislative, administrative and policy measures to stop forced evictions and ensure that all evictions comply with international human rights standards. The Haitian authorities must ensure that the housing options being developed are truly accessible and affordable to the most vulnerable people and that a degree of security of tenure ensuring protection from forced evictions and other threats is available to all.

RECOMMENDATIONS TO THE GOVERNMENT OF HAITI

Stop forced evictions

- Immediately end all forced evictions in Haiti, including from displacement camps.

- Take all necessary measures to ensure that private entities, such as those claiming to be landowners, do not engage in forced evictions, including by ensuring that those involved in forced evictions are investigated, prosecuted and punished.

- Carry out full, thorough and independent investigations in all cases of forced evictions and fires that have resulted in evictions, and ensure that those responsible or involved are brought to justice.

- Adopt and enforce legislation that explicitly prohibits forced evictions. The legislation should include safeguards that 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. Adequate safeguards include genuine consultation with residents to identify all feasible alternatives to eviction and

the provision of adequate prior notice, legal remedies, compensation, and adequate alternative housing to those who cannot provide for themselves.

- Ensure that the government's instructions to public prosecutors not to proceed with the execution of eviction orders against IDPs in camps are widely distributed and publicly available and take all necessary steps to ensure that they are fully implemented until adequate safeguards have been put in place to ensure that all evictions comply with international human rights standards.

- Declare a moratorium against all mass evictions until there are mechanisms to ensure that all evictions comply with international human rights standards.

- Ensure that all evictions, including those carried out in the context of expropriations for purposes of public utility, comply with international standards on forced evictions.

- Maintain a record of all the evictions that have occurred in IDP camps, informal settlements and in the context of infrastructure development projects and publish statistics that accurately reflect the number of people evicted.

- Respect the rights of all victims of forced evictions 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 seek legal redress and the means and procedures to exercise this right and provide them with legal aid, where necessary.

- Ensure that procedures for the eviction of people who have not qualified for the allocation of rental subsidies fully respect international human rights standards on evictions.

- Instruct local authorities and the Haitian National Police to comply strictly with the safeguards listed above and to not participate in, support or authorize forced evictions by any public or private actor and ensure that such instructions are respected, by imposing appropriate sanctions on those who engage in forced evictions.

- Instruct the Haitian National Police and other security forces 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 and ensure that such instructions are respected, by carrying out independent and thorough investigations into all allegations of excessive use of force, regardless of whether or not the victims have filed an official complaint.

Durable solutions

- Ensure that all rental subsidy programmes are linked to livelihoods and income-generating activities and benefit the entire community where IDPs are settled, including

through enhanced access to essential services as recommended by the UN Special Rapporteur on the Human Rights of Internally Displaced Persons.

- Ensure that all rental subsidy programmes are accompanied by legal support in housing, land and property matters to facilitate length and security of tenure, as recommended by the UN Special Rapporteur on the Human Rights of Internally Displaced Persons.

- Ensure that all durable solution options are devised after a thorough needs assessment among IDPs has been carried out. The needs assessment must factor in the differential needs of IDPs based on a number of factors including their location, gender, income generating capacity, age and disability. The needs assessment to devise suitable durable solutions must be carried out in genuine consultation with the affected people, as recommended by the UN Special Rapporteur on the Human Rights of Internally Displaced Persons.

- Ensure that present and future evaluations of the rental-subsidy programmes evaluate the programmes against international standards on durable solutions for IDPs, and that the conclusions of the evaluation are made public.

- Ensure that formalization programmes targeting IDP camps and informal settlements, such as Canaan, do not result in forced evictions, provide security of tenure to all beneficiaries and include options enabling those living in poverty and other vulnerable groups to access adequate housing.

National Policy on Housing and Habitat

- Review the National Policy on Housing and Habitat to include:

  - a definition of security of tenure that is in line with international standards and clarification of the measures that will be taken to confer a minimum degree of security of tenure for all;

  - a prohibition of forced eviction and the guarantee that all evictions must comply with international standards;

  - a recognition that certain individuals or families will be given priority in housing allocation based on their decreased ability to access adequate housing or enhanced need for adequate housing. These could include factors such as age, gender, disabilities, single parenthood, post-earthquake displacement and exposure to the risk of forced evictions or other human rights violations;

  - systems and mechanisms to identify such individuals and families and ensure that they are supported in accessing adequate housing options;

  - a comprehensive framework ensuring that IDPs have access to suitable durable housing solutions.

- Fully implement the National Policy on Housing and Habitat in a manner that ensures access to adequate housing, particularly the most vulnerable and marginalized, such as those living in poverty.

- Explore alternatives beyond private sector investment, including housing cooperatives, in order to ensure affordability and accessibility of housing.

- Simplify and consolidate the institutional framework in charge of housing, habitat and urbanization and consider elevating all the related functions to a dedicated national ministry.

RECOMMENDATIONS TO DONORS, OTHER GOVERNMENTS AND INTERNATIONAL AGENCIES

Forced evictions

- Put in place safeguards to ensure that funding or the initiatives supported do not lead to forced evictions or other human rights violations.

- Continue playing a coordination and advocacy role in addressing and preventing forced evictions from IDP camps and extend such interventions to all cases and threats of forced evictions throughout the country.

- Support the Haitian government in modifying the procedures for evicting people who have not qualified for rental subsidies in order to ensure that they fully respect international human rights standards.

Durable solutions

- Support the Haiti government in implementing the recommendations by the UN Special Rapporteur on the Human Rights of Internally Displaced Persons in order to ensure that all rental-subsidy programmes and other solutions comply with the Inter-Agency Standing Committee Framework on Durable Solutions for Internally Displaced Persons.

- Encourage and support initiatives that provide security of tenure to all beneficiaries and include options enabling those living in poverty and other groups at risk of discrimination to access adequate housing.

ENDNOTES

[1] Politique Nationale du Logement et de l'Habitat, p. 5.

[2] Office for the Coordination of Humanitarian Aid, *Humanitarian needs overview: Mid-year overview, July 2014*, available at https://docs.unocha.org/sites/dms/CAP/HNO_2014_Haiti-July_2014_Update.pdf, accessed 15 December 2014.

[3] Office for the Coordination of Humanitarian Aid, *Humanitarian needs overview: Mid-year overview, July 2014.*

[4] Haiti E-Shelter & CCCM Cluster, *Fact Sheet October 2014,* http://www.humanitarianresponse.info/system/files/documents/files/EN_Factsheet_October_2014_FINAL.PDF, last accessed 15 December 2014.

[5] PR Newswire, "Haiti's Prime Minister Reaffirms Commitment to Universal Human Rights for All Haitians", available at http://www.prnewswire.com/news-releases/haitis-prime-minister-reaffirms-commitment-to-universal-human-rights-for-all-haitians-204711831.html , last accessed 15 December 2014.

[6] "Le Gouvernement proteste avec véhémence contre le rapport d'Amnesty International", available at https://www.facebook.com/notes/laurent-lamothe/le-gouvernement-proteste-avec-v%C3%A9h%C3%A9mence-contre-le-rapport-damnesty-international/503686393029560, last accessed 15 December 2014.

[7] Haiti E-Shelter & CCCM Cluster, Displacement Tracking Matrix (DTM) Haiti, September 2014, available at http://www.eshelter-cccmhaiti.info/2013/download/DTM_Rd20_FINAL_English_1%20October.pdf, last accessed 17 December 2014.

[8] "Building back better" is an expression which has been widely used in the past 10 years in the aftermath of natural disasters to indicate the aspiration that the recovery efforts might achieve more than just restoring what had been destroyed. In Haiti, shortly after the earthquake, the expression, and/or its underpinning philosophy, permeated the discourses of the then President, the UN Special Envoy for Haiti, the World Bank and many humanitarian organizations.

[9] 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.

[10] "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."

[11] Convention on the Rights of the Child (CRC), ratified by Haiti in 1995, Article 27; the International Covenant on Civil and Political Rights (ICCPR), ratified by Haiti in 1991, Article 17; and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by Haiti in 1981, Article 14.2.

[12] 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."

[13] 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.

[14] Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 7.

[15] CESCR, General Comment No. 7, para.14.

[16] CESCR, General Comment 7, para. 16.

[17] The Law of 5 September 1979 on the expropriation for causes of public utility, published on *Le Moniteur Nr 87* of 8 November 1979, regulates the circumstances when the state can seize a private property for causes of national interest, as well as the procedures for expropriation, including compensation to the affected property owners.

[18] UN Office for the Coordination of Humanitarian Affairs, *Guiding Principles on Internal Displacement,* 2d ed. (2004), available at http://www.unhcr.org/43ce1cff2.html, last accessed 15 December 2014.

[19] Established in June 1992 in response to UN General Assembly Resolution 46/182, the Inter-Agency Standing Committee (IASC) is an inter-agency forum for coordination, policy development and decision-making involving the key UN and non-UN humanitarian partners.

[20] IASC Framework on Durable Solutions for Internally Displaced Persons, April 2010, p. v, available at http://www.unhcr.org/50f94cd49.pdf, last accessed 15 December 2014.

[21] Haiti E-Shelter & CCCM Cluster, Displacement Tracking Matrix (DTM) Haiti, September 2014, available at http://www.eshelter-cccmhaiti.info/2013/download/DTM_Rd20_FINAL_English_1%20October.pdf, last accessed 17 December 2015.

[22] For further information visit http://www.eshelter-cccmhaiti.info/2013/home/index.php, last accessed 15 December 2014.

[23] For more information, see Amnesty International, "*Nowhere to go": Forced evictions in Haiti's displacement camps* (Index: AMR 36/001/2013), available at http://www.amnesty.org/en/library/info/AMR36/001/2013/en.

[24] These figures are not exhaustive as they only include information provided by international donors and agencies and not the initiatives directly led by the government.

[25] Office of the High Commissioner for Human Rights, *Haiti: Time to push for development to achieve durable solutions for the internally displaced and the vulnerable*, 4 July 2014, available at: http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14827&LangID=E#sthash.VY77r

vME.dpuf, last accessed 15 December 2015.

[26] Brookings and International Organization for Migration, *Supporting durable solutions to urban, post-disaster displacement: challenges and opportunities in Haiti*, 2014, p. 16.

[27] UCLBP and E-Shelter & CCCM Cluster, *Helping families, closing camps*, 2012, p. 26.

[28] These might include tents found completely empty at night or a single man found sleeping in a tent with no possessions.

[29] The grievance mechanism is set up to allow for people who have been excluded from the list of beneficiaries to demonstrate that their need for assistance is genuine. A level of flexibility is generally applied towards families with a high level of vulnerability, such as those where a family members has a disability. Every implementing agency sets up its own procedure for receiving claims, which might take the form of kiosks in camps or toll-free telephone numbers. Claims are assessed by the relevant municipality. For a full description of the grievance procedure see World Bank, *Rental Support Cask Grant Programmes: Operational Manual*, 2014, page 44.

[30] See Amnesty International, "*Nowhere to go": Forced evictions in Haiti's displacement camps*, p. 28.

[31] Brookings and International Organization for Migration, *Supporting durable solutions to urban, post-disaster displacement: challenges and opportunities in Haiti*, 2014, p. 38.

[32] The Wolf Group Performance Consultants, *External evaluation of the Rental Support Cash Grant Approach Applied to Return and Relocation Programs in Haiti*, September 2012 – January 2013, p. 9, available at http://www.ijdh.org/wp-content/uploads/2013/06/Haiti-Rental-Grant-Evaluation-the-WolfGroup.pdf, last accessed 15 December 2014.

[33] See Bureau des Avocats Internationaux and Institute for Justice and Democracy in Haiti, *Surveys indicates earthquake victims who received housing subsidies under Haitian government's housing program are still in crisis one year later*, 7 January 2014, available at http://www.ijdh.org/wp-content/uploads/2013/05/Haitis-Housing-Crisis-Jan-2014-Press-Release.pdf, last accessed 15 December 2014.

[34] Brookings and International Organization for Migration, *Supporting durable solutions to urban, post-disaster displacement: challenges and opportunities in Haiti*, 2014, p. 20.

[35] UN-Habitat, *Improving the impact of rental subsidies*, May 2013, available at http://www.sheltercentre.org/library/improving-impact-rental-subsidies-haiti, last accessed 15 December 2014.

[36] UN General Assembly, Report of the Special Rapporteur on the human rights of internally displaced persons, A/69/295, 11 August 2014, para. 50.

[37] See Terms of Reference available at http://haiti.iom.int/sites/default/files/2-CC14-001-INT-Annex-1-Terms-of-Refrence.pdf, last accessed 15 December 2014.

[38] UCLBP and E-Shelter & CCCM Cluster, *Helping families, closing camps: Using Rental Support Cash Grants and Other Housing Solutions to End Displacement in Camps –A Tool Kit of Best Practice and Lessons Learned, Haiti 2010-2012*, p. 16. available at http://www.eshelter-cccmhaiti.info/jl/pdf/Helping_Families_Closing_Camps2.pdf , last accessed 15 December 2014.

[39] UCLBP and E-Shelter & CCCM Cluster, *Helping families, closing camps*.

[40] According to the October 2014 Fact Sheet issued by the E-Shelter & CCCM Cluster, by September

2014, 9,033 interventions of T-shelter upgrading had been carried out, while 114,124 T-shelters had been provided.

[41] International Federation of Red Cross and Red Crescent Societies, *An Evaluation of the Haiti Earthquake 2010 Meeting Shelter Needs: Issues, Achievements and Constraints*, December 2011, p. 27, available at http://www.ifrc.org/docs/Evaluations/Evaluations2011/Global/HTShelterClusterReview11.pdf, last accessed 15 December 2014.

[42] International Federation of Red Cross and Red Crescent Societies, *An Evaluation of the Haiti Earthquake 2010 Meeting Shelter Needs: Issues, Achievements and Constraints*, December 2011, p. 6.

[43] UN-Habitat, *Improving the impact of rental subsidies*, May 2013, available at http://www.sheltercentre.org/library/improving-impact-rental-subsidies-haiti, last accessed 15 December 2014.

[44] International Federation of Red Cross and Red Crescent Societies, *An Evaluation of the Haiti Earthquake 2010 Meeting Shelter Needs: Issues, Achievements and Constraints*, December 2011, p. 17.

[45] International Federation of Red Cross and Red Crescent Societies, *An Evaluation of the Haiti Earthquake 2010 Meeting Shelter Needs: Issues, Achievements and Constraints*, December 2011, p.6.

[46] Project 16/6, Factsheet, December 2013, available at http://www.projet16-6.org/factsheet/Factsheet_December_2013_english_version.pdf, last accessed 17 December 2014.

[47] The programme, signed off in May 2011, is funded by the World Bank through a grant from the Haiti Reconstruction Fund (HRF) and implemented through a number of NGOs, under the supervision of the Haitian Office for the Disbursement of Development Aid Programmes (Bureau de Monétisation des Programmes d'Aide au Développement, BMPAD). The project objective is "to help residents of selected Port-au-Prince Neighbourhoods severely affected by the Earthquake return to their communities by supporting them to repair and/or reconstruct their houses and improving basic community service infrastructure".

[48] World Bank, *Implementation Status & Results: Port-au-Prince Neighbourhood Housing Reconstruction*, ,available at http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/LCR/2014/11/07/090224b082843ba8/1_0/Rendered/PDF/Haiti000Port0a0Report000Sequence008.pdf, last accessed 15 December 2014.

[49] The project is implemented by the UCLBP. In addition to interventions in the housing sector, the project includes other components such as road repairs, access to drinking water and electricity, waste management, the strengthening of community associations and support for economic development. In September 2014, the UCLPB published on its website that the project implementation rate was 5% and that the anticipated completion date was December 2016.

[50] http://www.uclbp.gouv.ht/download/aiqip-fiche-de-projet.pdf

[51] Ibid.

[52] The Haut Damier housing settlement is located in Cabaret, 14 kilometres away from Port-au-Prince. The project also includes support community and livelihoods development programs implemented by

United Methodist Committee on Relief and International Federation of the Red Cross. The Haiti Public Agency for the promotion of social housing (EPPLS) is in charge of managing the housing complex. For more information see http://www.usaid.gov/news-information/press-releases/usaid-collaborates-state-qatar-permanent-housing-haiti; http://www.usaid.gov/haiti/fact-sheets/haut-damier-housing-program and http://blog.usaid.gov/2013/10/housing-development-fuels-new-hope-for-haitian-families/

[53] See http://venezuelanalysis.com/news/10084

[54] As reported in the UCLBP webpage at http://www.uclbp.gouv.ht/pages/58-logement.php. For more information see also http://lenouvelliste.com/lenouvelliste/article/133940/Bowenfield-City-Complex-un-projet-de-logements-finances-par-Petrocaribe.html

[55] As reported by UCLBP on its website, http://www.uclbp.gouv.ht/pages/58-logement.php, last accessed 15 December 2014.

[56] On 14 November 2014, the media reported that 441 of the 1,280 houses planned had been allocated; 10,000 applications for houses had been received. See *Le Nouvelliste*, "1280 unité de logement inaugurées, 441 habitées", 14 November 2014, available at http://lenouvelliste.com/lenouvelliste/article/138204/1-280-unites-de-logement-inaugurees-441-habitees#, last accessed 15 December 2014.

[57] 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.

[58] Conclusive figure are not available. In a report to the UN General Assembly, the UN Secretary General refers to at least 188,383 houses badly damaged and 105,000 destroyed. See UN General Assembly, Report of the Secretary General, A/66/332, 2 September 2011, para. 2.

[59] World Bank, *Port-au-Prince Neighbourhood Housing Reconstruction, Implementation Status & Results*, 7 November 2014.

[60] International Federation of Red Cross and Red Crescent Societies, *An evaluation of the Haiti 2010 earthquake meeting shelter needs: issues, achievements and constraints*, December 2011, page 46.

[61] Duong Huynh et al., *Housing Delivery and Housing Finance in Haiti: Operationalizing the national housing policy*, Oxfam America, Research Backgrounder series, 2013, p. 18, available at http://www.oxfamamerica.org/publications/haiti-housing-research, last accessed 15 December 2014.

[62] Office of the Inspector General, *Audit of USAID/Haiti's New Settlement Construction Activities*, Audit Report No. 1-521-14-007-P, 14 April 2014, available at http://oig.usaid.gov/sites/default/files/audit-reports/1-521-14-007-p_0.pdf, last accessed 15 December 2014.

[63] The report indicated that USAID/Haiti had planned to build on both government and private land but had difficulty determining land ownership. As a consequence, the mission eventually decided to build only on government land but still encountered delays verifying land ownership.

[64] Haiti E-Shelter & CCCM Cluster, Displacement Tracking Matrix (DTM) Haiti, September 2014, available at http://www.eshelter-cccmhaiti.info/2013/pages/172-october-2014-dtm-report.php

[65] The April 2014 DTM accounted for 16,118 families evicted, while the ones published in July and October mention 14,444 households evicted, specifying that "the number of camps under eviction has been revised following further investigations done into camps reported as closed from evictions during this reporting period".

[66] Communication with IOM, November 2014.

[67] Haiti E-Shelter & CCCM Cluster, Fact Sheet October 2014.

[68] According to the DTM published in October 2014, in 23 of the remaining camps (18.7%) most of the dwellings were made up of T-shelters; 18 sites (14.6%) have mixed shelters (tents, makeshifts and T-shelters). The remaining 82 (66.7%) have only tents and makeshift shelters.

[69] Office for the Coordination of Humanitarian Aid, *Humanitarian needs overview: Mid-year overview, July 2014.*

[70] Reported by Groupe d'Appui aux Refugiés et Repatriés, a Haitian human rights organization defending IDP rights. Available at http://garr-haiti.org/index.php/rapports/file/10-rapport-autour-des-expulsions-forcees-survenues-au-camp-bristout-a-peguy-ville-le-4-juin-2013

[71] http://reliefweb.int/report/haiti/humanitarian-coordinator-haiti-gravely-concerned-continuing-forced-evictions-idps

[72] Camps Safari/ Corena/ Metayer were three small adjacent camps, with a total population of 336 families according to the registration carried out in March 2014. On 26 August 2014, 268 families, who had not been found eligible for receiving the rental subsidies, received a letter from the mayor's office giving them 3 days to vacate the camps. On 3 August, officers from the municipality, accompanied by police, proceeded to evict them.

[73] Non genuine claims are considered to be those made by people or families who establish a presence in multiple camps or who set up a tent in a camp even though their house was not damaged. See UCLBP and E-Shelter/CCCM Cluster, *Helping families, closing camps*, 2012, p. 32.

[74] Human Rights Committee, Summary Record of the 3103rd meeting, CCPR/C/SR.3103, para. 5.

[75] Human Rights Committee, Summary Record of the 3103rd meeting, CCPR/C/SR.3103, para. 16; and Réponses au Comité des Droits de l'Homme, Genève, 10 octobre 2014, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fAIS%2fHTI%2f18466&Lang=en

[76] Comité des droits de l'Homme, Observations finales concernant le rapport initial d'Haiti, 31 October 2014, CCPR/C/HTI/CO/1, para. 18.

[77] See UCLBP and E-Shelter & CCCM Cluster, *Helping families, closing camps*, 2012, pp. 58-60.

[78] Amnesty International, *Haiti: Hundreds face violent forced eviction* (AMR 36/020/2013) available at http://www.amnesty.org/en/library/info/AMR36/020/2013/en

[79] Amnesty International, *"Nowhere to go": Forced evictions in Haiti's displacement camps*, p. 22. The forced eviction from Mozayik camp in 2012 and the subsequent move to Canaan in search of a safe place to settle is portrayed in the documentary *Mozayik* produced by film-maker Jon Bougher. See http://www.snagfilms.com/films/title/mozayik.

[80] Amnesty International, *Haiti: Families forcibly evicted: 100 more at risk* (AMR 36/022/2013), available at http://www.amnesty.org/en/library/info/AMR36/022/2013/en; Amnesty International, *Haiti: Further information: 200 families evicted, more at imminent risk* (AMR 36/023/2013) available at http://www.amnesty.org/en/library/info/AMR36/023/2013/en

[81]Amnesty International, *Haiti : Thousands more at risk of forced eviction* (AMR 36/005/2014), available at http://www.amnesty.org/en/library/info/AMR36/005/2014/en

[82] CESCR, General Comment No. 7, para.14.

[83] Groupe d'Appui aux Rapatriés et Réfugiés, *Le GARR dénonce les violations liées à la démolition de maisons des familles du Village Grâce de Dieu à Canaan,* 10 Novembre 2014, available at http://eww.garr-haiti.org/index.php/nouvelles/actualite/personnes-deplacees/item/1547-le-garr-d%C3%A9nonce-les-violations-li%C3%A9es-%C3%A0-la-d%C3%A9molition-des-maisons-des-familles-du-village-gr%C3%A2ce-de-dieu-%C3%A0-canaan, last accessed 15 December 2014.

[84] All the IDPs lost their shelters and belongings in the fire, but nobody was injured. Some residents told Haitian human rights organisation FRAKKA that they believed officers from a nearby police station may have been involved in the fire. They said that a few days before the fire, one police officer had threatened them saying that the camp would be closed using whatever means necessary. See also Radio Métropole, «L'incendie du marché Tête Bœuf cause des pertes considérables», 17 July 2014.

[85] The Protection Cluster groups together organizations with a specific protection mandate.

[86] Comité des droits de l'Homme, *Liste de points concernant le rapport initial d'Haïti*, 23 avril 2014, CCPR/C/HTI/Q/1, para. 20.

[87] Comité des droits de l'Homme, *Réponses d'Haïti à la liste de points*, 12 septembre 2014, CCPR/C/HTI/Q/1/Add.1, para. 82.

[88] *Réponses au questions du Comité des Droits de l'Homme*, Genève, 10 octobre 2014, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fAIS%2fHTI%2f18466&Lang=en, last accessed 15 December 2014.

[89] The first registration process, carried out between the end of February 2010 and October 2010, provided the first overall picture of the population of IDP sites after the earthquake. Between 2011 and 2012, other registration activities were carried out to capture changes among this highly fluid population, but only at sites requested by partners to support their camp management or return activities or at sites threatened by eviction.

[90] Comité des droits de l'Homme, Observations finales concernant le rapport initial d'Haïti, 31 octobre 2014, CCPR/C/HTI/CO/1, para. 18.

[91] See https://www.facebook.com/notes/laurent-lamothe/le-gouvernement-proteste-avec-v%C3%A9h%C3%A9mence-contre-le-rapport-damnesty-international/503686393029560

[92] During the night of 16 February 2013, residents of ACRA 2 camp in Pétion-Ville saw armed men set fire to their camp. The following day, a second fire destroyed the remaining shelters and forced residents – several hundred families – to abandon the site. According to reports from residents and Haitian human rights organizations, a child died in the fire.

[93] UN News Center, "Haiti: UN humanitarian official concerned about growing number of forced evictions", 11 March 2013, available at http://www.un.org/apps/news/story.asp?NewsID=44343#.VGXpn_msXu0, last accessed 15 December 2014.

[94] In May of 2013, the President issued a decree declaring the whole island of national interest for tourism development purposes. The project includes the construction of 1,500 hotel rooms and holiday houses, the creation of a central village with attractions for tourists, the construction of an international

airport, docks for boats and yachts and roads, and supplying electricity to the whole island. The project is likely to have a major environmental and socio-economic impact on the island's population, whose livelihoods mostly depend on agriculture and fishing.

[95] In September 2014, representatives of community-based organizations told Amnesty International about their fears that they could be forcibly evicted from their houses and land and forced to relocate to one part of the island or to the mainland. Several demonstrations against the project have been held on the island since November 2013. The population's main demands are that the decree declaring the whole island of public utility be revoked, that guarantees be given that the project will not result in forced evictions or degrade their living conditions, and that the project bring sustainable development for the islands' residents.

[96] Presidential decree issued on 5 September 2010.

[97] Presidential decree issued on 25 May 2012.

[98] Haiti Press Network, "Manif contre le projet d'expropriation des résidents du centre-ville de Port-au-Prince", 21 August 2013.

[99] UN Basic Principles and Guidelines on Development-based Evictions and Displacement (Basic Principles), Annex 1 to UN.Doc A/HRC/4/18, para. 38.

[100] Basic Principles, Principle 56(j).

[101] CESCR, General Comment No. 7: The right to adequate housing (Article 11.1): forced evictions, (Sixteenth session, 20 May 1997), E/1998/22, para. 13.

[102] CESCR, General Comment No. 7, para. 15.

[103] Basic Principles, Principle 42.

[104] Platforme des Organisations Haïtiennes de Droits Humains (POHDH), Commission Episcopale Nationale Justice et Paix (CE-JILAP), Réseau National de Défense des Droits Humains (RNDDH), *Exécution de l'arrêté d'expropriation du centre-ville de Port-au-Prince: position des organisations de droits humains*, 9 June 2014.

[105] Article 31 of the law of 5 September 1979 regulating the expropriation for cause of public utility.

[106] CESCR, General Comment No. 7, para. 13.

[107] Basic Principles, Principle 60.

[108] Le Nouvelliste, "Cap-Haïtien, les expropriés réclament dédommagement", 24 November 2014.

[109] Even though the 2012 draft National Policy on Housing and Habitat included the possibility of regularizing IDP camps where residents had initiated a process of permanent construction, the formalization (or regularization) of certain IDP camps was not in practice included among possible solutions to displacement until quite recently.

[110] UN General Assembly, Report of the Special Rapporteur on the human rights of internally displaced persons, A/69/295, 11 August 2014, para. 54.

[111] The working group on "sites and services" of the sector roundtable on housing defined "sites and

services" projects as housing public projects with a social dimension, including access to property and/or housing. Such projects are designed to contribute to urban development.

[112] UCLBP, *Les opérations de "Sites et Services" dans le contexte haïtien, Rapport et recommandations du groupe de travail "Sites et Service" de la Table Sectorielle du Logement*, 14 May 2014. The report recommends that initial "site and services" projects be located in new urban or peri-urban areas rather than on existing sites or on IDP camps. According to their report, access to existing infrastructure and public transport and the distance between the site and potential sources of employment will have to be taken into account in the identification of the site. Ideally, beneficiaries would be selected from among people living in proximity of the chosen site.

[113] Groupe URD (Urgence, Réhabilitation, Développement), *Reconstruction et environnement dans la région métropolitaine de Port-au-Prince : Cas de Canaan ou la naissance d'un quartier ex-nihilo*, November 2012, p. 6.

[114] E-Shelter & CCCM Cluster, Displacement Tracking Matrix, 30 September 2013.

[115] *Haïti Libre*, "Haïti - Reconstruction : Politique Nationale du Logement et de l'Habitat", 30 October 2013, available at http://www.haitilibre.com/article-9766-haiti-reconstruction-politique-nationale-du-logement-et-de-l-habitat.html, last accessed 15 December 2014.

[116] The full document is available at http://uclbp.gouv.ht/download/pnlh-document-officiel-002.pdf, last accessed 15 December 2014.

[117] Politique Nationale du Logement et de l'Habitat, Foreword by the Prime Minister.

[118] Politique nationale du logement, de l'habitat et du développement urbain, Version of 30 April 2012, p. 37.

[119] Politique Nationale du Logement et de l'Habitat, p. 21.

[120] Human Rights Council, Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, 30 December 2013, A/HRC/25/54m para. 5.

[121] CESCR, General Comment 4: The right to adequate housing (Article 11.1), para. 8 (Sixth session, 13 December 1991), E/1992/23.

[122] The April 2012 draft version of the policy (p. 45) acknowledged that the need to relocate families for environmental or urban planning might arise and included general guidelines to regulate such relocations. It also specified that UCLBP would establish procedures for projects entailing relocation, including mechanisms for the selection of families to be relocated and measures to ensure compensation, protection of livelihoods and support after the relocation.

[123] Although in an incomplete manner, at least the April 2012 draft version of the policy (p. 46) recognized the importance of ensuring social protection in the framework of construction and reconstruction activities and provided for social evaluations to be used in the selection of beneficiaries of housing projects.

[124] UN General Assembly, Report of the Special Rapporteur on the human rights of internally displaced persons, A/69/295, 11 August 2014, para. 12.

[125] UN General Assembly, Report of the Special Rapporteur on the human rights of internally displaced persons, A/69/295, 11 August 2014, para. 33.

[126] Huynh Duong et al., *Housing Delivery and Housing Finance in Haiti: Operationalizing the national housing policy*, Oxfam America research backgrounder series, 2013, pages 11-12.

[127] See, for example, the declarations of Patrick Rouzier, spokesperson of the President of the Republic, as reported in the document annexed to the answers to the Human Rights Committee, available at http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/HTI/INT_CCPR_AIS_HTI_18467_E.pdf, last accessed 15 December 2014.

[128] The CESCR spelled out these factors in General Comment Nr 4. In relation to habitability, the CESCR mandates that "adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors". Cultural adequacy is achieved when the way housing is constructed, the building materials used and the policies supporting these appropriately enable the expression of cultural identity.

‘15 MINUTES TO LEAVE’

DENIAL OF THE RIGHT TO ADEQUATE HOUSING IN POST-QUAKE HAITI

Five years after the devastating earthquake in Haiti, durable housing solutions remain out of reach for hundreds of thousands of displaced people. Most humanitarian programmes have provided only temporary measures, such as transitional shelters or one-year rental grants to allow people to leave displacement camps. Such measures cannot offer a long-term solution to the underlying housing crisis. In the absence of a better alternative, many people have had no option but to move back to unsafe houses or to start building homes in informal settlements, often located in hazardous areas.

Thousands of people have been forcibly evicted from camps or informal settlements. Amnesty International heard time and again from people who had lost everything after being evicted without enough notice to salvage their belongings. Many victims of forced eviction, have seen their efforts to rebuild lives and livelihoods destroyed as they are, once again, left homeless.

Although forced evictions from displacement camps decreased in 2014, forced evictions in the context of reconstruction and infrastructure development projects, for which the Haitian authorities are directly responsible, are increasing. This report calls on the Haitian authorities and on the international community to take much more decisive action to make the right to adequate housing a reality for all in Haiti.



AMNESTY INTERNATIONAL