



An IDP camp in Place Jérémie, south Port-au-Prince, following the forced eviction of several dozen displaced families, December 2011. © Oxfam

SALT IN THE WOUND

THE URGENT NEED TO PREVENT FORCED EVICTIONS FROM CAMPS IN HAITI

As the third anniversary of the January 2010 earthquake, which brought so much destruction to Haiti, approaches, this briefing note highlights the plight of the hundreds of thousands of Haitians still living in camps and still without adequate housing. Against this backdrop, displaced Haitians now face persistent and worsening threats of, often violent, eviction from landowners eager to get their land back. It is vital that national and international attention be brought to bear on this serious problem, so that the rights of displaced people can be properly protected.

1 INTRODUCTION

The powerful earthquake of 12 January 2010 left 1.5 million Haitians homeless. By the end of October 2012, the displaced population was estimated at 358,000 people, living in 496 camps and informal sites.¹ This decline in the numbers of displaced people is due partly to the implementation of several return and relocation programmes, including the Haitian government's 16/6 Project² (run by the Housing and Public Buildings Unit, or UCLBP to the French acronym) and other similar projects run by partners of the Emergency Shelter and Camp Coordination–Camp Management (E-Shelter & CCCM) Cluster.³

This reduction in the number of people living in camps is also partly due to forced evictions.⁴ In the months following the earthquake, an ever increasing number of landowners have sought to get their land back. Most found their land occupied from the outset without their consent. They have sometimes resorted to forced evictions,⁵ using various means, including threats, intimidation, stone throwing, destroying tents, physical aggression, fires and other violent acts. In some cases, municipal authorities are behind the evictions.⁶ Evicted families and those under the threat of eviction have no protection and rarely have access to legal assistance.⁷

According to Oxfam⁸ and to witness statements⁹ following the eviction of some 100 displaced families from Place Jérémie in south Port-au-Prince, some of the evicted families received envelopes containing money. Other camp families tried to protest against their eviction and refused to accept the envelopes. In response, they received death threats, and their tents were destroyed without due process.

Up to August 2012,¹⁰ around 61,000 people had been evicted from 152 camps. Another 78,000 people housed in 121 camps are currently threatened with eviction. Of the 121 camps currently under threat of forced evictions, around 96 per cent of these camps are located on private property. According to Oxfam's latest survey, 86 per cent of the people in the camps lack the financial resources to leave, and the majority do not have jobs in the formal economy. The internally displaced persons (IDPs) who remain in camps live in extreme poverty, with 60 per cent reporting that they ate one meal or fewer per day.¹¹

The problem of forced evictions has many sides. The right to private property is acknowledged and guaranteed by the Haitian constitution of 1987, but the constitution, as well as many international legal instruments, also recognizes the right to decent housing.¹² These include the International Covenant on Economic, Social and Cultural Rights, whose ratification by the Haitian parliament on 31 January 2012 was hailed as an important step in broadening the scope of human-rights protection in the country.¹³ From a legal perspective, the government has ratified various texts, but from an institutional point of view, there are virtually no structures in place to take care of, and protect, the rights of IDPs who are victims of, or are threatened with, forced eviction.

Some key figures

Displaced population, October 2012	357,785
Displaced families, October 2012	90,415
Decrease in the number of displaced individuals between July 2010 and October 2012	77%
Total number of sites, October 2012	496
Number of sites on private land, October 2012	372
Number of sites facing the threat of eviction since July 2010	420
Number of sites currently facing forced evictions, August 2012	121
Number of people evicted (July 2010 to August 2012)	60,978
Number of people under threat (as of August 2012)	78,175
Percentage of people living on private land under threat of eviction	96%

Source: Displacement monitoring matrix, IOM report (October 2012) / Report on forced evictions (August 2012)

2 VULNERABILITY AND PROTECTION OF IDPs

Oxfam witnessed the situation of several IDPs worsen following their forced eviction. People who are facing intimidation or violence from landowners, their proxies or criminal gangs have little means to protect themselves. Generally, they call on the Haitian National Police, a judge or human rights organizations for assistance. In the Place Mausolée camp, a fire in the middle of the night forced residents to leave without being able to take their personal belongings. A 12-year-old girl perished in the blaze.

Evicted families have frequently been made moved to zones at high risk from natural hazards. In the Don Bosco camp, in Carrefour, evicted families were forced to live with friends in confined spaces next to a ravine, with no access to basic services such as water or latrines.¹⁴

'After the earthquake, I lost everything. My three-year-old child no longer goes to school. He was kicked out of school because I hadn't paid his school fees. I haven't got the means to pay them. On top of that, I'm stressed and living in fear, because I don't know when the landowner will come back and demand that we leave the premises. I don't know where to go. I'm prepared to face the landowner's reaction, whatever the cost.'

Marjorie, aged 29, has been living in the AVIC camp since January 2010. Before the earthquake, she sold second-hand shoes, which enabled her to earn a modest living.

Housing accounts for a considerable share of the expenditures of low-income Haitian households. A family forcibly evicted from a camp without any housing solution faces the risk of falling heavily into debt. High rents and families' inability to pay them frequently make it impossible for those leaving the camps to return to their former neighbourhoods. Given the inter-relationship and interdependence of all human rights, forced evictions infringe on other rights in addition to the right to adequate housing.¹⁵ Some evicted IDPs receive money, and but this is rarely enough to pay for both food and school fees. IDPs should not have to sacrifice one right to ensure others.

In the opinion of one sociologist,¹⁶ 'These people are becoming rootless within their home country. They used to have a practice, a social existence associated with a particular environment, anchored in social networks. Once they have left their place of residence, families lose their roots, which makes them more fragile'. Social ties – what many call 'social capital' – such as the means to find a job, share food or obtain safe child care, are an essential resource for survival. The development of social networks in IDP camps had somewhat formalized their precarious situation, but readapting to yet another environment becomes increasingly complex. Women, children, the elderly and the disabled are disproportionately affected in the event of forced evictions. Women are particularly vulnerable due to the large proportion of household chores they carry out and the discrimination they suffer in terms of property rights, violence and sexual abuse when they do not have a home.

3 PROGRESS AND OBSTACLES

Despite the efforts of various national and international actors to provide return and relocation solutions to IDPs, up until now there has been no systematic effort to address forced evictions, in terms of either a coordinated legal response to the human-rights violations or a political response in the form of a comprehensive return and relocation policy. Camps on private land from been excluded from return and relocation programmes targeting public spaces.

THE NATIONAL GOVERNMENT

The Haitian government has adopted a partial response to the matter of displaced Haitians. However, on the issue of forced evictions, the highest levels of the government have never made any commitments. Humanitarian agencies had demanded that the previous Prével-Bellerive administration enact a moratorium on forced evictions, but the authorities never officially took action. Having analyzed the situation, one university professor¹⁷ said:

‘We can’t ask the government to commit itself to this approach, because if it commits itself, it will have to become responsible. It doesn’t want to clash with its traditional allies, most of whom are major landowners. It’s the government’s choice to ignore its citizens’ right to adequate housing’.

It should be acknowledged that the current Martelly administration has undertaken considerable efforts to implement the 16/6 Project. This initiative has engaged the president, his cabinet and the international community. It has helped around 44,000 displaced persons, or 11,000 families, to return to their home districts.¹⁸ In terms of numbers alone, 16/6 has had very positive results, leading to a second phase that targets the most vulnerable camps, as well as schools and land where residents face the threat of eviction.

However, the project is limited by long-standing challenges such as the lack of land registers, considerable poverty and the high number of tenants and camps still in existence. The issue of the right to adequate housing requires immediate attention from national authorities and remains the best solution with a view to gradually closing as many camps as possible.¹⁹

In April 2012, the government drew up a national housing policy and launched a Multi-stakeholder Forum on Housing tasked with solving the structural problems associated with shelter and housing. It has been asked to consider such questions as land-use planning and zoning, construction rules, disaster risk reduction and environmental

management. However, if the issue of evictions remains off the table for discussion, the situation for IDPs will only become more pressured.

LOCAL AUTHORITIES

Local authorities were suffering from a chronic lack of resources prior to the earthquake. After the earthquake, the situation has worsened. Many municipal governments lacked sufficient resources to deal with the arriving wave of IDPs and have been unable to defend their rights. In some cases, landowners have pressured mayors by asking them to intervene directly to return their properties.

The reactions from local authorities have varied from one place to the other. For example, following the earthquake, the mayor of Croix-des-Bouquets²⁰ convened a taskforce that brought various land and shelter stakeholders together and signed agreements with some 40 private landowners to implement moratoriums²¹ in favour of the municipality's IDPs. Despite his efforts, the mayor faced numerous challenges and obstacles including limited capacity; added administrative responsibilities in the camps; lack of security; non-existent social protection systems; dependence on a state that was on its knees and on humanitarian organizations; and caution with regard to the laws and international agreements applicable in a disaster situation.

In other municipalities, reactions were less energetic. 'The mayor is there to accompany people, not to make decisions', said the mayor of the metropolitan region of Port-au-Prince during negotiations with various actors and a landowning religious community.²² In some cases, mayors' lack of commitment has resulted from their lack of knowledge of IDPs' rights and a lack of political will to gain this. In the worst cases, they have participated in the evictions.

INTERNATIONAL AGENCIES

Humanitarian organizations have been working since 2010 to monitor forced evictions, prevent them whenever possible and defend those threatened with them. However, these efforts have had limited results, and the number of IDPs at risk of forced eviction continues to increase at an alarming pace. Since April 2010, the UN Humanitarian Coordinator's Office has lobbied the Haitian government to address this issue, but to date the state has not adopted its recommendations.²³

Meanwhile, members of the Housing-Land-Property (HLP) working group²⁴ have developed practical and operational guidelines for a coordinated response to forced evictions. While these do not provide a complete response, the standard operating procedures that the HLP working group has developed provide a set of measures and good practices for a coordinated and harmonized response.²⁵ Thanks to the mediation and negotiation measures that the HLP working group and its parent Protection Cluster promote, several international agencies have

obtained moratoriums on forced evictions from landowners in individual cases.

This effort to optimize the work of all parties involved with forced evictions has been very positive. However, it failed to meet the expectations of protection actors and international agencies that wanted a stronger position. Lobbying against forced evictions is politically more sensitive. For example, the capacity of the Office of the UN High Commissioner for Human Rights to act independently at the same as being integrated with the UN stabilization mission is limited because of the many other political issues at stake.

Ultimately, the international humanitarian community has publicly declared its opposition to forced evictions in Haiti²⁶ that increase the vulnerability of the people living in the camps.

CIVIL SOCIETY

A coalition of Haitian organizations, including an IDP association, has mobilized to defend the right to housing and push for recognition of IDP rights. This fight for displaced people takes several forms including press releases, sit-ins, seminars, open letters, conferences, reports, and meetings with government actors. The coalition also carries out awareness raising and training with camp committees. Despite the coalition's limited capacity, they must now develop a proactive strategy on forced evictions and the implementation of 16/6. For example, the coalition could formulate clear proposals on re-housing IDPs and returning them to their home districts. It could also assess projects already under way and participate in the government's Multi-stakeholder Forum on Housing. However, we must acknowledge that Haitian organizations face numerous challenges, such as extremely weak structures, a lack of resources and marginalization by international agencies in their interventions.

LANDOWNERS

The vast majority of landowners²⁷ allowed IDPs to occupy their holdings in response to humanitarian need and out of a sense of responsible citizenship. As one landowner representative put it, 'The government must understand the sacrifices landowners have made by allowing the displaced to settle on their private property. It should have been more responsible.'²⁸ Now, three years later, with the camps still active, the property owners are concerned about losing their land. These law-abiding landowners do not want to start legal proceedings against the occupants, since these would be both lengthy and expensive, but the government has not given them any guarantees as to how long the IDPs will remain, let alone any compensation for their generosity. Unfortunately, some landowners have started taking matters into their own hands and are responsible for illegal evictions using violence, intimidation and other means to make IDPs leave.

In some cases, landowners have even accused international organizations of promoting the settlement of displaced persons on their land by providing services there. A key challenge for landowners is their lack of a representative association organized in such a way as to constitute a genuine interlocutor in the search for housing solutions for the displaced.

4 CONCLUSIONS AND RECOMMENDATIONS

With one in five people living in the camps is facing forced eviction, this constitutes a crucial issue to which all key actors involved in the relocation and re-housing of IDPs. The government's return and re-housing project, together with international agencies, has focused almost exclusively on public spaces; however, any solutions that are adopted must take into account IDP families living on private land, particularly those threatened with forced eviction.

The efforts made by the various actors involved in the issue have had limited results. The recognition of IDPs' right to adequate housing should be systematically incorporated into any return and re-housing measures. All of the relevant stakeholders should make a sustained effort to tackle this humanitarian challenge.

The government should:

- Give the UCLBP a clear mandate to ensure that its national policy on housing, living conditions and urban development includes mechanisms for preventing forced evictions. The Multi-stakeholder Forum on Housing recently launched by the UCLBP should monitor the application of these mechanisms;
- Include all camps, especially camps under threat of forced evictions, in future return and re-housing programmes in order to facilitate the permanent return of displaced populations to their home areas with security and dignity, and with a guaranteed minimum level of access to basic social services and the opportunity to earn an income;
- Recognize that landowners have a legitimate concern about recovery of their property and that the State has a responsibility to them as well. At the same time, the authorities must be rigorous in ensuring that owners do not intimidate or threaten camp inhabitants or resort to other unlawful measures in order to remove them;
- Identify the key landowners and other actors, such as mayors, representatives of the displaced, the UN, international NGOs and Haitian civil-society actors, who can work to achieve sustainable housing solutions for the displaced and thereby prevent forced evictions. The UCLBP must play the lead role in this effort.

The UN should:

- Ensure that its humanitarian agenda includes, as a priority, the issue of forced evictions and the threat thereof as violations of the right of IDPs to adequate housing;
- Push the Haitian government, via the UCLBP and the Office of Protection of Citizens (Office de Protection Citoyen), to bring together

the different stakeholders (private landowners, government representatives, camp committees and international agencies) concerning the need to establish mechanisms for preventing forced evictions;

- Encourage government and non-government actors (E-Shelter & CCCM Cluster, UN Human Settlements Programme) to promote rights protection tools, particularly standard operating procedures, and distribute them to stakeholders, and also to support national organizations in lobbying for access to adequate housing.

Donors should:

- Continue to provide financial support to the government for the implementation of return and relocation programmes, and insist on the need to propose sustainable solutions for the displaced, especially for the most vulnerable and in need of protection.

International NGOs should:

- Support the government in the implementation of return and re-housing programmes, ensuring that IDPs living in camps under the threat of eviction are dealt with as a priority;
- Provide the necessary technical assistance for creation of programmes to respect and protect the rights of all displaced persons.

NOTES

- ¹ Inter-Agency Standing Committee / -International Organization for Migration Haiti E- Shelter & Camp Coordination and Camp Management (CCCM) Cluster displacement monitoring matrix , October 2012, http://www.eshelter-cccmhaiti.info/#!/index.php?option=com_content&view=article&id=11&Url=
- ² This integrated project aims to rehabilitate 16 districts of Port-au-Prince with a view to offering the residents there, as well as the displaced people in six associated camps, sustainable housing solutions and improved living conditions via better access to basic services and revenue generating activities.
- ³ E-Shelter & CCCM Cluster, Haiti humanitarian report, September 2012, OCHA. <http://www.eshelter-cccmhaiti.info/#!/index.php>
- ⁴ Forced eviction is defined as: '*The permanent or temporary eviction, against their will and without the provision of legal or other protection, of persons, families or communities from their homes or from land that they occupy*', General Comment no.7 of the UN Committee on Economic, Social and Cultural Rights (1997)
- ⁵ Report of the United Nations in Haiti, 2011, <http://www.undp.org/content/dam/undp/library/crisis%20prevention/french/UN-Haiti-AR2011-FR.pdf>
- ⁶ At the Carrefour de l'Aéroport camps, the Delmas municipal authorities intervened with police officers to evict displaced families, claiming that the camp in question was harbouring criminals.
- ⁷ Bureau des avocats internationaux, July 2012. Demande d'une enquête sur les violations des droits humains en Haïti, adressé au Président de la Commission Inter-Américaine des droits de l'homme. <http://ijdh.org/wordpress/wp-content/uploads/2012/07/CIDH-lettre-de-demande-de-visite-17-Juillet-2012.pdf>
- ⁸ Oxfam staff has interviewed dozens of displaced people in various camps and with IDP threatened of forced evictions, between July 2010 and December 2012. Visit and interview in Place Jeremie in December 2012
- ⁹ Collective of organizations for the defence of the rights of the displaced and the promotion of housing rights. Lettre ouverte de plusieurs organisations de Droits Humains aux Autorités du Pays, Report, 26 December 2011. <http://old.garr-haiti.org/?article900>
- ¹⁰ Report on forced eviction, August 2012, IOM. <http://iomhaitidataportal.info/dtm/>
- ¹¹ Survey conducted by Viv Tankou Moun, Oxfam Quebec, December 2012, full version forthcoming.
- ¹² Article 22 of the Haitian Constitution of 1987.
- ¹³ UN Stabilization Mission in Haiti (MINUSTAH) press release, February 2012.
- ¹⁴ Oxfam interviewed twenty evicted families in July 2011.
- ¹⁵ UN Committee on Economic, Social and Cultural Rights, Annex IV to General Comment no, 7, 1997.
- ¹⁶ Dr Bertony Pierre Louis, sociologist and university professor. Interview conducted on 31 October 2012.
- ¹⁷ Interview with a professor from the Faculty of Human Sciences, Université d'Etat, October 2012
- ¹⁸ E-Shelter / CCCM (2012) November press release, http://www.esheltercccmhaiti.info/#!/index.php?option=com_content&view=article&id=206:octobre-2012-communique-de-presse
- ¹⁹ Internal situation report on forced evictions, Cluster Protection, July 2011.
- ²⁰ Interview conducted on 23 November 2012 with the former mayor, Jean Saint Ange Darius.
- ²¹ Moratorium that the mayor agreed with private landowners is an agreed delay of approximately two years between the IDP and landowners to occupy a space.
- ²² Negotiation at the Don Bosco camp, Carrefour, August 2010.
- ²³ Standard operating procedures for a coordinated response to forced evictions (July 2011). HLP working group. www.onuhabitat.org/haiti
- ²⁴ The technical group on Housing-Land-and-property is a working group on issues related the housing and property, under the auspices of the UN Programme on Human Settlements (UN HABITAT), and at the same time, a sub-group of the Protection Cluster. It is composed of international NGOs and UN agencies.
- ²⁵ Ibid.
- ²⁶ Humanitarian Coordinator's Office, UN Office for the Coordination of Humanitarian Affairs, September 2011.
- ²⁷ There are both individual and institutional landowners. Institutional landowners include religious and educational institutions, community centres and others.
- ²⁸ Interview with the owner of the Union Adventiste de Delmas mission, 31 November 2012

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