

HAITI: AFTER THE EARTHQUAKE

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INTRODUCTION

An Amnesty International delegation visited Haiti from 4 to 25 March to assess ongoing human rights concerns stemming from the humanitarian crisis caused by the earthquake of 12 January. In particular, the delegation investigated human rights issues relating to the protection of groups at risk, mostly women and children, in and outside makeshift camps of displaced people.

Amnesty International is publishing this briefing and recommendations to draw the attention of the Haitian government and those in the international community supporting Haiti to continuing concerns in Haiti regarding the prevention of and response to sexual violence against women and girls. These concerns predate the earthquake, but have since been exacerbated, giving rise to specific additional concerns which have been inadequately met by the Haitian authorities. These concerns are shared by the Haitian authorities who acknowledge measures so far are insufficient. In this regard, international organizations involved in humanitarian assistance and reconstruction in Haiti share the responsibility with the Haitian authorities of promoting adequate measures to ensure the protection and safety of women and children, in particular against the risk of sexual violence.

Amnesty International seeks also to stress the necessity of defining a reconstruction strategy grounded in human rights principles which would allow for effective preventive measures against sexual violence and adequate resources for the protection of the rights of women and girls.

The delegation visited 8 different camps in Port-au-Prince, Jacmel (South-East department) and Lascahobas (Centre department). Amnesty International delegates met with dozens of displaced people in these communities, community leaders and human rights activists.

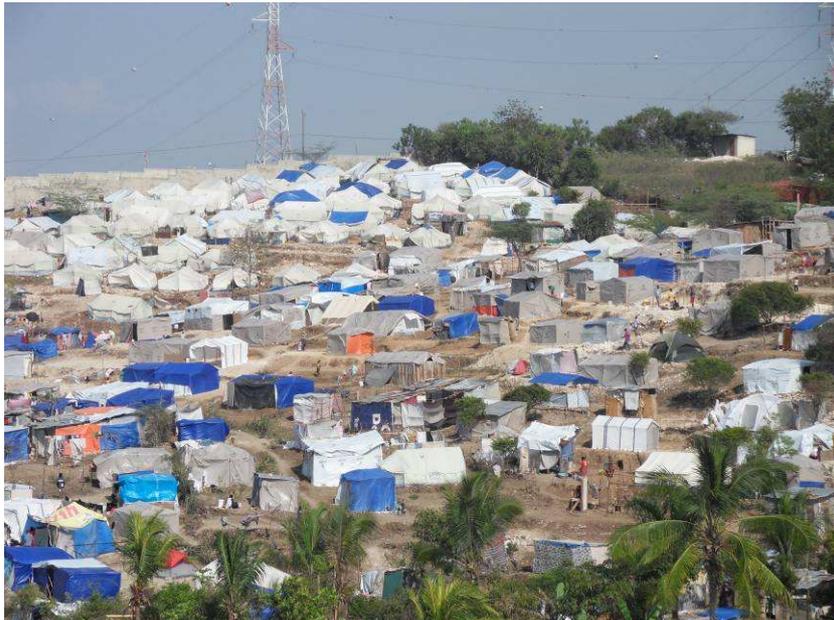
The delegates also met government authorities, including the President of the Republic, René García Préval, and Prime Minister, Jean-Max Bellerive. They held talks with the Special Representative of the United Nation's Secretary General and head of the UN Stabilization Mission in Haiti (MINUSTAH), and other officials from MINUSTAH and UN agencies operating in Haiti. Local human rights and women's rights organizations provided valuable information on the current situation and challenges facing women and children in Haiti. International non-governmental organizations informed Amnesty International of humanitarian responses to the earthquake. Despite the enormous barriers facing victims of sexual violence, women's rights activists and grass-roots groups helping to rehabilitate victims of sexual violence were able to facilitate testimonies with victims, including four from children.

Among representatives of donor countries supporting reconstruction efforts in Haiti, Amnesty International met the Ambassadors of Brazil, Canada, and France, and representatives of the United States embassy.

Amnesty International appreciates the complexity of the challenges facing the many authorities and agencies involved in relief and reconstruction efforts in Haiti. The organization deeply respects the commitment of all those helping Haiti to rebuild, despite the difficulties and loss of life of colleagues and relatives. Amnesty International hopes the following briefing and its recommendations will help prioritise action on the issue of sexual violence, a concern shared by many living and working in Haiti.

THE CONTEXT OF THE AFTERMATH OF THE EARTHQUAKE

The 12 January earthquake left a death toll of more than 210,000 people and 300,000 injured, according to governmental official figures. More than 600,000 people have fled Port-au-Prince to other regions of the country not affected by the quake putting a strain on the limited resources of local communities.



A makeshift camp of displaced people in Delmas, Port-au-Prince. Distribution of tents and tarpaulins did not reach everyone in the camp. © Amnesty International

The extensive destruction of the earthquake prompted massive displacement. In Port-au-Prince and other urban centres of the southern departments, camps have sprung up spontaneously on every plot of empty land, public or private, and in every space, square and football pitch. Secondary roads and central reservations on main boulevards in the capital are also home to makeshift shelters that provide little more than shade. The total number of spontaneous settlements is estimated to be 460, however, despite the existence of large camps, the population remains dispersed. The number of sites with 50 makeshift shelters or less could reach 1,000.

All camps were established spontaneously immediately after the earthquake with makeshift shelters built of bed-sheets, towels, clothes and sticks. Tents have replaced makeshift shelters in some camps. Most camps have various types of makeshift shelters and tents provided by non-governmental organizations. In some camps, more permanent structures are being built with recycled wood and tin from collapsed buildings. At the time of writing, only two planned camps had been established by the authorities (Tabarre Issa and Santo 17) and relocation of people from temporary camps to these sites was underway.



A makeshift camp of displaced people in Cité Soleil, Port-au-Prince. Tents are available for purchase on the black market but the majority of people in this camp still live under bed sheets because they cannot afford to buy proper tents. © Amnesty International

The quake prompted the collapse of most governmental institutions in the capital exacerbating long standing deficiencies in governance and provision of basic services. Public institutions with already limited capacity and representation outside the capital have been unable to cope with relief and humanitarian demands or fulfil the immediate needs and rights of the affected and displaced populations. Local authorities have been largely absent from the response in most localities and their lack of presence and responsiveness was

frequently criticized in all the camps visited by Amnesty International.

The premises of at least twenty police stations in Port-au-Prince and other localities were severely damaged during the quake, some completely collapsed. More than 70 police officers died, many were injured and more than 60 are still missing. This has compromised the capacity of the police forces to maintain security and enforce the law. Police officers and equipment from other departments have been recalled to Port-au-Prince for maintaining minimal public order. Trainings at the police academy have been brought to a halt because the premises are being used as a provisional venue for the legislative body of the country as the National Assembly was totally destroyed. Until the police academy is vacated, much needed training of police officers cannot resume.

Within the camps of the displaced, the total absence of police officers is a great concern, particularly for women who are at risk of gender-specific crimes in this situation. Four police officers are reported to be present in two of the largest makeshift camps in the metropolitan area of Port-au-Prince: Pétionville Club and Jean-Marie Vincent Park, however, the Haitian authorities have recognized this response is insufficient and more needs to be urgently done. MINUSTAH military and UNPOL personnel do not maintain a permanent presence in camps; they conduct patrols during the day or ensure security during the distribution of aid. In the camps visited by Amnesty International, displaced people have established security committees that patrol during the night ensuring minimum security against outsiders.



Women and men prepare a meal for 5,000 people with food distributed by the World Food Programme, in Penchinat camp, Jacmel
© Amnesty International

The infrastructure of the judiciary in and around Port-au-Prince has collapsed or is severely damaged. The Palais de Justice of Port-au-Prince, hosting the Court of First Instance, the

Appeals Court and the Supreme Court was totally destroyed. Several members of the judiciary, including the Dean of the Court of First Instance, died during the earthquake. Although the Office of the Public Prosecutor in Port-au-Prince is operating, not enough space is allocated to investigative judges and magistrates of the Court of First Instance for them to carry on their work. As a consequence, a back-log of cases is building up.

Many Courts of the Peace are still not operational. Fourteen Courts of the Peace have been damaged or destroyed and their relocation and resumption of their functions remain uncertain. The Courts of the Peace are for the majority of the population their only reference to the justice system. They are particularly important in recording and responding to cases of sexual violence against women and girls.

In the wake of the earthquake, the Haitian authorities failed to protect sensitive files and evidence held at the Palais de Justice or to restrict access to other buildings of the judiciary. Amnesty International received reports of criminal files and judicial archives of the Palais de Justice being stolen or burnt on site.

The destruction of files containing past and ongoing information and evidence relating to criminal investigations will ensure impunity for most of the crimes committed before the earthquake. In addition, shortly after the earthquake all convicted and remand prisoners escaped from the National Penitentiary. Although the external wall of the prison was not damaged by the quake, the main door was left open prompting the flight of more than 4,200 prisoners. The earthquake also damaged detention centres in other cities such as Jacmel and Saint-Marc. Members of a women's rights organization interviewed by Amnesty International in Jacmel feared reprisals by those escaped prisoners convicted of rape as a result of their work and support of victims.

THE SITUATION IN CAMPS

Temporary makeshift camps and shelters are ubiquitous in Port-au-Prince and elsewhere. According to recent estimates from the UN Office for the Coordination of Humanitarian Affairs (OCHA), 460 sites have been referenced as of mid-March with a total population of 1,170,000 persons in Port-au-Prince alone. The largest camp in Port-au-Prince hosts an estimated 50,000 individuals.

The vast majority of the displaced population in the camps are children: 720,000 have been affected by the earthquake and 300,000 have been displaced to other communities.

Access to humanitarian relief varies greatly from one camp to another visited by Amnesty International and even within a single camp distribution does not reach every household or

intended beneficiary.

Amnesty International delegates visited camps where no emergency shelter, food, sanitation, water or medical care had been delivered. Living conditions in these camps are dire and the majority of inhabitants are deeply frustrated with the Haitian authorities and international agencies for the delays in receiving emergency aid. The situation however evolves rapidly and efforts to scale up humanitarian assistance improve each day. Access to adequate shelter is the main priority for displaced people as makeshift shelters do not provide adequate protection against the looming rain.



Children queuing in Penchinat camp, in Jacmel to receive a hot meal of rice and beans. © Amnesty International

Overcrowding in many camps visited by Amnesty International is a major concern and recommendations outlined in the UN Handbook for the Protection of Internally Displaced Persons, in terms of available surface per person and access to basic medical and sanitation services were not followed. Seven camps in the metropolitan area of Port-au-Prince have been identified for decongestion and relocation because these sites are at high risk of flooding and mudslides during the upcoming rainy season.

The estimated total population living in these camps identified as priority for relocation reaches 200,000 people, however, there are serious concerns about the availability of adequate and sufficient land to accommodate such a large number of people and maintain international standards outlined in the 1998 UN Guiding Principles on Internal Displacement.

Some public land has been made available by the Haitian government for relocation of displaced people, although the land will only accommodate a very limited number of people. The planned camp at Tabarre ISSA will host 3,500 persons, and the camp at Solino 17 provides a transitional solution for 1,400 displaced people. Faced with scarcity of public land, the government of Haiti must urgently identify suitable land among private owners and proceed to its expropriation with adequate compensation for landowners, or leasing. To date, ten weeks after the earthquake, the authorities have so far been unable to secure the land needed for the relocation of tens of thousands of people at risk.

SEXUAL VIOLENCE

Women and children are at high risk of physical abuse and exploitation, in particular sexual violence, in the context of the humanitarian crisis.

Overcrowding and the layout of settlements increase the risk of sexual violence. Many camps lack adequate hygiene and sanitation facilities to allow women and girls privacy. Lack of lighting also makes women and girls vulnerable to assault and violence at night.

Protection mechanisms for women and girl victims of sexual violence were deficient before the earthquake, now they are totally absent. This is a major cause for under-reporting. The Courts of the Peace were not operational at the time of writing and their new temporary locations were still unknown. Police stations that remain operational did not have adequate facilities for women to file complaints safely and confidentially. For example, the Port-au-Prince police station, situated in Champ de Mars, hosts one of the few units set up to respond to violence against women. Since the destruction of the station, it is reduced to a dusty table on the pavement located just in front of the police cells and exposed to passers-by.

According to members of grass-root organizations, women and girls are too afraid to lodge formal complaints with the police, either because the perpetrators live in the same camp or in the nearby area, or because they have no other place to go. Not trusting the police to protect them, they prefer to keep quiet. In addition, women and girls living in camps lack minimal information regarding availability of services responding to sexual violence, such as provision of medical care within 72 hours of the rape, the crucial time period for effective prophylaxis against HIV transmission and for emergency contraception.

A women's grassroots organization dealing with the medical and psychological needs of rape victims reported 19 cases of rape in only one small section of the big makeshift camp located in Champ-de-Mars. Even though they encouraged women to lodge complaints with the police, none of the victims would.

Amnesty International documented cases of sexual violence in camps. Four of the victims interviewed were children. An 8-year-old girl called Celine (not her real name) was alone in the tent at night when she was raped. Her mother had left the camp to work and had no one to look after her daughter during her absence. A 15-year-old girl, called Fabienne (not her real name) was raped when she left the camp to urinate, as there were no latrines within the camp. Carline (not her real name), 21, was raped by 3 men when she went to urinate in a remote area of the camp, as the latrines were too dirty to be used. Pascaline (not her real name), 21, was raped and beaten in her tent, neighbors failed to intervene because they believed she was with her partner.



A girl walks in Penchinat camp, in Jacmel, amid tents which host up to 17 families each © Amnesty International

After the collapse of the police station in the community of Gressier, Fabienne's mother reported the rape of her daughter to a member of the local administrative authority (CASEC – *Conseil d'Administration de la Section Communale*), who did not provide her with any information, advice or referral to a health care centre. Pascaline received medical assistance and managed to lodge a complaint with the police. However, the perpetrator remains at large. Pascaline has seen him several times in the camp and she is afraid he might kill her if he finds out she reported the crime.

Girls in camps are also at risk of sexual exploitation. In several camps, women have reported to Amnesty International that it is a common practise for many girls to exchange sex for food or for material goods. Some cases of child prostitution have also been reported.

RECOMMENDATIONS

RECOMMENDATIONS TO THE HAITIAN AUTHORITIES

- Increase, as a matter of urgency, police presence in the camps, particularly at night, in order to improve overall security and prevent sexual violence against women and girls;
- Incorporate police women into units assigned to camps in order to facilitate reporting of cases of sexual violence;
- Inform camp inhabitants about the location of temporary police stations where units composed of trained officers on gender-based violence are operating;
- Police officers and other authorities and professionals dealing with reports of sexual violence need to ensure all cases are recorded and reported in accordance with the system and forms developed under the National Plan to Fight Violence Against Women;
- The system of centralisation and analysis of data on violence against women, proposed by the National Plan to Fight Violence Against Women, should become operational as soon as possible;
- Police units specialised in the response to gender-based violence should be re-established in police stations and the number of units increased to ensure coverage during the day and night;
- Measures to reduce the exposure of women and children to sexual violence in the camps (such as adequate sanitation facilities) should be implemented in all camps, with the assistance of international humanitarian organizations;
- Ensure the provision of adequate and comprehensive health care for victims of rape and other forms of sexual violence;
- Information about the steps victims of sexual violence can follow and where and how different services (healthcare, counselling and psychological support, protection, juridical assistance, etc) can be accessed should be readily and widely distributed in camps and among the displaced population;
- Establish without delay a temporary shelter for women and girls victims of sexual violence where they can be protected and receive comprehensive services, including but not limited to health care, psychological support and legal assistance;
- Apply the UN Guiding Principles on Internal Displacement and the IASC Guidelines for Gender-based Violence Intervention for Humanitarian Emergencies.

RECOMMENDATIONS TO THE UNITED NATIONS STABILIZATION MISSION IN HAITI (MINUSTAH)

- Assist the Haitian National Police in incrementing security in camps through logistical support and direct participation in patrols;
- Monitor closely at police stations and the Courts of the Peace responses to reports of sexual violence and assist with ensuring that all reports are acted upon by the competent authorities;

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