



School of Law



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## **HAITI'S HOUSING CRISIS: Results of a Household Survey on the Progress of President Michel Martelly's 100-Day Plan to Close Six IDP Camps**

A survey conducted in six displacement camps targeted by President Michel Martelly's 100-day housing plan documents peoples' lack of access to information and consultation on camp closures, one camp closure where armed law enforcement destroyed tents and belongings with sticks and machetes, and hand-outs of small cash payments without any other assistance – all of which directly contradict the durable solutions touted under the plan. The survey was conducted in August by the University of San Francisco School of Law, Center for Law and Global Justice (USF), the Institute for Justice & Democracy in Haiti (IJDH), and the *Bureau des Avocats Internationaux* (BAI) at the end of 100 days into Martelly's presidency.

### **Executive Summary**

An estimated 595,000 Haitians are still living in approximately 900 Internal Displaced Persons (IDP) camps in an around Port-au-Prince after last year's earthquake. While the official number of people living in displacement camps has sharply declined from an estimated 1.5 million, it is likely that many displaced families who left the camps were unable to find sustainable housing and are living in conditions even worse than those found in camps.

A recent survey found that 34 percent of displaced persons reported leaving their camps because they were forced out by evictions.<sup>1</sup> As of March 2011, an estimated 165,977 people living in camps were threatened with eviction, representing one in four of all camp residents.<sup>2</sup>

Evictions in Haitian displacement camps have increased since President Martelly took office, and usually include violence, threats of violence

or coercion, often by government agents.<sup>3</sup> The escalation of government-sponsored evictions has been accompanied by a spike in evictions on private land. Purported landowners are receiving the support of local mayors, Haitian police, UN peacekeeping troops, and members of the judiciary to threaten and remove families without any legal mandate in violation of Haitian and international law, and binding recommendations issued by the Inter-American Commission on Human Rights (IACHR).

When he took office, President Michel Martelly pledged to close all of Haiti's displacement camps within six months, starting with six camps during his first 100 days. The President's housing plan is proposed as a model for addressing immediate housing needs, close IDP camps and commence reconstruction. The plan proposes to relocate families from six camps (Place Saint-Pierre, Place Boyer, Place Canapévert, Mais Gaté, and Stade Sylvio Cator) to 16 neighborhoods surrounding Port-au-Prince by

building new homes and allocating cash to pay for housing repairs or rent.

A comprehensive housing plan is desperately needed in Haiti. Until adequate housing is available, families will continue to live in squalid camps and be threatened with evictions. This briefing paper evaluates implementation of President Martelly's housing plan 100 days into his presidency, including residents' access to information and input on the plan, camp closures, and the provision of housing assistance. Much of the analysis is based on the results of a survey of 150 families in the six IDP camps slated for closure under the plan. The following is a summary of the paper's findings.

### **Families living in the six IDP camps are struggling to survive.**

The survey results indicate that conditions in the six camps are desperate. Families often go without any food or safe drinking water.

- 2/3 of families interviewed did not have anyone in their family working
- Of the 1/3 of families with work, only 9% had a full-time job
- 77% of families had at least one family member go one or more days without eating the week prior to the survey
- 58% of families with children had at least one child go without eating
- 59% of families did not have daily access to clean and safe drinking water

### **Camp closures and cash payments conflict with durable solutions proposed.**

One of the six camps was closed (Stade Sylvio Cator) and residents from another camp were relocated (Place St. Pierre), both without the protections or benefits promised in the Martelly plan. The families from Stade Sylvio Cator were unlawfully evicted by the Mayor of Port-au-Prince and Haitian police without a court order. Families without alternative housing were relocated to land that survey respondents described as having even less security, lighting

or access to basic services such as toilets, water and food. Two-thirds of the families received US\$250 to relocate. Residents who received the money complained that it was not enough to rent or buy materials to build a home.

### **Little effort had been made to involve communities at expiration of 100 days.**

The survey revealed a lack of community mobilization or involvement in the camps. Most respondents had not been informed of or consulted about camp closure/relocation plans. Respondents reported that their limited encounters with relocation officials/NGOs came in the form of asking residents to leave.

- 38% had heard their camp may close, one-half of whom heard by rumor from other camp residents
- 82% had not been consulted on their opinion for closing the camp

### **Recommendations for the Government of Haiti, local government and UN/NGO agencies assisting with housing assistance:**

- (1) Camp residents must be protected from violent and unlawful evictions. Camps should remain open and supported until families are able to move to alternate housing that meet minimum security and living standards;
- (2) Community outreach is critical for families to participate in every stage of the resettlement process and ensure that the program responds to their needs;
- (3) Resettlement assistance must be accountable and transparent to camp residents by delivering information about assistance; measuring, monitoring and making public the outcomes of the project; and allowing residents to register complaints about project implementation;
- (4) Cash payments for resettlement should be tied to a comprehensive assistance program to ensure that displaced families have access to durable housing solutions.

## Introduction

This briefing paper presents data from the survey, which was designed to capture information from households in the six Internally Displaced Persons (IDP) camps targeted for closure to assess the government's implementation of President Martelly's housing plan, including camp closures, residents' access to information and input on the plan, and the provision of housing assistance.

The Martelly housing plan recognizes that program implementation will require "massive planning and social mobilization," but it appears that very little if any mobilization has started. While some residents had heard that their camp was closing, none of the six camps reported any knowledge of the housing plan or assistance from the Martelly government.

In the meantime, one camp was closed in July (Stade Sylvio Cator) and one camp partially closed (Place St. Pierre), both without the protections or benefits promised in the Martelly plan. The families living at Stade Sylvio Cator were unlawfully evicted by the Mayor of Port-au-Prince and Haitian National Police without a court order, as required under Haitian law. The police destroyed residents' tents and belongings, prompting condemnation from the United Nations Office of the High Commissioner for Human Rights.<sup>4</sup>

In direct contrast to the "durable solutions" and "improved living conditions" promised in the Martelly plan, 150 families from Sylvio Cator were relocated to another camp that survey respondents described as worse due to lack of security, lighting or access to basic services such as toilets, water and food. Some, but not all of the families received US\$250 to relocate. Residents who received the money complained that this was not enough to rent or buy materials to build a basic home.

The survey also reveals that the population living in the six camps is struggling to survive.

Two-thirds of the families did not have anyone in their family working. Of the one-third of families with work, only nine percent had a full-time job. As a result, families often go without any food or safe drinking water.

Three-quarters of the population had at least one family member go one or more days without eating the week prior to the survey; 58 percent of those surveyed with children had at least one of their children go without eating. Over one-half of the population reported not having daily access to clean and safe drinking water.

The Haiti Reconstruction Fund pledged \$78 million in August 2011 to fund President Martelly's housing plan. Implementing the plan could have significant benefits for displaced communities, assuming the government keeps its promises made in the plan. As funding commences, the community outreach and inclusion envisioned in the plan should commence immediately so that families are able to participate in every stage and ensure that the program responds to their needs.

The briefing paper also recommends that the housing plan include protections against violent and unlawful evictions, and that camps remain open and supported until families are able to be rehoused to locations that meet minimum security and living standards. Lastly, the paper underscores the need for cash payments for resettlement to be tied to a comprehensive housing assistance program.



## IDPs need government support to move out of camps

An estimated 595,000 Haitians are still living in 900 IDP camps in an around Port-au-Prince after last year's earthquake, down from one million in November 2010 and 1.5 million in July 2010.<sup>5</sup> While the official number of people living in displacement camps has sharply declined, many displaced families who left the camps were unable to find sustainable housing and remain homeless, living in conditions even worse than those found in camps.

A survey conducted by the International Organization for Migration (IOM) to monitor IDP movement found as many as half of those who left IDP camps continue to live in displacement-like situations, such as in tents near their former homes, with host families, or other temporary arrangements, including earthquake-damaged houses condemned as unsafe.<sup>6</sup>

According to a study commissioned by the United States Agency for International Development (USAID), of the houses investigated, people were living in 85 percent of the houses marked yellow (unsafe to inhabit but reparable) and 64 percent of the houses marked red (unsafe to enter/damaged beyond repair), even though these buildings had not been repaired.<sup>7</sup>

The same IOM survey found that 34 percent of displaced persons reported leaving their camps because they were forced out by evictions. At least 247 cases of evictions were recorded between June 2010 and March 2011, affecting an estimated 50,528 households (233,941 individuals).<sup>8</sup> As of March 2011, an estimated 165,977 people living in camps were threatened with eviction, representing 24 percent, or one in four of all people living in IDP camps.<sup>9</sup>

Forced evictions in Haitian displacement camps have increased since President Martelly took

office, and usually include violence, threats of violence or coercion, often by government agents.<sup>10</sup> The escalation of government-sponsored evictions has been accompanied by a spike in evictions by private actors purporting to own non-state lands housing IDP camps. Purported landowners are receiving support from local mayors, Haitian police, UN peacekeeping troops, and members of the judiciary to threaten families from tent camps and remove them without any legal mandate.<sup>11</sup>

Extra-judicial and violent evictions from IDP camps not only threaten the lives and dignity of the hemisphere's poorest people, they also violate Haitian and international law, and binding recommendations issued to the Haitian government by the Inter-American Commission on Human Rights (IACHR).<sup>12</sup> As Nigel Fisher, Humanitarian Coordinator of the United Nations in Haiti said, "evictions of persons without suitable alternative housing constitute a violation of their human rights and guiding principles for internally displaced persons."<sup>13</sup>

Given the squalid conditions in IDP camps and the impending evictions, most residents want to leave the camp. In a survey of over 15,000 camp dwellers, 94 percent said they would leave if they had alternative accommodation.<sup>14</sup> But reconstruction in Haiti has been slow. But reconstruction in Haiti has been slow. Just 43 percent of the \$4.6 billion pledged in reconstruction aid has been disbursed,<sup>15</sup> with as low as 10 percent of those funds actually spent on the ground in Haiti.<sup>16</sup> Out of the more than 180,000 residential buildings that were destroyed in the earthquake, only 6,645 have been repaired.<sup>17</sup> An estimated 94,879 temporary shelters and 4,596 new permanent houses have been built – about 79 percent of the total intended as part of earthquake reconstruction.<sup>18</sup>

Until earthquake damaged homes are repaired and new affordable housing is built, the only option for hundreds of thousands of displaced families will be to remain in camps. As

recommended by Nigel Fisher, the Government of Haiti must protect the individual rights of its citizens and guarantee support for camp residents to transition out of camps with security and dignity.<sup>19</sup>

### President Martelly's 100-day housing plan

The Martelly government has showed leadership in proposing an ambitious housing and resettlement plan to revitalize areas of Port-au-Prince impacted by the earthquake and close IDP camps. Within days after his May 12, 2011 inauguration, President Michel Martelly pledged to close all of Haiti's displacement camps within six months, starting with six camps during his first 100 days in office.<sup>20</sup>

The 100-day plan, which the Martelly Administration has supplemented with a more comprehensive housing and resettlement plan,<sup>21</sup> is proposed as a model for addressing the immediate housing and provisional needs of the residents remaining in IDP camps in order to clear the 900 or so camps and commence reconstruction.<sup>22</sup>

The goals of the plan are to: create durable solutions that meet minimal standards, encourage the return of people to their original neighborhoods, improve the living conditions of the population, create employment, and obtain visible results for the first 100 days of Martelly's presidency.<sup>23</sup> In accomplishing this, the Martelly government is focusing on six IDP camps, covering 16 surrounding neighborhoods ("quartiers") as pilot projects.

Housing solutions include offering US\$150 to renters and property owners to return to their pre-earthquake homes, plus US\$500 to renters for rent, and between US\$1,500-\$3,500 to property owners who agree to repair their property and offer free rent to IDP families for between two and five years.<sup>24</sup> New homes will be available for IDP families whose homes are red or yellow and cannot be rebuilt in their same location.<sup>25</sup>

The plan proposes to relocate families to the 16 quartiers in three phases. Phase one will address residents living in camps Primature, Place Saint-Pierre, Place Boyer, and Place Canapé-vert, and include "durable solutions" for camp residents. Phase one will affect 2,298 families and have an estimated budget of US\$10 million. Phase two will address camps Mais Gaté and Stade Sylvio Cator, affect 2,941 families and cost US\$13 million. Phase three will be "complete reconstruction" of the quartiers, and cost US\$70 million. The project aims to help a total of 33,500 families (144,000 people) living in the 16 quartiers.

Preparatory activities for housing and relocation, to be implemented by the government with help from UN agencies, will include: registering and verifying the status of residents, communication on available options, mobilization in the camps and original neighborhoods, a plan of reconstruction and urbanization, and putting in place a platform of local coordination, participatory enumeration, measures to find available resources, mechanisms to address disputes and contentions, and a plan of communication.<sup>26</sup>

Committees for each quartier will be created to foster dialogue between the government and the communities, with emphasis on dissemination of information and interaction with program beneficiaries.<sup>27</sup> The intent is to communicate the available options with beneficiary families and to avoid frustrations that arise from the lack of information.

This emphasis on community participation and empowerment are recognized by the UN as the building blocks of a rights-based approach to humanitarian and development assistance.<sup>28</sup> A rights-based approach that consults with and *listens* to the target population is more effective in responding to their needs and results in more effective and sustainable assistance.<sup>29</sup>

The results of the survey conducted by the authors of this briefing paper reveal that 100

days into Martelly's presidency, the residents of the six model camps had received very little, if any, information from the government, the UN or non-governmental organizations ("NGO") about the housing plan or how it might affect them. This includes residents of Stade Sylvio Cator, whose camp had already been closed.

## Methodology

Researchers administered the survey in six camps identified in President Martelly's 100-day plan, which are located in the greater metropolitan area of Port-au-Prince: Primature (Port-au-Prince), Place St. Pierre (Pétionville), Place Boyer (Pétionville), Place Canapé-Vert (Port-au-Prince), Mais Gaté (Port-au-Prince), and Stade Sylvio Cator (Port-au-Prince). Stade Sylvio Cator was evacuated and closed the week of July 18, 2011, so researchers surveyed the residents who were relocated by the office of the Mayor of Port-au-Prince to land in the Martissant neighborhood of Port-au-Prince. The new camp is called Parc Pele (or Bicentenaire).

Twenty-five surveys were administered in each of the six camps. Surveys were administered by selecting every 10<sup>th</sup> shelter. This method was employed to the best of the ability of the surveyors given the often windy paths in camps and circular clumps of housing units. Interviewers administered the survey to the first available and consenting resident over 18 years of age in each household they approached, whether male or female. In total, there were 97 female respondents (65%), and 53 male respondents (35%). The average household size was 4.8 people, with 1.6 persons under the age of 18. Fifty-nine percent of households were reportedly headed by women, compared with 41 percent headed by men.

Each survey took between 20 minutes and 45 minutes to complete and all surveys were administered in Haitian Creole. Each interview team consisted of one Haitian university student, who read the survey questions to the

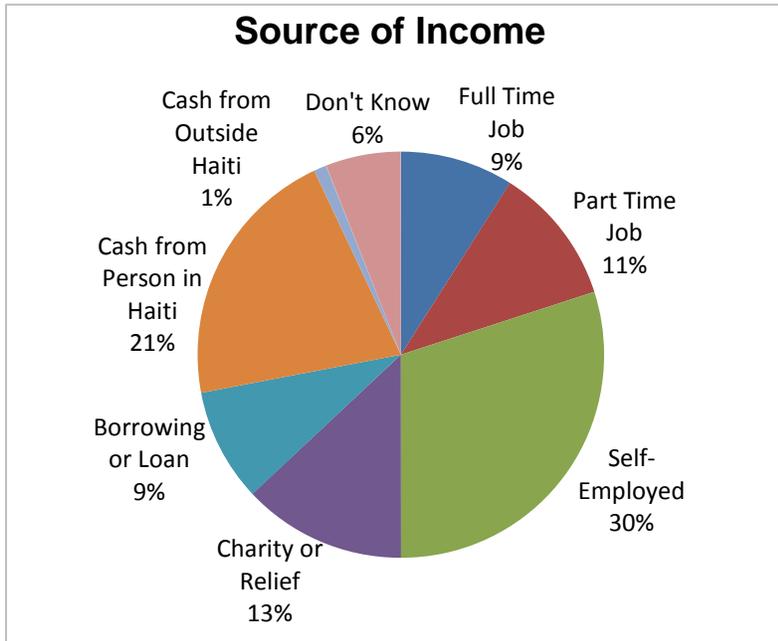
respondent in Haitian Creole and then translated the responses into English, and one USF law student who recorded the responses in English. The research team obtained permission to enter each camp and interview residents from at least one member of the camp committee before administering the survey. Each interview team obtained consent from the respondent to conduct the interview. The camp committees were also interviewed for background information that is reflected in the briefing paper's findings.

## Findings

### Families living in the six IDP camps are struggling to survive.

The survey results indicate that conditions in the six camps are desperate. Families often go without any food or safe drinking water. Three-quarters of the population had at least one family member go one or more days without eating the week prior to the survey; 58 percent had at least one of their children go without eating; and 69 percent had one or more family members go multiple days without eating.<sup>30</sup> Many respondents, including a young pregnant woman, reported only eating breakfast. One respondent explained that this is the meal of choice because doctors have said that breakfast is the most important meal, so if one can only have one meal a day, it should be breakfast.

Fifty-nine percent of the population reported not having daily access to clean and safe drinking water. Three out of four people lacked access to clean sanitation facilities. The lack of clean water and sanitation facilities poses a significant health risk for water-borne diseases such as cholera, which has infected 438,000 Haitians and resulted in 6,200 deaths since it broke out less than a year before this briefing paper's release. Residents who do get sick may go without medical attention. Sixty-five percent of respondents said that a member of their family was in need of medical care but was unable to receive it.



### Camp closures and cash payments conflict with durable solutions proposed

While implementation of the Martelly housing plan is just beginning, two of the six camps have already begun the closure process. Stade Sylvio Cator was completely closed and all residents evicted in July 2011. Place St Pierre has been partially evicted. Six hundred families were paid US\$500 to leave the camps, but very few services were offered to assist the residents in relocation. Neither of these camps has been offered the “durable solutions” and “improved living conditions”

promised in the Martelly housing plan.

Respondents overwhelmingly wanted more work. Only one-third of the families had one or more family members working, and of those, only nine percent had a full-time job. Of the 66 percent of families without work, 90 percent reported that work was unavailable.

The vast majority of residents living in the six IDP camps reported being displaced by the earthquake. Ninety-one percent of respondents reported living in the camps because their pre-earthquake homes were still destroyed. Ninety-two percent arrived at the camps within a few days of the earthquake, and other than those who had moved from Sylvio Cator to Parc Pele, 96% had lived at the same camp since the earthquake.

Total in Survey	In New Camp	In 5 Other Camps
<b>School aged children that would go to school this Fall:</b>		
58%	-	-
<b>Families with at least one member going day or more without food:</b>		
77%	-	-
<b>Families with multiple members going day or more without eating:</b>		
69%	-	-
<b>Families with child going day or more without eating:</b>		
58%	-	-
<b>Daily access to clean and safe drinking water:</b>		
59%	96% <sup>1</sup>	51%
<b>Access to clean toilet facilities:</b>		
76%	100%	69%
<b>Access to safe toilet facilities:</b>		
66%	87% <sup>2</sup>	59%
<b>No access to medical care despite urgent need:</b>		
65%	68% <sup>3</sup>	64%

<sup>1</sup> 56% reported having less access than at closed camp.

<sup>2</sup> 72% reported having worse access than at closed camp.

<sup>3</sup> 56% reported having less access to than at closed camp.

## Closure of Camp Stade Sylvio Cator

The IDP camp housed at Stade Sylvio Cator (a sports stadium) had been facing violent threats of eviction from the Haitian National Police since April 2010.<sup>31</sup> Threats intensified in April 2011.<sup>32</sup> In July 2011, the Mayor of Port-au-Prince, Muscadin Jean-Yves Jason, visited the camp with police officers and the Mayor's personal security.<sup>33</sup> Law enforcement destroyed tents and residents' belongings and threatened residents with violence. The stadium director disconnected the water lines, leaving the residents without potable water.

A survey of former residents of the stadium confirmed that violence and threats of violence were used by Haitian authorities during the eviction in July. Thirty-five percent reported having been physically harmed or threatened with physical harm during the government's eviction, while 30 percent reported destruction of their shelter or belongings. Residents reported even higher rates of violence in prior eviction attempts at the stadium.

Mayor Jason offered US\$250 and made relocation to another site facilitated by the

receive any relocation money. Of the 64 percent who received the US\$250, 82 percent said that they still could not afford housing. The money was not enough to build a 12x10 foot shack with a concrete floor, plywood walls and corrugated metal roof, which costs an average of US\$300 – leaving many residents without shelter.



**One-room house built for US\$300**

Out of 514 families living at Sylvio Cator, 150 families relocated to a small patch of land designated by the government for the resettlement in Martissant, a slum neighborhood of Port-au-Prince. Eighty-eight percent of respondents described the new government camp as having worse access to security, lighting, clean toilets, water and food compared with the stadium. Residents at the government camp reported less access to basic services than at the other five camps. Ninety-six percent of residents reported not having access to clean and safe drinking water, compared with 51 percent in the other five camps. Similarly, 100 percent of residents reported not having access

### “Why are you living in this camp?”

91% because pre-earthquake home was still uninhabitable

24% have no knowledge of any alternate options

51% have no money to move or pay rent

32% because the camp is close to friends and family

Mayor's office available to a portion of the residents. A member of the Martelly administration working on the housing plan said that at least part of the relocation money came from the national treasury.<sup>34</sup> In a survey of the families who relocated to the new camp (Parc Pele), 36 percent reported that they did not

## **Residents evicted from Stade Sylvio Cator reported:**

### **Little to no notice from Haitian government of camp closure**

72% knew that the stadium would be closed;

42% said no one had discussed relocation plan with them;

One family learned from the local mayor's office;

Zero were consulted by national government

### **Inadequate consultation about camp closure**

32% were asked their opinion for the closure; only 3 families by someone from local government

### **Violence used by government in camp closure**

**Prior eviction threats:** 53% said they had been physically harmed or threatened with physical harm by national police unless they left the camp; 32% said that their shelter or belongings had been destroyed by national police.

**Eviction in July 2011:** 35% had been physically harmed or threatened by national police unless they left the camp; 30% had their shelter or belongings destroyed by national police.

### **Inconsistent assistance from local government**

64% of families received US\$250 from the mayor's office to relocate;

36% of the families received no money;

to clean toilets, compared with 69 percent at the other camps.

Other than the US\$250 and access to Parc Pele, residents did not receive any other relocation assistance from NGOs, the UN or members of government, such as help in finding available resources as offered under the Martelly plan. Only one family reported receiving assistance in identifying alternate housing (from IOM).

### **Cash payments at Camp Place St. Pierre and Stade Sylvio Cator**

In Pétionville, a suburb of Port-au-Prince, the local mayor's office instituted a program offering US\$500 in "financial assistance" to residents of Camp Place St. Pierre, an IDP camp on public land. The office received this money through the Central Government, local government, and private donors. Approximately 600 families living in Camp Place St. Pierre have received money to leave the camp since November 2010.<sup>35</sup>

Many survey respondents in the six camps felt it was a bad idea for the government to simply hand out money at the camps for relocation. They felt that the money would run out quickly, and without access to jobs, recipients would end up homeless again. Limited investigations following displaced persons who received payments in the Pétionville program have shown that given their desperate situation, some families immediately spent the money they received on healthcare and other urgent needs.<sup>36</sup> As a result, they were forced to move

into other camps or pitch tents amongst the rubble of houses destroyed by the earthquake.<sup>37</sup>

Cash-based housing and resettlement programs have been increasingly employed as part of disaster relief efforts.<sup>38</sup> Evaluations of such programs, however, indicate that success is largely dependent on careful planning, implementation, monitoring and evaluation. Programs require significant consultation with the affected population, evaluation of material resource availability and the strength of market economies, and secure systems for identification of grant recipients and allocation of funds.<sup>39</sup>

Although not inherently more susceptible to corruption than in-kind assistance programming,<sup>40</sup> cash-based grants often breed corrupt practices and misallocation. Grant implementation must ensure a secure and transparent process for allocating funds<sup>41</sup> and proper identification and registration of the target population.<sup>42</sup> These risks are particularly high in environments with pre-existing issues of land tenure insecurity, such as Haiti.<sup>43</sup> Survey results illustrate that some respondents at Stade Sylvio Cator were not allocated funds at all, and those that did receive money were given less than the amount specified by the government's plan.

Cash based grant systems must also consider the appropriate level of flexibility regarding use of funds. Under the Martelly housing plan, cash grants will be allocated to housing; however in practice survey respondents suggested some or all of the funds would be spent on other needs.

### **38% of households had heard of plans to close their camp. Of those:**

- 53% heard from other camp residents
- 9% heard from the camp committee
- 2% heard from the radio or newspaper
- 6% heard from an NGO or the UN
- 6% heard from local government

### **82% had not been consulted on their opinion for closing the camp**

Of those who had, 33% had been asked by an NGO or the UN; 8% had been asked by the camp committee; and 8% had been asked by local government.

### **70% want camps closed. Why?**

*"Because this is private land"*

*"Because we live next to the airport, and foreigners shouldn't see us living like this"*

*"Positive, as long as I have somewhere else to*

When asked to identify their most pressing economic need, respondents listed housing/relocation (76%) as their primary concern, followed by education (11%), and then food (6%). While housing/relocation was the primary concern, respondents stated that if they were given cash to relocate, only 40 percent of them would be able to put the full amount towards relocation. One-third estimated that they would need to spend between 50 and 100 percent of the relocation money on other basic needs. Prioritizing such other needs may leave even those families that

receive a grant without durable housing solutions. Absent a strong system of monitoring and evaluation, the Haitian government will be unable to assess the impact of its grant system and may leave many still in need of secure housing solutions.<sup>44</sup>

Finally, cash based grants must be designed with careful consideration of realistic housing costs, such as market resources, material availability, and potential inflation.<sup>45</sup> This requires careful planning to assure that a correct level of allocation is set.<sup>46</sup> Government officials admit that the price of rent has increased dramatically since the earthquake following the influx of aid workers and limited availability of housing, and that the US\$500 offered to families at Place St Pierre on average was insufficient to rent a home suitable for a family of five in the Port-au-Prince metropolitan area.<sup>47</sup>

Survey results show the US\$250 allocated to residents upon eviction at Stade Sylvio Cator was inadequate to provide even basic materials for the construction of a one-room plywood shack, much less permanent housing that can withstand hurricanes. Small payments to displaced families that are not tied to a comprehensive housing assistance program fail to conform with the “durable solutions to displacement” required by the United Nations’ Guiding Principles on Internal Displacement<sup>48</sup> (“Guiding Principles”) and the requirement to provide “alternative housing” when relocation is necessary under the Guiding Principles<sup>49</sup> and the Pinheiro Principles.<sup>50</sup>

Small cash payments can also amount to economic coercion. A population suffering

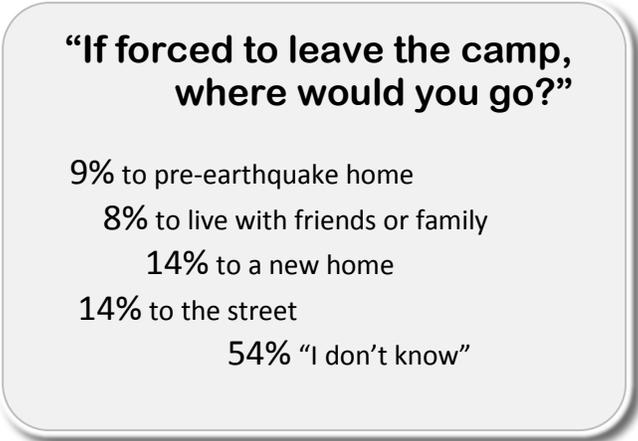
without access to healthcare, potable water, and other services will accept the money in the short-term out of desperation - lacking the power to insist on sustainable solutions. Survey results from several families from Sylvio Cator who received the offered compensation said that US\$250 would not meet their families’ housing needs in the short term, but they accepted the payments because they saw no better option. They believed they had no choice but to leave because they would either be kicked out by force without any money or leave with the money.

### Little effort had been made to involve communities at expiration of 100 days

The survey revealed a lack of community mobilization or involvement in any of the camps surveyed. Most survey respondents had not been informed of or consulted about camp closure/relocation plans. Respondents reported that their limited encounters with relocation officials/NGOs usually came in the form of asking residents to leave.

Former residents from Stade Sylvio Cator, which had already closed, reported that they received little communication or information about the camp closure and relocation plan before it happened. Forty-two percent of residents reported that no one had discussed the relocation plan with them. For those that were consulted, only eight percent reported being asked their opinion on how the relocation plan would impact their access to basic needs.

In the five remaining camps still open, 38 percent of the households surveyed had heard of plans to close their camp. Of those, 53 percent learned from rumor from other



residents, and only 12.7 percent heard it from a government official, the UN, IOM, or an NGO. Many complained that no details of the camp closure or relocation were provided. Only one respondent had heard of a date his camp would be closed (which was incorrect). Eighty-two percent of residents had not been consulted on their opinion for closure of their camp.

Community participation and empowerment must be critical components of the Martelly administration's housing plan. A rights-based approach to development ensures that the beneficiaries of aid are informed of the processes that affect their lives and have the opportunity to share their perspectives in a meaningful way. Haitians at all levels have found themselves left out of the decision-making processes on aid distribution – from top government officials overwhelmed by the “republic of NGOs” operating in their country, to the communities left homeless by the earthquake and struggling to survive.<sup>51</sup> International agencies have largely provided humanitarian services through a top-down approach, making decisions about peoples' needs without obtaining meaningful input from the communities receiving the aid.<sup>52</sup>

The value of the rights-based approach lies not only in its means, but also in its outcomes. An approach that consults with and *listens* to the target population is more effective in responding to their needs. The lack of a rights-based approach in the distribution of aid in Haiti has resulted in the ineffective or inefficient spending of much of the disbursed humanitarian aid.<sup>53</sup>

One of the most fundamental and simplest means of ensuring the cash-based grants and other housing options are sufficient to respond to the basic needs of recipients is adequate consultation with the target population.<sup>54</sup> Absent this consultation, Haiti may face a gap between the money allocated and the needs of target beneficiaries, limiting the effectiveness of the government's cash grant housing program. The Martelly Administration and UN and NGO bodies that assist in the housing plan are encouraged to use a rights-based approach that listens to the needs of the beneficiary displaced families rather than perpetuating a top-down approach that has proven ineffective in Haiti.

## Recommendations

- (1) Camp residents must be protected from violent and unlawful evictions. Camps should remain open and supported until families are able to move to alternate housing that meet minimum security and living standards;
- (2) Community outreach is critical for families to participate in every stage of the resettlement process and ensure that the program responds to their needs;
- (3) Housing assistance must be accountable and transparent to camp residents through a mechanism that delivers information about assistance; measures, monitors and makes public the outcomes of the project; and provides a mechanism for residents to register complaints about problems with project implementation; and
- (4) Cash payments for resettlement should be tied to a comprehensive assistance program to ensure that displaced families have access to durable and sustainable housing solutions.

## Acknowledgements

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## NOTES

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<sup>1</sup> INTERNATIONAL ORGANIZATION FOR MIGRATION, DISPLACEMENT TRACKING MATRIX V2.0 UPDATE 1 (Mar. 16, 2011) *available at* [http://www.cccmhaiti.info/pdf/DTM\\_V2\\_Report\\_15\\_Mar\\_English%20\\_FINAL3.pdf](http://www.cccmhaiti.info/pdf/DTM_V2_Report_15_Mar_English%20_FINAL3.pdf) (hereinafter “IOM DTM Report”), at 11.

<sup>2</sup> INTERNATIONAL ORGANIZATION FOR MIGRATION, EVICTIONS IN IDP CAMPS REPORT 2 (Mar. 2011) *available at* [http://ijdh.org/wordpress/wp-content/uploads/2011/04/IOM\\_EVICTION-REPORT-MARCH\\_2011-ENGLISH-1.pdf](http://ijdh.org/wordpress/wp-content/uploads/2011/04/IOM_EVICTION-REPORT-MARCH_2011-ENGLISH-1.pdf).

<sup>3</sup> Evictions are to be carried out: (1) only in the *most exceptional circumstances*; (2) after *all feasible alternatives* to eviction that address the exceptional circumstance are explored *in consultation with the affected community*; and (3) after due process protections are afforded the individual, group or community. A forced eviction is defined as “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.” *See* Committee on Economic, Social and Cultural Rights, *General Comment 7, Forced evictions, and the right to adequate housing (Sixteenth session, 1997)*, U.N. Doc. E/1998/22, annex IV at 113 (1997), reprinted in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, U.N. Doc. HRI/GEN/1/Rev.6 at 45 (2003); see also Report of the Representative of the Secretary-General on the Guiding Principles on Internal Displacement, Principle 7, U.N. Escor, 54th Sess., Agenda Item 9(d), U.N. Doc. E/CN.4/1998/53/Add. 2 (1998) *available at* [http://www.reliefweb.int/ocha\\_ol/pub/idp\\_gp/idp.htm](http://www.reliefweb.int/ocha_ol/pub/idp_gp/idp.htm) l.

<sup>4</sup> *See UN human rights officials voice concern at closure of displaced camp in Haitian capital*, UN NEWS CENTRE (July 21, 2011) at <http://www.un.org/apps/news/story.asp?NewsID=39115&Cr=haiti&Cr1>.

<sup>5</sup> Le Nouvelliste, *Haiti: Les places St-Pierre et Boyer bientôt vidées de leurs occupants* (Aug. 19., 2011) *available at* <http://www.lenouvelliste.com/articles.print/1/96217>; Agency for Technical Cooperation and Development and International Organization for Migration, *Overwhelming majority of Haitians living in displacement camps want to leave but have nowhere to go* (Aug. 5, 2011) *available at* [http://reliefweb.int/sites/reliefweb.int/files/resources/Full\\_Report\\_1967.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_1967.pdf).

<sup>6</sup> IOM DTM Report, *supra* note 1, at 11.

<sup>7</sup> Timothy Schwartz, *BARR Survey Report: Building Assessments and Rubble Removal in Quake-Affected Neighborhoods in Haiti*, USAID HAITI 33 (May 13, 2011) (unpublished draft report) (on file with the Institute for Justice & Democracy in Haiti).

<sup>8</sup> IOM DTM Report, *supra* note 1, at 13.

<sup>9</sup> IOM CAMPS REPORT, *supra* note 2.

<sup>10</sup> Three camps on public land, housing approximately 1,000 IDPs, were destroyed by Haitian police and the local mayor's office in the Delmas suburb of Port-au-Prince two weeks after Martelly was sworn in as President. The police came without a legal mandate and slashed tents with machetes, knives and batons. The attack prompted Nigel Fisher, the Humanitarian Coordinator of UN System in Haiti, to call on President Martelly's administration to "put an end to the use of force by police, as well as acts of intimidation, coercion and other threats to the displaced." In August 2011, the Mayor of Port-au-Prince threatened to move 20,000 people from Champ Mars, a camp on public land that is not part of the Martelly plan.

<sup>11</sup> *Id.*

<sup>12</sup> Inter-American Commission on Human Rights, *IACHR Expresses Concern Over Situation in Camps for Displaced Persons in Haiti*, Press Release (Nov. 18, 2011), available at <http://www.cidh.org/Comunicados/English/2010/115-10eng.htm>.

<sup>13</sup> Nigel Fisher, *La Communaute Humanitaire en Haiti Preoccupe Par La Multiplication Des Expulsions Dans Les Camps*, Press Statement (Sept 5, 2011) available at <http://reliefweb.int/node/445114>.

<sup>14</sup> Agency for Technical Cooperation and Development and International Organization for Migration, *Overwhelming majority of Haitians living in displacement camps want to leave but have nowhere to go* (Aug. 5, 2011) available at [http://reliefweb.int/sites/reliefweb.int/files/resources/Full\\_Report\\_1967.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_1967.pdf).

<sup>15</sup> Office of the Special Envoy for Haiti, Press Release (Sept 2011) available at <http://www.haitispecialenvoy.org/press-and-media/press-releases/analysis/>.

<sup>16</sup> Center for Economic and Policy Research, Haiti Relief and Reconstruction Watch, *43% of Donor Pledges Disbursed, But Where? To Whom?* (Sept 22, 2011) available at <http://www.cepr.net/index.php/relief-and-reconstruction-watch/>.

<sup>17</sup> Inter-Agency Standing Committee, Haiti Shelter Cluster, Summary Report by Municipality (Aug. 31, 2011) available at <https://sites.google.com/site/shelterhaiti2010/files/110831Summaryreportbycommune.pdf?attredirects=0>;

see also Mike Thomas, *One Year on, Haiti Still in Ruins*, BBC NEWS (Jan. 10, 2011) available at <http://www.bbc.co.uk/news/world-12113844>.

<sup>18</sup> *Id.*; see also Inter-Agency Standing Committee, Haiti Shelter Cluster, Shelter Report (Mar. 2011) available at

<https://sites.google.com/site/shelterhaiti2010>.

Thomas Adams, Special Coordinator to Haiti for the U.S. State Department, estimated in a speech before a panel hosted by the Congressional Black Caucus Foundation that approximately 80,000 temporary and permanent shelters had been build, 30% attributed by U.S. funding (Sept. 22, 2011).

<sup>19</sup> Nigel Fisher, *supra* note 13.

<sup>20</sup> Jacqueline Charles, *Martelly faces myriad challenges as he begins term as Haiti president*, MIAMI HERALD (May 14, 2011) available at <http://www.miamiherald.com/2011/05/14/2217144/martelly-faces-myriad-challenges.html>.

<sup>21</sup> Document Resume de Programme, Rehabilitation de 16 quartiers et retour volontaire des familles de 6 camps associes.

<sup>22</sup> Equipe MM, *Fermeture de six camps prioritaires au travers du lancement de la reconstruction definitive* (May 26, 2011).

<sup>23</sup> *Id.*

<sup>24</sup> One problem not addressed in the plan is how a property owner's promise to repair the housing and provide free rent in exchange for money will be enforced.

<sup>25</sup> *Supra* note 21, at 3.

<sup>26</sup> *Supra* note 22.

<sup>27</sup> *Supra* note 21.

<sup>28</sup> See "United Nations, The Human Rights Based Approach to Development Cooperation Towards a Common Understanding Among UN Agencies: Attachment 1 to Report of the Second Interagency Workshop on Implementing a Human Rights-Based Approach in the Context of UN Reform" (2003) available at [http://www.beta.undp.org/content/dam/aplaws/publication/en/publications/environment-energy/www-ee-library/external-publications/un-the-human-rights-based-approach-to-development-cooperation/UN\\_Common\\_Understanding\\_on\\_Human\\_Rights\\_Based\\_Approach\\_to\\_Development\\_Cooperation\\_and\\_Programming.pdf](http://www.beta.undp.org/content/dam/aplaws/publication/en/publications/environment-energy/www-ee-library/external-publications/un-the-human-rights-based-approach-to-development-cooperation/UN_Common_Understanding_on_Human_Rights_Based_Approach_to_Development_Cooperation_and_Programming.pdf).

<sup>29</sup> *Id.*

<sup>30</sup> These statistics are consistent with findings in camp surveys in July 2010 and December 2010. The July survey showed that 75% of families had someone go an entire day without eating in the past week and over 50% indicated that their children did not eat for an entire day. See, INSTITUTE FOR JUSTICE & DEMOCRACY IN HAITI (IJDH) ET AL., WE'VE BEEN FORGOTTEN: CONDITIONS IN HAITI'S DISPLACEMENT

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CAMPS EIGHT MONTHS AFTER THE EARTHQUAKE (2010), available at <http://ijdh.org/archives/14633>. The December survey showed that 71% had someone go a day without eating and 53% had at least one child go a day without eating. See, IJDH, ONE YEAR AFTER THE EARTHQUAKE – HAITIANS STILL LIVING IN CRISIS (2011).

<sup>31</sup> Mark Snyder & Markenson Bellevue, *Paying off the Internally Displaced: Haiti's Acceptable Forced Evictions?*, BRI KOURI NOUVEL GAYE (July 19, 2011), <http://brikourinouvelgaye.com/2011/07/19/paying-off-the-internally-displaced-haitis-acceptable-forced-evictions/>.

<sup>32</sup> Ingrid Arnesen and Nicholas Casey, *Haitian Refugees Caught in Stadium Standoff*, WALL STREET JOURNAL (Apr. 6, 2011) available at <http://online.wsj.com/article/SB10001424052748703712504576245213280944284.html>.

<sup>33</sup> *Friday, the displaced of camp Sylvio Cator will be evacuated*, HAITI LIBRE (July 13, 2011) at <http://www.haitilibre.com/en/news-3370-haiti-social-friday-the-displaced-of-camp-sylvio-cator-will-be-evacuated.html>.

<sup>34</sup> Interview with Clément Bélizaire in Pétienville, Haiti (Aug. 16, 2011).

<sup>35</sup> Interview with Clac Erick Louis, Maire-Adjoint, Conseil Municipal de Pétienville, in Pétienville, Haiti (Apr. 20, 2011).

<sup>36</sup> Trenton Daniel, *Many leaving Haiti's earthquake settlement camps*, ASSOCIATED PRESS (Apr. 1, 2011) available at <http://www.cbsnews.com/stories/2011/04/01/ap/latin-america/main20049774.shtml>.

<sup>37</sup> Id.

<sup>38</sup> Paul Harvey, *Cash-Based Responses in Emergencies*, 1, 21 (Humanitarian Policy Group, Report 24, 2007) available at <http://www.odi.org.uk/resources/download/229.pdf> (noting the viability of cash-based responses to a variety of needs in post-disaster environments, including the need for durable housing solutions).

<sup>39</sup> Id. at 11.

<sup>40</sup> Id. at 32; Michael Samson et. al., *Designing and Implementing Social Transfer Programs 75* (Economic Policy Research Institute, 2006) available at <http://www.prpzim.info/resources/socialtransfersguide.pdf> (arguing cash based systems may mitigate corruption generally seen during procurement and transportation of goods).

<sup>41</sup> Paul Harvey, *supra* note 38, at 31.

<sup>42</sup> Id. at 33 (Noting issues of corruption regarding registration of recipients in assistance programs following Hurricanes Katrina and Rita). See also, *Gains and Gaps: A Status Report on IDPs in Kenya*

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2008-2010, Kenya Human Rights Commission 38-9, available at

[http://www.khrc.or.ke/component/docman/doc\\_detail/s/17-gains-and-gaps-a-status-report-on-idps-in-kenya-2008-2010.html](http://www.khrc.or.ke/component/docman/doc_detail/s/17-gains-and-gaps-a-status-report-on-idps-in-kenya-2008-2010.html). This report on the status of displaced persons following electoral violence in 2007 describes misallocation of funds to persons not within the originally targeted group (persons that lost property) based on a poor system of registration, resulting in some deserving IDPs receiving no money. In total, the report cites estimated 400 million Kenyan Shillings (approximately 4 million USD) was misappropriated.

<sup>43</sup> Lesley Adams & Paul Harvey, *Learning from Cash Responses to the Tsunami: Cash and Shelter 2* (Humanitarian Policy Group, Issue Paper 4, 2006) available at [www.odi.org.uk/resources/download/3777.pdf](http://www.odi.org.uk/resources/download/3777.pdf) (recognizing the potential for insecurity regarding land rights and property ownership to lead to corruption and misallocation of cash for housing).

<sup>44</sup> Lesley Adams & Paul Harvey, *Learning from Cash Responses to the Tsunami: Monitoring and Evaluation* (Humanitarian Policy Group, Issue Paper 6, 2006) available at <http://www.odi.org.uk/resources/download/3779-background-paper.pdf> (discussing the need for strong monitoring and evaluation programs to determine the utility of cash-based assistance and relying on lessons learned from evaluation of post-tsunami assistance efforts).

<sup>45</sup> Paul Harvey, *supra* note 38, at 13, 22.

<sup>46</sup> Lesley Adams & Paul Harvey, *Learning from Cash Responses to the Tsunami: Setting the Value* (Humanitarian Policy Group, Issue Paper 3, 2006) available at

<http://www.odi.org.uk/resources/download/3776-background-paper.pdf> (Discussing the critical importance of determining an appropriate value for grants prior to their allocation).

<sup>47</sup> Interview with Philippe A. Philius, Directeur Administratif et Financier, Mairie de Delmas, in Delmas, Haiti (Apr. 15, 2011); Interview with Clac Erick Louis, Maire-Adjoint, Conseil Municipal de Pétienville, in Pétienville, Haiti (Apr. 20, 2011).

<sup>48</sup> Walter Kaelin, "Framework on Durable Solutions for Internally Displaced Persons", February 9, 2010, U.N. Doc. A/HRC/13/21/Add.4 available at [http://www.brookings.edu/~media/Files/rc/reports/2010/0305\\_internal\\_displacement/0305\\_internal\\_displacement.pdf](http://www.brookings.edu/~media/Files/rc/reports/2010/0305_internal_displacement/0305_internal_displacement.pdf).

<sup>49</sup> Representative of the Secretary-General, *Report on the Guiding Principles on Internal Displacement, delivered to the Commission on Human Rights*, U.N. Doc. E/CN.4/1998/53/Add.2, principle 7(2) (June 2001) ("The authorities undertaking such

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displacement shall ensure, to the greatest practicable extent, that proper accommodation is provided to the displaced persons, that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated”).

<sup>50</sup> Special Rapporteur on Housing and Property Restitution, *Final Report on the Principles on Housing and Property Restitution for Refugees and Displaced Persons*, U.N. Doc. E/CN.4/Sub.2/2005/17, principle 17(3) (June 28, 2005) (by Paulo Pinheiro) (“In cases where evictions of secondary occupants are justifiable and unavoidable, States should take positive measures to protect those who do not have the means to access any other adequate housing other than that which they are currently occupying from homelessness and other violations of their right to housing.”).

<sup>51</sup> WE’VE BEEN FORGOTTEN, *supra* note 24; “In spite of this, the most striking aspect of the response to the earthquake in Haiti is perhaps the decision to treat Haiti as a charity case rather than as a space where legal obligations exist and guide interventions.” Beatrice Lindstrom and Brian Concannon (forthcoming).

<sup>52</sup> See e.g. Oxfam Briefing Paper: *From relief to recover, Supporting good governance in post-earthquake Haiti*, pp. 2-4 (Jan. 6, 2011) available at [http://www.oxfam.org.uk/resources/policy/conflict\\_disasters/downloads/bp142-relief-to-recovery-060111-en.pdf](http://www.oxfam.org.uk/resources/policy/conflict_disasters/downloads/bp142-relief-to-recovery-060111-en.pdf).

<sup>53</sup> NYU School of Law Center for Human Rights and Global Justice, IJDH, LinkHaiti, Inc., Robert F. Kennedy Center for Justice and Human Rights, *Universal Periodic Review: Right to Food, Water and Sanitation Report* (March 24, 2011) available at <http://ijdh.org/archives/17952>.

<sup>54</sup> See, e.g., *Gains and Gaps: A Status Report on IDPs in Kenya 2008-2010*, Kenya Human Rights Commission fn. 12, available at [http://www.khrc.or.ke/component/docman/doc\\_detail/s/17-gains-and-gaps-a-status-report-on-idps-in-kenya-2008-2010.html](http://www.khrc.or.ke/component/docman/doc_detail/s/17-gains-and-gaps-a-status-report-on-idps-in-kenya-2008-2010.html) (discussing the negative impact of inadequate consultation with target populations prior to grant allocation); Walter Kaelin, *supra* note 48.