

TESTIMONY OF MONIKA KALRA VARMA

Delivered to the Inter-American Commission on Human Rights

**During a Hearing on the
Economic and Social Rights Situation in Haiti following the Earthquake
and the Human Rights Obligations of OAS Member States**

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My name is Monika Kalra Varma and I am the Director of the Robert F. Kennedy Center for Human Rights. On behalf of the RFK Center, I would like to thank the Commission for the opportunity to address you today on this important issue. Today I will focus on concrete ways for OAS Member States to operationalize a rights-based approach in Haiti, focusing on participation, transparency, and accountability.

A rights-based approach to development, as stated in the UN Common Understanding, requires that the “human rights standards contained in, and principles derived from, the Universal Declaration on Human Rights and other international human rights instruments guide all development cooperation and programming.” Within the Americas, the rights-based approach should incorporate Inter-American standards.

The immediate recovery and long-term reconstruction efforts in Haiti present seemingly insurmountable challenges. In Port-au-Prince, the capacity of the Government of Haiti was severely impacted as a result of the earthquake. The physical structures of many of the Ministries were leveled, many civil service employees lost their lives, and much of the capital was destroyed. These losses are well known, but what has received substantially less attention is the impact the earthquake has had across Haiti.

During my recent trip to Port-au-Prince, Léogâne, and St. Marc we examined the needs of the communities outside of Port-au-Prince. More than 600,000 internally displaced persons have left the cities for the rural regions. This staggering exodus has far exceeded the capacity of local communities, which themselves were in dire need of significant long-term assistance to provide basic services, food, education and economic opportunities before the earthquake. They now face an incredible burden of supporting these new community members. These challenges can, however, be addressed by supporting local governments, community initiatives, and national efforts to coordinate local work. During our visit, we witnessed such local initiatives in action.

St. Marc, a community of 300,000 has welcomed and is supporting 35,000 internally displaced persons (“IDPs”), including 9,000 school-age children. The local government, in response to a directive issued by the central government, is registering all IDPs and working to ensure that schools, that were already stretched thin, can accommodate the influx of children. The IDP communities we visited there are housed in centers—unused and converted buildings that once hosted clinics or hotels—rather than camps, and services are being coordinated by the mayor’s office and NGOs. In addition, one thousand families have taken earthquake survivors into their homes. The effort in St. Marc to provide meaningful

protection of the economic and social rights of these IDPs is possible because of the cooperation and leadership of the local government and communities.

Unfortunately, the assistance needed in these areas far exceeds the amount of aid reaching St. Marc and other communities across Haiti. As food supplies run short and opportunities for income generation remain scarce, it is very likely that the displaced will return to Port-au-Prince to seek the aid that is concentrated there. The director of one center told us that he had seen many families return to the capital when they could not find sufficient aid in St. Marc. Therefore, we urge the Commission to emphasize to OAS Member States that aid must reach all parts of the country.

For several years, the organizations present here today have tried unsuccessfully to track pledges of foreign assistance made to Haiti, to monitor the amounts actually delivered, and to assess project implementation. It was extremely difficult—verging on impossible—to do this because an infrastructure to track funds does not exist. Haitians have a right to have a say in how funds are spent in their country, and they should have recourse if projects are poorly implemented, not implemented, or are doing harm to their communities. Rhetoric from international officials supports rights-based principles such as transparency, however, unless Member States take specific steps to create concrete mechanisms, it will be nearly impossible for the Haitian government and especially impacted Haitian communities to follow the money trail.

Together with the government of Haiti and several key international stakeholders, we support the creation and utilization of a Multi-Donor Fund, one which would serve as a central coordinating mechanism where funds would be channeled to priority sectors identified by the Haitian government and civil society. To encompass a human rights based approach, the Fund must be transparent and easily accessed to encourage participation. We ask that Member States use the Multi Donor Fund to channel their contributions to Haiti. Further we recommend that Member States fund and support a central website that tracks money pledged, presents project plans, and provides status updates on project implementation. A parallel mechanism to share this information at the community level and solicit feedback from the ground is also needed and should be supported. This can be done for example, through radio or community meetings.

Participation by Haitians in developing and monitoring projects is critical for their success and a key element of the rights-based approach. We welcome preliminary efforts of the Haitian government and the international community since the earthquake to include civil society in the Post Disaster Needs Assessment process and the preparatory meetings for the donors' conference to be held on March 31, 2010. However, these efforts have not reached a significant segment of civil society. In order for OAS Member States to truly respect and fulfill their obligations, it is important that they take steps to institutionalize such participation in long-term reconstruction and development programs. The voices of the most vulnerable must be heard—these include Haitians living in IDP camps, children, and women, with specific outreach to those who are facing a significant increase in sexual violence, the disabled and the elderly. A formal complaint mechanism should be developed with the Haitian government to address problems with both Haitian government and international donor projects at the community level.

The Haitian government holds primary responsibility for fulfilling the human rights of its people, including the rights to health, water, food and education. The reported 10,000 NGOs working in Haiti play a vital role in providing much needed services and support in these sectors. Yet they often work in isolation from the Haitian government and outside the government infrastructure, creating parallel

systems that lack accountability and meaningful input from Haitians. Partnership with the Haitian Government is important from a human rights perspective and is key to sustainable development.

Thus, in order to protect the economic and social rights of the Haitian people, OAS Member States should prioritize coordination with the Government of Haiti. This can be accomplished by encouraging NGOs receiving donor state funds to coordinate and develop true partnerships with the government.

OAS Member States continue to stand with and support the rights of the Haitian people. It is now time to implement concrete mechanisms to ensure participation, transparency and accountability so that this assistance translates into real change in Haiti.

Thank you.