

**National Network of Human Rights Defense
(RNDDH)**

**The general situation of the country
four months after the earthquake of
January 12, 2010**

May 12, 2010

Summary

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Introduction

January 12, 2010 to May 12, 2010, *four* (4) months after a massive earthquake has devastated several towns in the country, resulting in incalculable losses of life and extensive material damage, the overall situation was and remains a concern. Hundreds of thousands of victims still languish in the streets under tents, tarps, and rags turned into makeshift shelters, in subhuman conditions, in addition to being faced with inclement weather and abuses of all kinds. The rights to health, education, security, food housing, work, social security are violated daily.

Several measures for the assessment of homes, displacement of people to more appropriate and manageable sites, the reopening of classes in municipalities affected by the earthquake, as well as the preparation for the rainy season were, among other measures announced by government. What is the materialization of these measures?

In this third report, the National Network for the Defence of Human Rights (RNDDH) intends to review the human rights situation in Haiti in light of governmental and non governmental organizations, *four* (4) months after the earthquake, by putting the emphasis on the changing conditions in which the victims live.

I. **General environment of the country**

For over a decade, different governments in power have said they want to develop and implement a policy of protecting the environment with a heightened focus on the watersheds and vegetation cover of the country, which in 2009, was estimated at only 2%.

Today, it is clear that the absence of this policy is felt every day a little more. The country remains highly vulnerable to natural disasters and faced with imminent disaster, state authorities have no plan for prevention or protection of the population. In addition, no measures are taken to reforest the country and stop the rampant cutting of trees.

In the majority of host sites visited by RNDDH, displaced persons use wood for daily cooking, while others cater to charcoal. Such is the case of sites visited in **Jacmel, Leogane** , and in other parts of the West department.

The earthquake of January 12, 2010 was not predictable. This is however not the case for the wet season and cyclone season, which each year causes significant damage in the country. However, as a prelude to this season, no serious work of cleaning of drains, sewers and gullies is undertaken by the government, while many sites are located near rivers and on steep mountains,

and exposed to large risks of flooding and landslides. During the period from February 27th to March 7th 2010, heavy rains fell on the Nippes and in the South killing at least *seventeen* (17) people, the disappearance of *three* (3) and displacement of over *three thousand* (3,000) people living in the areas at risk. This shows the level of environmental degradation in Haiti and the exposure of the Haitian population in general and vulnerable people in particular to the various natural disasters that lie ahead.

In the present context, the situation could get worse since the tents assigned to displaced persons are not all waterproof. The tarps and plastic sheeting that protect against rain artificially and are not likely to withstand the winds.

II. **Camp environment**

Because of the spontaneity with which the camps were created after the earthquake, the sites are now located in various high risk locations such as the beds of rivers, hillsides, flood lands, etc..

Moreover, the environment in which displaced persons are living is nauseating and filthy: domestic sewage sits undrained to stagnate nearby camps, generating all kinds of pests. Garbage is thrown on the ground and the few existing bins are filled to bursting, public toilets are dirty and poorly maintained. This situation has not changed, despite the regular interventions of certain national and international institutions at multiple sites. The chaotic provision of tents and plastic sheeting placed one on top of the other strains any hint of health services. Displaced persons, of both sexes are often forced to bathe in the open without any privacy. The spaces adjacent to the tents are used for all kinds of household purposes: laundry, cooking, bathing, games and recreation, dumping gray water, etc..

If tents and tarps have been distributed to victims remaining at the sites, even today, many families with dependent children still live under scraps of dirty fabric, without any protection against the weather.

III. **Conditions for displaced victims**

On March 19, 2010, the Executive Branch issued a decree on the expropriation of land from several owners. This decree was published in the national newspaper March 22nd, 2010. A total of *eight* (8) properties totaling *one hundred fifty* (150) acres of land have been requisitioned by the Haitian State for the relocation of victims of January 12th, 2010. The land, mostly located at the corner of **Riviere Bretelle** until **Champigny**, at **Corail Cesselesse**, at **Montet**, **Lerebours**, in **Morne St Christophe**, **Latanier** and **Cocombre**, have been declared for public use.

As stipulated in Article 2 of the Order cited above, these properties will be used to redevelop the metropolitan area of **Port-au-Prince** and in part for the relocation of victims of the earthquake of January 12th, 2010. This decree provides, in Article 5, that within *fifteen* (15) days the owners must submit their title deeds or documents supporting their right of occupancy.

Meanwhile, the Haitian government has undertaken the redevelopment at multiple sites, aiming to relocate the displaced persons who are currently found in public and/or hazardous spaces to more appropriate areas. Thus, the **L'Ancienne piste de l'aviation** and the site at **Corail Cesselesse** respectively located at **Delmas 1** and **Croix des Bouquets**, have been arranged to receive a total of *nine thousand* (9,000) families.

The institutions involved in the relocation of people offer these *five* (5) options: return home after evaluation, relocation to a secure site, living with a foster family, relocating to nearby buildings destroyed or installed in a relocation sites prepared.

1. **Corail Cesselesse**

After the earthquake, *ten thousand* (10,000) victim families fled to the site of **Petion-Ville Club** located at **Delmas 40 B**. By its geographical configuration, this space is an area at high risk of flooding. To relocate these families, the government has chosen **Corail Cesselesse**, a town in the West department, located at the foot of the chain Matheux, near the town **of Croix des Bouquets**.

If the land was granted by the Haitian government, the drainage works, and leveling the ground have been made by international agencies such as the **International Organization for Migration** (IOM), the **United Nations Fund Children's Fund** (UNICEF), **World Food Programme** (WFP), Oxfam, World Vision, Save the Children, etc..

On April 27, 2010, *One thousand three hundred fourteen* (1314) tents for the reception of over one *thousand* (1,000) families, were installed at **Corail Cesselesse** and the site is divided into *six* (6) blocks:

1. Block 1: *two hundred ninety-four* (294) tents
2. Block 2: *one hundred ninety-seven* (197) tents
3. Block 3: *One hundred forty-five* (145) tents
4. Block 4: *two hundred thirty-one* (231) tents
5. Block 5: *two hundred twenty-eight* (228) tents

6. Block 6: *two hundred and fifty nine* (259) tents

Five (5) of the *six* (6) blocks above have private washroom facilities and a reservoir to store water. The drainage works are still continuing. A space is reserved for the installation of school facilities; however, no information on the capacity of this space and the number of children already on the site is available.

Since Saturday, April 10, 2010, the process of moving people towards **Corail Cesselesse** began. On April 27, 2010, approximately *four thousand two hundred forty-eight* (4248) people have been relocated.

Those relocated to **Corail Cesselesse** are assigned one tent per family. On the day of their relocation, a food kit containing rice, flour, salt and peas is distributed to victims. Officials said the food aid should not exceed the first *fifteen* (15) days of relocating these families. Moreover, to urge the victims to move, NGOs working in Delmas 40 B promised *fifty* (50) dollars to each family that voluntarily agreed to leave the camp to go to **Corail Cesselesse**.

The site at **Corail Cesselesse** is devoid of trees. No possibility of shadow is available to victims who are therefore forced to spend all day inside the tents which offer shade, but under suffocating heat. In addition, the site is located outside the capital, completely without walls and is not electrified.

2. **Ancienne piste de l'aviation (Former aviation runway)**

The site of the **Ancienne piste de l'aviation** was built for the reception of *four thousand* (4,000) families. *Two thousand* (2,000) canvas tents have been installed to accommodate *two* (2) families each. Toilets and showers were built for the needs of victims. On April 27, 2010, tents, apparently positioned to receive the victims located on **Champs de Mars**, are uninhabited, and are already worn by the sun and the rain.

The land is also totally devoid of trees, offering no space for shade, forcing the occupants to move around the site during the day because of the sun and heat. The gravel used to grade the soil and prevent stagnation of rainwater and grey water, constitutes an obstacle for the recreation of children and the normal circulation of people inhabiting the site. The tents are very closely spaced, forcing inhabitants to live in very close-quarters with a total lack of privacy.

Like the site at **Corail Cesselesse** site, no walls or gates protect the site of the former aircraft runway, which is currently accessible to anyone, anytime in an area already deemed highly dangerous.

It should be noted that the displacement of affected families is not always done in a flexible manner, as is the case of victims at the **Petion-Ville Club** site.

Sylvio Cator stadium and several other camps located in private spaces such as private schools, have been forcibly emptied of their occupants. This state of affairs is found both in areas affected by the earthquake, and in the camps in areas unaffected by the earthquake.

IV. **Situation of the disabled**

After the earthquake of January 12, 2010, the number of people with physical and mental disability has increased dramatically. According to official figures published by **the Secretary of State for Integration of Persons with Disabilities** (SEIP), the number of people suffering from physical disabilities as a result of the amputation of one or more members is estimated at about *six thousand* (6,000). Added to previous figures, the total number of persons who have physical disabilities has increased from *eight thousand five hundred* (8,500) to *fourteen thousand five hundred* (14,500).

The **Secretary of State for the Integration of Persons with Disabilities** has also indicated that at least *thirty-seven* (37) persons living with physical disabilities, on the day of the earthquake, were killed because of their physical disability. Others have lost everything they owned and are found in the camps, like other victims of the earthquake. Meanwhile, in the aftermath of the earthquake, all the homes that surrounded the disabled have been damaged.

The general living conditions for this category of people, already alarming, were worsened by the earthquake. In fact, they operate in an environment that is hostile. They are abandoned to their fate, with no consideration given their vulnerability.

This is in addition to the fact that disabled people are ignored in the distribution of humanitarian aid, and are subjected to all sorts of abuses. For example, March 16th, 2010, a shipment of food sent into **Cité Soleil**, for the direct benefit of disabled people living in this slum, has been hijacked by armed bandits.

Handicap International, a non-governmental organization present in Haiti, identified many people who have suffered amputation, in the aftermath of the earthquake. To date, *three hundred and seventy to eight* (378) persons have been listed by the organization among them, *fifty-six* (56) children aged between *five* (5) and *seventeen* (17) years. *Fifty-seven* (57) of these victims lost an arm, *three hundred sixteen* (316), a leg and five (5) others have lost an arm and a leg. These victims are being assisted materially and psychologically.

Meanwhile, doctors of different nationalities working with victims of the earthquake are housed in the premises of the orphanage **Love a Child**, located in **Fonds Parisiens**. Installed since January 16th, 2010, they have provided

health care to 1700 (1,700) victims of the earthquake. Among the victims treated, *forty-eight* (48) amputees, *five* (5) children were listed. In addition, *two* (2) people have each lost *two* (2) legs, *two* (2) others lost two (2) arms and a woman lost one (1) arm and *one* (1) leg.

V. **Building Evaluation**

On February 22nd, 2010, the **Secretariat of State for Public Security** issued a statement banning all construction and repair of damaged houses. Since March 2010, the **Department of Public Works, Transport and Communication** began with the assessment process for houses in the metropolitan area. At this stage, *three* (3) colors were used to demonstrate the degree of house affectedness by the earthquake. Red, yellow and green respectively refer to the demolition, repair and stability of the home appraised. On April 19th, 2010, the number of houses assessed amounted to *thirty-nine thousand* (39,000). Among them, 30% damaged and 44% are inhabitable. The authorities plan to evaluate in total *one million* (1,000,000) homes.

However, the evaluation operations are slow and, despite the building ban, many people engage openly in construction or repair without prior assessment required by the authorities, and in total disrespect of the seismic standards which are an extremely important part of the re-building in Haiti. In addition, certain homes evaluated and aggregated by the experts in the category of houses to be demolished are being repaired by their owners.

VI. **Coordination of Humanitarian Aid**

According to the report presented by the **United Nations Office for the Coordination of Humanitarian Affairs** (OCHA), 12th of January to 16th of April 2010, more than *three million five hundred thousand* (3,500,000) people located in **Port-au-Prince**, **Jacmel** and **Leogane** have received food aid, *one million three hundred thousand* (1,300,000) people have been drinking potable water, and more than *one million* (1,000,000) were provided emergency shelter and *five hundred and ten thousand* (510,000) others have benefited from hygiene kits ².

The above figures reflect an active presence of the international community on the ground. However, IDPs show a continuing dissatisfaction vis-à-vis the distribution of humanitarian assistance, particularly with respect to food kits.

The information collected by RNDDH argues that only 5-10% of those victims located at sites visited by RNDDH acknowledge having received non-food kits. However, they are unanimous in claiming to have at their disposal water, in quantity, daily. Conversely, people who moved to the **Lyceum Pinchinat** sites and **Portail de Léogane de Jacmel** claim to regularly receive through their

management committee, food rations. If they complain of not receiving rice, peas, oil, water and salt, they offer, however, that the ration given to them is sufficient. These people are organized for the daily preparation of food. At this stage it is appropriate to question the methods of distribution, and where there organizing committees in the camps, they give satisfactory results.

During the months of February and March 2010, large queues were seen in various distribution points located near the shelter sites. Today, the distribution points and the queues are becoming increasingly rare.

VII. **Cash for Work Programme**

The **Cash for Work** program is implemented by the **United Nations Organization**, and leadership of the program is granted to the **United Nations Development Programme** (UNDP), together with the Haitian Government through various municipalities and **the Directorate of Civil Defence**. It was designed to allow victim families to earn a little money to meet their needs. Well received by the population, this program contains several components including street cleaning and clearing spaces. To this end, UNDP has provided a lot of hardware and tools estimated at least *one million two hundred thousand* (1,200,000) U.S. dollars. These materials consist of *four thousand five hundred* (4,500) wheelbarrows, *ten thousand* (10,000) shovels, one *hundred thousand* (100,000) helmets, and one *hundred twenty thousand* (120,000) t-shirts. Today, about *thirty-five thousand* (35,000) people have been hired under this program and one *hundred and seventy-five thousand* (175,000) U.S. dollars will be injected into the local economy each day via daily wages.

However, the results of this program have no conclusive effect on the community. The streets are still dirty, with piles of rubbish and debris of collapsed buildings, blocking the movement of pedestrians and motorists. In addition, the kinds of work available to recipients of this program are limited. Without masks or gloves, they flounder for the most part in the dirty waters of sewage, mud and filth.

The problem of waste management has never been a concern for the authorities who have never tackled the problem seriously and effectively, and adopted solutions have been limited in their scope. Today this is also the case of **Cash for work** projects proposing that street cleaning does not address the root problem.

Several organizations are involved in clearing sites. In this sense, they hire youth, still in the **Cash for Work** projects. The findings remain the same in regard to the difficult conditions for youth working in a cloud of dust with no masks to protect themselves. In addition, as part of street cleaning, results are not palpable. In **Port-au-Prince**, several houses are severely damaged, and

represent an imminent danger to the population, as they have not been destroyed. The piles of rubble impede traffic and cause traffic jams, and families whose houses have collapsed are forced to hire their own workers to demolish their clearing houses.

Added to this, there are many people benefiting from the program, known by RNDDH who complain of not receiving their pay on time because of mismanagement of this program by the authorities. In addition, the programme **Cash for Work** is a source of corruption. Information collected on the ground reports that many women were forced to have sexual relations with officials in order to be hired and to ensure the renewal of their contract.

Several million dollars have been invested in **Cash for Work** projects. This amount could be used to clean the canals, drains, gullies in preparation for the hurricane season or to implement projects such as reforestation of the country and repair some sections of roads damaged during the earthquake of January 12th, 2010.

VIII. **United Nations Summit on Haiti**

Prior to the Summit of the **Organization of the United Nations** (UN) on March 31st 2010, several preparatory meetings were held under the auspices of international agencies including the **World Bank** and the **Inter-American Development Bank** including the **Dominican Republic, Canada, Martinique**, etc.. These preparatory meetings were intended to combine and strengthen the contribution of the international community to rebuild Haiti.

The different conclusions of these meetings have served as a starting point in discussions of the United Nations summit on Haiti. Meanwhile, bilateral partners have engaged the services of experts in their respective countries for the preparation of a **Post Disaster Needs Assessment** (PDNA) to collect information on damage caused by the earthquake and determine the main axis for the reconstruction of the country. About *two hundred fifty* (250) to *three hundred* (300) experts have been divided into *eight* (8) working groups:

1. Governance
2. Political sector
3. Social sectors
4. Infrastructure
5. Territorial Development

6. Environmental and Disaster Management
7. Macro-economic analysis
8. Cross-cutting (Gender, Culture and Youth, etc.).

The Haitian government through its respective ministries, the **World Bank**, the **European Commission** and the **Inter-American Development Bank** have been invited, each in their respective area of concern, to share their knowledge in the preparation of this document. The report presented at the conference in **Santo Domingo** had six (6) pillars including the preparation for the hurricane season, disaster and risk management, the employment policy, the decongestion of the capital, and the development of provincial towns.

On March 31st, 2010, the UN summit on the reconstruction of Haiti brought together over one *hundred* (100) countries including **Canada**, the **United States**, and **France**. Regional organizations such as the **Organization of American States** (OAS), the **Caribbean Community** (CARICOM), and the **European Union** (EU) were represented at the summit. Donors made promises to the tune of *nine billion nine hundred million* (9.9 billion) U.S. dollars for the reconstruction of the country. In addition, **the Interim Commission for the Reconstruction of Haiti** (HRIC) has to be implemented for a period of *eighteen* (18) months.

IX. **Amendment to the Act on the state of emergency September 9, 2008**

Following the earthquake, January 17th, 2010, the Haitian government declared a state of emergency throughout the territory for the period until the end of the month. On January 31st, 2010, the state of emergency was renewed. Subsequently, the Government has requested an extension for a period of *eighteen* (18) months from the submission to the legislative body of a bill amending the Act on the state of emergency September 9th, 2008. Reactions to this application are very controversial. However, on April 8th, the **House of Representatives** endorsed the bill by *forty-three* (43) votes, *five* (5) votes against and *eight* (8) abstentions. On the 16th of April, the **Senate of the Republic** approved the bill by *thirteen* (13) votes for, *one* (1) vote against and *two* (2) abstentions. On April 19th, 2010, the Act was published in **Le Moniteur**.

The Act provides in Article 14 that:

"It is established under Article 7. § 17 of this Act, the Interim Commission for the Reconstruction of Haiti (HRIC).

HRIC's mandate is to implement the Development Plan for Haiti submitted by the Government in response to the consequences of the earthquake that devastated the country January 12th, 2010. It gave its approval to proposed projects evaluated in terms of conformity with the Development Plan for Haiti. It develops and solicits projects that are consistent with the priorities of the Development Plan for Haiti and decide the admissibility of external bids.

The HRIC is created for a period of eighteen (18) months. It is composed of Haitian officials and members of the Haitian community and internationally. ... "

The idea of appointing foreigners within a structure responsible for making policy decisions and taking administrative action strikes against the provisions of Article 56 of the Constitution which states that ***"An alien may be expelled from the territory of the Republic when interfering in the political life of the country and in the cases determined by law."*** Furthermore, the organization of the state is centered around *three* (3) branches. These are legislative, executive and judicial. ***"All these three powers are the essential foundation for the organization of the civil state,"*** required by Article 59.1 of the Constitution. Substituting the government with this interim commission, the Act undermines the essential foundation of the state. ***The Act of April 19th, 2010 is therefore unconstitutional.***

Haiti was the first independent black republic in the world and the only one to have gained its independence from a mass insurrection of slaves. It is therefore a ***Sovereign State***. Sovereignty is the monopoly of self determination, organized in *two* (2) key attributes of the state. ***"Sovereignty means that the state has the necessary competence to organize itself, to define its organization without legally having to refer to another authority. It determines for itself its own powers by the Constitution."***³ However, the Constitution, in Articles 58, 59, 59.1, 60, 60.1, 60.2, lays down the principles of state organization and responsibilities attached to the acts of each government holding a piece of national sovereignty. The HRIC on the contrary, has no political responsibility vis-à-vis public authorities and yet aims to re-establish the state. By this law, national sovereignty is on hold. ***The Act of April 19, 2010 is unpatriotic.***

The current Constitution specifies the limits in the realm of individual liberties that the state cannot cross. It guarantees the rights and freedoms to which the State can and cannot deviate except during a state of siege and for a very short period, *fifteen* (15) days. However, the Act allows the Chief of the State, a

period of *eighteen* (18) months of deviation from the standards applied, wherein it might employ a restriction of certain fundamental freedoms. It grants emergency powers to the executive who can operate without a budget, regardless of the arrangement of government which is entrusted with the authority of the State. In short, the resulting situation during this period, means that the Head of the State can decide everything, according to his/her whims. It is a system of concentration of powers, which dangerously undermines the rights of citizens and foundations under the rule of law for which the Haitian people have sacrificed so much. ***The Act of April 19th 2010 is therefore anti-democratic.***

X. **Police Nationale d'Haiti (PNH)**

The HNP officers are returning to work and try to gradually raise their head despite the fact that many of them have lost members of their families. No psychological evaluation and no plans of financial support have, to date, been established to assist them. In addition, if the remuneration of officers was done regularly, the cards distributed for the cost of food, were given out late. For example, the actual cost of food for the month of January 2010 was not yet available in March.

Several stations and sub-stations that have not been seriously damaged by the earthquake have reopened. Other stations such as those of ***Miragoâne, Petit-Goâve, Grand-Goâve, Leogane, Port-au-Prince, Delmas 33***, etc.. operate in tents, awaiting the necessary repairs or reconstruction of their buildings.

In general, it is difficult for officers of the HNP to work in tents. This difficulty is even more evident when it comes to running a detention order. For example, the Office of ***Grand Goave***, with the buildings being unusable, the detainees are kept in the courtyard of the station during the day, and share tents at night with the police officers.

Despite the difficult working conditions mentioned above, for the period February-April 2010, the HNP arrested at least *two thousand two hundred and fifty* (2,250) individuals for various files. At least *five hundred thirty-four* (534) of these arrests or 23.74% refer to cases of sexual violence. In addition, at least *five hundred eighteen* (518) former prisoners who escaped under cover of the earthquake were re-apprehended.

XI. **Directorate of Penitentiary Administration (DAP)**

Following January 12th, 2010, several cases of mutiny and escape were recorded in *nine* (9) prisons. These are the prisons of ***Arcahaie, Carrefour, Delmas, Port-au-Prince, Saint-Marc, Les Cayes, Des Coteaux, Jacmel and Miragoane*** ⁴.

The **General Inspectorate of the National Police of Haiti** (IGPNH) conducted a survey whose recommendations have been communicated to the Director General of the HNP during the month of April 2010.

Congratulations and sanctions of dismissal, demotion, suspension and censure are proposed as part of these recommendations targeting several members of staff of the DPA.

- **Grade Advancement**

Ose Jean Louis, A 1, Civil Prison of **Port-au-Prince**

- **Termination of employment**

1. Frantz Charles Dehonnet, Assistant Director of Operational Management;
2. Denis Hilaire, A 2, Civil Prison **Coteaux**;
3. Hyppolithe Lawrence, A 4 (excluding temporary duty pending the outcome of the inquest), Civil Prison **Jacmel**

- **Demotion**

1. Cornelius Guiliano A 4, Civil Prison **Coteaux**;
2. Joseph Similien Saric, A 4; Civil Prison **Coteaux**;
3. Sylvester Laraque, Inspector assigned to the civil prison at **Les Cayes** happened then to be transferred to the civil prison of **Port-au-Prince**.

- **Suspension without pay**

1. Laforet Renouce, Civil Prison **Coteaux**;
2. Pierre Lefort, Civil Prison **Coteaux**;
3. Jerome Francis Lucnel, Civil Prison **Coteaux**;
4. Peter Robenson Civil Prison **Coteaux**;
5. Jean Baptiste Jean, Prison Civil **Cayes**;
6. Jean Eric Lombard, Prison Civil **Cayes**;
7. Jeune Pierre Antoine, Prison Civil **Cayes**.

- **Termination for Abandonment of Post**

1. Divisional Inspector Olmaille Bien-Aime; assigned to the civil prison of **Port-au-Prince** at the time of events.

XII. **Situation of persons deprived of liberty**

Many prison facilities have been damaged during the earthquake. Consequently, the capacity of these centers has decreased considerably and prisoners are held in overcrowded cells. The security walls are still unrepaired following collapse, and prisoners have no right to recreate.

1. **Civil prison of Port-au-Prince**

In the civil prison of **Port-au-Prince**, inmates are crammed into the neighborhood **Brick I** and a portion of the infirmary. More than a hundred prisoners are in a single cell, in harsh conditions. They are sick because of conditions in which they live. Lack of space forces them to constantly remain standing and consequently their feet are swollen. They do not sleep, do not bathe that often, and are not entitled to any recreation. In addition to the confined quarters in which they live, there is the lack of sunlight, which affects the skin of inmates. Many of them suffer from illness and skin irritations.

It is also these close quarters that is the cause of the death of *two* (2) detainees in the civil prison of **Port-au-Prince**, dated April 22nd, 2010. They are Junior Guay and Jean Herold, jailed for assault and the other for rape and impregnation of his daughter.

2. **The case of Commissioner of Petit-Goâve**

Since the events that led to the departure of former President Jean Bertrand Aristide, the civil prison of **Petit-Goave** has been abandoned because of its inability to provide prisoners in this jurisdiction, with a secure framework. The Office of **Petit-Goave** has been converted into a prison, with more people in custody, against all of whom an order was issued depriving them of liberty. However, after the earthquake, the station has been decommissioned and the prisoners were transferred to the sub-station of **Petit-Goave**, located at the entrance of the town, on Route Nationale # 2. This space offers *two* (2) cells which, as of April 9th, 2010, keep a total of *thirty-six* (36) detainees, held with an average of *eighteen* (18) inmates per cell.

The conditions of incarceration for these prisoners are very bad, the cells are inadequate, and they are not provided with beds. Inmates are not allowed for recreation and are crammed into cells all day long.

XIII. **Insecurity**

Overall security in the country is worsening day by day. Bandits operate in broad daylight, the number of people killed by bullets or knives increases. The information gathered by RNDDH reports one *hundred thirty-three* (133) shot dead, *three* (3) dead due to stoning in the period from the 27th of January to the 29th of April 2010.

At least *five* (5) police officers were killed for the above period. They answer to the names:

- Francis Jossenel Moses, killed February 16, 2010;
- Guilnaud Rigaud, killed February 23, 2010;
- Edward Ernso, killed March 16, 2010;
- Adam Richardson, killed March 16, 2010;
- Milien Miguén Jean's, killed March 31, 2010.

Increasing insecurity is linked to the collapse of several buildings housing the police stations and sub-stations formerly located in sensitive areas. It is also linked to the escape of thousands of prisoners, who are most dangerous. In addition, dysfunction of the judiciary in the courts affected by the earthquake is likely to deter bandits from their actions.

1. **Gender-based violence**

For the period from January to early May, *thirty* (30) cases of rape and one *hundred sixty five* (175) cases of physical assault have been identified by local human rights organizations. ⁵

In parallel, the HNP, as part of his work, proves that incidences of violence based on gender are clearly increasing in the country. At least *five hundred thirty-four* (534) arrests relating to cases of sexual violence have been made. In addition to the exclusive jurisdiction of **Port-au-Prince**, *sixteen* (16) death threats to women, *nine* (9) rape, *three* (3) attempted rape, *thirty-five* (35) assault on women, and *two* (2) attempts to murder women were reported to the HNP, from January 13th to April 19th, 2010.

XIV. **Judicial System**

Generally, the courts of the country are slow to resume their activities. However, some hold regular hearings and correctional interim hearings. After January 12, 2010, only the Court of First Instance of **Port-de-Paix** was held from the 22nd to the of 30th March 2010, the Criminal Sessions in which *nine* (9) persons were judged, of those, *four* (4) for rape and *one* (1), for drug trafficking.

Officials said that planning for the implementation of sessions across all criminal courts in the country is underway.

XV. **Resumption of school activities**

One thousand two hundred sixty three (1,263) school buildings were completely destroyed and *two thousand five hundred and forty one* (2,541) others, were severely damaged by the earthquake of January 12th, 2010⁶. Since then, several meetings were organized by the authorities concerned, in order to resume school activities previously suspended throughout the country. The discussions revolved around the involvement of state authorities in assisting school officials to prepare their site for the reception of students, and to exempt or subsidize classical studies this year, since the parents, all of whom have suffered losses, will not be able to cope with monthly fees which are generally high, as required by the school principals.

As of February 8th, 2010, activities have resumed in several schools located in areas not affected by the earthquake. After many hesitations, the official reopening of classes was made April 5th, 2010 in the areas strongly affected by the earthquake, including **Port-au-Prince, Jacmel, Leogane, and Petit-Goave**.

The Haitian government has decided to remove the rubble of ruined buildings of the church schools of **Port-au-Prince** and to build warehouses, while the school principals neglected by state authorities were, in turn, forced to manage by prioritizing classes of examinations, since the space they have may not receive all students.

At the reopening of classes, several victims of the earthquake still occupied the school premises, in particular, **Toussaint L'Ouverture High School, Lycée Jacques Premier Laventure Horatio High School, High School Henry Christophe, Louis Joseph High School in January, etc..** This is the cause of friction between the students of these institutions and their occupants. Demonstrations have been organized by students to protest against the fact that they were able to go school, about *one* (1) month after the reopening of classes. In the aftermath, several students were injured. In their claims, they

ask the authorities to build spaces like the construction of the church schools, with the aim of enabling them to head back to school.

It should be noted that the reopening of classes is incomplete because many public and private schools are unable to work due to the dilapidated buildings, and existing ruins, which still clutter the spaces, as well as the absence teachers.

XVI. **VIP visits to Haiti**

Since January 12th, 2010, Haiti has witnessed a succession of visits by political and cultural personalities including, among others, the visits of Presidents of the French Republic, Brazil, Chile, Dominican Republic, etc.; the Prime Minister and Governor General of Canada, the First Lady of the United States of America, *two* (2) past Presidents of the United States, the UN Secretary-General Kofi Annan, Secretary General of the OAS etc.. However, we must note that the overall situation of the population remains unchanged despite the various promises made by the international community regarding the implementation of recovery plans in the short, medium and long term.

Comments and Recommendations

Today more than ever, Haiti must develop a plan for environmental protection which focuses on reforestation, sanitation, and the protection and cleaning of drainage systems. Moreover, the civic education of the population must play an important role in reshaping the country.

The proliferation of temporary shelter, located anywhere, anyhow, is seriously affecting the country's image. The constituted authorities must develop and implement a plan to restore the prestige of the country.

The earthquake victims languish in abject poverty. Prices of basic commodities skyrocket. The rate of unemployed persons is growing every day and people generally do not know what to do to engage in resourcefulness: small businesses, for most vendors, are selling all kinds of food and non-food items.

The situation of persons placed on the relocation sites is getting worse every day. The Haitian government, in concert with the international community has waited *four* (4) months, to coerce victims who occupied certain public and private spaces to move to relocation sites. However, this relocation does not change the situation of these victims. Indeed, victims of abandoned tents, and tarps will be under new tents, however located in isolated areas where access to basic services is difficult if not impossible. These sites are not electrified and without walls, further exposing the families relocated to all sorts of abuses such as rape, robbery, assault, etc.. In addition, the tents are exposed to the

sun in places without trees or shadow areas, forcing families to be walled up inside the tents, or to abandon the area during the day.

Meanwhile, the relocation sites are located in areas deprived of economic activity or, in a country like Haiti where resourcefulness is the rule, the relocation of these people into these remote areas is a handicap for those responsible, and for families who are unable to engage in income generating activities.

The tents are a temporary shelter in the very limited time and may in no case be considered as an alternative, *four* (4) months after the earthquake. For example, the tents located in the month of March over the relocation site of the former runway of the aircraft are already worn by the weather, which proves that the relocation of people in these circumstances does not constitute a viable project.

Given all the problems listed, many families have left the relocation site. This in fact foreshadows that the expansion or establishment of other settlements could be subject to turn into slums.

The work of remediation, soil levelling and other site preparation to accommodate the victims, which was announced by the government, moves slowly. Indeed, *four* (4) months after the earthquake, at a time when the executive announced it will make every effort to move the victims who find themselves in areas at risk of flooding, the relocation sites are still not ready . For example, at the sites of **Corail Cesselesse and Delmas 2**, work continues even when no other public utility areas declared by the executive are yet ready to receive victims. In addition, the government focuses on the displacement of people who are in camps in **Champ de Mars, and Petion-Ville Club** camps, by reason of their exposure to the elements. But ***for all those living in improvised camps, on steep ravines, or in flooded regions such as Carrefour, Leogane, Grand Goave and Petit-Goâve, no evacuation plan seems to be expected.***

Today, the integration of persons with physical disabilities is a challenge faced by the Haitian State. Despite the establishment of a secretariat, the situation of this category of people does not improve. Decisions are taken without considering the physical capacities of these people. As evidenced by the provision and development of relocation sites and schools. Furthermore, it is inconceivable that the international agencies involved in the camps, under the label of the **Humanitarian Accountability Partnership (HAP standards)** do not take into account the difficult conditions of the disabled, elderly, and pregnant women and children. Distribution strategies used to date, do not guarantee the participation of these groups. Indeed, it is impossible to ask people with physical disabilities to spend hours in line, awaiting a possible distribution of products that often are difficult to transport.

International assistance is better coordinated than before. The institutions involved in the camps better articulate their actions. However, the situation of victims, is not improving. In addition, statements made by international agencies for victims of the earthquake, are dwindling day by day, and the transition from stage to stage of assistance to meet their needs, is so brutal, and in no way reflects the categorization of victims.

RNDDH can therefore say that the rights of victims of the earthquake have been violated under the ***Humanitarian Charter and Minimum Standards for Disaster Response***, which governs the operational methods for water supply, sanitation, food security, shelter, health services, etc.. The needs of the affected population should be the focus of activities and it must be able to participate actively in the assessment, design, implementation, monitoring and evaluation of assistance programs.

In addition to generating cases of corruption, the ***Cash for Work*** programme proves a fiasco for the country. Indeed, several women have had to sell their bodies to obtain a contract for hire and renewal. In addition, the implementation of activities resulting from the program has no impact on the environment and the economy. The streets are still dirty, sewers are always filled, the debris spread around the streets, blocking traffic and providing a distressing sight to passersby. Moreover, it is inconceivable that the Haitian State has taken any measure to raise awareness about the harmful effects of garbage on his health and that no reorganization plan has been developed to clean cities.

The summit of the United Nations on Haiti has been a success for the Haitian Government and the international community, who feel they have achieved the goals they have set. However, Haitian civil society, peasant organizations and political parties were not consulted in the preparation of the reconstruction plan submitted by the Government of Haiti to the summit.

On January 12th, 2010, none of the *seventeen* (17) prisons in the country collapsed. The actual damage to the facilities was not likely to facilitate the escape of prisoners in the civilian prisons of ***Arcahaie, Carrefour, Delmas, Port-au-Prince, Saint-Marc, Les Cayes, Des Coteaux, Jacmel and Miragoane***. The court of ***Saint-Marc*** aside, to date, no action was taken against these public servants, authors and accomplices of escapes recorded in *nine* (9) of the country's prisons, which are associated with opening the prison doors for dangerous bandits to sow grief and desolation in the Haitian society. RNDDH believes that the recommendations of the investigation conducted by the Inspector General should be enforced against those who were responsible for damage caused by the release of *five thousand one hundred ninety six* (5186) individuals, among them dangerous criminals and the death of *thirty-two* (32) prisoners.

The resumption of school activities is a continued source of disputes. Students from several private and public institutions have not yet gone back to school because of the occupation of school rooms by victims of the earthquake or traffic congestion caused by the collapse of schools. This fact underlines the policy **of double standards** practiced by the responsible **actions of the Ministry of National Education and Vocational Training** (MENFP) which has agreed to support the church schools and to neglect to secular schools.

With all the foregoing, RNDDH recommends that state authorities:

- Implement an effective policy for environmental protection and train the Haitian people on how to behave in order to guard against the hazards of environmental degradation; and **explicitly** Prohibit cutting trees and selling charcoal;
- Set up a brigade of Environmental Protection, whose mission is to enforce the Act prescribed for the protection of the environment;
- Rethink the relocation of victims of the earthquake of January 12th and provide hard structured social housing instead of tents;
- Proceed with the demolition of buildings following the earthquake that threaten the safety of the population;
- Consider the situation of vulnerable persons including persons with physical disabilities in all interventions and bring international agencies to do the same;
- Give a new direction for **Cash for Work** programs which must clearly define outcomes expected, and achieved for the benefit of the nation;
- Put aside the Law of April 19th 2010 amending the Law on the State Emergency of September 9th, 2008 and review their position regarding the creation of HRIC;
- Respond to the report by the Inspector General on escapes recorded in prisons in the country after the earthquake; Enter the relevant courts for criminal investigation extensively on these cases of evasion;
- Support secular institutions in their efforts to reopen their doors and relocate victims who still occupy the school premises.