

HUMAN RIGHTS SITUATION OF FAMILIES IN THE ANSE-À- PITRES CAMPS



01/03/2016

Investigative Report of Human Rights Organizations

This report was produced in collaboration with a group of organizations, the EC-JILAP (Episcopal National Commission for Justice and Peace), the ECHR (Ecumenical Center for Human Rights), DOP (Defenders of the Oppressed), the Sant Pon Ayiti Foundation, GARR (Support Group for Returnees and Refugees), KAYLA (Collective for Haitian Housing Alternatives), the OHJ (Observatory for Haitian Justice), POHDDH (Platform of Haitian Human Rights Organizations) and RNDDH (National Human Rights Defense Network), with financial support from AJWS (American Jewish World Service).

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INVESTIGATIVE REPORT OF HUMAN RIGHTS ORGANIZATIONS

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INTRODUCTION

Since Haitian independence in 1804, it appears that relations between the Dominican Republic and Haiti have been strained (see Annex I: Timeline of Haitian–Dominican relations). Along these lines, in 2013, judgement 168-13 of the Dominican Constitutional Court retroactively invalidated Dominican nationality of almost all people born to Haitian parents in Dominican territory for nearly 85 years. In the following year, after significant pressure from the International Community, President Danilo Medino announced the establishment of the National Regularization of Foreigners Plan (NWRP) through the Law 169-14, allowing people of Haitian descent to apply for residence in the Dominican Republic. However, following the end of the NWRP registration period on June 17, 2015, many people of Haitian origin living in the Dominican Republic returned to Haiti, either spontaneously or forcibly. In fact, between June 2015 and February 2016, about 144,800 of them have returned home, including 21,076 who were deported by the Dominican authorities. Of these, 2,203 people (544 households) settled in six camps in Anse-à-Pitres, which are Parc Cadeau 1 and 2, Tête à l'eau, Fond Janette, Male Tchipe and Savanne Galata.

Given the existence of documents showing the deplorable living condition of people on these sites, a delegation of human rights organizations considered it relevant to visit four of these camps in order to present an investigative report on the situation of families at these sites in Anse-à-Pitres. On the occasion of this visit, these organizations found that the camp population has suffered and continues to suffer significant daily violations of its economic, social, civil and political rights, among others, showing that the Haitian authorities failed to exercise sufficient leadership in the reception of repatriated and spontaneous returnees at the border with the Dominican Republic

In doing so, the delegation presents this report, outlining the situation in the camps of Anse-à-Pitres, an analysis of the situation under national and international law, as well as proposals to the Haitian authorities concerned by this situation and humanitarian actors as part of a plea for institutional support for repatriated and spontaneous returnees living on the sites of Anse-à-Pitres.

CONTEXT

At the initiative of GARR (Support Group for Returnees and Refugees), a delegation of several civil society groups, accompanied by Haitian media, visited the camps of Parc Cadeau 1 and 2, Tête à L'eau, and Fond Janette based in Anse-à-Pitres on the 18, 19 and 20 February, 2016. The delegation of 18 people was made up of the EC-JILAP (Episcopal National Commission for Justice and Peace), of ECHR (Ecumenical Center for Human Rights), DOP (Defenders of the Oppressed), the Foundation Sant Pon Ayiti, KAYLA (Haitian Collective for Housing Alternatives), the OHJ (Haitian Justice Observatory), POHDH (Platform of Haitian Human Rights Organizations) and RNDDH (National Human Rights Defense Network). The delegation was made possible with the financial support of AJWS (American Jewish World Service).

Overall, this delegation has set as main objectives to meet the local authorities of Anse-à-Pitres to understand how they perceived the problem of camps in their area, to visit the camps to see the living conditions in them, as well as discussing with the camp population in order to propose possible solutions as suited to their needs as possible. Following the announcement of the IOM relocation plan just a few days before the visit, the delegation also wanted to focus on the development of solutions taking into consideration the particularities of the IOM relocation plan.

In order to understand the vision of the authorities of Anse-à-Pitres on this issue, the delegation met with the Mayor of the city, police officials, local immigration officials and several heads of international and local organizations. Moreover, to obtain the opinion of the population of the camps, the delegation developed a form (see Annex II: Questionnaire to gather information as part of the site visit to Anse-à-Pitres) on which it based the questions asked to 12 groups (3 groups per camp), each consisting of 15 people actively participating and representing their respective household (see Annex III: List of people who participated in the Focus Group). The methodology used was the focus group, that is to say, a qualitative research method that aims to capture the perceptions, attitudes and beliefs of different groups, while encouraging the emergence of all opinions of participants. Note, due to the casual aspect of these focus groups that stood out on the sites, additional people joined to listen to the discussion and participate, sometimes enlarging the group to up to 21 people.

1. OVERVIEW OF THE ANSE-À-PITRES CAMPS

1.1. General Overview of Anse-à-Pitres

With an area of 185.19 km², the Commune of Anse-à-Pitres has two communal sections, which are Boucan Guillaume and Bois-d'Ormes. According to a census estimate made in 2009, the population would be around 27,419 inhabitants. Located in the Southeast Department, Anse-à-Pitres is one of the towns of the Belle-Anse Arrondissement, which shares its eastern border with the city of Pedernales in the Dominican Republic. Given the constant tensions between the populations on both sides of the border, some camps have gradually developed at Anse-à-Pitres. Today, these camps are six in number.

1.2. Population Overview of Anse-à-Pitres camps

According to the UN profile report achieved on the 12 and 13 January 2016, 2203 people were counted in the six camps of Anse-à-Pitres: 342 people at Park Cadeau 1, 798 people at Park Cadeau 2, 434 people at Tête à L'eau, 395 people at Fond Janette, 110 at Male Tchipe and 124 people at Savanne Galata. However, the delegation has visited the first four camps only. While the population of the camps Park Cadeau 1 and 2 lived mostly in Agua Negro, in Mennecy as well as Elías Piña in Dominican Republic, the population of Tête à L'eau lived especially in Pedernales and Agua Negra. Finally, the population of Fond Janette lived mainly in Morgotte. When these people were living in Haiti, they were from diverse communities such as Belle-Anse, Fonds-Verrettes, Jacmel, Baintet, Anse-à-Pitres, Thiotte, Grand Gosier, and others.

“In the DR a lot of problems started. Dominicans were telling Haitians they give them 42 days to leave the land they gave them. When I heard this I took the road to my country. I came back because I did not want to die on Dominican land. I took the road without knowing where I was going. It was how I found a group of people on the route and they led me to where I am now” - Resident of Fond Janette

Of all the 2203 people surveyed, 49.7% identified themselves as female, while 50.3% identified themselves as men, and the majority of them, 58.3%, were aged between 0 and 19 years. Furthermore, 54.1% of people reported being born in Haiti, against 45.7% in the Dominican Republic. When they were questioned about their preference for a country of residence, 88.6% of people expressed the desire to remain in Haiti, with 84% wishing to reside in the Southeast. 8.68% wished for their return to the

Dominican Republic, and 2.8% remained undecided as to where they wanted to live.

In Anse-à-Pitres camps, the vast majority of the population consists of migrants from Haitian origin or of spontaneous returnees of Haitian origin arriving from the Dominican Republic (81.4%), where the majority were overwhelmingly agricultural workers.

In the case of returnees, they were forced by the Dominican authorities to return to Haiti and mostly brought to the border by bus. In the case of spontaneous returnees, they have generally decided to walk back to Haiti by themselves out of fear for their safety, among other things, due in particular to worrisome threats. With memory of the massacre of thousand of Haitians in 1937 under the Trujillo government, which reflects the institutionalized racism and antihaitianismo sentiments of the Dominican Republic, they decided to leave the country as quickly as possible to return to Haiti. In addition, the end of the registration period of the National Regularization of Foreigners Plan (NWRP) has heightened concerns for their lives, physical integrity and security. Therefore, most of them left, leaving behind all of their possessions with the exception of the clothes they were wearing at the time of departure.

Whether repatriated or spontaneously returned, the majority of participants spoke about the significant misery and abuse they faced on a regular basis in the Dominican Republic. These abuses were taking a variety of forms, although mainly threats. For example, they discussed threats regarding death, theft of property, burning their houses, migrants hunting, or to call immigration on them.

“We who live here in this camp did not come with anything when we left Dominican soil. It was our lives we were saving when we ran to our country for us to not die on Dominican soil. [...] I had a lot of goats, cows in my yard. I left leaving it all because I did not have time to get them.” - Resident of Fond Janette

“I must tell you, when we were in the Dominican Republic, we were better because we were able to take care of ourselves, we were able to provide for ourselves even if we weren't safe. Everything we had in the DR they took it. But I do feel very content because I am in my country today, even if I am in poverty.” - Resident of Parc Cadeau

However, while living in the Dominican Republic has been synonymous with constant threats and fear for their lives and physical integrity, the population still emphasized that they usually managed to find the resources necessary to survive. Despite the fact that a significant proportion of respondents said that they are now happy to be home, living in the camps in Haiti is generally associated with a situation of poverty and extreme precarity.

Identification

Whether born in Haiti or the Dominican Republic, a significant portion of the population of these camps has no identification. In fact, less than 40% of the camp population holds a Haitian or

Dominican ID. While some people say they lost them in the Dominican Republic or during their trip to Haiti, others have lost recount when their house burned, or when rain flooded their homes, unfit to protect them from the weather. It is the same for children born in the Dominican Republic, which, for the most part, have never received any identification. Note however that some stories show parents who met Dominicans willing to pass Haitian children as theirs so they could get an ID, although these situations are extremely rare.

1.3. Situation in the Anse-à-Pitres Camps

Location and Access to Resources

The camps are located on private land and generally consist of makeshift tents made from the few materials that people can find, such as wood, various fabrics, some covers, and sometimes sheets. In this respect, note that the land where Tête à L'eau is located belongs to the Church, and that the land of Fond Janette belongs to a municipal agent, while Parc Cadeau belongs to residents of Anse-à-Pitres. Moreover, given the dilapidated shelter and the materials used to build them, the population is forced to cook in dust and is exposed to the elements. The various tents are arranged in a relatively disorganized manner, although the arrangement of some camps such as Tête à L'eau seems to have been more thought out than in the others. While Park Cadeau camps are situated in a desert-like area and are therefore particularly vulnerable to drought, dust and extreme heat, Tête à L'eau and Fond Janette are located at height, exposing them frequently to cold, floods and rain.

Sanitation

In another vein, the sanitation is deplorable. Although there is access to latrines, their number is limited considering the amount of people living in the various camps. Indeed, at Park Cadeau 1, there are two latrines for 342 people, at Park Cadeau 2, there are two latrines for 798 people, at Tête à L'eau, there are 12 latrines for 434 people and at Fond Janette, there are two latrines for 395 people. At Male Tchipe and Savanne Galata, there are no latrines according to previous visits.

“We who live here in the camps are not comfortable because there are not any conditions that can come together for us to live a little simple life, like we were living in the DR. Hunger and poverty are at our core every day.” - Resident of Fond Janette



Access to Water

As for water, it is accessible, although in very limited quantities. At Park Cadeau 1, the Red Cross provides a water tank with a capacity of 300 gallons available to the public, but the other camps do not have this access. The population of Parc Cadeau 2, Tête à L'eau and Fond Janette must be content with the water of nearby rivers, which they question its potability.

Economic Activities

Regarding other resources, they are almost nonexistent in the camps, like economic activity. The majority of the camp population can not generate any income. However, note that some men, despite strained relations with the Dominican Republic and the mistreatment of Haitian migrants, cross the border daily to try to generate some possible income in order to survive. This reality is particularly prevalent at Tête à L'eau, where traveling across the border happens more frequently.

Illness and Access to Healthcare

In terms of health, the population is particularly at risk of epidemics due to the proximity of tents and way of life in the camps. Diarrhea, itching, headache and flu are common ailments. In this sense, some camps such as Park Cadeau 2 were strongly affected by the cholera epidemic which caused several deaths, while other camps do not appear to have been affected by the disease at all. In all the Commune of Anse-à-Pitres, 17 deaths related to the cholera epidemic were reported as of November 22, 2015.

"We have a lot of problems for the hospitals because we do not have a health center in the camp. This is the cause of our children being sick and suffering. The closest hospital is the Health Center in Anse-à-Pitres, but if you don't have money, there is no way you can even step foot inside. They will not give me care even if they see I am close to dying." - Resident of Parc Cadeau

According to population, access to health care is lacking and inadequate. Health care and medicines are generally administered by NGOs, but it seems that their presence is very limited and irregular. At Fond Janette, the population noted that the frequency of their interventions is approximately once a month. Thus, the sick must therefore frequently visit to the nearest health center, which are only available to treat people who can afford to pay. In doing so, and due to lack of resources, some of them have started to stay at the camp when they get sick, hoping that the symptoms will eventually disappear by themselves.

Community Organization and Decision Making

Regarding community organization and decision making, it varies considerably between each camp. Indeed, while each camp has a committee in charge of decision making, the composition and operation differ dramatically from camp to camp.

At Park Cadeau 1, the committee is composed of men making the decisions. Its legitimacy is sometimes questioned, but the decisions are generally respected. The population also seems to largely get along. Close by, at Park Cadeau 2, the committee includes a few women, but they are not included in the decision making. However, members of that committee rarely reach agreement, and the population frequently denies its legitimacy and decisions which are made by it. Several people also expressed concerns about the way the committee operates. The population revealed that it felt more or less safe.

Meanwhile, the committee in Tête à L'eau stands out. It includes a women's organization and a men's organization, who are working together to perform camp management and decision making. It also seems to enjoy a certain legitimacy in the eyes of the camp population, and its decisions are generally respected. Although people say they get along and feel relatively safe, sometimes there are individuals that throw stones at the camp, which frightens people and creates a moment of panic.

Finally, the situation of Fond Janette is a bit special. The committee is formed by people from the surrounding community, not by the camp population itself. In fact, the main responsible for this camp's decision-making is a municipal agent to whom the land belongs. Nevertheless, the population is said to get along well.

Education

In the words of the camp population, children are in a particularly precarious situation. Besides the fact that they are especially at risk of contracting diseases, they mostly have no access to education. There is no school in the camps, so the few children who attend have to travel quite far to access it.

In the Park Cadeau camps, although most children are not in school, 80 of them have the chance to attend a private school formed by Pastor of Anse-à-Pitres. The other children in Park Cadeau 1 also attend a small tent camp where the youth is trying to create small educational activities with them during their free time, although they mention themselves that this is much more akin to a daycare than a school.

In the camp Tête à L'eau, some children go to school by crossing the border into the Dominican Republic every day. Dominican soldiers let them go when wearing school uniforms.

Finally, in Fond Janette, some children attend national school, an institution close to the camp, but they do not all have access to it.

External Relations

In regard to external relations, the camps of Anse-à-Pitres are generally frowned upon by the people of nearby communities. Moreover, the population is often accused of all the sicknesses of the community, and their departure is often claimed. While the Park Cadeau area was affected by cholera, the camp population was accused of being the cause. Moreover, it also receives threats of burning down their tents in the Park Cadeau camps, threats that are not as imminent in the other camps.

As such, the population receives little help from surrounding communities. Note however that, in Park Cadeau, a priest has given them some food a few times, such as a half pot of rice. Also, in Tête à L'eau, the population highlighted that a stranger gave some people between 1500 and 2000 gourdes to leave, which they tried to do, but quickly had to return to the camp due to lack of resources and insecurity. Besides very limited and small-scale support, the only other assistance available to them are from NGOs, which is grossly inadequate, irregular and generally unsuited to their needs.

Thus, the population feels neglected by State authorities and wants them to get involved. Although the demands of each person vary, they mostly would like for the Haitian State to give them a piece of land where houses could be built for them, and that the State provides them with means to survive and operate as a community under decent conditions.

Population's Opinion on the Relocation Plan

"We thought it was not a good choice because we don't know anything here. We would not be living here, we don't know the area, we won't be able to find a house. They could tell us preferably that they are constructing a small house for us and they will give us some means to function and for us to take responsibility of ourselves." - Resident of Fond Janette

Furthermore, many camp inhabitants have also expressed their disagreement with the IOM's relocation plan to give each household 20,000 gourdes for renting accommodation and provide US \$ 20 for each family member to cover transportation costs. According to these people, these resources only allow them to rent a house for

a period of one year, which would put them in an even greater precarious situation once the rental period expires. In addition, many people would not know where to live, having been born in the Dominican Republic and do not know anyone in Haiti.

While some people are radically opposed to the relocation plan, others argue that, although they do not support the IOM's method, they will accept their offer still and try to find a place to go. As such, they would however like point out that they want to receive adequate support during and after the relocation in question.

“We think it is not a good idea because there are alot amongst us who don’t have anyone they know in the country, and we don’t know any areas of the country. How are we going to find a house for us to live? Where do we go and find a house? After one year, where are we going to find money to rent another house? We would have preferred for our country’s State to construct a little spot for us to live because if we go and rent a house it is in more poverty we will return when the rental period expires after one year” - Resident of Parc Cadeau



2. ANALYSIS

In analyzing the context in which the sites were installed in Anse-à-Pitre, the human rights organizations that participated in this investigation deduced that the Haitian authorities failed to exercise enough leadership in the reception of repatriated at the border on many levels.

Families living in these camps continue to suffer constant violations of their economic, social, civil and political rights, as described in the Haitian Constitution and in international human rights treaties (see Annex IV: International Human Rights Treaties signed and ratified by Haiti). With the exception of some kit distributions activities made by several organizations of civil society and humanitarian actors, no structures or State programs have been put in place to support these families and thus facilitate their reintegration. Again, the Haitian government has displayed a certain disdain in dealing with the management of the situation of repatriated, particularly with regard to returned families living in makeshift shelters in Anse-à-Pitres.

This analysis presents a non-exhaustive list of rights which, according to human rights organizations that participated in the investigation, have been violated, and which deserve to be considered in the development of solutions regarding the problem of the repatriated and spontaneously returned living in Anse-à-Pitres.

2.1. Right to an Adequate Standard of Living

The right to an adequate standard of living is guaranteed by several instruments, whether national or international. At national level, Article 19 of the Constitution of the Republic of Haiti provides that "[t]he State has the absolute obligation to guarantee the right to life, health, respect for the human person". Article 22, meanwhile, states that "[t]he State recognizes the right of every citizen to decent housing, education, food and social security". Moreover, at international level, Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) states that "[t]he States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for herself and her family, including adequate food, clothing and housing, and to the continuous improvement of living conditions". It also adds that "[t]he States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international cooperation, the necessary measures".

To this end, unlike the various statements by the former Martelly-Paul government saying he was ready to welcome with dignity the returnees from the Dominican Republic, no institutional structure has been

put in place to record and follow the migrants repatriated or spontaneously returned families. The precarious conditions in which families are housed in these sites constitute a flagrant violation of their dignity and their right to an adequate standard of living. The inaccessibility to food resources is as such one of the greatest violations of this right. Hunger is a problem that the population of Anse-à-Pitres camps face daily, and malnutrition is almost systematic. As for housing, they are poorly constructed, not weather resistant, and are far too small for the number of people in them. In addition, families have lived on these sites for over 8 months. At the end of July, acts of subterfuge were used by the authorities to give the impression that they would start supporting the returnees, including through various visits that were conducted at the border in a short amount of time. Barely a month later, their presence dissipated and was replaced by that of humanitarian actors. In short, the standard of living of the population of these camps is clearly insufficient, and it seems clear that the Haitian State has failed to fulfill its obligations by implementing a structure for improving their living conditions.

2.1.1. Right to Health

The right to health is guaranteed both nationally and internationally. At national level, the Constitution guarantees this right in Article 23, stating that "[t]he State is under an obligation to ensure that all citizens in all the territorial divisions appropriate means to ensure protection, maintenance and restoration of their health by establishing hospitals, health centers and clinics". At international level, Article 12 of the ICESCR states that "[t]he States Parties to the present Covenant recognize the right of everyone to the highest attainable standard of physical and mental health attainable". To this end, it emphasizes among other things the importance of health care that ensure healthy child development, improvement of hygiene, prevention and treatment of epidemic, as well as the creation of conditions ensuring access to medical services.

However, due to the extremely precarious conditions in which these families live, several diseases and disturbing symptoms were recorded within the camps. For example, fever, diarrhea, vomiting, itching, and flu are very common ailments, especially in children. In addition, cholera has claimed nearly two dozen deaths in the region. These poor health conditions are among others that have developed because of the lack of sustained presence of the authorities at the border, which could have greatly facilitated the control, recording and accompanying of these families. Moreover, nothing was done afterwards to allow any improvement of accessibility to health care in the camps, by establishing clinics on the sites or by sending health personnel periodically, for example.

Furthermore, note also that Article 12 of the Convention on the Elimination of All Forms of Discrimination against Women states that "[t]he States Parties shall ensure for women during pregnancy, during delivery and after delivery, appropriate services and, if necessary, free of charge, as well as adequate nutrition during pregnancy and lactation". However, many pregnant women are in these camps or have given birth since their arrival, some even crossing the border while being pregnant. However, nothing has been implemented by the Haitian government so that they can receive adequate nutrition, or so that they have access to appropriate health care during pregnancy and during and after delivery.

2.1.2. Right to Education

For its part, the right to education is also guaranteed, both internationally and nationally. At national level, Article 32 of the Constitution states that "[t]he State guarantees the right to education. Education is free at all levels. This freedom is exercised under the control of the State". To this end, it is mentioned that school should be free and accessible to all, and that basic education is compulsory. Moreover, this right is also found in Article 13 of the ICESCR, which states that "[t]he States Parties to the present Covenant recognize the right of everyone to education" and that, as such, the elementary education shall be compulsory and available free to all.

Now, according to what was found in the camps, although some children go to school, the majority of them have no access to education. Despite the fact that the school is legally required under the Constitution, the measures necessary to make education free and accessible to all have not been put in places by the state. As such, the absence of any educational measures is greatly felt in the camps.

2.2. Right to Liberty and Security of the Person

The right to liberty and security of the person is among others guaranteed by Article 9 of the International Covenant on Civil and Political Rights (ICCPR), which states that "[e]very person has the right to liberty and security of person. No one can be arrested or be held in arbitrary detention. No one shall be deprived of his liberty except on such grounds and in accordance with the procedure established by law". For its part, Article 10 states that "[a]ny person deprived of liberty shall be treated with humanity and with respect for the inherent dignity of the human person". Note also that, under Article 3 of the Universal Declaration of Human Rights, "a person is considered safe when not threatened with physical or mental harm against the person".

Unfortunately, this right was violated in many cases during the repatriation process, where several people report having been arbitrarily arrested in the street and brought to the border in conditions that are far from respecting human dignity. While most of these violations occurred on the other side of the border, the fact remains that the families in question have managed to cross the Haitian border and remain in Haitian territory without encountering State authorities. Thus, the lack of presence of the Haitian authorities at the border itself generates violations of the right to security as defined by the Universal Declaration of Human Rights.

In addition, also note that the Memorandum of Understanding between the Republic of Haiti and the Dominican Republic on Repatriation Mechanisms provides that "[a] Dominican migration authorities respect the inherent rights of returnees [...]" and that "[t]he Dominican migration authorities will present each repatriated a copy of the individual document containing its repatriation mandate". However, according to the testimonies, the returnees have been victims of many abuses in the repatriation process, and have mostly never received a copy of their repatriation warrant. In fact, some repatriated even said they were victims of torture, which is prohibited by Article 7 of the ICCPR, stating that "[n]o one shall be subjected to torture or to cruel, inhumane or degrading".

2.2.1. Right to Private Life

The right to privacy is both guaranteed by Article 43 of the Constitution as well as Article 17 of the ICCPR. The Constitution stipulates that "house search, seizure of papers may take place only under the law and in the manner prescribed". Meanwhile, the ICCPR stipulates that "no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honor and reputation".

Contrary to the above mentioned standards, many returnees were arrested by the Dominican migration authorities in their own home or in their workplace, and without a warrant being presented to them. For its part, the Haitian government has done nothing to try to stop these abuses, although they are widely documented and has been since the beginning of the mass return of Haitians from the Dominican Republic.

2.2.2. Right to Private Property

The right to private property is guaranteed by Article 36 of the Constitution, which states that "private ownership is recognized and guaranteed". Moreover, the Memorandum of Understanding between the

Republic of Haiti and the Dominican Republic on repatriation mechanisms also states that "Dominican migration authorities [...] adopt concrete measures so that the returnees are able to take their personal belongings with them, and to abstain from retaining personal documents of repatriated".

However, during the focus groups, several families reported having liquidated or left their animals and their crops, among other things, to take refuge in Haiti. For returnees that have been taken in the street or at their workplace, they were forced to leave all their possessions behind. Some families have also emphasized that the owners of the land they occupied would have benefited from their precarious and unstable situation to keep all crops, while half of them were rightfully theirs. While the Dominican government seemed to have implicitly organized the massive displacement of these people, it seems that no action has been taken by the Haitian State so that they can return home with their goods and restart their lives in decency. Furthermore, after arriving in Haiti, the families have received no legal assistance to recover their property or to get any kind of compensation, either from the authorities or the National Office of Migration, the responsible State institutions which are in charge of the border.

2.3. Rights of Vulnerable Populations

2.2.1. Rights of Children

Meanwhile, rights of children are also guaranteed by various international instruments ratified by Haiti. To this end, Article 24 of the ICCPR states that "every child, without discrimination based on race, color, sex, language, religion, national or social origin, property or birth, has right, from his family, society and state, to the safety measures required by his status as a minor". To this is also added the right of the latter to be registered immediately, to a name and to acquire citizenship. This right is reiterated in Article 7 of the International Convention on the Rights of the Child (UNCRC). Moreover, according to Article 3 of the Convention, the State has the duty to ensure such protection and care to the child in case the parents or other persons responsible for them are incapable of doing so. Furthermore, Article 27 stipulates meanwhile that "States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development". Finally, Article 24 stipulates that "States Parties recognize the right of the child to enjoy the highest attainable standard of health and to facilitate for treatment and rehabilitation. They strive to ensure that no child is deprived of the right to have access to these services". This includes among others the reduction of infant mortality, ensuring access to health care and the fight against disease and malnutrition.

As such, note that no action seems to have been set up by the Haitian State to ensure the protection required by children as minors. Indeed, while they are a particularly vulnerable population in the

camps, they find themselves facing extreme precarious conditions affecting them more than their parents. The hunger and malnutrition that they face every day pose serious problems, particularly regarding their physical and mental development. Moreover, given the vulnerability associated with the incomplete development of their bodies and immune systems, they are more susceptible to diseases than adults, and the symptoms of the various diseases usually appear more virulent. Incidentally, there were several children among the reported deaths related to the cholera epidemic. As such, it was the duty of the relevant Haitian authorities to put in place preventive measures to protect children at all levels, as well as measures enabling them to offer a fast and effective assistance to the most vulnerable persons that are children in the camps.

In addition, also note that the Memorandum of Understanding between the Republic of Haiti and the Dominican Republic on repatriation mechanisms provides that "[t]he Dominican authorities avoid separating nuclear families (parents and minor children) in the repatriation process ". However, many parents were repatriated without their children, leaving them orphaned or deprived of a father or a mother, further accentuating their vulnerability and insecurity.



3. POSITIONS AND RECOMMENDATIONS

In the case of advocacy for an institutional care program related to the question of the reception and reintegration of returnees and repatriated families from the Dominican Republic, the human rights organizations who visited the Anse-à-Pitres camps on the 18, 19 and 20 February 2016 addresses the following recommendations to the Haitian authorities in order to:

- a) Respect and fulfill their duties and obligations towards the population as a State entity in developing and implementing a comprehensive multisectoral program of reintegration providing a sustainable solution tailored to the problems which are facing repatriated and spontaneously returned families in the camps of Anse-à-Pitres. This comprehensive reintegration program must be executed in collaboration and coordination with other organizations, particularly local grassroots organizations, which generally offer more suitable solutions. In addition, this program must also take into account the mistakes of the past, such as during the management following the earthquake and during the identification program and documentation of Haitian immigrants (PIDIH), for example;
- b) Consider a systematic way to address the special needs of people living in these camps, given their extremely vulnerable situation. Also, to pay special attention to populations with a double vulnerability in these camps, such as women, children, the disabled and the elderly, and at all stages of involvement to ensure these people enjoy their full rights under the Haitian Constitution and the various international instruments ratified by Haiti;
- c) Establish the infrastructure and basic services for the population living in border towns, considering that it is usually isolated and insulated from the rest of the country, as well as in communities with high migratory pressures. This implies among other things to ensure constant access to sufficient drinking water and decent sanitation in sufficient quantity, but also the establishment and development of basic services such as access to health centers and to schools free of charge and directly on the sites of the different camps;
- d) Develop and implement food assistance programs and support local food assistance initiatives already in place to allow people to enjoy healthy and sufficient food for their needs. These should include direct feeding programs (food distribution), but also transfer and income generation programs as well as food subsidy programs in order to develop a sustainable solution to the problem of hunger and malnutrition;
- e) Develop and implement programs that facilitate access to housing in order to respect the right of people to live in decent housing. These programs, among others things, need to provide a

land for the construction of social housing, as well as finance and encourage the development of housing cooperatives and set up a credit system facilitating access to loans for construction, purchase and rental of housing. Moreover, these programs must be strengthened by the establishment of a legal framework, particularly in the social housing cooperatives, through laws and regulations governing housing;

- f) Develop and implement appropriate policies regarding the problems of impoverishment, particularly in regard to the rural sector. In parallel, develop and finance income-generating activities that can end the cycle of poverty faced by families in the Anse-à-Pitres camps;
- g) Facilitate and encourage concrete initiatives to create awareness amongst the Haitian population about the reality of people of Haitian descent in the Dominican Republic to limit Haitian migration to the neighboring country, and thus save them from difficult living conditions and abuse they may face;
- h) Develop and implement legal assistance programs for repatriated families and spontaneously returned so they can have access to redress or compensation for the abuse they have experienced, including the widespread loss of their property at the hands of their Dominican bosses;
- i) Address the issue of documentation for the families living on the sites by developing an identification and documentation plan in order to regularize the status of all families from Haiti and provide the appropriate identification. Meanwhile, this identification plan should also take into account the cases of statelessness and treat them with rigor, among other actions by sending them to the appropriate organizations, while still ensuring that they have access to a document in order to prove their identity;
- j) Strengthen the presence of State institutions along the border with the Dominican Republic, covering all points of official and unofficial passages, to have constant and systematic migration control;
- k) Enhance the presence and the financial and organizational capacities of the National Migration Office (NMO) to ensure more effective, organized, responsible and sustainable reception of repatriated and spontaneously returned families, rather than prioritizing specific actions.

For the humanitarian actors, especially those engaged in family relocation sites of Anse-à-Pitres, to:

- a) Work closely with the appropriate institutions in order to prioritize a plan of relocation part of a multisectoral and comprehensive reintegration program, rather than as an isolated intervention;
- b) Consult the families of camps to develop and implement a relocation plan and suitable reintegration to which they consent rather than imposing a plan that is deemed appropriate from an outside perspective. As such, the population must be duly informed of the plan in question, and systematic and transparent mechanisms must be set up so that people can regularly respond and comment on programs and reorient them to better meet their needs. Within these mechanisms, pay particular attention to the needs of vulnerable populations;
- c) Develop and implement a resettlement program offering suitable routes and sustainable solutions, while ensuring not to get bogged down in the vicious cycle of humanitarian aid. This implies among other things to identify and work with local groups, as well as to build the aid programs while prioritizing community initiatives and self-help;
- d) Whenever possible, ensure use of local labor, sustainable materials from an environmental point of view and encourage socially responsible companies, to support the local economy, sustainable recovery and a return to independence;
- e) Coordinate with State institutions and grassroots organizations that have the mandate to act on the issue of host families, taking care to always act in order to reinforce their actions rather than act in parallel to them, to be able to prioritize an institutionalized and sustainable response to the problem of the reception and reintegration of returned families and spontaneous returnees.

CONCLUSION

In conclusion, the delegation of human rights organizations who visited the camps in Anse-à-Pitres on the 18, 19 and 20 February 2016 found during this visit that the camp population continually suffers serious violations of their rights and that, to this end, the Haitian authorities have failed to adequately show leadership in the reception of the repatriated on the border between Haiti and the Dominican Republic. As such, this report was intended to sensitize civil society and State authorities about the deplorable situation in the camps of Anse-à-Pitres, analyze violated rights nationally and internationally, and propose solutions encouraging institutional and adapted care programme regarding the situation of families in the camps, as addressed to the Haitian authorities and humanitarian actors.

The population of these camps is mainly composed of persons repatriated by Dominican authorities and people spontaneously returned as part of a tightening migration policy against people of Haitian origin. This is particularly worrying given the fact that, by its proximity, the Dominican Republic has been and continues to be an important destination for Haitian migration since the American occupation in 1915. Indeed, in 2012, it was estimated that about 500,000 Haitian immigrants were in the Dominican Republic, in addition to the 200,000 to 300,000 that are of Haitian descendency. Despite the living conditions and the many human rights violations these people may face in the Dominican Republic, the constantly increasing cost of living, the food insecurity and the poverty raging in Haiti continues to feed emigration of Haitians to the neighboring country. By adopting such migration policies directly affecting people of Haitian origin, one can only be highly concerned about the outlook for Haitian migrants who still reside in the Dominican Republic. As such, we call on all relevant authorities to fulfill their duties respecting the rights of people in precarious situations, and to actively work to change the situation, in attempt to prevent that other persons of Haitian origin should suffer such abuse again.

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APPENDICES



ANNEX I

Timeline of Haitiano-Dominican Relations

1 January 1804 - Haiti gained its independence from France, making it the first black republic in the world and the second State in the Americas. The years following its independence have been marked by a considerable isolation of the country internationally, perceived as a threat to the slave systems which continued to exist around the world, particularly in the western colonies. This international isolation was also accompanied by a development of negative prejudices against Haitians, especially at the political and cultural levels.

1822 - 1844 - Haiti invaded the Dominican Republic with the intention of abolishing the slave system as one of many objectives. This occupation lasted 22 years and has greatly influenced the collective imagination of Dominicans, nurturing a desire to defend the identity and independence of the Dominican nation that is still very present to this day, especially with the growing number of people of Haitian origin in the Dominican Republic.

February 27, 1844 - The Dominican Republic gained its independence from Haiti.

1912 - The Dominican government is implementing policies to limit the number of people with dark skin entering the country.

1915 - 1934 - The United States occupy the Haitian territory, leading to some extent preconceptions associated with the southern United States. In response to the culture shock, the Haitian population is unified, especially around movements for the culture associated with its African roots.

1916 - 1924 - The United States occupied the Dominican Republic, using various presidential decrees to establish and regulate the contractual system of cheap labor involving Haitians in sugar cane culture.

1929 - The Dominican Constitution establishes the terms of acquisition of citizenship on the basis of *jus soli* (right of soil). That is to say that a person born in the territory has an automatic right to Dominican nationality and citizenship.

1931 - The Haitian Legation in Santo Domingo condemns the massive human rights violations perpetrated against Haitian migrants and almost institutionalized forced labor on sugarcane plantations.

1933 - 1935 - Meetings were held between the governments of Haiti and the Dominican Republic concerning the conflict regarding the division of the border between the two countries.

1935 - A census in the Dominican Republic indicates that approximately 52,657 Haitians live in the Dominican Republic, including 11,586 living outside the industry of sugar cane and sugar refineries. At that time, the Haitian workers were employed directly through the Haitian government, and they received an immigration permit forcing them to return to Haiti after the harvest. Meanwhile, the dictator Trujillo opposed the employment of Haitian migrant workers, rather advocating local labor employment.

1936 - Dominican President Trujillo and Haitian President Vincent reach agreement on the division of the border.

1937 - Dominicans secret agents working in Haiti are unmasked and executed by the Haitian government. October 2, Trujillo ordered the massacre of thousands of Haitians with dark skin. During the massacre, the suspected Haitians were forced to say perejil ("parsley" in Spanish). If they were unable to pronounce the word correctly (rolling their "r"), they were considered Haitians and were then executed, which explains the name "Parsley Massacre".

1961 - Trujillo is assassinated. During his 31 years in power, he advocated a Dominican-European identity while nourishing the antihaitianist ideology, the institutionalized racism and the use of violence.

1967 - In a communication of the General Immigration Director on the problems and abuses against Haitian migrants in the mass repatriation framework, he says he "should not rule out the possibility that Haitians can be trained to receive permanent residency in the Dominican Republic, either because of their work or because they have married Dominican women and had children who were born in the country, except in the case where the status associated with their presence in the country has not been defined".

1969 - In a memorandum issued by the official in charge of the Office of the Director General of Immigration, Jesús Manuel Estrada informed the President Joaquín Balaguer that "the country was facing serious problems because of the Haitians, who massively invaded the territory in addition to the fact that they had children with Dominican women, who, since they were born on the territory, are Dominicans. Their number is an alarming symbol of their invasion and poses a real threat to our nationality. Over time, the huge core of Haitians will continue to increase for the aforementioned reasons, and the day is coming when they will reach one million. If this is not stopped, this will pose a real threat to the national security and the country".

1976 - In a communication to the President by the Secretary of the Armed Forces, Major General Juan Rene Beauchamp Javier addresses the 'need' to propose a legislation that would classify migrant workers as "foreigners in transit", preventing them to access to Dominican nationality.

1986 - The fall in sugarcane prices in the international market drastically reduced the demand for sugar cane workers.

1986 - The International Monetary Fund issued a loan of \$ 24.6 million after the departure of Jean-Claude Duvalier, who left country's cupboard bare. This loan was also accompanied by lower import tariffs to encourage trade liberalization. While Haiti was once self-sufficient in rice production, local merchants could therefore no longer compete on price of US rice which had flooded the market in Haiti. In response to this situation, a new wave of Haitian farm workers migrated illegally to the Dominican Republic in the agricultural sectors outside the sugar cane industry.

1990 - 2000 - The birth certificates are frequently denied to children of Haitians in the Dominican Republic, since their parents were considered "in transit", and therefore had no right to Dominican nationality.

1999 - A bilateral agreement between the Dominican Republic and Haiti is signed regarding the repatriation mechanisms (Memorandum of Understanding between the Republic of Haiti and the Dominican Republic on repatriation mechanisms).

2004 - The Law on General Migration NR 284-05 institutionalized and legalized the previous practice. Section 36 of the Act stated that foreign workers and undocumented migrants were considered as 'in transit', making the children of Haitians born in Dominican territory and undocumented migrants ineligible to Dominican nationality and causing the statelessness.

2005 - The Dominican Supreme Court ruled that the 2004 law is constitutional and does not violate the constitutional norms and principles governing the acquisition of Dominican nationality.

2005 - The Inter-American Court of Human Rights found that the Dominican Republic applies discriminatory practices with respect to the granting of Dominican citizenship, leaving stateless children born in the Dominican Republic of undocumented Haitian parents.

2007 - The Central Electoral Committee makes 2 decisions (012-2007 Resolution and Resolution 02-2007) that invalidate retroactively the Dominican identity document of children born in the Dominican Republic of undocumented Haitian parents, and implement a registration of foreigners program.

2010 - A new Constitution came into force 26 January 2010, reinforcing the systematic refusal of the granting of citizenship to children born in the Dominican Republic of undocumented Haitian parents.

2013 - The Dominican Constitutional Court issues a judgment towards Juliana Pierre, born in the Dominican Republic to Haitian parents. The refusal to grant her the national identity card has the indirect effect to reserve that same fate to almost all children born in the Dominican Republic to undocumented Haitian parents in the past 85 years. The decision said that the parents were "in transit" at the time of the birth of their children, not making them eligible to Dominican nationality and receive relating thereto identity documents.

2014 - After great pressure from the international community, President Danilo Medino announces the National Regularization of Foreigners Plan (NWRP) under the law 169-14, allowing people of Haitian descent born in the Dominican Republic to apply for a status of Dominican residence.

2015 - A new project to amend the memorandum of understanding on repatriation mechanisms is being discussed, but no agreement has been found to this day.

2015 - On 17 June 2015, registrations for the NWRP ends. The people of Haitian descent in the Dominican Republic begin to massively migrate to Haiti for fear of persecution, or are then repatriated by Dominican authorities.

ANNEX II

Questionnaire to gather information on the visit to the camps of Anse-à-Pitres

From the 18th to 20th of February 2016

What we should know: The questionnaire is here to orient our conversation with people in the camps. The exchanges will be in the form of focus groups. But, it is possible, we will call one person separately for us to ask questions.

First Section

1- Information about families

- a. How many people are in their families?
- b. What age are they?
- c. How many females? How many males?
- d. Since when have they been in the camp? (They can explain the situation – how did they arrive in the camp – if we can ask for details like was it their choice to come, or did they come due to pressure or force)
- e. What identification documents do they have?
- f. Did they try to register?
- g. How long had they been in the Dominican Republic?
- h. Where were they in the Dominican Republic?
- i. Were they working? If yes, what kind of work?
- j. What idea do they have about their situations? How are they planning on moving forward?
- k. How do they see their futures?

Second Section (we need to indicate we will be using information that we have already published in other reports to complete this section)

2- Physical aspect of the camps

- a) Are there latrines in the camps?
- b) Do their families find water to use or potable water?
- c) What is the environment of the camps?

3- Food needs

- a) Food
- b) What other things are important to them?

4- What institutions have offered assistance?

- a) The State
- b) Civil society
- c) International Organizations

5- What type of treatment does each of these groups receive in the camps?

- a) Children
- b) Handicapped
- c) Pregnant women
- d) The elderly

Third Section

6- What are the relations with the local community?

- a) Do they perceive the population of the camps poorly?
- b) What type of solidarity has the community offered to the people of the camps?
- c) Have there been conflicts in the camps already?

7- How are the people in the camps organized?

- a) Are there camp committees??
- b) Who are in the committees?
- c) How are the members of the committee perceived by the population of the camps?

8- What are the health conditions of the people in the camps?

- a) What sicknesses are present in the camps?
- b) Have they find care?
- c) Under what instances was care found?

9- Relation of men and women in the camps?

- a) How are decisions in the camps made?
- b) What group makes the decisions
- c) What is women's participation in the decision-making process?
- d) What role do they play in the camps?

Fourth Section

10- General analysis of family rights of those living in the camps

- a) Which rights are violated?
- b) What are the legal references?
- c) What are the recommendations

11- Education

- a) Do children in the camps go to school?
- b) Are the school in the area able to receive them?

ANNEX III

List of people who participated in the Focus Group

Camp : _____

[illegible]

ANNEX IV

International Human Rights Treaties Signed and Ratified by Haiti

International Human Rights Treaty	Signature	Ratification
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	16 Aug. 2013	
International Covenant on Civil and Political Rights		6 Feb. 1991
International Convention for the Protection of All Persons from Enforced Disappearance	6 Feb. 2007	
Convention on the Elimination of All Forms of Discrimination Against Women	17 Jul. 1980	20 Jul. 1981
International Convention on the Elimination of All Forms of Racial Discrimination	30 Oct. 1972	19 Dec. 1972
International Covenant on Economic, Social and Cultural Rights		8 Oct. 2013
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	5 Dec. 2013	
Convention on the Rights of the Child	26 Jan. 1990	8 Jun. 1995
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict	15 Aug. 2002	
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	15 Aug. 2002	9 Sep. 2014
Convention on the Rights of Persons with Disabilities		23 Jul. 2009