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Groups Ask Human Rights Experts to Intervene in UN Response to Haiti Cholera

Three years after admitting its responsibility for cholera, UN continues to violate victims' rights

February 6, 2020 (New York, NY; Cambridge, MA; Port-au-Prince, Haiti) — Harvard Law School's International Human Rights Clinic, Haiti-based human rights law firm Bureau des Avocats Internationaux (BAI), and its U.S.-based partner organization, the Institute for Justice & Democracy in Haiti (IJDH), filed a [formal complaint](#) last week asking UN experts to investigate human rights violations linked to the UN's response to introducing cholera to Haiti. The complaint is a request to the UN ["Special Procedure" system](#), a group of UN-appointed human rights experts charged with reporting and advising on human rights issues worldwide.

In 2016, after years of denial, then UN Secretary-General Ban Ki-moon [publicly apologized](#) for the UN's role in [introducing cholera to Haiti](#) and launched a ["New Approach to Cholera in Haiti,"](#) a \$400 million plan to eliminate cholera and provide "material assistance" to those most affected by the disease. The epidemic has [killed 9,789 people and sickened 819,000](#) since 2010, and Haiti remains vulnerable to cholera due to inadequate investments in water, sanitation and health systems.

"Three years after admitting it was responsible for cholera, the UN continues to unconscionably violate victims' right to reparations and deny its legal obligations," said Mario Joseph, Managing Attorney of the BAI. Since 2010, BAI and IJDH have worked to advance cholera victims' struggle for justice, including by filing 5,000 [claims with the UN](#) and a [class action lawsuit](#) in U.S. federal court.

Earlier this week, *Foreign Policy* [revealed](#) that the UN's lawyers waged "an extraordinary internal campaign" to keep the Organization from accepting full responsibility for cholera. In his parting email, the outgoing Assistant Secretary-General for Human Rights, Andrew Gilmour, slammed UN leadership for failing to honor cholera victims' rights, calling it "the single greatest example of hypocrisy in our 75-year history."

The complaint filed last week documents serious deficiencies in the UN's response under Secretary-General António Guterres' leadership that violate the right to effective remedy protected under human rights law. Major findings include:

- The UN refused to fund the New Approach through its regular budget, instead relying on charitable donations that have raised only [5% of the \\$400 million](#) promised.

- The UN made key decisions about the New Approach without victim input. Victim groups organizing for cholera justice were sidelined and labeled a “[risk](#)” by the UN Development Programme.
- The UN is denying victims direct compensation for the devastating harms they suffered, in violation of both [human rights law](#) and its [own legal framework](#).
- The UN has done little to prevent similar health disasters in the future, with [internal UN audits](#) showing that the UN continues its unsafe sanitation management in peacekeeping missions around the world.

“We are appealing to UN Special Procedures to protect victims’ rights to remedies for the harms they suffered. This is as urgent for the countless families who lost loved ones and struggle to survive as it is for the UN’s own legitimacy,” said Beatrice Lindstrom, Clinical Instructor in the International Human Rights Clinic at Harvard Law School, who lead a team of students in drafting the complaint.

UN Special Procedures previously took up the cholera issue in a [joint allegation letter](#) in 2014, raising concerns that the UN was denying cholera victims access to legal remedies. Efforts to persuade the UN to change course culminated in a [highly critical 2016 report](#) from the UN Special Rapporteur on Extreme Poverty and Human Rights, Philip Alston. This engagement amidst an [extraordinary mobilization](#) of cholera-affected communities and allies played a key role in prompting the UN to eventually admit its role in the outbreak.

“UN Special Procedures are the eyes and ears of the human rights system. We are calling on these experts to again take action to protect the integrity of the UN human rights system by holding the UN to its commitments and the rights it claims to protect and promote world-wide,” said IJDH Legal Advocacy Director Sienna Merope-Synge.

A full copy of the 32-page complaint can be found [here](#). Harvard Law School Clinical students Steven Jiang, JD ’21, Gigi Kisela, JD ’21, and Saranna Soroka, JD ’20 contributed to the drafting of the complaint.

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