



ROBERT F. KENNEDY CENTER FOR JUSTICE & HUMAN RIGHTS



Institute for Justice
and

Democracy in Haiti



Sante ak Dwa Moun



A Call for Human Rights-Based Approach to Humanitarian Assistance for Haiti

As a group of human rights organizations working for justice in Haiti, we call on donor governments, international organizations, and non-governmental organizations (NGOs) to adhere to international human rights principles in responding to the needs of the people of Haiti in the wake of this week's catastrophic events.

A quick response to the earthquake is desperately needed, but it should not come at the cost of the human dignity and human rights of the individuals in Haiti who have already lost so much. Too often, donors, international organizations, and NGOs in Haiti have failed to use funds in a way that promoted the rights of all Haitians or built the capacity of the Haitian government to protect society's most vulnerable members. Historically in Haiti, participation in decision-making of those most affected and transparency and accountability of donors and implementing organizations have been absent at all stages of distribution. The recovery process in Haiti will take many years which makes it all the more critical that clear human rights principles guide the process. In response to past emergencies, Haiti has experienced uncoordinated and unpredictable aid and broken promises, leading to even greater suffering.

Donors should learn from the lessons of the past and take this opportunity to implement aid in a rights-based way to substantially lessen suffering in Haiti. Specifically, we urge donors, international organizations, and NGOs to:

- Respect human rights and follow the United Nations Guiding Principles on Internal Displacement at all stages of planning, implementation, and evaluation of humanitarian assistance;
- Adopt a rights-based approach, ensuring the goals of transparency, accountability, capacity development, participation, and non-discrimination; and
- Incorporate long-term planning and ensure all assistance is coordinated with the government of Haiti, focusing on building a stronger Haiti with a government able to guarantee human rights to all Haitian people.

Respect Human Rights in Addressing the Emergency

We call on donor governments, international organizations, and NGOs to coordinate efforts and plan, implement, and monitor all assistance according to human rights principles. Ongoing needs-assessments should also take into account the human rights effects of the crisis.

In creating a coordinated response, the international community should take steps to ensure that assistance efforts do not exacerbate or reinforce marginalization or human rights abuses that pre-dated the earthquake. In particular, given reports of increased violence against women in recent years, temporary sanitation should provide women with privacy and security. Distribution programs should also take into account the disproportionate effect of lack of food and water on women and children. Even in short-term strategies, consideration must also be given to land rights, as Haiti's poor majority often lack formal title to their land.

During this emergency, all international actors should use the United Nations Guiding Principles on Internal Displacement to guide their work with the large numbers of people who have been forced to flee their homes.¹ The Guiding Principles are intended to serve as an international standard to guide all relevant actors to protect the rights of internally displaced persons (IDPs) in all phases of displacement. Based on international humanitarian and human rights law and analogous refugee law, the Guiding Principles ensure the rights of IDPs, including: non-discrimination; the right to protection and humanitarian assistance; special protection for children, the disabled, and other vulnerable populations; and the right to be informed of the fate and whereabouts of missing relatives.

International donors should ensure their partner non-profit organizations similarly incorporate human rights principles into relief projects and coordinate assistance efforts.

Employ a Human Rights-Based Approach

We urge donor governments, international organizations, and NGOs to adopt a human rights-based approach to all forms of assistance. This approach requires transparency, accountability, participation, non-discrimination, and capacity development. It empowers the people of Haiti as rights-holders, creates the avenue for their voices to be heard, and enables them to play an active role in the rebuilding and development of their country. Donors also should comply with the principles set out in the Paris Declaration on Aid Effectiveness.²

Transparency in both governmental actions and donor activities is necessary for a human rights-based approach. Transparency requires the timely publication of information on all phases of developing and implementing a rescue, recovery, and rebuilding strategy, in a manner accessible to Haitians from all sectors of society. Donor governments and organizations receiving donations should coordinate public reporting on the amount of government and private donations to non-governmental and international organizations and the projects those donations fund. A lack of transparency can have deleterious effects on political stability; last October, the Senate voted to oust Haiti's Prime Minister over the lack of transparency in the spending of \$197 million in aid for Haiti after four storms ravaged the country.

Under a human rights-based approach, donor governments, international organizations, and implementing NGOs are accountable to the Haitian people. Donors and international organizations, along with the government of Haiti, should undertake a joint human rights assessment of their planned support to ensure it is best targeted to improve access to rights and conduct further evaluations once financial transfers have taken place. Accountability also requires mechanisms through which the community receiving assistance is able to report problems and access remedies. The international community should consider setting up a national call center for reports of corruption or abuse in the distribution of assistance.

A human-rights based approach requires a high degree of participation from the entire spectrum of Haitian society, including local communities, civil society, minorities, rural populations also affected by the

¹ Available in English, French, and Spanish at <http://www.idpguidingprinciples.org/>

² The Paris Declaration on Aid Effectiveness was endorsed on March 2, 2005 at the Second High Level Forum on Aid Effectiveness. Over 100 ministers and heads of agencies committed their countries and organizations to the goals of aid harmonization, alignment, and management for results with monitorable indicators.

earthquake, and women. Such participation must be active, free, and meaningful; perfunctory contact with program beneficiaries is not sufficient. Participation must occur at each level of the rescue, recovery, and rebuilding strategy-development process, from the initial needs assessment to planning, implementation, and evaluation.

Non-discrimination, fundamental to a human rights-based approach, requires that the poorest and most vulnerable of Haiti be targeted for priority assistance and empowerment. Conscious outreach and inclusion is required.

Ultimately, all international actors should focus on developing the capacity of the Haitian government to fulfill its duty to realize the human rights of all Haitians. In the past, donor governments and international organizations have often created parallel development and humanitarian structures, thus weakening the capacity of the Haitian government to improve basic rights for all and to respond to tragedies such as this one. The U.S. Government has stressed the importance of coordinating emergency relief to Haiti through national agencies. Donor states and NGOs should adopt this approach on a larger scale, allowing the government of Haiti to take an active and leading role in all steps of rescue, recovery, and rebuilding. At every stage in the assistance effort, donors should work hand-in-hand with the government. All efforts should be coordinated by and with the government of Haiti.

Ensure Adequate Funding for Emergency and Development Assistance

While emergency assistance is needed today, donors should employ a long-term perspective in their assistance to Haiti, with the goal of building a strong, self-sufficient country, capable of guaranteeing human rights for all of its people.

Emergency aid must not displace development aid that donors have already promised to deliver. Funds are urgently needed for the relief and rebuilding effort, but will not be sufficient without a commitment from the donor community to Haiti's long-term development.

Donors should follow through on their past commitments to provide funds for development. Donors pledged more than \$760 million in development assistance last year, most of which has yet to be received. The government of Haiti relies on these donor pledges to fulfill its obligations to the people of Haiti, in light of its budgetary constraints. Donor countries should deliver on their pledges and ensure that disbursement of funds is consistent with priorities identified by the government of Haiti. Failing to do so will have a devastating impact on the daily lives of Haitians. The Haitian people need both the long-term assistance pledged last April and the emergency aid pledged this week in order to rebuild their country.