



HUMAN RIGHTS MUST BE AT THE CORE OF RELIEF EFFORTS IN HAITI AND OF THE FIGHT AGAINST POVERTY THROUGH MDGs

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Ahead of the informal meeting of Development Ministers of the EU on 17 and 18 February, Amnesty International calls for two important issues to be discussed:

- Protection of human rights for effective relief and sustainable recovery in Haiti
- The centrality of human rights for development and the practical application of human rights into all MDG efforts in light of the upcoming UN General Assembly's High-level Plenary Meeting on MDGs from 20 to 22 September 2010.

Haiti

Following the devastating earthquake in Haiti, the EU responded promptly with the deployment of expert staff, through ECHO and the EU Civil Protection Mechanism, and with the contribution of financial resources for humanitarian assistance, early recovery, medium term rehabilitation and long term development.

However, the challenges that lay ahead are many. Amnesty International takes this opportunity to express its concerns amid the humanitarian crisis that is unfolding in Haiti and stresses that protecting human rights is essential for effective relief and sustainable recovery. Efforts and activities to address human rights issues must begin during the relief phase and be at the core of the reconstruction effort. As such, necessary international cooperation and assistance for Haiti must be provided in ways that ensure non-discrimination; that adequately prioritize fulfilling at least minimum essential levels of food, water, sanitation, education, health and housing for all; and that focus on those most in need. In addition, the Haitian authorities and donor states must act with due diligence to ensure that relief and development assistance does not result in, or contribute to, human rights violations and that there are effective mechanisms for the meaningful participation of all affected communities, including the most marginalized, in the relief and development assistance efforts.

To ensure the protection of human rights, Amnesty International calls for the following measures to be prioritized in the allocation of humanitarian aid and reconstruction of Haiti:

- Ensure the protection of children from abuse, exploitation and irregular adoption processes, and make family tracing a priority. International adoption should only be a last resort after all other possibilities at the national level have been exhausted.
- Security and law enforcement should be maintained through the establishment of an operational justice system for more serious offences and a provisional detention centre.
- The transfer of internally displaced persons must be voluntary, unless the safety and health of those affected requires evacuation.
- All actors involved in the relief and later efforts of reconstruction should integrate the prevention of and response to all forms of gender-based violence, in particular sexual violence, in their programmes.
- Staff of European forces, both civil and military, should also be governed by strict standards of conduct. Experience of other European operations has demonstrated that leaving accountability for violations solely to the discretion of the troop-contributing countries leads to impunity for serious human rights violations.
- Take all necessary steps towards cancelling Haiti's debt given that insistence on repayment would hinder Haiti's ability to meet its human rights obligations.

The situation on the ground is such that Haitians are not only facing one of the most serious humanitarian crises that has ever afflicted a nation but they are also confronted with a human rights crisis. The loss of tens of thousands of lives cannot be attributed only to the forces of nature. The endemic poverty that afflicts most of the population has contributed significantly to the extensive devastation. In encouraging and supporting reconstruction in Haiti, it is essential that the international community does not recreate the same factors that put people at risk of human rights violations and perpetuate inequality and poverty.

Millennium Development Goals

Poverty affects not only Haiti, but more than one billion people all over the world. The economic crisis and climate change mean that the situation of people living in poverty is likely to deteriorate. Poverty is not inevitable but the result of decisions. It is not only about the lack of resources and opportunities, it is also a matter of denial of human rights. Denial of the right to food, housing, healthcare and education, denial of the right to be protected against violence and the right to security of livelihood, denial of the right not to be discriminated against and the right to participate in civil and political freedoms.

In the Council Conclusions of 2008, the EU acknowledged that tackling poverty is an absolute priority in any sustainable and inclusive approach to development. The EU declared that it will continue to play a leading role as the world's largest donor, providing 60% of total international ODA, based on common values of human rights and fundamental freedoms, respect for democratic principles, country ownership and gender equality. It strongly reaffirmed its commitment to achieving a collective ODA target of 0.56% GNI by 2010 and 0.87% GNI by 2015, as set out in the May 2005 Council conclusions, the June 2005 European Council Conclusions and the European Consensus on Development. The EU also recalled that it will 'strongly promote and support cross-cutting issues that are core elements of the EU development agenda and are essential to the achievement of the MDGs, such as human rights, democracy, good governance, gender equality and environmental sustainability.' It took the view that 'good governance at all levels and the respect for human rights and rule of law are essential commitments.'

At the international level, in the Millennium Declaration, EU Member States, as members of the UN General Assembly, resolved to fully respect and uphold the Universal Declaration of Human Rights and to strive for the full protection and promotion of civil, political, economic, social and cultural rights, recognizing the importance of human rights and development, and in the 2005 World Summit Outcome, that 'gender equality and the promotion and protection of the full enjoyment of all human rights and fundamental freedoms for all are essential to advance development.' In addition, the European Commission and 17 Member States have agreed, in the 2008 Accra Agenda for Action on aid effectiveness that 'developing countries and donors will ensure that their respective development policies and programmes are designed and implemented in ways consistent with their agreed international commitments on gender equality, human rights, disability and environmental sustainability.'

Despite of such commitments and the significant steps taken by UN bodies, the EU and some States to develop tools for mainstreaming human rights into poverty reduction strategies, crucial gaps exist between the recognition of the importance of human rights for development and the practical application of human rights in all MDG efforts.

There continues to be insufficient attention given to human rights violations that undermine efforts towards achieving the MDGs and to addressing discrimination – including gender discrimination and inequality – in MDG strategies. For example, progress on MDG 5 to improve maternal health has been

limited in some contexts by violations such as female genital mutilation, child marriage and failure to enforce a legal minimum age of marriage, as well as powerlessness of married girls to make decisions about their sexual and reproductive health. Furthermore, many MDG-based strategies do not reflect internationally recognized and legally binding human rights standards, thus missing an important opportunity to enhance their effectiveness. Human rights require that poverty reduction efforts: address discrimination; advance equality (including gender equality); give adequate focus to the most marginalized and vulnerable people and communities; prioritize the realization of minimum essential levels of economic, social and cultural rights for all; and provide for participation of all people in decisions affecting their rights. Human rights have mobilizing potential and help build support for the actions required to meet the MDGs, and therefore such actions are required by international human rights law.

In this context Amnesty International urges the EU and its Member States to ensure that the UN High-level Plenary Meeting in September results in the strengthening of national and international MDG efforts to meet and exceed the MDGs by ensuring consistency with international human rights standards and increasing accountability for their achievement. In particular, Amnesty International urges the EU Member States to initiate and express support for the General Assembly, in the Outcome document of the High-level Plenary Meeting, to:

- Adopt a common position reaffirming the agreed language in the 2005 World Summit Outcome and stating that *'gender equality and the promotion and protection of the full enjoyment of all human rights and fundamental freedoms for all are essential to advance achievement of the Millennium Development Goals'*;
- Pledge to take specific actions to ensure consistency with human rights, including references to the need to ensure non-discrimination, gender equality, participation and accountability;
- Resolve to establish an EU evaluation process to undertake a 'comprehensive review of successes, best practices and lessons learned, obstacles and gaps, challenges and opportunities, leading to concrete strategies for action' (on the model of the agenda for the High-level Plenary Meeting set out in UN GA Res. 64/184, 21 December 2009) in consultation with all stakeholders, and taking into account human rights standards;
- Support a human rights focused initiative to eradicate poverty after 2015 (post-MDG).

In addition, Amnesty International calls on the EU to ensure that between 2010 and 2015, EU policies and strategies to support developing countries to meet the MDGs are based on, and consistent with, international human rights standards. Among such necessary measures, AI urges the EU to:

- Take concrete steps to audit/review MDG policies and strategies to ensure their consistency with international human rights standards, establishing or strengthening institutional mechanisms for this purpose;
- Ensure that support for the MDGs facilitates the participation of people living in poverty in MDG-based planning, implementation and monitoring at all levels, in particular the equal participation of women;
- Assist developing countries to identify and address discrimination – including gender discrimination and inequality – in all efforts to meet the MDGs and to ensure that MDG efforts prioritize the most marginalized and disadvantaged groups.

Any processes set up to review the MDGs and to discuss possibilities for a post-2015 framework should include a focus on human rights and have a mandate to consult with people living in poverty and other stakeholder groups.