

THE HUMAN RIGHT TO FOOD IN HAITI



REPORT OF AN INTERNATIONAL FACT-FINDING MISSION



GRAMIR
Groupe de Recherche et
d'Appui au Milieu Rural

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GRAMIR is a Haitian organization founded in 1987 in Jeremie, a locality in the Grand'Anse Department. GRAMIR is active in the Departments of Grand'Anse and Nippes. It aims to promote rural development, organize civil society and encourage democratic action in Haiti through consultation, research and action. GRAMIR helps strengthen farmers' organizations so that they may play a more important role in economic and socio-political decision-making.

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ACRONYMS

ACP	African Caribbean Pacific Group of states
CARICOM	Caribbean Community and Common Market
CARIFORUM	Caribbean Forum of ACP states
CESCR	Committee on Economic, Social and Cultural Rights
CISA	Conseil interministériel de la sécurité alimentaire (Inter-Ministerial Counsel on Food Security)
CNSA	Coordination Nationale de la sécurité alimentaire (National Food Security Coordination)
EMMUS-IV	Mortality, Morbidity, and Utilization of Services Survey 2005-2006
EPA	Economic Partnership Agreement
ESCR	Economic, Social and Cultural Rights
EU	European Union
FAO	Food and Agriculture Organization
FEWSNET	Famine Early Warning System Network, financed by USAID
GDP	Gross Domestic Product
GRAMIR	Groupe de Recherche et d'appui au milieu rural (Rural Areas Research and Support Group)
HIV/AIDS	Human Immunodeficiency Virus / Acquired immune deficiency syndrome
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDB	Inter-American Development Bank
IMF	International Monetary Fund

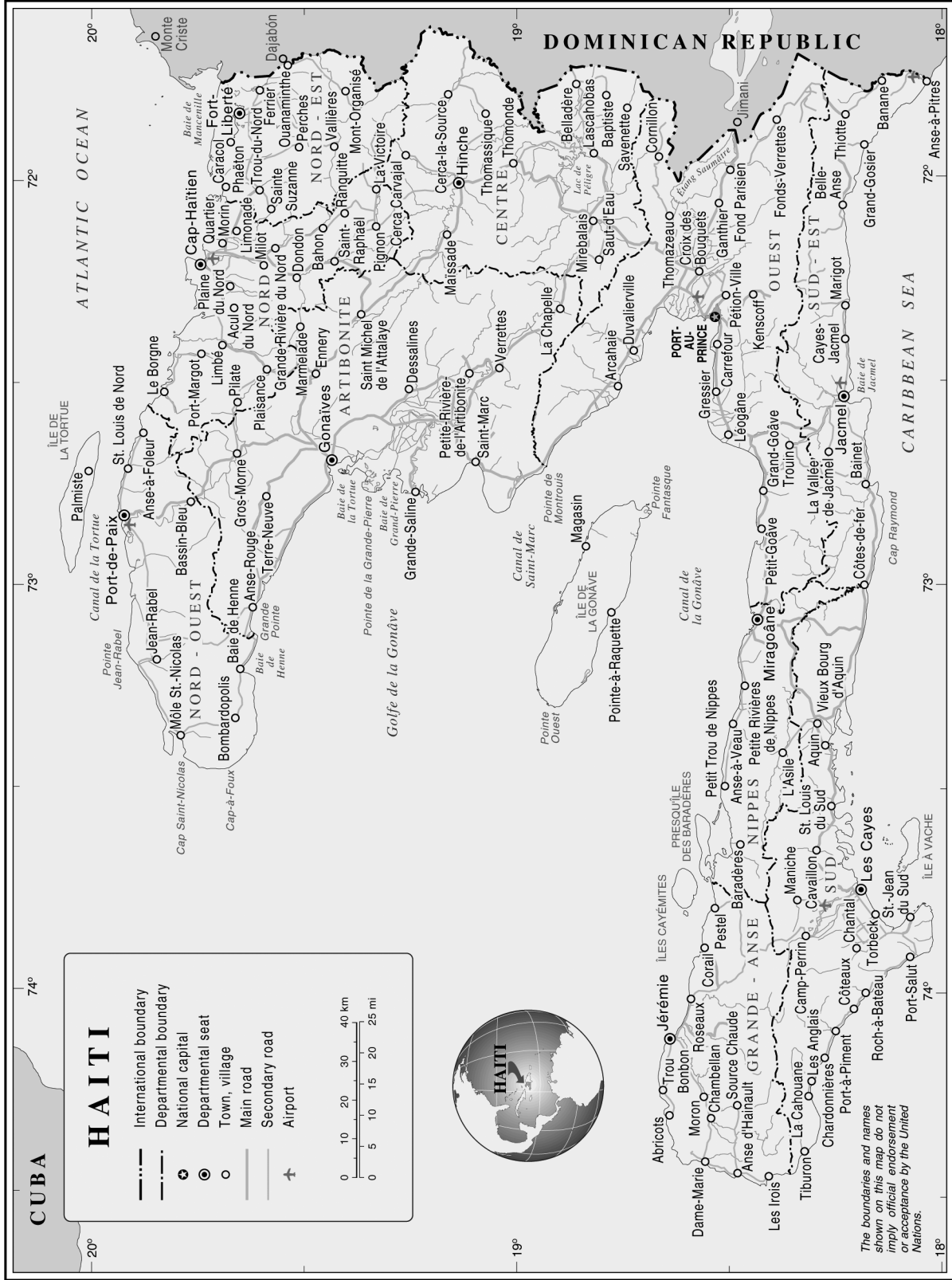
INARA	Institut national de la réforme agraire (National Institute for Agrarian Reform)
LDC	Least-Developed Country
MINUSTAH	United Nations Stabilization Mission in Haiti
NGO	Non-governmental organization
OPC	Office de la protection du citoyen (Office for the Protection of Citizens)
PAHO/WHO	Pan American Health Organization / World Health Organization
PFNSA	Plate-forme nationale de sécurité alimentaire (National Platform for Food Security)
PRSP	Poverty Reduction Strategy Paper
SAP	Structural Adjustment Program
UNCHR	United Nations Commission on Human Rights
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Program
UNHCR	Office of the United Nations High Commissioner for Human Rights
USA (US)	United States of America
USAID	United States Agency for International Development
WFP	World Food Program
WTO	World Trade Organization

What I am proposing is that instead of subsidizing imported food products, we will subsidize national agricultural production... This is the sustainable solution: national production, support for local products.

President Préval, in his speech to the nation, April 9, 2008

The state should defend us but it has given up on its responsibilities. It is absent except when it needs us. There are no schools, no healthcare, no agricultural support, and therefore — no future for our children.

A peasant farmer interviewed in the district of *Lawòy*, May 27, 2008



INTRODUCTION

In a year that witnessed numerous public demonstrations against rising food prices, the issue of hunger has suddenly found itself on the front pages and at the forefront of international debates. It is easy, in this context, to lose sight of the fact that hunger persists in a world that has more than enough food to feed itself. And yet, as we are reminded by the UN's Food and Agriculture Organization (FAO), more than 850 million people around the world suffer from hunger every day — a violation of the most basic of rights.

The fact-finding mission to Haiti was the third in a series undertaken by Rights & Democracy and its partners. The goal of the mission series was two-fold: first, to better understand the challenges of applying a human rights framework for hunger eradication in least-developed countries; and second, to encourage national stakeholders to take on those challenges.

This report is a collaborative effort. Deepest appreciation is extended to the members of the mission delegation and their organizations, both international and national. In particular, we would like to thank the office of the UN Special Rapporteur on the Right to Food and the Right to Food Unit at the FAO for their guidance and valued suggestions throughout the process. Léa Winter, Daniele Magloire and Nicholas Galletti at Rights & Democracy as well as Agnus Laraque and Fresnel Germain Jr of GRAMIR were the backbone of the mission, coordinating all aspects of the research and planning while remaining passionate about the issues.

Members of the fact-finding mission wish, in particular, to extend their special thanks to the many individuals and communities we interviewed during our time in Haiti. Their generosity and insights have inspired this report.

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THE FACT-FINDING MISSION

An international fact-finding mission visited Haiti from May 26 to 31, 2008. It was the third such mission in a series of country studies undertaken by Rights & Democracy as a means of promoting the advantages of a human rights framework for the eradication of hunger.¹ The mission was undertaken in cooperation with the Groupe de Recherche et d'Appui en Milieu Rural (GRAMIR).²

Mission objectives were: to assess hunger and food insecurity in Haiti from a human rights perspective; to apply the FAO guidelines on the human right to food in a practical context; to make recommendations based upon the human rights framework for policy and program development. This included attention to issues of governance, market vulnerability and access to productive resources.

The mission delegation was comprised of representatives of both national and international organizations including the office of the UN Special Rapporteur on the Right to Food. The full list of mission delegates and interviews is provided as an annex to this report.

Site visits, interviews and public engagement

Members of the fact-finding mission visited communities affected by hunger in Lascahobas, Côtes-de-fer, and Aquin. The mission also visited several urban areas of Port-au-Prince: Jalousie; Cité de Dieu; Cité L'Eternel; and Des-cayette. In Port-au-Prince, mission members met with parliamentarians and with representatives of government ministries, donor countries, international financial institutions, UN agencies and civil society organizations. At the conclusion of the site visits and interviews, the mission delegation hosted

1 See reports of previous missions to Malawi and Nepal at www.dd-rd.ca.

2 The mission was funded by Rights & Democracy.

a public seminar in Port-au-Prince to present preliminary findings and to seek additional input from a wider range of national stakeholders.

Site visit to Plateau Central

In the Plateau Central, the mission visited communities in the town of Lascahobas and in the *Lawòy* district. *Lawòy* is particularly affected by malnutrition and poverty.

The primary issues addressed in Plateau Central arose from the nature of economic relations with the Dominican Republic, including challenges faced by the *rapatriés* (repatriated migrant workers) and the consequences of cross-border migration on agricultural sustainability and production in the region. Meetings were held with small producers, grassroots organizations and the *rapatriés* themselves.

Site visit to Côtes-de-fer and Aquin

The site visit team visited these communities along the southern coast of Haiti, which had been identified as among the most food-insecure in the country.

The primary issues addressed were social exclusion and lack of targeted policies for children, the elderly and agricultural workers. Meetings were held with local development organizations, community activists and individuals.

Interviews with officials in Port-au-Prince

The mission members met with a range of stake-holders in the capital city.³

Meetings with government included the Minister of Planning and External Cooperation, officials at the Departments of Trade and Industry, Economy and Finance, Feminine Condition and Women's Rights. Mission members also met with representatives of political parties including the "Convention des partis politiques" and the Chair of the House of Commons.

The mission members met with representatives of the United Nations in Haiti, including the UN Stabilization Mission (MINUSTAH), the World Food Program (WFP), the FAO, the Pan American Health Organization/

3 See annex 3.

World Health Organization (PAHO/WHO) as well as with representatives of international financial institutions including the World Bank and International Monetary Fund (IMF). Among donor countries, the delegation met with representatives of the governments of Canada and the European Union (EU). Additional meetings were organized with local and international non-governmental organizations (NGO).

Civil Society Seminar

At the conclusion of the fact-finding mission, mission members hosted a public seminar in Port-au-Prince. The purpose of the seminar was to disseminate preliminary findings of the mission and to encourage discussion about the usefulness of the human rights framework for addressing persistent hunger in Haiti and for taking concrete actions to confront challenges related to the recent rise in food prices.

The seminar featured presentations by representatives the Office of the UN Special Rapporteur on the Human Right to Food and the FAO as well as from local civil society organizations active in this field.

USING THE HUMAN RIGHTS FRAMEWORK

When the United Nations Charter was adopted, it called upon nations to “pledge universal respect for and observance of human rights” (article 55). Further it required that states take “joint and separate action” to implement those rights. Subsequently, the United Nations adopted in 1948, a Universal Declaration on Human Rights as a statement of principles which were soon protected in international law by two governing covenants — the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

The ICESCR recognizes the right to an adequate standard of living, including the right to food which is described as the right to be “free from hunger.” One hundred and fifty-six states are currently party to the ICESCR, representing an international consensus upon which cooperation between states can be built. Unfortunately, Haiti has yet to ratify the ICESCR, but it has adopted companion treaties that protect the rights of particular vulnerable groups including children (the Convention on the Rights of the Child) and women (the Convention on the Elimination of All Forms of Discrimination against Women).

In 2004, the FAO adopted the *Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security* (the Guidelines).⁴ The Guidelines offer a practical tool to assist states as they develop programs and policies designed to implement their right to food commitments pursuant to the ICESCR. Since adopting the Guidelines, the FAO has developed a number of companion tools. Notably, these include the *Guide on Elaborating Framework Law for the Right to Food* and the *Guide to Conducting a Right to Food Assessment* (forthcoming).

4 To consult the Guidelines: http://www.fao.org/righttofood/en/highlight_51596en.html.

All human rights are governed by an over-arching set of common principles: human rights are universal and should be enjoyed without discrimination; human rights are indivisible, interdependent and inter-related; states are accountable for human rights implementation and must ensure access to effective remedies when human rights violations occur.

Following the World Food Summit in 1996, the UN Committee on Economic, Social and Cultural Rights (CESCR), a treaty monitoring body, was mandated to further articulate the human right to food by means of a “General Comment.” Although general comments are not legally binding, they are considered to be authoritative interpretations of specific rights or principles governing rights. General Comment 12 was adopted by the UN Commission on Human Rights in 1999.

The General Comment provided a typology for monitoring the different levels of state obligations under the ICESCR.⁵ The typology — to *respect*, to *protect* and to *fulfil* - is now generally applied to all economic, social and cultural rights. The obligation to *respect* refers to the state’s commitment not to undermine enjoyment of human rights either through action or failure to act; the obligation to *protect* requires the state to ensure that persons living within its jurisdiction do not suffer human rights violations at the hands of non-state actors; the obligation to *fulfil* requires the state to provide an institutional framework to ensure that rights can be effectively enjoyed in practice (to facilitate, and in cases of natural disaster or emergency to provide).

The General Comment also explains that states should implement the right to food *progressively*. Thus, in matters of food security, a human rights framework requires the government to progressively realize the right of its citizens to produce or otherwise access with dignity the food necessary to live an active and healthy life.⁶ Progressive realization can be understood as a measurement tool for monitoring purposes and also as a planning tool for sequencing of policies and programs.⁷

5 See Asbjorn Eide, *The Right to Adequate Food and to be Free from Hunger, Updated study on the right to food*, Sub-Commission on Prevention of Discrimination and Protection of Minorities, UNCHR 51st session, doc. E/CN.4/Sub.2/1999/12, 1999.

6 *The Right to Food in Practice - Implementation at the National Level*, FAO, 2006, p. 4. http://www.fao.org/docs/eims/upload/214719/AH189_en.pdf.

7 It is helpful to read General Comment 12 in relation to other general comments issued by the CESCR. General Comment 2 on International Technical Assistance, General Comment 3 on the Nature of state Obligations, General Comment 9 on Domestic Application of the Covenant and General Comment 15 on the Right to Water are available on the website of the Office of the High Commissioner for Human Rights. www.ohchr.org/english/bodies/cescr/.

METHODOLOGY

“Fact-finding” indicates a process in which information is gathered related to an alleged human rights violation. There are many useful and clear guides on how to gather such information including numerous academic papers on the use of indicators, the *FAO Guide to Conducting a Right to Food Assessment* and the excellent training manual for human rights monitoring produced by the Office of the High Commissioner for Human Rights.⁸

The mission based its procedural approach on lessons learned from the experiences of previous similar missions. The substantive approach relied heavily on General Comment 12 on the Human Right to Food. For example, in the development of guiding questions for interviews, attention was given to the normative principles of the right to food (adequacy, accessibility, availability/sustainability) in their relation to the different levels of state obligation (respect, protect, fulfil). The mission attempted throughout to apply the over-arching human rights principles of universality, indivisibility, and accountability. Despite the methodological challenge this approach naturally entailed, common observations did evolve from the process although these were primarily qualitative in nature.

Interviews were conducted with affected communities that had made reports to local organizations about particular violations or threats to the enjoyment of their human right to adequate food. Situation-specific questionnaires were developed during a pre-mission workshop in Port-au-Prince and interviews were scheduled in advance by local partner organizations. Site visits discussions were conducted in Créole with interpretation to French for the international delegates.

Although the interview and follow-up questions differed between site visits according to context, the basic research methods used remained the same.

8 *Training Manual on Human Rights Monitoring*, Office of the High Commissioner for Human Rights, 2001, http://www.ohchr.org/english/about/publications/docs/train7_a.pdf.

Interviews with communities called upon individuals to describe their situation in their own words and to introduce issues they felt were most relevant to human rights and food insecurity. Interviews with government and international agency officials sought to clarify information obtained during site visits and to better understand the challenges from the perspective of duty bearers.

Some of the facts and figures provided in this report were obtained through on-line research and post-mission inquiries. With the time and resources available, it was not possible to verify all points of view with the people who expressed them and therefore comments have not been attributed to any specific individual or interview group.

The rights-based approach is far from being merely a theory or an ideal. It is utterly practical: the non-realization of human rights is not only a frequent result of poverty but also one of its major causes, which means that working to realize these rights is vital for combating poverty.

The Right to Food in Practice - Implementation at the National Level, FAO, 2006, p. 3.

THE HUMAN RIGHT TO FOOD IN HAITI – OVERVIEW

The Republic of Haiti is located on the western third of the Caribbean island of Quisqueya, called Hispaniola by the first Spanish settlers in 1492. The island it shares with the Dominican Republic lies between Cuba and Puerto Rico in the Greater Antilles Archipelago. Haiti, a small mostly mountainous nation of 9.5 million, is divided into 10 administrative departments.⁹ The capital, Port-au-Prince, is situated in the Department of the West and is home to almost 25% of the population.

Haiti remains the poorest country in the Americas and one of the least-developed in the world (LDC). The nation ranks 146th out of 177 countries in the United Nations Development Program's (UNDP) *Human Development Index for 2007-2008*. According to UNDP estimates for 2005, 78% of the population lives below the poverty line, earning less than 2 USD a day, while 59% lives in a state of extreme poverty on less than 1 USD per day. Moreover, there is great inequality in the distribution of wealth.¹⁰

According to UNDP data, 46% of the Haitian people suffer from malnutrition, mainly in rural areas where more than 63% of the country's population lives. The percentage of income spent on food is 32.8% in urban areas and as much as 55.6% in rural areas.¹¹ In 1986, Haitian agricultural production covered between 80% and 90% of the national consumption.¹² Today, it covers only 47% of the country's nutritional needs. Imports, mainly of rice and

9 World Bank estimate for 2006 (*World Development Indicators database*, April 2008).

10 The Gini coefficient ranks Haiti as the 6th worst out of 126 countries. For example, the richest 2% of the population owns 26% of the total income of the country while the bottom 40% owns only 5.9%. Source: UNDP, *Human Development Index 2007-2008*.

11 *Haiti: Poverty Reduction Strategy Paper (PRSP) 2008-2010*, March 2008, p.19.
<http://www.imf.org/external/pubs/ft/scr/2008/cr08115.pdf>

12 Ernst Mathurin and Budry Bayard, *État des lieux de la sécurité alimentaire en Haïti* (The state of food security in Haiti), March 2008, p.13.

wheat, account for 48% of the total food balance sheet while international aid provides the remaining 5%.¹³

The Haitian state is unable to provide basic social services like healthcare, education or infrastructure. Infant mortality accounts for 84 deaths per 1000 births, a rate far above the average of 26 deaths per 1000 births in the rest of Latin America and the Caribbean.¹⁴ According to a 2003 estimate by the United Nations Education, Science, and Culture Organization (UNESCO), the adult literacy rate is 54.8%. Only 54% percent of the population has access to clean drinking water, and almost 5.5 million Haitians, particularly in rural areas and in provincial cities, have no access to electricity. Life expectancy for Haitians in 2005 was 59.5 years.¹⁵

More than half the Haitian population earns its livelihood from agriculture. However, despite the wide variety of crops that grow in Haiti's various microclimates, agricultural production has stagnated since the 1980's, and population has far outpaced production.¹⁶ The hardships ailing the agricultural sector along with the lack of opportunities have driven many producers to abandon their land and move to urban areas hoping to find a better employment.¹⁷ In these areas unemployment runs high, and opportunities are few.¹⁸ In fact, urban revenue continues to decrease with the continued influx of migrants. Some attempt to illegally cross the border in order to reach the Dominican Republic, other Caribbean countries or the United States.¹⁹

The largest economic sector is the services industry, which consists mainly of informal work in urban areas. Although GDP per capita has resumed positive growth since 2005, the lack of security and infrastructure, a large commercial deficit, and the absence of a state economic policy have slowed investment and hampered further socioeconomic development considerably. Indeed, the government's budget is dependent on the generosity of the international community. Furthermore, a large proportion of the population

13 CNSA data for 2007.

14 UNDP data for 2005 according to the *Human Development Index*.

15 *Human Development Index 2007-2008*, UNDP.

16 Haiti's population doubled between 1950 and 2003. The annual growth rate projected at 1.5% through 2015. The average rate for developing countries is 1.3%. Source: *Human Development Index 2007-2008*, UNDP.

17 The urban population grew rapidly. In 1975, 21.7% of the population lived in cities, and this figure reached 38.8% in 2005. The projection for 2015 is 45.5%. Source: *Human Development Index 2007-2008*, UNDP.

18 According to the data of the Haitian Institute of Statistics (www.ihsi.ht), unemployment reached 45.5% in Port au Prince. Ernst Mathurin and Budry Bayard presented evidence showing that 30% of the total active population and 62% of youths between the ages of 15 and 19 are unemployed. These numbers are alarming considering that 51% of the Haitian population is under the age of 20.

19 According to the data collected by the border network "Jeannot Succès" 12,000 Haitians tried to flee the country during the first trimester of 2008.



Most of the rice eaten in Haiti comes from the United States.

depends on money transferred from relatives living abroad.²⁰ In 2007 the United States, the Inter-American Development Bank (IDB), Canada, the European Union (EU), and the World Bank were Haiti's principal lenders. The country's external debt reached 1.189 billion USD in 2006.

²⁰ Remittances are a significant resource for Haiti. They account for more than one billion USD in 2006, more than a fifth of Haiti's GDP. Source: *World Development Indicators database*, April 2008.

Overview of the Political Situation

During the period of French colonization, Haiti's economy was based on logging, sugar, and coffee production. It was one of the richest colonies in the Caribbean. Its wealth was in large part due to the massive importation of African slaves and was at the expense of the local environment. In 1804, the nation became the first black republic to proclaim its independence. Throughout the 19th and 20th centuries Haiti was plagued by violence and internal power struggles between regional elites. This instability left Haiti open to occupation by the United States from 1915 to 1934 and subsequently to coups by various nationalist military juntas.

In 1990, after 30 years of dictatorship under the Duvalier family (1957-1987) and a brief succession of military regimes, Jean Bertrand Aristide, vowing political and social reform, was elected by a strong majority. After several months, a new military coup drove Aristide from the country and Haiti suffered a period of repression and a political and economic embargo placed on the country by the international community between 1991 and 1994. In 1994 Aristide returned to power with support from the United States. Limited to one consecutive term by the Haitian constitution, Aristide had to step down in 1995, and René Préval was elected to the presidency.²¹

Shortly afterwards, conflicts between the different political factions within the governing coalition erupted, paralyzing political action in the country. The 2000 elections, which saw Aristide returned to power, were boycotted by the opposition and judged fraudulent by international observers. During Aristide's second mandate, Haiti witnessed a surge in armed militias financed by the governing party. They repressed opposition parties, human rights advocates, and journalists. The situation worsened until 2004, when an armed rebellion combined with national and international pressure forced Aristide and his Lavalas party from power.

After the fall of the Lavalas party, a transitional government with strong ties to the international community undertook to institutionalize democracy in the country. This transitional period ended in 2006 with the election of a new president, the founding of a new parliament, and the formation of a government headed by René Préval.

At the start of April 2008, a steep rise in the price of essential foodstuffs led to a series of demonstrations against the high cost of living that left several people dead and hundreds of others wounded. The Senate, unhappy with

21 Haitian Constitution, article 134.3.

the government's response to the crisis, removed Prime Minister Jacques Edouard Alexis on April 12th, 2008. Haiti remained without a government for more than four months before Ms. Michèle D. Pierre-Louis was nominated and a new cabinet appointed.

The current political situation is also plagued by the lack of respect for the electoral calendar. In fact, indirect provincial elections should have taken place in 2006-2007. Additionally, a third of the Senate seats should have been up for re-election at the start of 2008. At this time, no elections have taken place in either case.

Hunger and Food Insecurity in Haiti

Haiti is among three countries documented as having the highest deficit in daily caloric intake per inhabitant.²² According to UNICEF, the situation of children in Haiti is among the worst in the world. One in twelve children dies before the age of five due to avoidable diseases caused by malnutrition. Lack of drinking water, unsanitary conditions and inadequate nutrition for children in rural communities have also been reported. Indeed 46% of women and 61% of children under the age of five suffer from anemia.²³

According to the latest findings of the National Food Security Coordination (CNSA), approximately 2.5 million Haitians experience chronic food insecurity.²⁴ The lack of food security is due, in large measure, to chronic poverty faced by most of the population. Indeed, food security in Haiti has worsened since the beginning of 2008 as prices for basic foodstuffs rose by 50% compared to the previous year.

In their efforts to resolve the crisis, President Préval and his international partners have proposed an emergency policy to reinforce national agricultural production and labour intensive activities as well as to extend existing food aid programs. The president has also created a series of temporary subsidies for rice imports. The policy is being put into effect across the nation and the latest CNSA indicators show that the food crisis is easing thanks to a drop in the price of basic foodstuffs.²⁵ However, prices remain high in comparison to last year and the price of some products has increased since April

22 *The state of Food Insecurity in the World*, FAO, 2000
<http://www.fao.org/docrep/x8200e/x8200e03.htm>.

23 *Mortality, Morbidity, and Utilization of Services Survey EMMUS-IV 2005-2006*, p. 161-163.
<http://www.measuredhs.com/pubs/pdf/FR192/FR192.pdf>.

24 A short description of the CNSA can be found on page 40.

25 See the *Flash Info de la Sécurité Alimentaire #33*, CNSA-FEWSNET, May/June 2008
<http://www.cnsahaiti.org/Flash%2033.pdf>.

2008.²⁶ People interviewed by the mission outside the capital mentioned that they had not noticed any reduction in prices since the April demonstrations. Additionally, having subsidized the price of oil since April 2008 to prevent a worsening of the crisis, the government announced at the end of June 2008 that due to a 12 million USD deficit in the public treasury adjustments had to be made.²⁷ These adjustments increased the cost of agricultural inputs and transportation, which have had an impact on the price of food.

Progressive Realization of the Right to Food

In General Comment 12, the CESCR proclaims the state's legal obligation to "move as expeditiously as possible towards" the complete realization of the right to food.²⁸ Although Haiti has not yet ratified the ICESCR, the right to food is clearly mentioned in the Haitian constitution and must therefore be achieved.²⁹ However, the UNDP judges that the state has done little to achieve the first Millennium Development Goal which aims to reduce by half the proportion of people living in extreme poverty and hunger.³⁰ Moreover, progress is imperiled by the continued increase in the price of staple foods around the world.³¹

Indicators for hunger and food insecurity in Haiti fluctuate as each political, social or economic crisis interrupts the country's economic growth. Although food insecurity temporarily worsened between 2001 and 2003, overall the number of people suffering from malnutrition decreased from 65% in 1990-1992 to 47% in 2001-2003.³² Economic indicators such as per-capita incomes and rural productivity have only decreased since the 1980's.³³ The reduction in the number of people suffering from malnutrition seems therefore primarily due to short term aid programs set up by various NGOs and to a significant increase in remittances. Nonetheless, findings of the *Mortality,*

26 See article published in AlterPresse on July 14th, 2008
<http://www.alterpresse.org/spip.php?article7459>.

27 See articles published in le Nouvelliste by Cyprien L. Gary and Lima Soirélus respectively on June 16th and 25th, 2008
<http://www.lenouvelliste.com/article.php?PubID=1&ArticleID=58724&PubDate=2008-06-16#Suite>
<http://www.lenouvelliste.com/article.php?PubID=1&ArticleID=59072&PubDate=2008-06-25>.

28 *General Comment 12*, "The right to adequate food (art. 11)," CESCR, Geneva, 20th session, 1999, para. 14.

29 Article 22 of the 1987 Haitian Constitution, "L'État reconnaît le droit de tout citoyen à un logement décent, à l'éducation, à l'alimentation et à la sécurité sociale." (The state recognizes every citizen's right to adequate shelter, education, food, and social security.)

30 *National MDG report for Haiti*, UNDP, 2004. <http://www.ht.undp.org/francais/omd-haiti-objectif-1.shtml> (French only).

31 The World Bank predicts that the price of staple food crops will remain high in 2008 and 2009 before beginning to decline. However, in most cases they will probably remain far above prices in 2004 until 2015.

32 *The state of Food and Agriculture*, FAO, 2007.

33 *Ibid.*



Many food markets in urban Haiti are built on top of landfills.

Morbidity, and Utilization of Services Survey (EMMUS-IV) 2005-2006 reveal that about one in five children under the age of five (22%) is underweight.³⁴ This percentage is higher than in the findings of the previous survey conducted in 2000 (17%) but generally lower than the percentage found during the 1994-1995 survey (28%).

Several institutions are tracking the evolution of food security in the country, compiling data for reference purposes.³⁵ The findings clearly show the influence that location and the level of domestic well-being have on food security. Even so, targeting and collecting data among vulnerable groups, especially in urban settings, is lacking and few programs have been established to fill the gap. Current approaches to providing adequate food continue to rely mainly

34 To consult the survey: http://www.measuredhs.com/pubs/pub_details.cfm?ID=767&srchTp=advanced.

35 The CNSA and National Platform for Food Security (PFNSA), with support from international organizations, are tracking the food insecurity situation and the vulnerability of populations.

on small local programs managed by international NGOs and guarantee neither equitable access to adequate food nor build national capacity.

Vulnerability

The isolated rural regions (North-West, North-East, Grand' Anse) are most vulnerable to food insecurity, as are the poor neighborhoods in the major cities which lack the basic infrastructure to accommodate the in-migration of people. Nevertheless, vulnerable communities can be found throughout the country. In rural areas, the most vulnerable groups are landless farmers, those without land tenure security, small scale producers (less than 0.5 ha), and agricultural workers. People who have been repatriated (*rapatriés*), handicapped people, poor people living in urban areas, victims of natural catastrophes (flood, hurricane, etc.), people living with HIV/AIDS, and people over the age of 65 are also especially at risk.

People who are not receiving help from family members living abroad are often more at risk. Indeed, 77% of remittances are used to fulfil basic needs, and increasingly they are directly transferred as food.³⁶ It has also been noted that the economic recession affecting the US since the start of 2008 has diminished the flow of remittances and increased the vulnerability of a large number of families.

Haitian women, particularly those raising children alone, frequently face discrimination, violence, and increased vulnerability.³⁷ They suffer both from reduced access to basic services as well as from an absence of effective legal protection for their basic rights. There are fewer women than men employed in the Haitian work force yet they are over-represented in unskilled jobs.

Children are also a highly vulnerable group. This is especially true of *restavek* (children working as live-in domestics), children born out of wedlock, young girls, homeless children, children of poor families, and those who live in rural areas.

As coping mechanisms, communities suffering from hunger substitute foods, reduce the amount of food eaten, sell off their livestock, cut trees to produce more charcoal, and migrate out of their communities.

36 Ernst Mathurin and Budry Bayard, *État des lieux de la sécurité alimentaire en Haïti*, March 2008, p. 39.

37 According to the Ministry of Feminine Condition and Women's Rights, 42% of Haitian households are headed by single mothers.



Only 5% of Haitians have access to asphalt roads.

Impact of Economic Reform

Haiti's economy is the most liberalized in the Caribbean. The process of agricultural liberalization began with the first structural adjustment program (SAP) in 1986, which diminished protection for national production by lowering import tariffs and eliminating export tariffs and import permits.³⁸ These measures were strengthened in the second and third SAPs concluded in 1994 and 1996. The average import tariff decreased from 35% to 3%, while import tariffs on rice were reduced from 50% to 3%.³⁹ Currently, Haiti applies

38 Adherence to the SAPs is generally a condition to receiving international aid as the report by Claire McGuigan for Christian Aid mentions, *Agricultural Liberalization in Haiti*, March 2006, p. 11. http://haitisupport.gn.apc.org/Haiti_Agricultural_Liberalization_Report.pdf.

39 Claire McGuigan, *Agricultural Liberalization in Haiti*, March 2006, p. 11. http://haitisupport.gn.apc.org/Haiti_Agricultural_Liberalization_Report.pdf.

a 5.7% tariff on agricultural produce even though the limit imposed by the World Trade Organization's (WTO) Agricultural Agreement is 21.3%.⁴⁰

Consequently, imports of staple foods, in particular rice from the United States which extensively subsidizes its agriculture, quickly reached the Haitian market.⁴¹ The percentage of Haiti's total food balance sheet coming from imports rose from 21% in 1995-1996 to 32% in 2000-2001 and finally reached 50% in 2006.⁴² In terms of quantity, the volume of imports tripled between 1994 and 2005 as production stagnated. Indeed, in the absence of an adaptation period or programs aimed at helping them transition, local producers were unable to compete. Many were forced to abandon their land after their incomes plummeted and lifestyles were destroyed.

Although at first, the wide availability of cheap rice in Haiti provided urban populations with easier access to food, the price of rice imports started increasing in 1996 and has recently reached record highs.⁴³ Now imported rice is largely beyond the reach of the poor even as it becomes the basis of the Haitian diet.

40 *Country Profile: Haiti*, WTO, October 2007. http://stat.wto.org/CountryProfiles/HT_e.htm.

41 According to the OECD, in 2006 US producers received 30 million USD in subsidies http://www.oecd.org/document/59/0,3343,en_2825_494504_39551355_1_1_1_1,00.html.

42 Data provided by the CNSA and presented by Ernst Mathurin and Budry Bayard in their report, *État des lieux de la sécurité alimentaire en Haïti*, March 2008, p. 23.

43 Claire McGuigan, *Agricultural Liberalization in Haiti*, March 2006, p. 11 http://haitisupport.gn.apc.org/Haiti_Agricultural_Liberalization_Report.pdf.

LEGAL FRAMEWORK⁴⁴

International Level

Haiti has been a member of the UN since the organization's creation and has therefore accepted the principles outlined in the Universal Declaration of Human Rights. Haiti became party to the Convention on the Elimination of All Forms of Racial Discrimination in 1972 and the Convention on the Elimination of All Forms of Discrimination against Women in 1981. Haiti also ratified the Convention on the Rights of the Child in 1995 and the International Convention on Civil and Political Rights (ICCPR) in 1991.

Unfortunately, the provisions contained in these conventions are rarely reflected in national legislation and the general population is largely unaware of the contents of the conventions. Additionally, Haiti is significantly behind in its publication of reports regularly required by the various agencies tracking the implementation of the conventions.

Haiti has neither adopted the ICESCR nor ratified the Rome Statute of the International Criminal Court. In addition, Haiti has not ratified any of the six optional protocols related to the major human rights treaties, which establish quasi-judicial procedures that an individual can access to signal a state's violation of a treaty.

Haiti participated in the March 2006 International Conference on Agrarian Reform and Rural Development in Brazil. The final declaration of the conference reaffirms "the essential role of agrarian reform and rural development to promote sustainable development, which includes, *inter alia*, the realization of human rights, food security, poverty eradication, and the strengthening of social justice, on the basis of the democratic rule of law."⁴⁵ In it are men-

44 This section is drawn mostly from *Mesurer le respect des obligations internationales relatives aux droits de la personne par les États: Cadre d'analyse juridique – Haiti*, Antonio José Almeida, Rights & Democracy, 2007.

45 http://www.icarrd.org/news_down/C2006_Decl_en.doc, para 1.

tioned the inequalities faced by vulnerable groups, for example women, in their access to productive resources along with measures to resolve these imbalances.

Haiti became a member of the WTO in 1996, and under certain conditions several of Haiti's export products are exempt from customs' tariffs or quotas in the US and Canada. However, WTO regulations concerning sanitary and phytosanitary measures often prevent Haiti from accessing these markets. Haiti belongs to the Caribbean Economic Community and Common Market (CARICOM), and to the African, Caribbean and Pacific (ACP) Group of states. The Caribbean is the only region that began, in December 2007, to negotiate an Economic Partnership Agreement (EPA) with the European Union.⁴⁶ Although the EPA has not been signed or ratified yet, it is already in effect in the Caribbean. Even though the agreement excludes agricultural products, it has been criticized for potentially leading to lost public revenue and to the disruption of national markets. Haiti has asked CARICOM to act as its proxy in negotiations since 2003.

Regional Level

Haiti has been a member of the Organization of American states (OAS) since its creation in 1948. In 1977, Haiti ratified the American Convention on Human Rights, and in 1998 Haiti recognized the authority of the Inter-American Court of Human Rights. The Inter-American Commission on Human Rights can therefore be petitioned by Haitian citizens alleging human rights violations. The Court's decisions are final, binding and can include demands of reparation.⁴⁷ In 1988 Haiti signed the additional protocol, the San Salvador Protocol, dealing with economic, social, and cultural rights. Article 12 of the protocol refers to the right to food.⁴⁸ Haiti also signed the Inter-American Convention to Prevent and Punish Torture in 1986, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women in 1997, and the Inter-American Convention on the Elimination of All Forms of Discrimination against Person with Disabilities in 1999. Although it

46 EPAs are agreements guaranteeing mutual free trade in order to liberalize the exchange of goods and services.

47 In practice, states often only partially consent to the sanctions. In such a situation the Court has little recourse.

48 Article 12, Protocol of San Salvador: Right to food: 1. Everyone has the right to adequate nutrition which guarantees the possibility of enjoying the highest level of physical, emotional and intellectual development. 2. In order to promote the exercise of this right and eradicate malnutrition, the States Parties undertake to improve methods of production, supply and distribution of food, and to this end, agree to promote greater international cooperation in support of the relevant national policies.

has not yet ratified these conventions, Haiti's signature requires the country to respect the spirit of the treaties.⁴⁹

National Level

Since 1986, Haiti has been unable to govern through rule of law. The judicial system and the police force are especially in need of reform. The absence of a government for more than four months in 2008 has severely handicapped the state's ability to deal with urgent matters. Violence, corruption, organized crime, police abuse, and the lack of staff, training and funds still plague large portions of the state and prevent citizens from enjoying social and economic rights in Haiti. The absence of an independent judiciary and the increase in lengthy preventive and arbitrary detentions have seriously weakened the people's faith in its institutions.⁵⁰ A lack of effective decentralized institutions prevents the harmonization of and coordination between local and regional levels.

Various articles of the Haitian Constitution of 1987 refer to human rights. Article 19 sets down the obligation of the state to guarantee the right to life, good health, and respect for all citizens without exception in accordance with the Universal Declaration of Human Rights. Article 22 specifically recognizes every citizen's right to adequate shelter, education, food, and social security. Moreover, all international human rights treaties and conventions that Haiti has ratified are included as integral parts of Haitian law by virtue of article 276.2. Unfortunately, in practice few executive laws draw on these constitutional principles. National laws have undergone little reform since their adoption and are considered archaic and in need of reform.

Article 27 is based on the principle of justiciability of rights and liberties. It invites all aggrieved parties to refer their cases to the appropriate tribunal in order to prosecute those who are guilty. Article 27.1 goes further and extends this responsibility to the state as well. However there is no government policy dealing with rights and no appropriate independent monitoring mechanism to which individuals can turn when human rights have been violated. There is no tribunal meant to deal specifically with these violations. Victims of a constitutional rights violation must address themselves to the regular judicial system. Nonetheless, article 207 established an Office for the Protection of Citizens (OPC) to offer assistance in cases of abuse perpetrated

49 Articles 10 and 18, Vienna Convention on the Law of Treaties, 1969.

50 According to Amnesty International, less than 1/5th of the almost 4500 prisoners have been sentenced and living conditions in prisons are deplorable. <http://www.amnesty.org/en/region/americas/caribbean/haiti#report>.

by the public administration. The OPC has not been as effective as hoped and it suffers from lack of a secure legal status in accordance with the Paris Principles on national human rights institutions.⁵¹

Legal measures protecting domestic markets

The Haitian Constitution protects domestic markets from the impact of international trade. Article 251 prohibits the import of staple food crops available in sufficient amounts in Haiti, except in emergency situations. Article 276 stipulates that no treaty which goes against the articles of the constitution may be ratified by the National Assembly. Similarly, article 277 asserts that the state may not join any economic community if by doing so it contravenes provisions of the constitution. The Poverty Reduction Strategy Paper (PRSP) for Haiti also differentiates between, “tariff policy depending on whether imports are competing with local products or are convenience goods not produced in sufficient quantity domestically.”⁵²

Legal measures related to productive resources

The Haitian Constitution contains several articles that refer to productive resources. Article 36.4 obligates the landowner to cultivate and protect the land mainly from erosion. Article 248 establishes a special organization called the National Institute for Agrarian Reform (INARA) which aims to reorganize land infrastructure so that it may benefit the actual users of the land. It also determines how best to optimize agricultural policy in order to maximize productivity. Unfortunately, INARA does not enjoy much support from the current government and is having difficulty fulfilling its mandate. As one person explained, “INARA is a flower without a scent.”

Among other relevant articles, article 249 articulates the state’s obligation to provide technical and financial support at the community level, and article 253 forbids practices that harm the environment. In 1996, during his first mandate, President Préval initiated a pilot project for agrarian reform in the Artibonite valley. The project failed because of insufficient political will to resolve conflicts over land rights in the court system and the absence of public policy to deal with this issue.⁵³

51 Rights & Democracy is currently working with the OPC to strengthen its legal basis and mandate in accordance with the Paris Principles and the Haitian Constitution. For more information on the Paris Principles see: <http://www2.ohchr.org/English/law/parisprinciples.htm>.

52 *Haiti: Poverty Reduction Strategy Paper (PRSP) 2008-2010*. March 2008, p. 33.

53 INARA drafted a bill for agrarian reform in 1996 but it has never cleared Parliament.



This house, built with assistance from an international NGO, was constructed in an area subject to rock slides.

Legal measures related to gender equality

The Constitution contains several articles which refer to women's rights. Article 17 asserts the equality, without distinction to gender and marital status, of all Haitian citizens. Article 18 further specifies that all Haitians

are equal under the law and that workers, regardless of gender, religion, creed, and marital status must benefit from the same working conditions and pay (article 35.2). Article 260 protects the family even in the absence of marital bonds.

POLICIES AND PROGRAMS

In November 2007, in collaboration with the IMF and the World Bank, Haiti published its Poverty Reduction Strategy Paper (PRSP).⁵⁴ Consequently, the International Financial Institutions (IFI) and other donors must now work through the framework established in this document, although the degree of national consultation prior to its adoption has been described as “weak.”⁵⁵ The PRSP emphasizes development in the agriculture and tourism sectors and proposes various measures to follow. Unfortunately, it appears that most of Haiti’s major donors had already adopted their own program strategies for Haiti prior to publication of the PRSP.⁵⁶ Considering that almost 75% of Haiti’s investment budget is provided by these major donors, the state’s ability to implement the PRSP is severely compromised.⁵⁷ Nonetheless, several government officials mentioned the possibility that the PRSP could be modified by the future government to include new socioeconomic imperatives following the recent crisis in food prices.

Food Security

Haiti published its first national plan for nutritional and food security in June 1996 in order to coordinate various national and international initiatives. The document was never enacted. A participatory and multi-sector campaign intended to update the plan was launched by the government with technical and financial help from the FAO in 2006. Within this process the government is represented by the CNSA which itself works with civil society through

54 *Haiti: Poverty Reduction Strategy Paper (PRSP) 2008-2010*. March 2008
<http://www.imf.org/external/pubs/ft/scr/2008/cr08115.pdf>.

55 This tendency was reported to mission members by several government representatives.

56 For example, the EU has already approved its aid budget for Haiti for 2008-2011 which does not include any aid to agriculture. When we met with Ambassador Gossetti di Sturmeck, he did not mention any future plans to harmonize EU efforts with the PRSP. Similarly, the Canadian International Development Agency’s (CIDA) transitional strategy for Haiti for 2006-2011 does not include any programs aimed at development in the agricultural sector.

57 This figure was gathered during the interview at the Ministry for Planning and External Cooperation.

the National Platform for Food Security (PFNSA). The revised plan will include the concept of the human right to food as well as food sovereignty. The new plan will be in line with the section of the PRSP dealing with food security (which mentions the realization of the human right to food). The drafting of this food security policy is one of the strategic objectives of the PRSP. The plan is due to be finalized in December 2008.

Economic Policy

The Haitian economy is already liberalized to such an extent that donors no longer make recommendations on the subject. Rather, they insist on macroeconomic stability (controlling inflation, stabilizing exchange rates), the continued privatization of public ventures (telecommunication, ports, airports), and the development of strategies to encourage foreign investment, which accounted for only 0.2% of GDP in 2005.

In November 2006, Haiti was deemed eligible for a three year program sponsored by the IMF's Poverty Reduction and Growth Facility. Haiti has also been approved under the Heavily Indebted Poor Countries Initiative. This will permit Haiti to receive interim relief on its debt service as long as it continues to implement the reforms contained in the PRSP. Haiti hopes to reach its completion point at the end of 2008 and begin receiving more extensive debt relief packages.

Justice

The Haitian judicial system and the national police force have begun making the reforms necessary for the smooth functioning of public affairs in Haiti. Bills concerning the status of the law officers of the state and reforms to the Superior counsel of the magistracy and the law school have recently been approved by the Parliament and will constitute a basis for this reform. Nonetheless, a lack of effective access to the judiciary, corruption, politically motivated interference, judges' incompetence, and disputes with police hamper efforts to enforce the law, prosecute human rights violations and fight impunity.



Remittances are increasingly sent directly as food.

Food Aid

The CNSA was created to coordinate food aid distribution and to establish a national school feeding program. As part of that responsibility, the CNSA currently manages a project to compile and report information about the amount and source of food aid received in a given year. For example, in 2007 the CNSA reported that food aid in Haiti was divided between direct monetized aid (56%) and indirect aid distributed through various organizations (44%).⁵⁸ More than 60% of total food aid comes from the United States. The WFP and Taiwan also distribute indirect aid through feeding programs in schools, hospitals, and orphanages as well as through “food for work” programs.

58 *Synthèse de l'aide alimentaire pour l'année 2007* (Summary of food aid for 2007), CNSA, April 2008. Monetized food aid is food purchased in the donor country and sold at subsidized prices in the beneficiary country. Indirect aid can either be aid given in the form of food or funds provided to UN agencies and NGOs with which they will purchase food on national or international markets. Source : Relief Web : <http://www.reliefweb.int/rw/RWB.NSF/db900SID/ACIO-772CTF?OpenDocument>.

STATE COMPLIANCE WITH HUMAN RIGHT TO FOOD OBLIGATIONS

This section of the report presents potential violations of the human right to food within the level of state obligations described in General Comment 12: respect, protect and fulfil.

Members of the mission concluded that despite constitutional and treaty commitments, the Haitian state has not sufficiently fulfilled the right to food for its population. Although this year's food price crisis led to increased attention from the government and its international partners, hunger remains a chronic problem in Haiti resulting from a myriad of inter-connected issues including structural weakness of the state. Lack of state capacity was the most significant obstacle to realization of the human right to food observed during the mission. If this challenge is not addressed at all levels of government, the problem of hunger could escalate into a humanitarian crisis and deepen political instability in the country. The international community also bears responsibility given its significant presence in the country.

Positive Steps Taken by the State

The members of the mission welcomed recent statements by President Préval indicating that his government will devote its attention to the development of hunger eradication strategies. They were also encouraged by the inclusion of the human right to food within Haiti's PRSP, in particular its recommendation to institutionalize and legalize measures to guarantee this right and to develop an "interconnected package of measures" for inter-departmental coordination.⁵⁹

59 *Haiti: Poverty Relief Strategy Paper (PRSP) 2008-2010*, Chapter 8, para.155.

Mission members also recognize the important steps the state has taken since 1996 following the establishment of the CNSA under the supervision of the Ministry of Agriculture. The CNSA is leading the process to draft a national plan for food and nutritional security. The drafting process includes a designated committee on “governance and human rights.” The committee is working in collaboration with the right to food unit at the FAO to ensure that a human rights framework is adequately reflected in the policy.⁶⁰ The CSNA also works in partnership with FEWSNET to provide an observatory which tracks food security indicators across the country and issues quarterly reports and biannual country assessments on food security.⁶¹ Members of the mission found these reports to be valuable tools for benchmarking progressive realization and potentially for better targeting of interventions.

Areas Requiring Improvement

It is evident that, at its current pace, Haiti will not achieve the first millennium development goal of reducing the proportion of hungry people by half before 2015. Nor has the state shown that it understands hunger as a violation of human rights. While acknowledging that the state faces significant obstacles in terms of capacity and resources, members of the mission concluded that it had failed to take appropriate steps even when these were possible. This in turn has resulted in external food dependency and increased vulnerability of marginalized communities.

The fact-finding mission considers the following to be the primary violations of the human right to food in Haiti:

Obligation to respect the human right to food

The obligation to respect existing access to adequate food requires states parties not to take any measures that result in preventing such access.

(General Comment 12, para.15)

The obligation to respect requires that the state abstain from interfering in the existing enjoyment of a right — in this case the human right to food. This includes direct interference by the state in the enjoyment of the right

60 *Mission d'appui au processus de formulation du Plan national de sécurité alimentaire et nutritionnel (PNSAN, Mission to support the process of formulating a national plan for food and nutritional security)*, FAO, mission report, April 2008.

61 The Famine Emergency Warning System Network, FEWSNET, financed by the US Agency for International Aid (USAID) <http://www.fews.net/Pages/country.aspx?gb=ht&l=en>.

Obligation to respect	Declining support for agricultural development accompanied by unchecked liberalization of agriculture
	Decreased provision of basic social services in both rural and urban areas
Obligation to protect	Insufficient enforcement of minimum wage provisions
	Insufficient protection of the access to land
	Lack of consumer protection ensuring the affordability and safety of food
Obligation to fulfil (facilitate)	Failure to adopt a food security policy and a legal framework designed to facilitate access to adequate food
	Insufficient budget allocations to effectively support agricultural producers and rural communities
	Failure to guarantee secure and sustainable access to drinking water
Obligation to fulfil (provide)	Failure to target interventions to vulnerable groups, in particular to those with cumulative vulnerabilities such as poverty, illness, age and gender
	Insufficient provision of relief in time of natural disaster
International Cooperation	Failure to place international cooperation within a human rights framework
	Lack of coordination among donors and between donors and Haitian government

but also the withdrawal of existing programs or processes that facilitate enjoyment of the right.

Declining support for agricultural development accompanied by unchecked liberalization of agriculture

Of every 100 Haitians suffering from hunger, 77 live in rural areas.⁶² The mission visited several rural communities during its site visits and interviewed local associations, individual families and participated in town-hall styled discussions. Testimonies emphasized the steady decrease in state support for agriculture since the 1980s and particularly since the 1990s. The decline in state support was most often categorized as the abandonment of various programs that had once contributed to the viability of farming communities. For example, extension services (*centres agricoles*) that once provided guidance to small-holder farmers on issues such as soil management, animal health, scientific innovation and market trends no longer exist. At least some of these programs, those providing technical and financial support to farmers, are guaranteed under article 249 of the Haitian constitution. Even the PRSP cautions that budget support to agriculture has decreased from almost 10%

62 Haiti: Poverty Relief Strategy Paper (PRSP) 2008-2010, Chapter 2, para. 30.

in 2000-2001 to less than 3% in 2002-2003 despite the fact that nearly two thirds of Haitian people earn their livelihoods from farming.⁶³

Decline in state support for agriculture must be understood in its relation to the liberalization of Haiti's agricultural market. The obligation of the state to address the potential negative impacts of trade liberalization is perhaps better placed under the obligation to protect, but it is this connection to withdrawal of state support for agriculture that members of the mission wish to emphasize.

As mentioned earlier in this report, Haiti has the most liberalized economy in the Caribbean but openness has not been accompanied by appropriate safeguards or regulation in the interest of protecting human rights, including the right to food. Even the World Trade Organization's Doha Declaration recognized the need for a step-by-step process that would take development needs into account.⁶⁴ Moreover, as an LDC, Haiti is exempt from regulations prohibiting export subsidies, and could therefore give financial support to its farmers without violating WTO standards. Representatives of the Ministry of Trade and Industry told the mission that they lacked sufficient expertise to negotiate effectively at the WTO or at the CARIFORUM. This may explain in part, why the government of Haiti has not applied even allowable tariff levels or provided much-needed extension services to protect the viability of its agricultural sector.

In the past 20 years, food imports to Haiti have more than doubled and now represent approximately 48% of consumption. National production is unable to compete effectively because of significant disparity between Haiti and the major exporting economies in terms of rural infrastructure, access to inputs, access to credit and subsidy levels. As a result, imported food enters the Haitian market at a lower price than food produced nationally. Over time, the situation has led to dependency and increased vulnerability to external influences such as speculation, supply disruptions and price fluctuation. These were some of the conditions that led to the "food riots" in April 2008.

While it is often argued that food importation has facilitated access of the urban poor to less-costly food, it has also worked as a disincentive for small

63 *Haiti: Poverty Relief Strategy Paper (PRSP) 2008-2010*, Chapter 8, para. 154.

64 Doha Declaration, para. 13 says: "We agree that special and differential treatment for developing countries shall be an integral part of all elements of the negotiations and shall be embodied in the schedules of concessions and commitments and, as appropriate, in the rules and disciplines to be negotiated so as to be operationally effective and to enable developing countries to effectively take account of their development needs, including food security and rural development." As this report is written, the Doha Round has collapsed partly because developing countries did not believe that the Declaration's commitment to special and differential treatment had been sufficiently respected.

producers who have lost access to the local market. Facing a life of poverty, many have migrated to urban centers, the Dominican Republic or other foreign countries. Indeed, a tendency for arable lands to lie unused has been noticed throughout the country in the past 5 years. Farming communities who met with mission members said that the loss of markets combined with withdrawal of state support for agricultural development compelled them to seek alternate livelihood options. Unfortunately alternate options are often illusory as there are few employment opportunities in urban communities.

It was clear during the mission's discussions with the IMF in Port-au-Prince, that there is some disagreement about the relationship between hunger, withdrawal of the state from the rural sector and liberalization of the economy. According to the IMF, the Haitian people are less vulnerable with a liberalized market because high tariffs applied before the 1980's combined with required import licenses, resulted in extremely high costs for imported foods rendering them inaccessible to those in need. In this analysis, hunger still persists in 2008 because political instability has discouraged private investment in agriculture and prevented efficient provision of state services such as healthcare and education in the rural areas. Fund representatives agreed that trade liberalization may have contributed to the decline of the agricultural sector but certainly not substantially. The current price increases of imported food are actually good for rural development, they said, because they will make locally grown products more competitive. Nevertheless, the IMF supported the application of government subsidies for imported rice during the recent crisis.

Decreased provision of basic social services in both rural and urban areas

Human rights are indivisible. It is not acceptable in a human rights framework to set aside attention to one set of rights in order to prioritize another. This challenge comes up most often with respect to tensions between the realization of economic, social and cultural rights and those categorized as civil and political rights. However, it can also be a challenge for a state when making fiscal decisions between healthcare, education and food security. It was common during interviews for representatives of the government and its international donors, as well as civil society organizations, to cite budget choices as a reason why education, for example, should receive a higher priority than the implementation of strategies against hunger.

In Haiti, basic social services like healthcare, education, and housing are almost entirely provided by the private sector. In fact, the state allocates only 2.9% of its GDP to healthcare, and public schools, which comprise less than 20% of all schools and are not entirely free.⁶⁵ Access to these basic services is therefore dependent on a person's means. The representatives of a rural organization explained it with the following expression: "two people standing in the rain don't get equally wet."

As the state has steadily abandoned service provision both in rural and urban areas, existing services are becoming more and more expensive. As a result, accessibility is decreasing especially for the poor. As an example, in mission interviews with both rural and urban communities rising school fees were cited as the reason why families have less food now than they did in past years. In Cité l'Éternel on the outskirts of Port-au-Prince, families reported paying 500 gourdes per month per child for primary school, an amount equal to approximately 7 days of work at minimum wage if minimum wage was actually paid. The cost of sending one child to primary school, the families said, forces parents to make a choice between education and food for the family.

While school-feeding programs once helped to fill the gap, communities in Côtes-de-fer and in Gri-Gri reported that school-feeding programs had been cancelled during the past year. With rising food costs, removal of school-feeding programs had a double impact on access to adequate food for one of the country's most vulnerable groups — children. Since the events in April 2008, some efforts have been made to re-introduce school-feeding in most-affected areas and to keep them running during summer vacation as well.

Obligation to protect the human right to food

The obligation to protect requires measures by the state to ensure that enterprises or individuals do not deprive individuals of their access to adequate food.

(General Comment 12, para.15)

States are required to protect those living within their jurisdictions from the activities of non-state actors, whether those activities originate from within or from outside the country. Such activities include protection against fraud, dumping, labour abuse, and unsafe food. Responsibility is assigned to all non-state actors including both domestic and foreign companies, foreign

65 *Food Crisis Response Report*, Haiti United Nations Country Team, July 2008 and *Human Development Report 2007/2008*, UNDP.

VISIT TO THE SAINTE-HÉLÈNE NUTRITIONAL CENTER IN THE 5TH COMMUNAL DISTRICT OF AQUIN

This center run by Catholic nuns services women and children with severe malnutrition from a wide area. Some women have walked more than three hours to reach it. The women and children are provided with three meals a day. The nuns offer the mothers information on child rearing, nutrition, and sexuality. If the mothers are suffering from malnutrition they will receive treatment as well. The director reports that food insecurity has been worsening continuously for the past few years and especially since January 2008. She says that the primary causes of malnutrition are the high cost of living and the limited education of mothers. She has seen many people who are ill but cannot afford to make the journey to the center.

The mother of a 13 month old baby, who few thought would survive when he first arrived at the center, tells us she has spent all her savings to bring the child to the center. This mother, who at 23 years old is raising her two children alone, says that she is unemployed. In fact, the various small scale commercial activities women most often engage in are not considered "real work" by Haitian society. Recently, she worked as a domestic helper in a house in Port-au-Prince. She would like to find another such opportunity but they are rare.

governments, land-owners, private security forces and other actors who interfere in specific ways with the enjoyment of human rights.⁶⁶ States are also required to protect populations' access to natural resources.

Insufficient enforcement of minimum wage provisions

The FAO Guidelines explain that states must create opportunities for work that generates sufficient income for an adequate standard of living (Guideline 8.8). This requires at the very least, enforcement of an adequate minimum wage.

In Haiti, the minimum wage of 70 gourdes (about 2 USD) cannot be considered the "fair wage" guaranteed by the Constitution.⁶⁷ A study has shown that between October 2000 and October 2005, minimum wage decreased by 25% in terms of purchasing power.⁶⁸ Moreover, despite inflation having risen sharply since 2007, minimum wage has not increased since 2003. Today, a

66 Asbjorn Eide, *The Right to Adequate Food and to be Free from Hunger*, UN Economic and Social Council, doc. E/CN.4/Sub.2/1999/12, 1999, para 52.b as explained by George Kent in *Freedom from Want: the Right to Adequate Food*, Georgetown University Press, 2005.

67 Article 35.1 of the Haitian Constitution. The French reads: "*salaire juste*".

68 Ernst Mathurin and Budry Bayard, *État des lieux de la sécurité alimentaire en Haïti* (The state of food security in Haiti), March 2008, p. 25.

salary between 1 and 2 USD buys only a single meal a day. It was evident to members of the mission that the minimum wage is too low to provide workers, many of whom have numerous dependents, with the means to live in dignity.

Labor unions mobilized to demand an increase in the minimum wage, and in April the Ministry of Social Affairs seconded this proposition in order to limit the impact of rising prices. However, the proposition was categorically rejected by the private sector which counts on cheap labor to attract investment for the manufacturing industry.

In Haiti, informal working arrangements are the rule, not the exception. Workers suffer from the almost complete absence of human rights protection. Only the 10% of people who work in the formal sector, primarily in public administration, the manufacturing industry and some commercial activities, can benefit from the state's minimum wage. Workers in the informal sector, who are mainly women, and agricultural sector workers have no wage security. Several people told members of the mission that employers throughout the country, even in the agricultural sector, align their pay scales to match wages in the formal sector. However, during site visits the members of the mission noticed that this practice was applied with varying rigor in different regions. For example, a man in Lascahobas reported that he sold his day's work in the field for between 30 and 50 gourdes. Other agricultural workers indicated that they were sometimes paid by job or compensated in food.

Although the informal nature of the labor market makes the protection of worker's rights extremely difficult, the state must nonetheless develop policies that will allow all Haitians to earn a decent living.

Insufficient protection of the access to land

Land tenure security is rare in Haiti. In fact, close to 75% of land tenure is informal.⁶⁹ There is still some debate over the importance of formal land tenure and its impact on producers.⁷⁰ However, several farmers met during site visits in the country mentioned that they hesitated to invest in a plot of land because they were not sure it would remain in their hands.

69 Ernst Mathurin and Budry Bayard, *État des lieux de la sécurité alimentaire en Haïti* (The state of food security in Haiti), March 2008, p. 42.

70 Glenn R. Smucker, T. Anderson White, and Michael Bannister, *Land tenure and the Adoption of Agriculture Technology in Haiti*, CAPRI Working Paper n°6, October 2000.

TESTIMONY OF LASCAHOBAS REPATRIATES

Migration to urban centers or to nearby countries is a survival strategy for Haitians who are unable to provide for their families. People in Lascahobas estimate that close to three fourths of the inhabitants go back and forth between Haiti and the Dominican Republic. Drawn by salaries two or three times higher than in Haiti, many women make the journey hoping to improve their condition and send money home to their relatives. In desperation, they decide to sell everything and pay almost 1000 gourdes (25USD) to a smuggler, who will often abandon or sell them instead of helping them cross the border. In the Dominican Republic they will work as "prostitutes or domestic servants." Many are beaten, raped and even killed. Men generally work on plantations or construction sites and can also fall victim to violence and extortion.

Border agents patrol the border regularly. "When they catch you, they take everything you own. Many are repatriated to regions they do not even know with only the clothes on their back. These poor people have no rights. There is no one to defend them." A woman tells us how her eleven year old daughter was raped during their forced repatriation. People come back with nothing, ashamed to be returning empty-handed. Most go back to working the land for a pittance. Some, knowing the risks full well, will repeat the journey.

In Haiti the most fertile regions are the irrigated plains and the wet and humid mountains. Agriculture is practiced mainly on small plots of land (1.8 ha average) by small producers with little access to capital.⁷¹

A significant amount of the most fertile land in Haiti is owned by the state, the Catholic Church or big land owners. This unequal division of land is a heritage of Haiti's colonial period, and there has never been sufficient political will or a legal framework to reform the system. At the judicial level nothing has yet replaced the old rural code adopted in 1826, and the project for agricultural reform initiated in 1996 has never been adopted. This situation has caused many conflicts throughout Haitian history over the legitimacy of property titles and over methods of production and compensation. These conflicts were particularly virulent in the Artibonite valley in the early 1990's.

Haiti's fertile plains are most often farmed by share croppers (the worker is entitled to a share of the crops), tenant farmers (the worker pays rent to the owner) or by landless workers. These different arrangements can also

71 Ernst Mathurin and Budry Bayard, *État des lieux de la sécurité alimentaire en Haïti* (The state of food security in Haiti), March 2008, p. 42.

lead to conflicts. One man was reportedly threatened for letting his animals graze on land that had recently changed owners. The state has done little to resolve such disputes either through adoption of appropriate legislation or by settling individual land tenure claims and providing compensation. The workers themselves have little or no access to remedies because of the lack of an effective judicial system, limitations on access to information and fear of authorities.

Additionally, representatives from the Ministry of Feminine Condition and Women's Rights indicated that although there is no legal basis for discrimination, in practice there are many factors blocking women's access to land.

A potential new threat to access to land could result from the production of biofuel. With help from Brazil, the Haitian state began production of biodiesel in 2006 and aims to devote large tracts of land for growing *Jatropha* (called *Gwo Medsiyen* in Haiti). Producing ethanol from sugar cane has also been proposed.

Lack of consumer protection ensuring the affordability and safety of food

The state has failed to protect consumers from the high cost of food. Affordability is an obstacle to obtaining adequate food for poor families in urban areas and in the countryside. Today, Haitians are using their last food reserves and selling off their possessions in order to buy food. During interviews with both civil society and government representatives, accusations were made about the complicity of the private sector in the rising cost of food. Many described it as profiteering. Mission members were told that a small group of importers with ties to organized crime controlled the trade of strategic products such as rice, cement, sugar, and vegetable oil. A government representative said "it is not the market fixing the price but the cartel."

The mission was not able to interview any of the company representatives but there is clearly some basis for the accusations of speculation, price fixing, smuggling and monopoly trading. These accusations have certainly not been addressed by the state either through investigation or by regulation. Certainly, there is no opportunity for victims of these violations to seek recourse or effective remedies. Moreover, Haiti does not make use of all the tools at its disposal to protect its domestic market from monopolies, dumping or other illegal practices that negatively impact consumers. Government officials also decried the absence of a law regulating competition that would allow the country to control commercial activities.

LAND FOR FOOD

Interview with VETERIMED, a Haitian NGO

“The Haitian state owns some 60,000 acres of a vast plain lying between the Department of the North and the Department of the North East that were once the plantations of Madras and Dauphin. In the past, foreign and Haitian companies were given access to the land to grow sisal (pita fibre), but demand for sisal on the international market has practically disappeared in the past 30 years with the advent of synthetic fibres. People living in the area began to take over some of this unused land, growing crops on the most fertile plots and raising cattle on the rest.

VETERIMED began its work supporting dairy producers here because the region already counted many producers and enjoyed access to consumers in Cap Haitian. In the region of Limonade, VETERIMED assisted local groups that were in the process of legalizing their presence on the land. The goal was to obtain a formal farming contract with the state that would enable these small producers to continue using the land legally. The request however, has been stalled for the past 4 years despite support from INARA and three successive Ministers of Agriculture. In spite of repeated promises by officials, the process remains unresolved. Traditionally, the Haitian state has not sided with small producers; consequently, this situation appears to have baffled public administration officials who are not accustomed to dealing with such a request.

Meanwhile, the region’s influential families have been engaged in a similar process for some time now, requesting the right to cultivate the land themselves or on behalf of foreign-owned companies such as Grand Marnier. Requests like these, to operate a private single-crop orange farm for example, are often considered more favorably and granted more quickly. These contracts endanger local small producers who have been cultivating the land and now fear that they will be forced to move. Recently though, negotiations have progressed towards establishing a large program that will see part of the old Madras plantation utilized in such a way as to involve all conflicting parties. An agreement on the principals has been reached but nothing yet has been signed. If this process ends favorably it will be a historic agreement and an important precedent favorable to more than a thousand small scale producers and their families living in the region.”

During the mission site visit to Lascahobas, returned migrant labourers provided testimony about the illegal export of government-subsidized rice and other grains to the Dominican Republic. Some of the exported food entered Haiti originally as food aid. It is now part of an illegal trade controlled in large part by criminal gangs and corrupt officials. The state has not protected its population from lost access to food and as a result vulnerable communities particularly in border areas are instead eating broken rice residue, generally used to feed animals, that is brought into Haiti from the Dominican Republic.

“ONLY GOD CAN HELP ME”

Testimony of a mother living in the Descayette neighborhood of Port-au-Prince

A mother of five with two grand-children to care for, fights everyday for the survival of her family.

“I look at my children and I can’t give them anything to eat.” For two years she worked as a cleaning lady in an orphanage before being laid off suddenly without any explanation. Now she tries to earn a living through various small commercial ventures like the sale of charcoal. She is head of the family because, “men only impregnate us. They never take care of the kids.” The house in which she lives belongs to her mother and half lies in ruin. She tells us she regularly suffers from headaches and bouts of weakness.

According to her estimates, to feed five children requires 500 gourdes a day, and this is not even enough for three meals. A year ago on the other hand, the same amount of food could be purchased for 250 gourdes. “It used to be different, we’d sometimes eat meat.” Now, their daily meal consists of bread and sugary water. Only three of her children go to school, sometimes without having eaten. She is aware of an organization that gives credit to small businesses, but it requires a guarantee that is beyond her means. She explains to us that she once borrowed money from a lender. In desperation, she bought food with the money and now she has debts to repay. She is afraid of going to jail. She admits that some days she thinks about putting her children in an orphanage. When asked if the state has ever helped her, she answers in the negative and adds, “Only God can help me.”

The mission also received several testimonies about unsafe food in the marketplace. An often repeated example was that of frozen imported meat, mostly from the United States. The meat, once distributed to vendors in Haiti, quickly thaws because of the lack of refrigeration and electricity. The smell of decay is masked by rinsing the meat in a diluted bleach solution.

There is no consumer protection agency in Haiti. Many people interviewed recalled the existence of food safety officers during the 1960’s, but today protection consists of little more than an agreement of cooperation between the Ministries of Public Health and of Trade and Industry to harmonize efforts to protect consumers from spoiled or rotting imported food. Inspections of supermarkets, street vendors, warehouses, and markets consist mainly of the verification of expiration dates and the quality of the bottled water and dairy products. There is no systematic testing of samples except when officially investigating an outbreak. Officials in charge of this division at the Ministry of Trade and Industry acknowledge the severe shortage of staff that is preventing them from fulfilling their mandate. The Ministry has in fact

only 10 sanitation officers, who are in charge of inspecting food products in the whole country.

Obligation to fulfil the human right to food (facilitate)

The obligation to fulfil (facilitate) means the state must pro-actively engage in activities intended to strengthen people's access to and utilization of resources and means to ensure their livelihood, including food security.

(General Comment 12, para.15)

In Haiti, the primary legal reference remains the Constitution of 1987. Few executive laws have been derived from constitutional articles, general policies or other national strategies. Indeed, the weakness of the country's institutions and political instability often prevent the drafting and implementation of practical measures that could help the state overcome its many challenges. Mission members noticed an absence of legal measures designed to help the state act on such issues as food security, agriculture, employment, sustainable development, water management, and basic social services. "We have democracy but no rules," was a phrase often used to describe the legislative vacuum. In addition, members of the mission found that national mechanisms for the protection of human rights were rarely employed.

The mission also witnessed a lack of coordination and efficacy in the state's interventions. This is made worse by the excessive centralization of power

HUNGER IS CLOROX (KLOWOKS) — A VIOLATION OF HUMAN RIGHTS

Testimony of a student leader, Port-au-Prince

Being hungry feels like your stomach is being eaten away by bleach, the student explains. Clorox is a brand name for household bleach but in Haiti since the beginning of 2008, it has become synonymous with the word "hunger" and denotes the government's irresponsible handling of the food crisis.

Use of the word klowoks to signify hunger is now popular across the country and derives from the common use of a diluted bleach solution to disinfect water and also to rinse decaying imported meat in order to mask the smell.

In Port-au-Prince, members of the mission met with students and other young people who had participated in the street demonstrations in April 2008. They said that public expression of their frustration is the only way to overcome klowoks. Demonstrating dissent, they said, is the best way to claim human rights in Haiti.

and the absence of a comprehensive data collection system that would allow for more precise targeting of groups vulnerable to food insecurity.

Failure to adopt a food security policy and a legal framework designed to facilitate access to adequate food

For the most part, policies in Haiti are outdated and rarely revised. For example, government officials described how some policies elaborated in the 1990's have been extended without modification from 2005 to 2010. Given this tendency, it is understood by all those involved that the process of updating a policy in Haiti's labyrinth of institutions can be grueling.

Despite this challenge, mission members were encouraged by the CNSA's efforts to update the 1996 draft of the national plan for food and nutritional security and to include references to the right to food within it. The CNSA also participated in negotiations that resulted in the right to food being included in the final draft of the PRSP. Unfortunately though, the CNSA is "the government's forgotten child," and does not enjoy the support it deserves from the prime minister's office or the other key ministers.⁷² Some Ministry officials told us that in five years they had attended only two meetings of the Inter-Ministry Council on Food Security, the CNSA's parent institution. Furthermore, the CNSA's status has yet to be legalized. The agency is almost entirely dependent on donor countries for funding; it only receives 15% of its budget from the Ministry of Agriculture, while the remaining 85% comes from the European Union. USAID provides the CNSA with technical support. According to its latest report, the CNSA's current budget is only 50,000 USD provided by the FAO, but it expects to receive an additional allocation in next year's state budget.

The PRSP contains a section concerning food security, but mission members were concerned that it projects only 0.06% of the total budget (around 2.3 million USD) for "coordination of food policies and strategies making it possible to address the human right to food."⁷³ Moreover, more than half of this amount has yet to be mobilized.

72 Reported during interviews with the CNSA.

73 *Haiti: Poverty Relief Strategy Paper (PRSP) 2008-2010*. Annex 1.2, "Matrix of Objectives and Measures (2008-2010), Food Security".

Insufficient budget allocations to effectively support agricultural producers and rural communities

According to the FAO Guidelines, “states should create an enabling environment and strategies to facilitate and support the... provision of relevant services, including research, extension, marketing, rural finance and micro-credit, to enable more efficient food production by all farmers, in particular poor farmers, and to address local constraints such as shortage of land, water and farm power.” (Guideline 8.14)

As earlier mentioned, more than 60% of the population earns its livelihood from the agricultural sector. However, during site visits, mission members noticed deficiencies in Haiti’s agricultural policy. The state has failed to adopt policies to promote agriculture and preserve rural livelihoods. Emphasis has been placed on the potential commercial value of export crop production rather than on agricultural policies with the potential to reduce poverty by targeting small producers and encouraging the production of food crops.⁷⁴

The dire situation of small producers was perhaps the most shocking observation of the mission. During the site visits, the same complaints were invariably voiced, “we need irrigation, we need modern tools, we need technical support to help fight plant diseases and increase our yield, we need better infrastructure and financial resources...” It is nearly impossible to modernize agriculture in Haiti due to the lack of government support and the prohibitive interest rates on credit loans. As already mentioned, extension services to help producers develop sustainable and environmentally friendly agricultural methods are sorely missing. Thus, the extensive degradation of the environment (deforestation, erosion, etc.) continues.

In the field, farmers use few tools and no machines, relying instead mainly on human power. The irrigation network is poor and many existing parts of the system are out of commission because of environmental degradation and lack of maintenance. Since only 12% of arable lands are irrigated, most producers depend on rain, an often irregular source of water.⁷⁵ The rising cost of oil and cereals on the international market has significantly increased the price of inputs, such as seed and fertilizer. The government has not yet offered any subsidies or financial assistance tailored to small producers.

The fact-finding mission also noted severe shortfalls in the country’s infrastructure, namely the road network, stockpiling conditions, and the electrical

74 Agricultural exports of coffee and cacao have been diminishing for several decades. Today, 94% of Haiti’s exports are manufactured goods and constitute less than 11% of GDP. Source: WTO, <http://stat.wto.org/CountryProfile/WSDBCountryPFView.aspx?Language=F&Country=HT>.

75 *The state of Food and Agriculture*, FAO, 2007.

grid. Only 5% of the population has access to asphalt roads, and only 32.8% has access to dirt roads.⁷⁶ This situation makes transportation and distribution difficult and expensive. Producers also reported losing between 20% and 30% of their crops due to inability to fight pests and inadequate warehousing conditions.⁷⁷

Since April 2008, the authorities have often mentioned stimulating agricultural productivity as the solution to the global crisis over the price of food. However, out of the 11.5% of the national budget planned by the PRSP for agricultural development, only 12% has been mobilized.⁷⁸ The PRSP itself acknowledges that "... it is quite likely that the financing gap will be sizable and will not be able to be absorbed by the resources projected."⁷⁹ Furthermore, the state neglects rural areas in its provision of public services. A report by the World Bank indicates that only 28% of the national budget is distributed to the departmental administrations. It would also appear that the poorest departments are allocated fewer resources than better off ones.⁸⁰

Although Haiti has not had an agricultural policy approved by the Council of Ministers for the past 20 years, recently an agricultural policy for 2008 to 2020 which emphasizes reinvesting in the primary sector has been outlined.⁸¹ Due to the recent governmental crisis it has yet to be approved.

Failure to guarantee secure and sustainable access to drinking water

Access to drinking water and the means to purify water is integral to the human right to food. Human rights standards stipulate that water be made available affordably to all without discrimination.⁸² The right to water is implicitly protected by the Haitian Constitution as a component of the right to health, education, and food.⁸³

76 Ernst Mathurin and Budry Bayard, *État des lieux de la sécurité alimentaire en Haïti* (The state of food security in Haiti), March 2008, p. 25.

77 *Ibid.*, p. 26.

78 The national budget planned by the PRSP is approximately 3.8 billion USD, and the allocation projected for agriculture is 447 million USD, yet up to now only 56 million USD have been mobilized.

79 *Haiti: Poverty Relief Strategy Paper*, Chapter 10, p 82, para. 250. DSNCRP is the French acronym for PRSP.

80 *Haiti: Public Expenditure Management and Financial Accountability Review*, World Bank, January 25, 2008, p. vi, http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2008/04/16/000333037_20080416035906/Rendered/PDF/400660ESWOP10110Box327358B01public1.pdf.

81 The Council includes the President, the Prime Minister and all the other Ministers.

82 General Comment 15, "The right to water (article 11 and 12 of the ICCECSC)," CESG, Geneva, twenty-ninth session, 2002.

83 *Woch Nan Soley: The Denial of the Right to Water in Haiti* report published in partnership with the NYU School of Law Center for Human Rights, Global Justice, Partners in Health, RFK Memorial Center for Human Rights, and Zanmi Lasante, 2008.

EQUITABLE ACCESS TO SAFE AND AFFORDABLE WATER

Interview with a non-governmental organization

During its site visit to Aquin, members of the mission met with a non-governmental organization implementing a state-run water project funded by the European Union and a Dutch NGO. The water source for the project is a spring 3 km. outside of town. The spring had been previously been used by the local community for their daily sanitary needs and farmers had allowed their animals to roam freely around it.

The project representatives have requested that local authorities declare this area a “public utility” in order, they said, to protect it from contamination resulting from public use and animal waste. The designation will permit the construction of a fence around the spring. Once the project is completed, users will be subject to a fee in order “to avoid wasteful use and to cover maintenance costs of the system.” The fee will be payable to the state. The fee itself is based on a standard monthly rate of 110 gourde and project representatives reported that 3000 subscribers out of a possible 12,000 in the area had subscribed. The project will soon introduce billing by volume and has installed the required meters. The estimated cost of water with this new system is approximately 75 gourdes per month for 6m³ (6000 litres, or 33 litres per person per day for a family of 6). Extra usage will result in additional fees of 10 gourde per m.³

In response to mission concerns about equitable access to water for those who are unable to pay the fees, and for those who traditionally accessed that water source, project representatives said that community taps supplying water at a lower price (.05 gourde for 5 gallons) had been installed in public areas and close to the spring. The mission was not able to meet with representatives of the local community. While mission members felt strongly that water infrastructure is desperately needed in Haiti, concerns remain about discriminatory access and the lack of state attention to the human rights of vulnerable groups.

In Haiti, management of drinking water is under the authority of the Ministry of Public Works, Transportation and Communication. There is a fee to connect to the water network; hence, the majority of the population obtains water at a lower cost from public fountains, which are generally managed by neighborhood committees. Nevertheless, close to half of all Haitians do not enjoy regular access to drinking water. Due to poor maintenance of the network, the available water does not meet even basic sanitary requirements.⁸⁴

84 See article published on June 25, 2008 in the *Nouvelliste*, “*La CAMEP n’est pas potable*” <http://www.lenouvelliste.com/article.php?PubID=&ArticleID=58870>.

This is particularly troubling for those most vulnerable, namely children, the elderly, and the ill.

Obligation to fulfil the human right to food (provide)

Finally, whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, states have the obligation to fulfil (provide) that right directly. This obligation also applies for persons who are victims of natural or other disasters.

(General Comment 12, para.15)

In times of great need, urgency, or disaster the state must act quickly and without bias to mobilize all available resources to provide food to those in need. Haiti is prone to natural disasters and the vast majority of its population is constantly on the brink of extreme poverty. The continuing rise in prices which began at the start of 2008, is undoubtedly driving more Haitians into poverty every day.

Mission members noted the state's slow response to this crisis even though several reports warning of the impending dangers had been published by governmental and international agencies. Short term measures adopted by the government to solve the problem, such as subsidies on rice and oil imports, were only temporary. Some have already expired as this report is written. Long term solutions on the other hand, such as stimulating national production in labour intensive sectors, have yet to be implemented due to the four-month absence of a government and the public administration's ineffectiveness.

Failure to target interventions to vulnerable groups, in particular those with cumulative vulnerabilities such as poverty, illness, age and gender

Mission members observed that the targeting of intervention programs was based on the degree of poverty of a region rather than on the vulnerability of a particular group. Indeed, development organizations in Haiti most commonly use the "poverty map" compiled by the Ministry for Planning and External Cooperation in 2004 to determine which areas are most at risk.⁸⁵ In 2005, FEWSNET, the CNSA and their international partners created a series of "Livelihood Profiles" for Haiti.⁸⁶ This document describes sources of food and revenue for inhabitants of each region. It also categorizes a household's

⁸⁵ Map available on the Ministry's website: <http://www.mpce.gouv.ht/cartepauvrete.pdf>.

⁸⁶ <http://www.fews.net/livelihood/ht/Profiling.pdf>.

ELDERLY PEOPLE, ABANDONED AND ALONE

Interview with a fisher community, Côtes-de-fer

In a small fishing village near Côtes-de-fer, an elderly man lies on a rope bed inside a flimsy shelter made of straw mats. Once a fisherman, he suffered a boating accident and now languishes alone day after day. He has no family to care for him. He is crying out for food. Local community members explain that "a few times a week, someone with a kind heart brings him some food." The community suffers a scarcity of food itself and reports that no food aid has ever reached their village. "Donors think that Haiti is Cité Soleil," they say adding that individuals like the injured fisherman, unable to work and without family, have little hope and no recourse. Nearby, a small row of houses has been built by an American NGO. Almost all the people living in the houses are elderly and physically handicapped. The location of the houses, outside the main village area, marginalizes its inhabitants. Moreover, the houses are built in a dangerous area at the foot of a hill. In the rainy season, large boulders cascade down the hill with such force that they crash right through walls of the homes. Recently, an elderly resident had been badly injured.

Inside these small houses hang posters supporting local political candidates. When asked if these politicians were helping them to improve their living conditions, the residents said "the candidates are here during their campaigns, but once they are elected we never see them again."

vulnerability according to its economic status (very poor, poor, middle, well-off). In a country where 75% of the population lives in poverty, it is essential that other guiding parameters be included in the targeting of vulnerable groups. Unfortunately, the state has not yet devised a more complete system of data collection to evaluate inequalities in the access to food.

Food aid programs are in place throughout the country, but many people suffering from hunger do not have access to them. Of all the communities interviewed during the mission, not one reported having ever actually received food aid. Some said they had heard about food aid on the radio but had never actually seen it. Similarly, rice subsidies implemented to soften the impact of the food crisis appear to have benefited the residents of the capital without ever reaching the rural zones also in need. In fact, a report by USAID made public by the Associated Press reveals that only a fraction of the aid promised in April 2008 has been made available, and that the food aid does not reach distant rural areas because of the poor condition of roads, high price of gasoline, and the authorities' disorganization.⁸⁷

87 See article by Jonathan M. Katz, Associated Press, published on July 20, 2008. <http://cnews.canoe.ca/CNEWS/World/2008/07/20/6214481-ap.html>.

Haiti has no public social security system. The programs and institutions providing basic social services, such as school feeding programs, healthcare and nutritional recuperation centers, vitamin distribution, and vaccination campaigns are managed mainly by NGOs and UN agencies with financial support from international donors. These programs are aimed primarily at children, pregnant women, and people living with HIV/AIDS. There are no equivalent programs aimed at helping the other vulnerable groups, such as elderly people, handicapped people, the unemployed and other at risk segments of Haitian society. Additionally, the dependence of these programs on international donors leads to other problems such as poor coordination, lack of accountability and inattention to sustainability.

Insufficient provision of relief in time of natural disaster

Haiti is particularly susceptible to hurricanes and flooding which cause extensive damage and kill dozens of people each year. For example, many people in Aquin reported that natural disasters like hurricanes and floods had partially or completely destroyed their homes. None of them mentioned having received any help from local or national authorities. Some blamed this on a corrupt local official who has been caught and the state withholding support for his district as a punishment.

In the Plateau Central, farmers of *Lawòy* told members of the mission that their crops had been destroyed by floods in 2007 and 2008. Many producers had lost their land and their orchards in the disaster. Another recalled that after a mud slide in September 2007, many officials had come to survey the damage. However, the state provided neither compensation nor relief programs. Some small producers did acknowledge having received help from an NGO.

The mission acknowledges the slight improvement in the response time and readiness of the Ministry of the Interior's Department of Civil Protection to disaster situations. However, the mission observed a more generalized failure to provide adequate relief measures for victims. Given that no new preventive measures have been put in place following recent disasters, many people expressed anxiety about their future security especially during hurricane seasons.⁸⁸

88 As this report goes to print, Haiti has been hit by a series of hurricanes and media reports documents severe food shortages across the country.

INTERNATIONAL COOPERATION

States parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent.

(ICESCR, article 11.1 on the right to an adequate standard of living, including food)

The CESCR recommends in its General Comment 2, that development agencies recognize the “intimate relationship...between development activities and efforts to promote respect for human rights.”⁸⁹ The FAO Guidelines, referring to Article 56 of the UN Charter, urge the international community to take action in support of national efforts to implement the human right to food. Unfortunately, however, the international community in Haiti did not demonstrate a commitment to or an interest in the possible value-added of the human rights framework for development of hunger eradication strategies.

Mission members recognize and welcome the willingness of some donor agencies and some financial partners to contribute to food security programming in Haiti. Nevertheless, the delegation was discouraged by poor coordination between international actors and by the short-term nature of their interventions. Such weaknesses limit the ability of the state to implement the sustainable responses required to fulfil the human right to food for the people of Haiti.

The international community must also understand that it has extra-territorial obligations with respect to the human rights impacts of its activities in Haiti. While the issue of extra-territorial obligations remains controversial within international law, nevertheless there is a growing consensus that treaty obligations are not limited to domestic application and that in an era of economic globalization, human rights responsibilities of the state extend beyond national borders.⁹⁰

89 See <http://www.ohchr.org/bodies/CESCR/comments.htm>.

90 An international consortium of human rights experts is currently drafting a set of principles to better understand the scope of extra-territorial obligations. Contact FIAN International, www.fian.org.

Fulfilling any human right requires planning, programs for implementation and budget allocation. However Haiti receives approximately 75% of its investment budget from the international community. This support comes with a series of conditions that often inform sector allocation of resources. Much of the structural change that successive Haitian governments have undertaken in return for political and financial support during recent decades included progressive withdrawal from sectors responsible for economic and social rights. The international community has a responsibility to ensure that the conditions it negotiates with Haiti do not negatively affect the ability of the state to implement its human rights obligations. As one senior Haitian official told the mission delegation, “We are at the mercy of the donors.”

Haiti has no war, no ethnic conflict, covers barely 28,000 km², and has lots of donors — so why are we in a struggle for our survival?

A government official

Failure to place international cooperation within a human rights framework

During the mission, the latest version of the UN Development Assistance Framework (UNDAF) for Haiti was languishing in a drafting process. According to a representative of the UN office for human rights in Port-au-Prince, finalization of the text had been derailed by the recent fall of government which had also delayed final approval of the PRSP. The UNDAF and the PRSP have been drafted in tandem to be mutually supporting, according to statements made during the interview. Members of the mission were told that the soon-to-be-adopted UNDAF emphasizes human rights as the appropriate framework for development policy, as it does in most other countries. If implemented, this approach could discourage continued emphasis on humanitarian or “charity” responses to issues such as hunger, healthcare and education and encourage longer term state-led solutions for secure and equitable access to economic and social rights.

There are distinct advantages offered to donors when they adopt a human rights framework as a governance tool for development assistance. First, human rights obligations define state priorities and provide guidance on a range of flexible approaches for implementation. They also offer a comprehensive approach for assessment and measurement of related development outcomes. Use of that approach would harmonize the often-contradictory web of benchmarks and targets accompanying individual donor contribu-

tions. The UN human rights system provides an established multilateral monitoring system that encourages local ownership of development processes as well as consultation between state and civil society. Finally, human rights underpin democratic processes by defining the relationship between state and citizen.

Despite these advantages, a government representative explained that more than 80% of foreign aid by-passes the state. Programs are executed by NGOs or out-sourced to the private sector. They do not transfer capacity to the state and are not linked to national policies designed to respond to human rights obligations. Although there has been some improvement in recent years, some government officials expressed concern that the complex reporting requirements and lack of harmonization between donors hampers effectiveness. Furthermore, control of the project design and identification of expected outcomes remain in the hands of the donor and its executing agency.

In one example, the mission met with administrators of a small project near Aquin. The project was funded through an initiative of the World Bank. The project objective is to support development of the voluntary sector through financial assistance and technical support.⁹¹ Even though the government has made efforts through the work of the CNSA to identify vulnerable communities, the project used the information only to identify the district it would service. Furthermore, the project applies a specific policy approach when selecting beneficiaries — one that limits support to the voluntary sector and denies it to local cooperatives and grassroots organizations.

In Haiti, the international community has devoted its considerable resources towards institution building, infrastructure, and maintaining public security. Such activities are important in Haiti but do not adequately address the causes of food insecurity in the country. Moreover, much of the policy guidance that accompanies development assistance appears to promote additional liberalization of Haiti's already wide-open economy, without taking any responsibility for concurrent negative impacts on enjoyment of the right to food.⁹²

91 The voluntary sector in Haiti was created in the 1960's mainly by foreign NGOs and international development agencies and now competes with grassroots associations for aid resources.

92 For example, on July 14, 2008 a coalition of Haitian civil society groups wrote to parliamentarians expressing concern about the Economic Partnership Agreement with the European Union. According to the coalition, the agreement will undermine efforts to enable national food security strategies.

Lack of coordination among donors and between donors and Haitian government

Government representatives met by members of the mission were quick to decry the lack of coordination among its donors. They explained that lack of coordination resulted in multiple program assessment demands placed on the government and a kind of “flag-waving” approach to individual projects. Members of the mission also observed this dynamic when interviewing donor country representatives. For example, the initiative led by the Ministry of Agriculture via the CNSA to develop a national food security policy was dismissed by certain donors apparently because it was not an initiative they had funded.

Implementation of the newly-drafted PRSP provides another illustration. Members of the mission were told during an interview with a government official, that the PRSP was developed following an extensive, multi-year collaboration between donors, financial institutions and the Government of Haiti. Once adopted, they understood that its provisions would offer the defining governance framework for the country. In reality however, once the PRSP was finalized, individual donor countries cited their own overseas development assistance priorities as a reason for leaving some parts of the PRSP unfunded while selecting others for funding support. This left members of the Haitian government frustrated with the process and still unable to implement a comprehensive response to governance and development challenges.

Furthermore, although the members of the mission observed that some donors and several UN agencies collaborate on a regular basis with various Haitian ministries, there does not seem to be any organized or coordinated long term effort aimed at reinforcing the state’s capacity to provide basic public services for its population. Even within Port-au-Prince, it was unclear to the members of mission how much coordination actually went on between international donors and particularly between UN agencies. It was surprising to learn, for example, that the human rights office of the MINUSTAH (staffed by 50 people) was interested in monitoring economic and social rights but said it could not because it had no expertise in the area. Other UN agencies including the FAO, WFP, UNICEF, UNESCO and the PAHO/WHO have offices in Port-au-Prince and clearly could provide the needed expertise if asked to do so.

RECOMMENDATIONS

To Government and Parliament

Strengthen national institutions in order to protect the human right to food

- Strengthen the National Food Security Coordination (CNSA) by clarifying its legal status, providing adequate funding, and ensuring the proper functioning of its parent organization, the Inter-ministerial Counsel on Food Security (CISA).
- Strengthen the Office for the Protection of Citizens (OPC) by adopting an executive law in accord with the Paris Principals on the status and functioning of national human rights institutions. Ensure that the Office has both the mandate and the means to protect citizens from state violations, including violations of economic, social and cultural rights.
- Strengthen the capacity of the National Institute for Agrarian Reform (INARA) to participate in policy development and dispute resolution processes related to land ownership.
- Instruct the Ministry of Justice to study and make recommendations related to the judicial and administrative procedures necessary for ensuring state accountability and access to remedies for human rights violations.

Adopt a national strategy and legislative framework for the eradication of hunger and the realization of the human right to food in Haiti

- Incorporate the human right to food within the national plan for food and nutritional security and, once it is approved, adopt framework legislation to govern its implementation.
- Sign and ratify the ICESCR.
- Ratify the San Salvador Protocol of the American Convention on Human Rights.
- Encourage swift adoption by Parliament of the pending Consumer Protection Bill.
- Working closely with INARA, revise and adopt the draft Bill on Agrarian Reform.
- In consultation with civil society and incorporating basic human rights principles, consider the drafting of new policies on climate change adaptation; sustainable agriculture; employment, and; competition.

Promote national food production in order to decrease the growing dependency on international markets

- Seek technical assistance as needed to develop a domestic body expertise in the area of trade and investment law.
- Assign responsibility to the Ministry of Trade and Industry for monitoring fluctuations in the price of food and for applying safeguards to deter price fixing.
- Encourage investment in agriculture by providing adequate extension services accompanied by a credit scheme suitable for small holder farmers.
- Provide domestic support to agricultural producers as permitted by WTO rules and encourage the viability of small holders through application of allowable tariffs on sensitive products.
- Regulate development of the bio-fuel sector so that it does not compete with national food production.
- Participate directly in negotiations on the Economic Partnership Agreement with the EU in order to ensure that the best interests of the Haitian people are respected.

Improve the policies and methods related to targeting of vulnerable groups

- Develop a government-owned targeting procedure to facilitate the delivery of special programs for the most vulnerable, based on need not district.
- Establish an inter-departmental working group to better identify those individuals or groups who experience multiple vulnerabilities such as old age, illness, or disability and adopt a special response mechanism that will provide sufficient food for their survival.
- Conduct a vulnerability analysis related specifically to women's access to adequate food and its connection to the enjoyment of other human rights.
- Prioritize programs designed specifically for the most vulnerable when drafting and implementing public policy as well as when allocating fiscal budgets.
- Create a taskforce on "nutrition and learning" to better understand the intrinsic links between adequate food and education.

To Donors and UN Agencies**Encourage the Government of Haiti to apply a human rights framework for initiatives designed to eradicate food insecurity in the country**

- Provide the technical support needed to enable Haiti's early signing and ratification of the International Covenant on Economic, Social and Cultural Rights.
- Encourage the Government of Haiti to strengthen the National Food Security Coordination (CNSA) and ensure that it is adequately funded.
- Support inclusion of the human right to food within Haiti's national plan for food and nutritional security.
- Provide financial support sufficient for the Government of Haiti to implement the right to food initiatives recommended in its PRSP.
- Consolidate and strengthen donor initiatives in the area of hunger eradication through establishment of an inter-agency coordination unit on agriculture and food security.

Adopt policies and programs designed specifically to address hunger and the human right to food in Haiti

- Finalize the UNDAF at the earliest possible opportunity and adopt the human rights framework when planning and implementing development assistance programs and projects in Haiti.
- Support the state's capacity to govern by increasing the percentage of development assistance channeled through state agencies rather than through non-governmental organizations.
- Refrain from encouraging economic measures not required by WTO rules, including excessive tariff reductions and domestic support limitations that may discourage investment in Haiti's agricultural sector.
- While providing budgetary support, encourage allocations aimed at hunger eradication through agricultural development, extension services, and subsidies targeting the most vulnerable groups.
- Apply targeting measures based on need and vulnerability not district.
- Monitor the distribution of food aid to deter illegal commercial export to the Dominican Republic.

To Civil Society**Coordinate efforts to promote economic, social and cultural rights, including the human right to food, in Haiti**

- Develop a collaboration mechanism for civil society organizations working on the human right to food in Haiti, giving special attention to linkages between grassroots organizations, campaigners and non-governmental organizations.
- Strengthen working relations with duty bearers, including members of parliament, government, political organizations and the judiciary in order to campaign for the adoption and implementation of the ICESCR.
- Construct an outreach methodology for use at the community level, in order to build awareness and understanding about economic and social rights, including the human right to food.
- Create educational materials in Creole language.

- Participate in the CNSA effort to draft a national plan for food and nutritional security and promote the inclusion of the human right to food in the final text with accompanying action plan and benchmarks.
- Develop a work plan for collaborative activities including awareness building at the grassroots level, campaign coordination, monitoring and reporting of violations.
- Build linkages with national research organizations in order to better understand the causes of hunger in Haiti and to develop alternate policy and program recommendations.

Document violations of the human right to food

- In collaboration with the Office for the Protection of Citizens (OPC), create a national process for documentation and reporting of human rights violations including the human right to food.
- Organize a series of cross-sector workshops on human rights monitoring, including attention to documentation techniques, reporting processes and access to remedies.
- Consolidate linkages with international organizations and social movements working on the human right to food in the Americas and internationally.
- Invite the UN Special Rapporteur on the Right to Food to visit Haiti and facilitate meetings with vulnerable communities experiencing violations of their human right to food.



Members of the fact-finding mission.

ANNEX I – MISSION DELEGATION

PRISCILLA CLAEYS, Office of the UN Special Rapporteur on the Right to Food, Belgium

DANIEL HENRYS, Groupe de Recherche et d'Echanges Technologiques (GRET), Haiti

DANIÈLE MAGLOIRE, Rights & Democracy, Haiti

ERNST MATHURIN, Groupe de Recherche et d'Appui en Milieu Rural (GRAMIR), Haiti

GÉRALD MATHURIN, Coordination Régionale des Organisations du Sud-Est (CROSE), Haiti

CAROLE SAMDUP, Rights & Democracy, Canada

Yasmine Shamsie, Wilfrid Laurier University, Canada

RAY VANDER ZAAG, Canadian Mennonite University, Canada

LÉA WINTER, Rights & Democracy, Canada

RONALD COLBERT, interpreter

NIXON BOUMBA, interpreter

ANNEX 2 – SITES VISITS

Port-au-Prince

Groupe haïtien de recherches et d'actions pédagogiques (GHRAP)

Organisation pour le développement et la reconstruction nationale (ODRENA)

Organisation des travailleurs pour l'avancement d'Haïti (OTAH)

Commission épiscopale nationale Justice et Paix (JILAP)

Côtes-de-fer

Association des Pêcheurs de Côtes-de-fer (APEC)

Mouvement des jeunes pour le renouvellement social de Côtes-de-fer (MJRSK)

Association des citoyens unis de Côtes-de-fer (ACUC)

Association Côtes-de-fer sans frontières (COTSAFRE)

Mouvement social de Côtes-de-fer (MOUSOC)

Zami Timoun (les amis des enfants) Côtes-de-fer (ZTK)

Aquin

Projet national de développement communautaire participatif (PRODEP)

Le Centre de nutrition de Saint-Hélène dans la 5^e section communale d'Aquin

Le Groupe de recherche et d'échanges technologiques (GRET)

L'Association des pêcheurs d'Aquin (APA)

Lawòy (Plateau Central)

Six grassroots organizations from the municipalities of Caracole, Batey, Kas, Parédon and Plaine-Dupré

Lascahobas (Plateau Central)

Coordination des rapatriés Lascahobas (CORAL)

Groupe haïtien d'appui aux rapatriés et réfugiés (GARR)

Human rights committees affiliated with GARR

ANNEX 3 – INTERVIEWS IN PORT-AU-PRINCE

Action Aid-Haiti

RAPHAËL YVES PIERRE, Director

Association nationale des agro-professionnels haïtiens (ANDAH)

ALLEN HENRI, Technical Adviser to the National Directorate

JEAN ARSÈNE CONSTANT, Agriculturalist

Canadian International Development Agency (CIDA)

FRANÇOIS MONTOUR, Counselor and Chief of Canadian Cooperation

NATHALIE PATENAUDE, Deputy Head of Aid

CLIO (Cadre de liaison inter-ONG)

PHILIPPE BÉCOULET, President

Conventions des partis politiques

VICTOR BENOIT, President

EDGARD LEBLANC FILS, Treasurer

ENOLD JOSEPH, Executive Secretary

OMAR GARAT, Member

European Union

FRANCESCO GOSETTI DI STURMECK, Ambassador, Head of delegation

Human Rights Sector

JEAN-CLAUDE BAJEUX, Centre œcuménique des droits humains (CEDH)

JEAN HANSEN, Justice et Paix (JILAP)

COLETTE LESPINASSE, Groupe d'appui aux rapatriés et réfugiés (GARR)

WALTER VOLTAIRE, Haïti solidarité internationale (HSI)

International Monetary Fund

UGO FASANO, IMF Representative in Haiti

Members of Parliament

PIERRE CAJUSTE, Assistant to Mr. Jean-Jacques

PIERRE-ÉRIC JEAN-JACQUES, Chair of the House of Commons

Ministry of Feminine Condition and Women's Rights (MCFDF)

GERTY ADAM, Head of Decentralized Offices Coordination

MICHÈLE DOUYON, Coordinator

MYRIAM MERLET, Cabinet Chief

MYRNA NARCISSE THÉODORE, Director General

JUDIE C. ROY, Cabinet Member

Ministry of Commerce and Industry (MCI)

DIEUSEUL LEFÈVRE, Deputy Director for Domestic Commerce

MICHÈLE B. PAULTRE, Director for Quality Control and Consumer Protection

Ministry of Economy and Finance (MEF)

FRANK FILS BONHOMME, Technical Adviser for Planning

ÉTIENNE JEAN FRANÇOIS, Director of Civil Pensions

ÉTIENNE HÉROLD, Director of the Treasury

YVON HILAIRE, Director General for the Ministry of Finance

AVRILUS JONAS JOSEPH, Planning Coordinator

SYLVAIN LAFALAISE, State Finance Secretary

JEAN M. LOUZIUS LOUIS, Adviser to the Director General

LOUIS MALVIUS, Director General for the Ministry of Finance

Ministry of Planning and External Cooperation (MPCE)

JEAN-MAX BELLERIVE, Minister

National Food Security Coordination (CNSA)

PIERRE GARY MATHIEU, National Coordinator

National Platform for Food Security (PFNSA)

MAGGY MATHURIN, Coordinator

Pan American Health Organization / World Health Organization (PAHO/WHO)

HENRIETTE CHAMOUILLET, PAHO/WHO Representative in Haiti

CRISTIAN MORALES, Country focal point for National Health Accounts

*Plateforme haïtienne de plaidoyer pour un développement alternatif
(PAPDA)*

CAMILLE CHALMERS, Member of the Executive Directorate

Réseau national haïtien de sécurité et souveraineté alimentaire (RENHASSA)

PROHÈTE ALTA

ASCENCIO

JOSEPH GERMANE

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The Human Right to Food in Haiti

NICOSSA PAULEMONT

ISRAËL ROSENELE

DOUDOU PIERRE TESTIL, Coordinator

United Nations Food and Agriculture Organization (FAO)

ARI TOUBO IBRAHIM, FAO Representative in Haiti

VAULNY PAULTRE, Program agent

United Nations Mission for the Stabilization of Haiti (MINUSTAH)

THIERRY FAGART, Head of the Human Rights Division

ERIC MIGUET, Agent

LISA NBELE-MBONG, Agent

VETERIMED

MICHEL CHANCY, Director

World Bank

MATHURIN GBETIBOUO, World Bank Representative in Haiti

World Food Program (WFP)

MAMADOU M'BAÏE, WFP Representative in Haiti

IN A WORLD THAT PRODUCES MORE than enough food to feed itself, more than 850 million people suffer from hunger and malnutrition every day. Three quarters of them are children. It is clear that both national and international policies have failed to deliver the conditions necessary to manage food production and distribution in a fair and equitable manner. This report documents the experience of an international team of human rights advocates who joined forces with their Haitian counterparts and visited communities across the country to talk about the challenges faced in accessing sufficient, nutritious and safe food. The report compiles its findings under the three levels of state obligation – respect, protect and fulfil – and it makes a series of recommendations to the Government of Haiti, the international community and civil society. The report will be of interest to human rights practitioners, social justice activists and development agencies who have adopted or who are considering the adoption of a human rights framework for poverty alleviation programming.

The right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement.

*UN Committee on Economic, Social and Cultural Rights,
General Comment 12*