



The **impacts**
of **cholera**
on **victims**
and their **families**
in **Haiti**

Summary

This report is the result of a collaboration between the Interuniversity Institute for Research and Development (INURED) and Lawyers Without Borders Canada (LWBC). It pursues two key objectives: describe the legal, physical, psychological and economic impact of the cholera epidemic in Haiti on affected populations, drawing on testimonies provided by Haitians themselves; and leverage facts and data to examine the responsibility of the United Nations (UN) and the Government of Haiti in regard to the human rights violations following the introduction of cholera into Haiti. The report also aims to provide competent authorities with avenues for response in order to offer reparation for the violations identified herein.

Multiple experts have confirmed that cholera was introduced into Haiti in 2010 by a battalion of Nepalese Blue Helmets from the UN's MINUSTAH stabilization mission. The troops allegedly caused the disease to spread when they emptied their contaminated wastewater into a tributary of the Artibonite River, one of the main water sources for a large portion of the Haitian population. Data collected between 2010 and 2018 shows that the cholera epidemic initially caused by the discharge led to nearly 10,000 deaths and 820,000 contaminations.

Despite the Status of Forces Agreement between the UN and the Government of Haiti in 2004 that introduced the possibility of setting up a standing claims commission, the latter remains to be established. In spite of evidence to the UN's responsibility in bringing cholera to Haiti, to date, no satisfactory remedial measures have been implemented. In 2016, UN Secretary-General Ban Ki-moon issued a formal apology for the introduction of cholera into Haiti, but never recognized the UN's legal responsibility with regard to the human rights violations caused by the epidemic.

With a view to examining the consequences of the epidemic and elevating the voice of victims, a quantitative survey was carried out by INURED with 884 households between May and June 2021, in addition to a qualitative study based on 39 interviews and 16 focus groups conducted from June to July of the same year. Both surveys were conducted in Haiti's Nord, Artibonite, Centre, Grande-Anse, and Ouest provinces. The data collected shows that in addition to the many deaths caused by the outbreak, the epidemic also impacted other victims, including people who suffered from stigmatization within their community, unresolved family disputes, and financial prejudice. Access to food, housing, and employment was also severely disrupted by the epidemic, especially as a result of the financial shock on households. Furthermore, cholera exacerbated the state of existing social and economic inequality as it weakened women's financial autonomy and increased the vulnerability of orphaned children who were left stripped of family ties and oversight.

This report also purports to identify victims' needs and their level of satisfaction with regard to the response to the epidemic provided by the UN and the Government of Haiti.

The majority of respondents declared that an individualized response would be the most suited to their needs. Most also considered that the response should focus on and prioritize improving living conditions, in particular in the areas of health, water, sanitation, and hygiene.

Last but not least, this report provides a legal analysis based on data collected from the victims who participated in the survey. The analysis concluded that the UN and the State of Haiti both bear responsibility for several human rights violations that resulted from the cholera epidemic in Haiti.

The UN violated such fundamental civil and political rights as the right to life for negligent wastewater management within the Nepalese Blue Helmet camp by omitting to introduce preventive measures and failing to implement sufficient measures to fight the epidemic. The right to dignity was also overlooked through the failure to address the living conditions imposed on the Haitian population as a result of the introduction of the cholera epidemic.

The UN's actions and omissions also led to the violation of social and economic rights, including the right to health, as the Organization failed to adopt antidiscrimination measures for isolated rural populations and failed to implement sufficient mitigation measures upon setting up the camp of the MINUSTAH's Nepalese battalion. The right to water was also undermined as a result of the UN's lack of due diligence with regard to sanitation measures surrounding the MINUSTAH's wastewater. The UN also violated the Do No Harm principle in relation to "environmentally sensitive terrain". Finally, but importantly, the UN infringed the right to a healthy environment as MINUSTAH troops polluted Haiti waterways, causing cholera to spread.

Ultimately, the UN sought to conceal its responsibility in the introduction of cholera and refuses, to this day, to bring the case before a competent body that would allow the victims to be compensated. In so doing, the UN violated the right to truth and fair compensation.

The UN has failed to uphold its international obligations on multiple levels. First of all, the UN strived to cover up its responsibility and assumed that its immunity excused it from any responsibility toward victims, despite this being prohibited by international law. The UN also failed to establish the standing claims commission set out in the Status of Forces Agreement, while only acknowledging symbolic responsibility.

The State of Haiti also violated its obligations toward victims with regard to international law. It breached the obligation to provide access to health services inherent to the right to life by failing to provide all victims of the cholera epidemic with access to healthcare, partly due to poor availability of healthcare services in rural areas. It also failed to adopt positive measures for providing equitable access to healthcare for populations in isolated rural areas, thereby violating its obligation of non-discrimination in relation to the right to health. Furthermore, Haiti's international responsibility is engaged for failing in its obligation to oversee sanitation services, which could have prevented water contamination and the subsequent cholera epidemic.

In light of these analyses, LWBC urges :

1. The UN to acknowledge its legal responsibility in the introduction of cholera into Haiti and the subsequent human rights violations endured by the victims;
2. The State of Haiti to call upon the UN to establish without delay the standing claims commission as set out in the Status of Forces Agreement;
3. The UN to establish the standing claims commission as set out in the Status of Forces Agreement;
4. The UN to account for victims' priorities in regard to compensation, and in particular the specific needs of individuals in vulnerable situations, including women and children; and
5. The State of Haiti to take all necessary measures to guarantee the effectiveness of the fundamental rights of the Haitian population.