

Analysis of the consequences of armed conflicts on people with disabilities in Haiti in light of Article 11 of the CRPD

Emilio Neas



IDA
International
Disability Alliance

Analysis of the impact of armed conflict on people with disabilities in Haiti in the light of Article 11 of the CRPD

Emilio Neas

*Attorney at Law
Coordinator of CONAPH
DRG Fellow, IDA,*

*Submitted to:
Secretariat of the International Disability Alliance (IDA)*

Haiti
June 2023

Table of contents

Table of contents	2
Introduction	3
Acts suffered by disabled people	4
Illustration of cases of disabled people who are victims of insecurity	4
People flee their neighbourhoods under pressure from armed gangs	6
Fires in homes for the disabled	8
Access to healthcare for people with disabilities	9
Effects of armed conflict on education	10
Correlation between armed conflict and food insecurity	11
Conclusion	14
Recommendations	15

Introduction

Throughout the world, people with disabilities face limitations in the exercise and enjoyment of their rights and fundamental freedoms recognised by national and international legal instruments. Adopted in 2006, the United Nations Convention on the Rights of Persons with Disabilities requires States Parties to take the necessary measures to ensure respect for the rights of people with disabilities. Some countries have made efforts to achieve this. Haiti adopted this convention on 12 March 2009 and is therefore committed to implementing the Convention on the Rights of Persons with Disabilities (CRPD) on its territory. Article 11 of this Convention aims to defend the protection of people with disabilities, whether in situations of risk, health emergencies or armed conflict.



Map of Haiti

In recent years, the country has been hit by natural disasters that have had a major impact on the lives of the population. In addition to these disasters, security conditions are deteriorating by the day. Acts of banditry have recently become widespread, and no-one is immune to these threats. The rise in insecurity, characterised above all by kidnappings and conflicts between armed gangs in certain neighbourhoods, has a considerable impact on disabled people.

No one, regardless of their social standing, is immune from becoming a victim, either directly or indirectly. The persistence of criminal acts in the country is making the lives of the population increasingly complicated, and this is particularly true for people with disabilities. This situation aggravates the discrimination and marginalisation of disabled people within their communities.

In response to the worsening humanitarian crisis in the country, in October 2022 the leaders sent a request to the international community, and more specifically to the United Nations (UN) Council, asking for the intervention of a multifunctional force. The aim is to mitigate the consequences of humanitarian crises and to help curb the rise of armed gangs that terrorise the population. This request is currently being analysed by the UN Council. Despite the adoption of resolution SC/15073 on 21 October 2022, targeting sanctions against gang leaders¹, there has been no significant improvement in the situation in the country. Armed gangs continue to fight for control of certain areas and to step up their criminal activities, causing many civilian casualties.

It is in this context that we wish to study ***the impact of armed conflict on people with disabilities in Haiti***, taking into account Article 11 of the CRPD and other relevant legal instruments. These documents guarantee the rights and protection of people with disabilities in times of humanitarian crisis. Our analysis will also include an examination of the country's internal structures and policies in this area.

Acts suffered by disabled people

In some parts of the country, disabled people are frequently the main victims of violence. The situation prevailing in these areas reveals a neglect of these people. What's more, there seems to be no specific protection plan for them in the context of these armed conflicts, whether they involve clashes between armed civilian groups fighting for control of territories, or confrontations with the forces of law and order, who seem powerless in the face of growing criminality.

In an interview with a radio station in the capital, the Minister for Justice and Public Security spoke of the existence of "lost territories" in the country². This means that the leaders have no control over these areas and are unable to exercise their authority.

We will now look at the impact of these conflicts on people with disabilities in Haiti.

1. <https://press.un.org/en/2022/sc15073.doc.htm>

2. <https://gazettehaiti.com/node/9685>

Illustration of cases of disabled people who are victims of insecurity

The insecurity crisis marked by the violent activities that the country has experienced in recent years has had a considerable impact on disabled people. Many of them have been directly or indirectly affected by armed conflict.

During the violent protests of February 2019, during the movement **"Pays Lock"** launched by opponents of the political power of the day, disabled people, like the rest of the population, were unable to move around freely. Although articles 18 and 20 of the CRPD recognise the right to personal mobility, these fundamental rights could not be freely exercised. Barricades set up in the streets and guarded by armed people seriously hampered freedom of movement for everyone, including people with disabilities. This situation prevented families from obtaining supplies and caring for their children and other family members, exacerbating tensions between armed civilians and police forces.

A young deaf boy was tragically shot dead in the town of Cap-Haitien in the North district. According to reports, he was shot by officers of the Haitian National Police³. The young man's relatives report that he was on the roof of his house when he was hit by police fire. The police say they suspected the young man of being a criminal, although he posed no real danger.

According to witnesses, the police fired the shots because of a lack of internal communication, even though the victim posed no risk to the police that day. This tragic incident highlights a lack of respect for the right to life on the part of certain Haitian authorities.

Despite the desperate appeals of the victim's family, as well as the vigorous demands of the Deaf Associations and the National Coalition of Disabled People's Associations (CONAPH) to denounce this crime and demand justice for the victim, the Haitian authorities seem to have ignored this case.

In another incident, on 24 November 2019, another young disabled person was injured by three projectiles, one of which hit his jaw, in the Bon Repos area of the capital. His club, Team BEKI, used the kapzynews platform to launch an urgent appeal for financial aid to save the youngster's life⁴. You can read more at the link below.

The violent socio-political movements that have been shaking the country for some time now affect every aspect of national life. Disabled people, a particularly vulnerable group, feel the full effect of these problems. In 2018, a blind woman became a victim of this wave of insecurity.

3. http://m.facebook.com/story.php?story_fbid=10161198015055618&id=804270617

4. <https://kapzynews.com/club-team-beki-appelle-a-laide-en-faveur-dun-joueur-la-de-selection-haitienne-de-football-ampute/>

She had previously fled her home during a conflict that led to a massacre in La Saline in 2018. In search of a safe haven, she found herself in deplorable conditions and finally lost her life.⁵

In another tragic case, a 78-year-old blind and physically disabled man was the victim of a fatal fire in his home on rue Monseigneur Guilloux. The fire was caused by armed gangs who had set fire to several homes during their invasion. The man, unable to flee, was tragically trapped by the flames.

In June 2021, a violent conflict broke out in a camp at Delmas 2, a place that has been inhabited mainly by disabled people, particularly those with physical and sensory disabilities, since the earthquake of 12 January 2010. The clashes between armed gangs took a dramatic turn, and the police proved incapable of restoring peace. On the night of Thursday 17 June, heavily armed people set fire to homes, including those of disabled people. Panic-stricken residents had to flee in a hurry, unable to save their belongings. Around 153 disabled people and their families have been directly affected by this tragedy. Many of them, along with other Bas Delmas residents fleeing gang violence, have taken temporary refuge in a church in Delmas ⁵.

People fleeing their neighbourhoods under pressure from armed gangs

Gang activity continues to cause chaos and civilian casualties. Some districts have become inaccessible, both for residents and the authorities. Since 1 June 2021, an increase in criminal acts and gang clashes has led to the displacement of around ten thousand (10,000) civilians in the Port-au-Prince metropolitan area. The incessant violence and clashes directly and indirectly affect the entire population. Frequent shootings and roadblocks prevent access to many neighbourhoods, instilling fear among residents.⁶

Since 1 June 2021, the Martissant district in the south of Port-au-Prince has become a lawless zone dominated by armed gangs. Faced with gang violence and atrocities, many residents, including the disabled who are particularly vulnerable, fled to Carrefour, a neighbouring community. There, various vulnerable groups, including the disabled elderly and children, are experiencing extremely difficult times. Like all other displaced persons, disabled people find themselves in inhuman conditions.

5. <https://haitiinfospro.com/insecurite-en-haiti-les-handicapes-une-categorie-oubliee/>

6. https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/haiti_-_situation_report_nr._2_-_displacements_port-au-prince_-_final_-_fr.pdf

Faced with the atrocities committed by the gangs, the police have proven incapable of restoring peace to the area. The gangs, apparently better equipped than the police, continue to control the area. Residents who have fled their homes cannot return. What's more, gangs openly hold passers-by to ransom and post their weapons, ammunition and profits from their criminal activities on social networks with impunity.

In this climate of armed conflict, cases of gender-based violence and sexual abuse, including rape, have been reported among displaced persons, along with acts of violence and discrimination against people with disabilities. According to a report by the UN office in Haiti, the situation of insecurity is seriously hampering the monitoring of and response to the need for care.

This crisis of armed conflict affects the whole population, but has a particular impact on people with disabilities and their families. Testimonies received from relatives of disabled people fleeing conflict zones reveal that these families have encountered many obstacles in escaping, not always being able to flee at the same time as their disabled loved ones.

When they fled, they have had to seek temporary shelter, waiting for a calmer moment to rescue their disabled relatives. Some are unable to return home, and gang violence has caused many deaths, including among the disabled.

According to the United Nations, more than 10,000 people have fled their homes since 1 June 2021, particularly from the Martissant, Bas Delmas and Saint Martin areas. This increase in displacement comes on top of the 3,900 people displaced over the last 9 months, particularly from Bel Air, Tabarre Issa, Camp La Piste and Delmas 75, where disabled people were living, bringing the total to around 13,900 IDPs. The national police force is currently unable to provide the necessary security and protection for civilians in these areas, leaving vulnerable populations with insufficient support.

According to the same UN report, the police are themselves being targeted by gangs, who attacked eight police stations and killed eight policemen in the first week of June. They also took weapons and equipment, including bullet-proof vests and radios. This situation contributes to the increased vulnerability of the population. In many cases, bandits use police uniforms to commit criminal acts against citizens.

The report also states that people with disabilities and the elderly are among the groups most affected by the climate of insecurity (criminal, food, health) that prevails in the country, particularly in disadvantaged neighbourhoods in the Port-au-Prince metropolitan area. It cites the example of a fifteen-year-old girl raped by armed men in front of her visually impaired father. In some cases, forcibly displaced people have been obliged to abandon their elderly relatives with reduced mobility.⁷

7. Ibid. p. 4

Fires in homes for the disabled

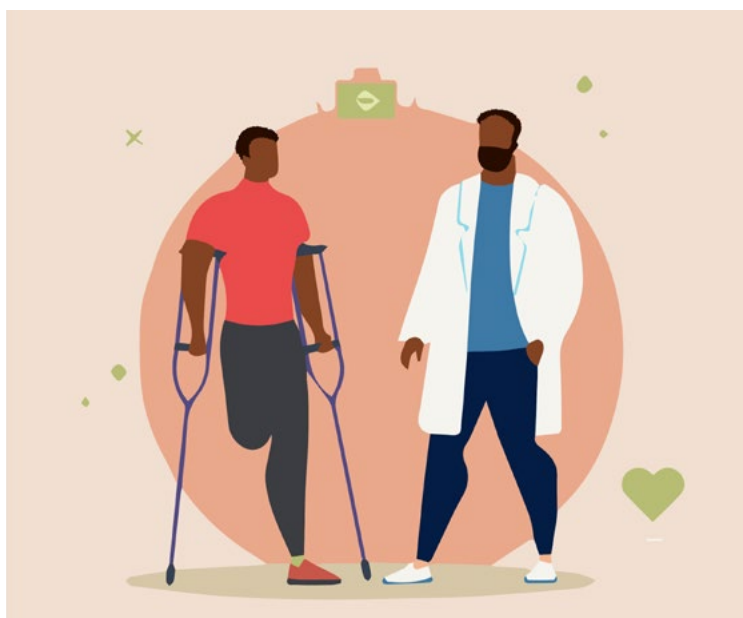
According to information gathered about the events at the camp de la piste in June 2021, it seems that gang members were living together with disabled people in this area. Recurrent clashes, either between the gangs themselves or between the gangs and the police, often resulted in collateral damage. These gangs, frequently hunted down by the police, used the area inhabited by disabled people as a refuge, camouflaging themselves among them after their misdeeds.

The police, although charged with protecting and serving, were unable to act effectively because of the presence of disabled people in the community. In some cases, these people were injured by projectiles from gangs or the police themselves.

On 17 June 2021, the situation deteriorated seriously. Armed conflict broke out between armed civilians and police for several hours. As a result of these clashes, the homes of over five hundred families were burnt down, including those of disabled people who had been living in the camp since the 2010 earthquake. This tragedy has plunged disabled people into deep bitterness and despair.

Access to healthcare for people with disabilities

Access to health is a right guaranteed by Article 25 of the CRPD. However, in Haiti, during periods of armed conflict, this right is often flouted. As mentioned above, armed conflict in certain regions of Haiti is having a severe impact on the health of people with disabilities. Many of them, already facing health problems, find themselves without access to healthcare. What's more, those who were not disabled are now suffering from serious mental health problems.



Medical facilities, including the capital's main hospital, are struggling to meet the needs of patients in difficulty. Many private hospitals are also experiencing operating difficulties. The Médecins Sans Frontières (MSF) hospital in Martissant, in the south of the capital, which had been operating since the earthquake of 12 January 2010, has had to close due to escalating gang violence, disrupting the running of the centre and endangering the safety of staff and patients.

Health policy in Haiti recognises that since the 2010 earthquake, the number of people suffering from physical and mental disabilities has increased. On the subject of mental health, it is stressed that "Haiti's socio-economic conditions are fertile ground for the development of mental disorders".⁸ So the current situation is also affecting the mental health of disabled people.

It should be noted that the 2010 disaster is not the only dark moment in Haiti's history. The country is currently going through a particularly difficult period, characterised by an unprecedented humanitarian crisis, with multiple political, economic and social problems, such as political instability, inflation, crime, poverty, lack of access to healthcare and education, a weak judicial system, the resurgence of cholera, mob justice, natural disasters and armed conflict. These factors worsen living conditions, increase stress and affect mental health, especially among people with disabilities. In this context, Articles 11 and 25 of the CRPD are far from being respected, with the state authorities having lost control of the situation. It is not clear how or when this situation can be improved.

Effects of armed conflict on education

The growing insecurity in Haiti is seriously disrupting schooling throughout the country. Many parents find it difficult to send their children to school because of the fear of abduction, a phenomenon that continues to terrorise the population. Children, parents and school staff are regularly abducted, sometimes even in front of schools or on their way to and from school. In the majority of cases, the victims are killed when the families are unable to pay the ransoms demanded.

This situation is all the more problematic for disabled children and youth. The education system in Haiti, which does not comply with the standards of inclusion stipulated in Article 24 of the CRPD, shows no initiative to develop inclusive education, even in times of calm, and even less so in the current context of crisis. The safety of pupils and school staff cannot be guaranteed, and access to education for disabled children is virtually non-existent. Although e-learning is a possible solution, the cost of an internet connection and the lack of technological infrastructure severely limit this option in Haiti, especially for students with disabilities.

8. Mental Health component of the Ministry of Health. P. 13

Despite calls from the Ministry of National Education and Vocational Training (MENFP) to keep schools running, these efforts have failed to curb the harmful activities of armed gangs.

Although the pressure is most intense in the capital, schools in rural areas are functioning as best they can. However, rural communities face major economic challenges. Growing poverty in these regions prevents many parents from paying their children's school fees.

In addition to the problems of accessibility and discrimination linked to disability, families with disabled children are often reluctant to send them to school because of the security situation. During an interview with a teacher at an inclusive school for disabled children in the capital, we learned that many disabled pupils have great difficulty getting to school. Crime is rife in the vicinity of the school, deterring some parents from bringing their disabled children. The teacher also mentioned that several disabled pupils have had to drop out of school, while others only attend sporadically. He added that the school doorkeeper had been abducted and executed near the school by armed men, creating a climate of uncertainty and fear among parents, pupils and staff. Moreover, a specialised school for deaf children has had to close its doors because of crimes perpetrated by armed gangs in the surrounding area.

It is therefore clear that the situation in Haiti violates not only Article 11 of the CRPD, which requires respect for the rights of people in situations of armed conflict, but also Articles 7 and 24, which concern the rights of children with disabilities and their access to inclusive education.



Correlation between armed conflict and food insecurity

Armed conflict has exacerbated the precariousness of life in Haiti. The inflation rate is approaching 40%, plunging the population into extreme poverty. The prices of basic necessities are very high, with one US dollar currently equivalent to around 160 gourdes. The majority of Haitians live on less than 2 US dollars a day, while the cost of living continues to rise. Through Sustainable Development Goal (SDG) 1, the Haitian government has committed to *“Eradicate poverty in all its forms, everywhere in the world”*. According to shopkeepers in provincial areas, the bandits tax their goods, forcing them to raise their prices in order to turn a profit. Reducing poverty in Haiti therefore requires the support of international partners, as it is a challenge that the government cannot face alone.

Food insecurity, a scourge that has affected Haiti for decades, is compounded by malnutrition and diseases such as cholera. More than half of the Haitian population (57%) (National Strategic Plan for Health Sector Reform, 2005-2010) lives with food insecurity, which translates into a deficit of around 10% of required calories. As nutritional status is a key determinant of an individual's level of resistance to all forms of infection, and diet is a key factor in adherence to certain types of treatment, it is essential that this issue be taken into account in any efforts to improve the health of the Haitian population.

According to recent estimates by the Integrated Food Security and Humanitarian Phase Classification (IPC), 4.5 million Haitians (45% of the population) are expected to suffer from hunger. The UN website in Haiti indicates that more than 1.3 million people are likely to be in an emergency situation (IPC phase 4) between March and June 2022. *The same article goes on to say: “This number is expected to rise to 4.6 million by June 2022 due to reduced access to basic foodstuffs, while incomes remain low and prices are on the rise.”*⁹ Despite this major challenge, Haiti is committed to meeting SDG 2 of Agenda 2030: *“Eradicate hunger, ensure food security, improve nutrition and promote sustainable agriculture”*. However, to date, no concrete efforts seem to have been made to achieve this objective.

SDG 13, for its part, calls on states to **“Take urgent action to address climate change and its impacts”**. However, there have been very few concrete initiatives on the part of the Haitian authorities, despite the frequency and intensity of climatic events in the country. These changes take the form of droughts, floods and storms, with a devastating impact on crops, infrastructure and agricultural production, directly affecting rural livelihoods. What's more, farmers' limited harvests cannot be distributed freely throughout the country because of roadblocks imposed by armed gangs.

9. <https://news.un.org/fr/story/2022/03/1116792>

It is important to stress that rural areas and regions producing agricultural produce in Haiti are facing major difficulties in transporting their products. These obstacles are mainly due to the restrictions imposed by the armed gangs that control the public roads. These groups not only hold passers-by to ransom, but also hinder the movement of essential goods, impacting farmers' ability to provide for their families.

Conclusion

As described in the previous sections, the climate of insecurity in Haiti, dominated by armed conflict, plays a crucial role in the country's current situation. No one can predict when this crisis will end. It is affecting every facet of Haitian life, but it is hitting people with disabilities particularly hard.

We note that despite the rights imposed by the CRPD, disabled people are often overlooked in the protection measures put in place by the authorities.

Armed conflict in various parts of the country is seriously hampering the enjoyment and exercise of the rights of people with disabilities, as recognised by the 1987 Constitution and various international human rights instruments. In the context of the current Haitian crisis, it is clear that the fundamental principles of human rights and international humanitarian law are not being respected.

Haiti does not have a system for collecting data disaggregated by age, sex, origin and disability, as recommended in article 31 of the CRPD. The information used in this analysis is not exhaustive, but reflects the realities of everyday life. Although we did not find sufficient data to carry out our study in further depth, we have used the qualitative and quantitative data available. We also contacted a number of sources directly, including over the Internet, and spoke to a member of the United Nations Integrated Office in Haiti (UNIHRO and UNCHR), who shared some useful information. However, even these sources highlight the lack of specific data on disability in the context of our research. At the beginning of 2023, conflicts led to a large number of internal displacements. There are no precise figures for disabled people displaced during gang conflicts. Nevertheless, it is certain that in communities controlled by armed gangs, people with disabilities were present.

In order to better understand the impact of armed conflict on people with disabilities in Haiti, we plan to broaden our research to include more parameters and factors. This effort is part of our objective to contribute to the achievement of SDG 16, which aims to *"Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels."*

Recommendations

- Reduce the number of firearms in circulation in the country.
- Define a disarmament and social reintegration programme.
- Fight impunity by neutralising bandits.
- Opening humanitarian corridors to facilitate access to aid for people with disabilities in conflict zones.
- Develop an evacuation plan for disabled people in the event of social unrest or natural disasters.
- Set up a psychological support programme for disabled people traumatised by banditry and other negative events.
- Provide the Office of the Secretary of State for the Integration of People with Disabilities (BSEIPH) with the resources it needs to carry out its duties in the event of humanitarian crises and emergencies.
- Strengthening and involving Disabled People's Organisations (DPOs) in the peacemaking process.
- Raising awareness among parties to a conflict of the need to respect the rights of people with disabilities.
- Take drastic measures to reduce the crime rate and the phenomenon of kidnapping.
- Empowering people with disabilities and their families to cope with food and socio-economic crises.