

# ADDENDUM TO WRITTEN STATEMENT ON DEPORTATIONS TO HAITI

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110<sup>th</sup> Session of the United Nations Human Rights Committee, 10-28 March 2014

## UNITED STATES' HUMAN RIGHTS VIOLATIONS AGAINST HAITIAN DEPORTEES AND THEIR FAMILIES

In December 2013, a delegation from this coalition of non-governmental organizations traveled to Haiti and met with 38 individuals with criminal convictions who had been deported from the United States to Haiti since the catastrophic earthquake in 2010. The delegation also met with officials from the Haitian and U.S. government, civil society, and visited facilities relevant to deportees. The conditions that many of these individuals face upon return to Haiti are horrific and life-threatening.

### Current Country Conditions

Our observations from Haiti show that the conditions there remain dire and that Haiti is experiencing a protracted humanitarian crisis. Deportees with serious medical or mental health conditions often lack access to critical healthcare and medications, and can place additional burdens on the meager infrastructure that currently exist in Haiti. Additionally, many deportees and their families in the United States face severe financial and emotional hardship because of potentially permanent separation from loved ones. Some deportees, such as those born in Bahamas or other countries to Haitian parents, had never previously set foot in Haiti.<sup>1</sup> Deportees continue to be particularly vulnerable and face severe risks in Haiti such as pervasive discrimination and stigmatization, homelessness, poverty, hunger, disease, violence, high unemployment, and particularly for women, sexual assault. These conditions place a further burden on deportees' families in the United States, many of whom are now burdened with providing financial support to their deported family members. Under these conditions, the United States should not be forcibly returning anyone to Haiti.

Deportees reported to our delegation that since being forcibly returned to Haiti, they have been robbed, denied jobs and housing for which they were qualified, shunned in their neighborhoods, and physically attacked on account of their physical appearance and speech, denoting their status as deportees from the U.S. The deportees who have managed to escape harm stated that they spend the majority of their time indoors because they are afraid of being mistreated by people in the communities where they live or being targeted by the Haitian authorities for being deportees. They expressed being afraid of being physically harmed or killed because of their deportee status, particularly for fear of being scapegoats for the actions of others. Many deportees mentioned that mob justice is common in Haiti and several cited cases they knew of a deportee being killed, sometimes for being suspected of stealing or just being in the wrong place at the wrong time.

Additionally, many deportees have little or no access to healthcare and medication for mental and physical health concerns. The State Department's travel warnings have acknowledged the lack of medical infrastructure: "Medical facilities, including ambulance services, are particularly weak. Some U.S. citizens injured in accidents and others with serious health concerns have been unable to find necessary medical care in Haiti and have had to arrange and pay for medical evacuation to the United States."<sup>2</sup> Our delegation spoke with deportees who were returned to

Haiti despite suffering from severe medical and mental health issues, including HIV, kidney disease, a burst ear drum, a partially-amputated foot, a missing kneecap, breathing issues because of adenoid problems, hypertension, a tear in the heart, hypothyroidism, chronic pain, head injuries, migraines, high blood pressure, seizures, internal bleeding, asthma, gastrointestinal issues, schizophrenia, depression, bipolar disorder, borderline mental retardation, among other things. The delegation met with several deportees who were being held in a state-run mental health institution against their will. The conditions of the facility were jail-like. Individuals in this facility were held in dark, dank, overcrowded cells with iron bars and were not given enough to eat.<sup>3</sup>

Female deportees and those who are members of the LGBT community face additional risks of stigmatization and attacks. Female deportees to Haiti face risks of physical and sexual assault, lack of employment, and the specter of engaging in survival sex or taking other desperate measures to survive. This is especially true for women without close relatives or other support systems and those with mental or medical health concerns. Members of the LGBT community face increased risks of ostracism, estrangement from family, poverty, homelessness, and physical attacks.

### **Personal Accounts**

Of the 38 individuals the delegation met with in Haiti, two of them had been granted precautionary measures by the Inter-American Commission on Human Rights prior to their deportations. Their personal accounts follow:

One beneficiary of precautionary measures, G.R., for instance, struggles in Haiti because of an injured leg. He previously had 21 surgeries on his leg and knee before being deported to Haiti. Now, the bones in his leg are rubbing together—he has no kneecap and was waiting to for a surgical implant in the United States—and he cannot afford any medical treatment in Haiti. He has five children in the United States, whom he was previously supporting. They are currently being supported by his mother, but are struggling financially.

Another deportee, T.M., became extremely ill in detention upon arrival in Haiti. Since his release from detention he has been beaten on numerous occasions by the Haitian police, and he tends to stay indoors in order to avoid attacks due to his status as a deportee. He has had frequent asthma attacks and seizures since his deportation, and believes that he will die from these problems in the next few years in Haiti.

These individuals, along with other similarly situated deportees, face immediate and irreparable harm due to their medical conditions and status as deportees. They have been separated from their families in the United States, potentially permanently. Their stories highlight the U.S.'s egregious violations of the International Covenant on Civil and Political Rights by deporting individuals to Haiti during this humanitarian crisis.

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<sup>1</sup> See Allyn Gaestel, *Deportees from the U.S. Face Bleak Prospects in Haiti*, L.A. TIMES (Apr. 24, 2011), <http://articles.latimes.com/2011/apr/24/world/la-fg-haiti-deportees-20110424> (describing a deportee from the Bahamas who was deported to Haiti and had never been to Haiti prior to his deportation).

<sup>2</sup> U.S. DEP'T OF STATE, BUREAU OF CONSULAR AFFAIRS, U.S. PASSPORTS & INT'L TRAVEL, *Haiti Travel Warning* (Aug. 13, 2013), available at <http://travel.state.gov/content/passports/english/alertswarnings/haiti-travel-warning.html>.

<sup>3</sup> See Deborah Sontag, *In Haiti, Mental Health System is in Collapse*, N.Y. TIMES (Mar. 19, 2010), available at <http://www.nytimes.com/2010/03/20/world/americas/20haiti.html> (describing patients “padlocked in tiny concrete cells” howling for attention of the reporter; feces and urine on the ground outside a ward with metal cots and no mattresses; and foreign psychiatrists being “[a]ppalled by the Mars and Kline Psychiatric Center”); see also Fabio Bucciarelli, *Frustration and Suffering in Haiti’s Mental Health Facilities*, TIME (Sep. 19, 2013) (reporting that patients sleep “on concrete slabs in barred cells” which Mr. Bucciarelli referred to as “cages”), available at <http://lightbox.time.com/2013/09/19/frustration-and-suffering-in-haitis-mental-facilities/>.