



## ROBERT F. KENNEDY MEMORIAL

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December 4, 2002

Dear Minister:

I am writing to you on behalf of a number of human rights organizations, including the Harvard Institute for Health and Social Justice, Haiti-based *Zanmi Lasante* (Partners in Health), and the Robert F. Kennedy Memorial Center for Human Rights, of which I am the Director.

Our request is simple: end the de-facto EU sanctions (the suspension of aid) against Haiti that violate your government's obligation under the International Covenant on Economic, Social and Cultural Rights. In the words of the Committee on Economic, Social and Cultural Rights:

“The aim is not to give support or encouragement to such leaders, nor is it to undermine the legitimate interests of the international community in enforcing respect for the provisions of the Charter of the United Nations and the general principles of international law. Rather, it is to insist that lawlessness of one kind should not be met by lawlessness of another kind which pays no heed to the fundamental right that underlie and give legitimacy to any such collective action.” E/C. 12/1997/8, CESCR General comment 8 (General Comments).

We are extremely concerned that your actions have exacerbated the human rights situation in Haiti rather than improved it. Reconsideration of your suspension of aid, especially in the critical sectors of health, education and justice is overdue.

The use of Article 96 of the Cotonou Agreement is an important development, but the goal should never be lost: improvement in the human rights situation. As Article 9 of Cotonou so eloquently states: “human rights are universal, indivisible and inter-related” and the political and institutional environment that upholds human rights must be considered.

As Article 96 of Cotonou states, measures should be proportional to the violation and suspension a last resort. No country is poorer or in greater need of true development assistance in this hemisphere than is Haiti. The general indicators are horrendous, and have worsened since January 2001. The full spectrum of rights, especially the rights to health and education have not been adequately considered in your present suspension. We are confident that your actions were disproportional.

*“Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current which can sweep down the mightiest walls of oppression and resistance.”*

-Robert F. Kennedy, South Africa, 1966

Sending humanitarian aid via Non-Governmental Organizations (NGOs) does not satisfy your government's collective obligation under article 2, paragraph 1 of the Covenant. Your aid should be going to strengthen civil society's ability to make demands on government; to do otherwise is to confuse the right to health with a handout. Conceptually your actions are inappropriate and that is even before considering how NGOs have become a third force in Haiti and how aid pumped through them often exacerbates the current dangerous polemic on the ground.

While we US-based human rights advocates have become accustomed to US policy ignoring economic, social, and cultural rights, we expect state parties to the Covenant to take these rights more seriously. We are currently developing a lawsuit against the U.S. government, the Inter-American Development Bank and its members for violating the right to health in Haiti by blocking health sector loans that had been approved and ratified and readied for disbursement by December 2000.

It is our position that your government has violated its obligations under the Covenant for Economic, Social and Cultural Rights. Money for humanitarian aid does not free your country from responsibility, given the suspension was not tailored appropriately to facilitate respect for human rights. While your intentions may have been laudable, the de-facto sanctions regime has simply added to lawlessness and human suffering.

We call on you to end the present suspension. At the very least, we call on you to radically modify it so that there is no question that your continued support conforms to your obligations under international human rights law.

Sincerely,



Todd Howland, Director  
Center for Human Rights