



9 June 2011

Excellency,

This return advisory updates the joint communication issued by the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees on 18 February 2010 in respect of the humanitarian crisis in Haiti precipitated by the January 2010 earthquake.

The January 2010 earthquake in Haiti caused mass devastation and loss of life. Over the past 15 months, intensive humanitarian assistance and international solidarity have helped to alleviate the immediate needs of the earthquake-affected population and stemmed the outbreak of cholera. The recent conclusion of the electoral process is creating conditions for stability and is expected to enhance the reconstruction and recovery efforts.

However, large parts of Haiti's population continue to live in extremely precarious conditions, exacerbated by the destruction and displacement caused by the earthquake. As of March 2011, there were an estimated 680,000 internally displaced persons (IDPs) still residing in over a thousand tented camps in Port-au-Prince and other earthquake-affected areas. Of these, some 166,000 IDPs are currently at risk of being evicted. An additional 170,000 IDPs continue to live in host communities located in the provinces, while several thousand families, displaced by the earthquake, reside in unplanned settlements with no access to basic services. Some 57,000 temporary shelters have been built to address the immediate needs of some 230,000 IDPs.

A significant reduction in operational resources of humanitarian actors has resulted in severe cuts in the services provided to IDP camps. Concurrently, no durable solutions or tangible alternatives have materialized as yet for the vast majority of IDPs. While both the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Office of the United Nations High Commissioner for Refugees (UNHCR) fully support and engage with ongoing reconstruction and rehabilitation efforts, there are serious concerns over existing protection gaps and the unmet basic humanitarian needs.

Despite the recent elections and the positive outlook that they bring to the recovery of the country, the Haitian State, weakened by the earthquake, cannot yet ensure that vulnerable or disabled people, people with health problems or victims of sexual abuse in Haiti would receive sufficient or adequate care by the State in case of return. In this context, Governments should refrain from conducting returns to Haiti.

To all Permanent Representatives
to the United Nations Office at Geneva


Given the current situation prevailing in Haiti, OHCHR and UNHCR would like to appeal to Governments to renew, on humanitarian grounds, residence permits and other mechanisms that have allowed Haitians to remain outside the country. This appeal would include those Haitians evacuated in the aftermath of the earthquake, those who were stranded outside Haiti at the time of the earthquake, as well as their close family members under the principle of family reunification.

OHCHR and UNHCR fully recognize the prerogative of States to return individuals to their country of origin when they are found not to be in need of international protection. In the absence of other applicable legal frameworks and given the situation described above, the two organizations call upon Governments to apply, at the very least, the following principles:

- Give special consideration and refrain from returning to Haiti persons with special protection needs in the current humanitarian context, in particular:
 - any unaccompanied or separated minor, given the lack of comprehensive and effective child protection mechanisms, unless an individual assessment has determined that return would be in the best interest of the child and that appropriate measures for the child's protection, including guardianship and adequate civil documentation, have been secured prior to return;
 - any Haitian living with disability or suffering from a severe medical condition, unless specific precautionary measures in terms of reception and reintegration are in place;
 - any Haitian victims of human trafficking, for whom a protection-sensitive approach should be adopted. Carry out an individual assessment of their risks, to determine whether return or another solution should be pursued, while effectively pursuing human trafficking and smuggling networks to the full extent of the law;
 - any victim of sexual or gender based violence given the current gaps in the provision of State protection in Haiti;
- Prevent situations where returns lead to separation of family members;
- Verify the nationality of persons of Haitian origin when doubts arise as to nationality;
- Ensure that forced returns are undertaken in a humane manner, in full respect for human rights and dignity, and with adequate advance notification provided to the competent Haitian authorities so they can prepare for their reception.

We would be most grateful for your consideration of our appeal, on humanitarian grounds, and hope your Government will continue to join in this act of international solidarity with Haiti.

Please accept, Excellency, the assurances of our highest consideration.


 Navanethem Pillay
 High Commissioner for Human Rights
 NAVI PILLAY


 António Guterres
 High Commissioner for Refugees