

Haiti

Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Haiti has been a member of ILO-IPEC since 1999.¹¹⁶¹ With funding from USDOL, ILO-IPEC is coordinating a three-year country program in Haiti for children working as domestic servants. The government and ILO-IPEC are also planning to collaborate with NGOs to conduct a national survey on child domestic work.¹¹⁶² The Ministry of Social Affairs implements a program called *SOS Timoun*, under which the Ministry's Institute of Welfare and Research (IBESR) works in collaboration with the "Service de la Protection de Mineurs" to withdraw children from abusive households.¹¹⁶³ The program has withdrawn 240 children thus far, including children in domestic work,¹¹⁶⁴ and overall, the media campaign against child labor has resulted in the removal of 760 children from abusive households.¹¹⁶⁵ UNICEF and the Ministry of Social Affairs are also implementing a project to assist child domestic workers through the provision of vocational training.¹¹⁶⁶

Haiti has launched a program called "Ed 2004" with funding from USAID, to improve the quality of primary education for children and young adults. The Ed 2004 program also aims to address the needs of orphans and other at-risk children, improve non-formal education, and improve access to information and communications technology.¹¹⁶⁷ In addition, the Ministry of Education works with NGOs to implement alternative education initiatives.¹¹⁶⁸

¹¹⁶¹ As part of Haiti's participation in ILO-IPEC, the government intends to establish a National Steering Committee on child labor, which will be charged with preparing a national plan of action on child labor. See ILO-IPEC, *Technical Report No. 3: Combating the Exploitation of Child Domestic Workers, September 2001* [hereinafter *Exploitation of Child Domestic Workers*]. See also ILO-IPEC, *All About IPEC: Fact Sheet 20, Haiti and IPEC Launch Programme to Combat Child Domestic Labour* [hereinafter *Programme to Combat Child Domestic Labour*], at www.ilo.org/public/English/standards/ipecc/about/factsheet/facts20.htm on 5/4/01.

¹¹⁶² *Exploitation of Child Domestic Workers*. See also *Programme to Combat Child Domestic Labour*.

¹¹⁶³ Madame Mathilde Flambert, Minister of Social Affairs, and Pierre Richard Painson, Chef du Cabinet, interview by USDOL official, August 3, 2000. Since its inception, the program has registered 250 calls from institutions, police commissariats, distressed children, individuals, and radio and television stations. See also U.S. Department of State official electronic correspondence to USDOL official dated October 13, 2000 [hereinafter Department of State electronic correspondence] [on file].

¹¹⁶⁴ Of the child domestic servants withdrawn from abusive situations, 19 were sent to a receiving home or shelter, while 14 were reunited with their parents. See Department of State electronic correspondence.

¹¹⁶⁵ U.S. Embassy—Port Au Prince, unclassified telegram no. 1203, May 2001. See also U.S. Embassy—Port au Prince, unclassified telegram no. 3160, June 1997 and U.S. Embassy—Port au Prince, unclassified telegram no. 2570, October 2001 [hereinafter unclassified telegram 2570].

¹¹⁶⁶ Unclassified telegram 2570.

¹¹⁶⁷ The Ed 2004 program has established a public-private partnership commission to reform national educational policy in order to foster increased collaboration between private and public schools and promote resource sharing among schools. See USAID, Activity Data Sheet for FY 2002: Haiti, at <http://www.usaid.gov/country/lac/ht/521-004.html> on 10/01/01.

¹¹⁶⁸ Paul Bien-Aime, Minister of Education, interview by USDOL official, August 1, 2000 [hereinafter

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 23.3 percent of children between the ages of 10 and 14 years in Haiti were working.¹¹⁶⁹ Children work as domestic servants and in street trades, and assist their families in subsistence agriculture. A 1997 UNICEF study estimated that there were some 250,000 to 300,000 child domestic servants, 80 percent of whom were girls under the age of 14.¹¹⁷⁰ Child domestics in Haiti are commonly referred to as *restaveks*, a Creole word meaning “to stay with.” They are among the most vulnerable and exploited of all children in Haiti. According to UNICEF, most *restaveks* work without compensation, reach the age of 15, 16, or 17 without ever having been to school, and may undergo physical or sexual abuse.¹¹⁷¹ UNICEF estimated that there are 5,000 street children in Haiti, including those who escaped from domestic servitude, or moved to Haitian cities seeking work.¹¹⁷² Some street children engage in prostitution.¹¹⁷³ In the neighboring Dominican Republic, Haitian children are contracted annually to work in the sugarcane industry, particularly in the Barahona province.¹¹⁷⁴

According to the Constitution, primary schooling is free and compulsory.¹¹⁷⁵ Education is required from the age of 6 to 15 years.¹¹⁷⁶ In 1997, the gross primary enrollment rate was 126 percent, while the net primary enrollment rate was only 42.2 percent.¹¹⁷⁷ Some 500,000 children in Haiti do not attend school,¹¹⁷⁸ and only 23 percent of children who do attend finish secondary school.¹¹⁷⁹

Bien-Aime interview].

¹¹⁶⁹ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

¹¹⁷⁰ “The State of the World’s Children, 1997,” UNICEF (New York, 1996), 30. *See also* “Haiti Faces Major Education Challenge,” UNICEF Information Newslines [hereinafter “Major Education Challenge”], at <http://www.unicef.org/newsline/99pr16.htm>. Child labor in Haiti is generally nonexistent in the industrial and commercial agriculture sectors because of high adult unemployment and cultural prohibitions. *See unclassified telegram 2570.*

¹¹⁷¹ “Helping Child Servants Who are Virtual Slaves—Haiti,” UNICEF, National Coalition for Haitian Rights (updated 11/30/00), at <http://www.unicef.org/media/storyideas/946.htm> on 10/26/01.

¹¹⁷² “Major Education Challenge.”

¹¹⁷³ Jean Robert Cadet, “Restavek Servitude,” statement before the UN Commission on Human Rights, Sub-Commission on the Promotion and Protection of Human Rights, Working Group on Contemporary Forms of Slavery, 25th Session (Geneva, June 14-23, 2000) [document on file].

¹¹⁷⁴ Agustin Vargas-Saillant, Domingo Jimenez, and Rufino Alvarez, Unitary Confederation of Workers (CTU and Futrazona), Dominican Republic, interview by USDOL official, August 29, 2000.

¹¹⁷⁵ Constitution of Haiti, 1987, Articles 32-1, 32-3, at <http://www.right-to-education.org/consguarant/haiti.html> on 10/25/01.

¹¹⁷⁶ Le Projet de Loi d’Orientation de l’Education, as cited in UNESCO, *The Education for All (EFA) 2000 Assessment: Haiti* [hereinafter *EFA 2000 Assessment*], at http://www2.unesco.org/wef/countryreports/haiti/rapport_1.html on 1/14/02.

¹¹⁷⁷ UNESCO, *Education for All (EFA): Year 2000 Assessment* (Paris, 2000) [CD-ROM].

¹¹⁷⁸ Bien-Aime interview.

¹¹⁷⁹ Lyne Godmaire, responsible for the Education Section, UNICEF, interview by USDOL official, August 2, 2000.

Child Labor Laws and Enforcement

The 1984 Labor Code prohibits children under 15 years of age from working in industrial, agricultural, or commercial enterprises, and establishes 12 years as the minimum age for domestic work and 14 as the minimum age for apprenticeships.¹¹⁸⁰ The Labor Code prohibits hazardous work for minors and night-work in industrial jobs for children under 18 years, and additional provisions regulate the employment of children between 15 and 18 years of age.¹¹⁸¹ The Labor Code also prohibits forced labor.¹¹⁸² The law does not specifically prohibit trafficking, although the Criminal Code prohibits prostitution or the corruption of a young person under the age of 21.¹¹⁸³

The Ministry and Social Affairs is responsible for enforcing all child labor legislation, and the IBESR coordinates the implementation of child labor laws with other government agencies.¹¹⁸⁴ IBESR conducted just over 120 child labor inspections a year between 1996 and 2000, all for cases involving child domestic workers who were subsequently removed from abusive households and placed in shelters or in the care of nongovernmental organizations. However, none of the inspections resulted in fines, penalties, or convictions.¹¹⁸⁵ Haiti has not ratified either ILO Convention 138 or ILO Convention 182.¹¹⁸⁶

¹¹⁸⁰ Decret du 24 fevrier 1984 actualisant le Code du Travail du 12 septembre 1961 [hereinafter Code du Travail], Articles 73, 335, 341, as found on Natlex database at <http://www.natlex.ilo.org/txt/F61HTI01.htm> on 11/20/01.

¹¹⁸¹ Children under age 18 are required to undergo a medical examination before working in an enterprise. Also, children between ages 15 and 18 are required to obtain a work permit for agricultural, industrial, or commercial labor, and employers must retain a copy of the permit, along with additional personal information on the employee, in an official register. *See* Code du Travail at Articles 333, 334, 336-339.

¹¹⁸² Code du Travail at Article 4.

¹¹⁸³ *Country Reports on Human Rights Practices for 2000—Haiti* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6f, at <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/index.cfm?docid=795>. The punishment for violation of this law is six months to two years of imprisonment. *See also* Criminal Code, Article 282, in “Human Rights Reports: Haiti,” The Protection Project Database, at <http://protectionproject.org>.

¹¹⁸⁴ Unclassified telegram 2570.

¹¹⁸⁵ Unclassified telegram 2570.

¹¹⁸⁶ ILOLEX database: Haiti at <http://ilolex.ilo.ch:1567/english/newratframeE.htm> on 11/20/01.

NOTE: Hard copies of all Web citations are on file.