

Haiti

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

The Government of Haiti became a member of ILO-IPEC in 1999 and requested ILO-IPEC's assistance to address the problem of child domestic workers (known as *restaveks*, in Haitian Creole).¹⁶⁸⁸ With funding from USDOL, ILO-IPEC is conducting a three-year country program intended to strengthen the capacity of government ministries and institutions responsible for *restaveks*, raise public awareness about the issue, remove children from exploitative work, and provide them with education alternatives.¹⁶⁸⁹ The Ministry of Social Affairs implements a program called *SOS Timoun*, under which reports of child abuse may be reported through a hotline number, and the Ministry's Institute of Welfare and Research (IBESR) has the authority to withdraw children from abusive situations.¹⁶⁹⁰ The government has also sponsored public awareness measures on the topic of mistreatment of *restaveks*, specifically national television and radio advertisements.¹⁶⁹¹ In addition, the government is working with UNICEF to implement a project assisting child domestic workers through the provision of vocational training.¹⁶⁹²

While the majority of Haiti's social welfare budget is reported to be used to combat child abuse,¹⁶⁹³ government programs reach only a fraction of the children exploited through internal trafficking and domestic labor. The Ministry of Social Affairs reported that it served 158 children in 2001, a decrease from the 760 children removed from abusive households in 2000.¹⁶⁹⁴ In addition, child domestic service is deeply ingrained in Haitian tradition and culture, which presents an impediment to government efforts and social change.

The Ministry of Education is receiving loans from the IDB and the World Bank for a Basic Education Project aimed at improving access to quality education.¹⁶⁹⁵ The ministry is also working

¹⁶⁸⁸ ILO-IPEC, *Haiti and IPEC launch programme to combat child domestic labour*, [online] [cited August 23, 2002]; available from <http://www.ilo.org/public/english/standards/ipec/about/factsheet/facts20.htm>.

¹⁶⁸⁹ Ibid.

¹⁶⁹⁰ Minister of Social Affairs Mathilde Flambert and Chef du Cabinet Particulier Pierre Richard Painson, interview with USDOL official, August 1, 2000. The government has assigned 10 trained monitors to identify and remove *restaveks* from exploitative work. See U.S. Embassy-Port Au Prince, *unclassified telegram no. 1203*, May 2001.

¹⁶⁹¹ U.S. Department of State, *Trafficking in Persons Report- 2002: Haiti*, Washington, D.C., June 5, 2002, 56 [cited December 13, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10680.htm>.

¹⁶⁹² U.S. Embassy-Port au Prince, *unclassified telegram no. 2570*, October 2001.

¹⁶⁹³ Ibid.

¹⁶⁹⁴ U.S. Department of State, *Trafficking in Persons Report: Haiti*, 56.

¹⁶⁹⁵ Inter-American Development Bank, *Haiti: Basic Education Project, Phase 1*, [online] 1998 [cited August 23, 2002]; available from <http://www.iadb.org/exr/doc98/apr/ha1016e.pdf>.

with NGOs, including UNICEF,¹⁶⁹⁶ to build new schools and implement alternative education initiatives.¹⁶⁹⁷

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 22.8 percent of children ages 10 to 14 years in Haiti were working.¹⁶⁹⁸ Due to high unemployment and job competition, there is very little formal-sector child labor; children are known to work on family farms and in the informal sector in order to supplement their parents' income.¹⁶⁹⁹

The most common worst form of child labor in Haiti is the traditional practice of trafficking children from poor, rural areas to cities for work as domestic servants. According to UNICEF, approximately 300,000 children work as *restaveks*, 80 percent of whom are girls under 14 years of age.¹⁷⁰⁰ Another survey by the National Coalition for Haitian Rights estimated that 1 in 10 children in Haiti is a domestic worker.¹⁷⁰¹ *Restaveks* are among the most vulnerable and exploited of all children in Haiti. Most of these children work without compensation, reach the age of 15, 16, or 17 years without ever having attended school, and frequently undergo physical or sexual abuse.¹⁷⁰²

UNICEF estimates that there are approximately 5,000 street children in Haiti, including those who escaped from domestic servitude.¹⁷⁰³ Anecdotal evidence suggests that some street children work as prostitutes.¹⁷⁰⁴ There are also reports of commercial sexual exploitation of children in the capital and other major towns, in connection with the tourist industry.¹⁷⁰⁵ In 2002, a joint IOM/UNICEF study found that between 2,000 and 3,000 Haitian children are trafficked each year to the Dominican Republic for work as beggars or in the agriculture and construction sectors.¹⁷⁰⁶

¹⁶⁹⁶ UNICEF, *Haiti Faces Major Education Challenge*, [online] 1999 [cited August 23, 2002]; available from <http://www.unicef.org/newsline/99pr19.htm>.

¹⁶⁹⁷ Paul Bien-Aime, Minister of Education, interview with USDOL official, August 1, 2000.

¹⁶⁹⁸ World Bank, *World Development Indicators* [CD-ROM], Washington, D.C., 2002.

¹⁶⁹⁹ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Haiti*, Washington, D.C., March 4, 2002, 2884-87, Section 6d [cited December 27, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8332.htm>.

¹⁷⁰⁰ UNICEF, *Haiti Faces Major Education Challenge*.

¹⁷⁰¹ Madeline Baro Diaz, "Study Condemns Child Labor; Tradition Forces 10 Percent of Children Into Domestic Service, Report Says," *South Florida Sun-Sentinal* (Miami), April 13, 2002.

¹⁷⁰² UNICEF, *Helping Child Servants Who Are Virtual Slaves*, [online] 2000 [cited August 23, 2002]; available from <http://www.unicef.org/media/storyideas/946.htm>.

¹⁷⁰³ UNICEF, *Haiti Faces Major Education Challenge*.

¹⁷⁰⁴ UN Commission on Human Rights, *Restavek Servitude*, Sub-Commission on the Promotion and Protection of Human Rights, Working Group on Contemporary Forms of Slavery, Geneva, June 14-23, 2000.

¹⁷⁰⁵ ECPAT International estimates that 10,000 children are involved in CSEC in Haiti. ECPAT International, *Haiti*, in ECPAT International, [database online] [cited August 22, 2002]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index/asp.

¹⁷⁰⁶ ILO-IPEC official, electronic communication to USDOL official, August 16, 2002.

According to the Constitution, primary schooling is free and compulsory.¹⁷⁰⁷ Education is required from the age of 6 to 15 years.¹⁷⁰⁸ In 1998, the gross primary enrollment rate was 151.6 percent, and the net primary enrollment rate was 79.7 percent.¹⁷⁰⁹ However, according to UNICEF, almost two-thirds of Haitian children drop out of school before completing the full six years of compulsory education, and over one million primary school children lack access to schooling.¹⁷¹⁰ Primary school attendance rates are unavailable for Haiti. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.¹⁷¹¹ School facilities are in disrepair, and overcrowding leaves 75 percent of students without a seat in the classroom.¹⁷¹² In addition, costs associated with school, including uniforms and books, are reported to prevent many children in rural areas from attending.¹⁷¹³

Child Labor Laws and Enforcement

The Labor Code of 1984 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 years as the minimum age for apprenticeships.¹⁷¹⁴ Furthermore, the Labor Code stipulates that persons employing child domestic servants must obtain a permit from IBESR and provide the child with housing, clothing and food.¹⁷¹⁵ The Labor Code also bans 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,¹⁷¹⁶ and prohibit forced labor.¹⁷¹⁷ The law does not specifically prohibit trafficking or prostitution, although the Criminal Code prohibits engaging in indecent behavior with a young person under the age of 21.¹⁷¹⁸

¹⁷⁰⁷ *Constitution of Haiti*, (1987), [cited December 20, 2002]; available from http://www.right-to-education.org/content/index_4.html.

¹⁷⁰⁸ Le Projet de Loi d'Orientation de l'Éducation, as cited in UNESCO, *Education for All 2000 Assessment: Haiti*, prepared by Ministry of National Education, Youth, and Sports of Haiti, pursuant to UN General Assembly Resolution 52/84, 2000; available from http://www2.unesco.org/wef/countryreports/haiti/rapport_1.html.

¹⁷⁰⁹ World Bank, *World Development Indicators 2002*.

¹⁷¹⁰ UNICEF, *Haiti Faces Major Education Challenge*.

¹⁷¹¹ For a more detailed description on the relationship between education statistics and work, see the preface to this report.

¹⁷¹² UNICEF, *Haiti Faces Major Education Challenge*.

¹⁷¹³ U.S. Department of State, *Country Reports- 2002: Haiti*, 2882-84, Section 5.

¹⁷¹⁴ Government of Haiti, *Code du Travail*, (1984), Articles 73, 335, 41 [cited December 20, 2002]; available from <http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E>.

¹⁷¹⁵ *Ibid.*, Articles 343 and 45.

¹⁷¹⁶ Children under age 18 are required to undergo a medical examination before working in an enterprise. Also, children between the ages of 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. *Ibid.*, Articles 333, 35, 36-39.

¹⁷¹⁷ *Ibid.*, Article 4.

¹⁷¹⁸ U.S. Department of State, *Country Reports- 2002: Haiti*, 2884-87, Section 6f. See also Government of Haiti, *Criminal Code*, [cited August 22, 2002]; available from <http://www.protectionproject.org>.

The Ministry of Social Affairs is responsible for enforcing all child labor legislation, and the IBESR is charged with coordinating the implementation of child labor laws with other government agencies.¹⁷¹⁹ Child labor laws, particularly child domestic labor regulations, are not enforced.¹⁷²⁰ It is reported that the IBESR does not issue child domestic worker permits, although it is unclear whether this is due to families' ignorance or disregard for the law, or if the IBESR does not facilitate the process of obtaining permission.¹⁷²¹ The 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 NGOs. However, none of the inspections resulted in fines, penalties, or convictions against the households employing these children.¹⁷²² The government does not actively investigate cases of trafficking, and there have been no prosecutions of traffickers.¹⁷²³

The Government of Haiti has not ratified either ILO Convention 138 or ILO Convention 182.¹⁷²⁴

¹⁷¹⁹ U.S. Embassy-Port au Prince, *unclassified telegram no. 2570*.

¹⁷²⁰ *Ibid.* See also U.S. Department of State, *Trafficking in Persons Report: Haiti*.

¹⁷²¹ ILO-IPEC, *Combating the Exploitation of Child Domestic Workers in Haiti, Project Revision No. 1*, Geneva, November, 2001, 9.

¹⁷²² U.S. Embassy-Port au Prince, *unclassified telegram no. 2570*.

¹⁷²³ U.S. Department of State, *Trafficking in Persons Report: Haiti*.

¹⁷²⁴ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 28, 2002]; available from <http://iloex.ilo.ch:1567/english/newratframeE.htm>.