

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

The Government of Haiti became a member of ILO-IPEC in 1999.²⁰⁴¹ ILO-IPEC is providing assistance to the government to address the problem of child domestic workers (known as restaveks, in Haitian Creole).²⁰⁴² In 2003, the Government of Haiti passed legislation prohibiting trafficking and repealing the provisions of the Labor Code that permitted child domestic work.²⁰⁴³ The Ministry of Labor and Social Affairs planned a series of public seminars to raise awareness on child domestic labor, in coordination with the Institute for Welfare and Research (IBESR), the Ministry of Women's Affairs, and the Ministry of Education.²⁰⁴⁴ Government officials, including the First Lady, have also spoken out condemning the use of child domestic workers.²⁰⁴⁵

In 2003, ILO-IPEC completed a USDOL-funded country program intended to strengthen the capacity of government ministries and institutions responsible for restaveks, raise public awareness about the issue, and remove children from exploitative work.²⁰⁴⁶ As a component of this project, the government co-sponsored a qualitative study on child domestic work.²⁰⁴⁷

In order to combat international trafficking, in 2003 the Haitian Ministry of Interior announced new requirements for the movement of children across national borders by persons other than parents. The number of immigration officials at Haiti's three international airports and along the border between Haiti and the Dominican Republic have increased. Border and officials involved in preventing child trafficking will receive U.S. Government-funded training in order to better identify potential victims of trafficking.²⁰⁴⁸

Government programs reach only a fraction of the children exploited through internal trafficking and domestic labor. The Ministry of Social Affairs implements a program called SOS Timoun, under which reports of child abuse may be reported through a hotline number, but the service is open only during business hours and provides limited access to shelters.²⁰⁴⁹ In addition, child domestic service is deeply ingrained in Haitian tradition and culture, which presents an impediment to government efforts and social change.

²⁰⁴¹ ILO, *All About IPEC: Program Countries*, 2003 [cited July 24, 2003]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

²⁰⁴² ILO-IPEC, *Haiti and IPEC Launch Programme to Combat Child Domestic Labour*, [online] [cited June 10, 2003]; available from <http://www.ilo.org/public/english/standards/ipec/about/factsheet/facts20.htm>.

²⁰⁴³ U.S. Embassy- Port Au Prince, *unclassified telegram no. 00983*, May, 2003.

²⁰⁴⁴ U.S. Department of State official, electronic communication to USDOL official, June 11, 2003.

²⁰⁴⁵ U.S. Department of State, *Trafficking in Persons Report- 2003: Haiti*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm>. See also ILO-IPEC, *Combating the Exploitation of Child Domestic in Haiti*, project document, HAI/99/05P/050, Geneva, January 1, 1999. See also ILO-IPEC, *Modification to Combating the Exploitation of Child Domestic in Haiti*, HAI/99/05P/050, Geneva, January 29, 2003.

²⁰⁴⁶ ILO-IPEC, *Haiti and IPEC Launch Programme*. See also ILO-IPEC, *Combating the Exploitation of Child Domestic in Haiti: Project Modification*, Geneva, January 29, 2003.

²⁰⁴⁷ The study was produced by ILO-IPEC, UNDP, UNICEF, Save the Children/Canada, and Save the Children/UK. See U.S. Department of State official, electronic communication, June 11, 2003.

²⁰⁴⁸ U.S. Department of State, *Presidential Determination with Respect to Foreign Governments' Efforts Regarding Trafficking in Persons: Statement of Explanation, Haiti*, [online] 2003 [cited October 15, 2003]; available from <http://www.state.gov/g/tip/rls/rprt/25017.htm>. See also U.S. Department of State, electronic communication to USDOL official, February 19, 2004.

²⁰⁴⁹ Minister of Social Affairs Mathilde Flambert and Chef du Cabinet Particulier Pierre Richard Painson, interview with USDOL official, August 1, 2000. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Haiti*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18335.htm>. In 2002, only 100 children were rescued from trafficking. See U.S. Department of State, *Trafficking in Persons Report- 2003: Haiti*.

In 1997 the Government of Haiti announced a 10-year National Education and Training Plan intended to promote enrollment and retention through improved access to schools, teacher training and a revised national curriculum.²⁰⁵⁰ The Ministry of Education is receiving loans from the IDB for a Basic Education Project aimed at supporting the objectives of the National Plan.²⁰⁵¹ USAID is also supporting the National Plan through a project to increase the quality of primary education, increase access to information technology, and provide services to at-risk children.²⁰⁵² In addition, the Ministry of Education is working with NGOs and international organizations, including UNICEF,²⁰⁵³ to build new schools and implement alternative education initiatives.²⁰⁵⁴

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 22.3 percent of children ages 10 to 14 years in Haiti were working.²⁰⁵⁵ 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.²⁰⁵⁶

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 of wealthy families. A 2002 survey by the FAFO Institute for Applied Social Sciences estimated that 173,000, or 8.2 percent of children aged 5 to 17 years, were child domestic workers.²⁰⁵⁷ A survey by the National Coalition for Haitian Rights estimated that 1 in 10 children in Haiti is a domestic worker.²⁰⁵⁸ Many *restaveks* work without compensation, reach the age of 15, 16, or 17 years without ever having attended school,²⁰⁵⁹ are forced to work long hours under harsh conditions, and are subject to mistreatment, including sexual abuse.²⁰⁶⁰

²⁰⁵⁰ Inter-American Development Bank, *Haiti Basic Education Program Loan Proposal*, [cited June 11, 2003]; available from www.iadb.org/exr/doc98/apr/ha1016e.pdf. See also Organization for Petroleum Exporting Countries, *OPEC Fund Supports Education in Haiti with US\$5 Million Loan*, 2003 [cited June 11 2003]; available from <http://www.opecfund.org/new/press/1999/pr9916.html>.

²⁰⁵¹ Inter-American Development Bank, *IDB Basic Education Program*.

²⁰⁵² USAID, *USAID/Haiti: Population and Health*, 2003 [cited June 11 2003]; available from <http://www.usaid.gov/ht/health.html>.

²⁰⁵³ UNICEF, *Haiti Faces Major Education Challenge*, [online] 1999 [cited June 11, 2003]; available from <http://www.unicef.org/newsline/99pr19.htm>.

²⁰⁵⁴ Paul Bien-Aime, interview with USDOL official, August 1, 2000.

²⁰⁵⁵ World Bank, *World Development Indicators* [CD-ROM], Washington, D.C., 2003.

²⁰⁵⁶ U.S. Department of State, *Country Reports- 2002: Haiti*, Section 6d.

²⁰⁵⁷ According to the survey, previous estimates on the number of child domestics have generally been between 100 to 200 thousand children. The survey notes that quantifying child domestic workers is difficult due to numerous factors, most notably that the total population in Haiti is not known, and therefore extrapolations of working children may vary depending upon which population estimate is used. See Tone Sommerfelt (ed.), *Child Domestic Labor in Haiti: Characteristics, Contexts and Organization of Children's Residence, Relocation, and Work*, FAFO, 2002, pg. 34-35. UNICEF has provided the highest estimate of child domestic workers to date, reporting that there are approximately 300,000 *restaveks*, 80 percent of whom are girls under 14 years of age. See UNICEF, *Haiti Faces Major Education Challenge*. See also U.S. Department of State, electronic communication, February 19, 2004.

²⁰⁵⁸ Madeline Baro Diaz, "Study Condemns Child Labor; Tradition Forces 10 Percent of Children Into Domestic Service, Report Says," *South Florida Sun-Sentinel* (Miami), April 13, 2002.

²⁰⁵⁹ UNICEF, *Helping Child Servants Who Are Virtual Slaves*, [cited June 12, 2003]; available from <http://www.unicef.org/media/storyideas.946.htm>.

²⁰⁶⁰ UN Committee on the Rights of the Child, *Concluding Observations: Haiti, Consideration of Reports Submitted by States Parties Under Article 44*, United Nations, Geneva, March 18 2002, para. 56; available from [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/0993aaf549a989c1256d2b00526ce9?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/0993aaf549a989c1256d2b00526ce9?Opendocument).

Estimates on the number of street children in Haiti vary from 5,000 to 10,000, according to recent studies by UNICEF and Save the Children/Canada, respectively.²⁰⁶¹ In 2003, ILO-IPEC published a rapid assessment on the commercial sexual exploitation of children in Haiti, which documented that this practice occurs in various locations throughout the country. The majority of the commercial sex workers surveyed were street children and were in the 13 to 17 age range, although some were found to be under 10 years old.²⁰⁶² Other reports indicate that commercial sexual exploitation of children occurs in the capital and other major towns, in connection with the tourist industry.²⁰⁶³ 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.²⁰⁶⁴

According to the Constitution, primary schooling is free and compulsory.²⁰⁶⁵ Education is required from the age of 6 to 15 years.²⁰⁶⁶ In 1997, the gross primary enrollment rate was 110.4 percent, and in 1996, the net primary enrollment rate was 56.1 percent.²⁰⁶⁷ 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.²⁰⁶⁸ Recent 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.²⁰⁶⁹ Despite national plans to address educational deficiencies, almost 90 percent of Haitian schools are run by private or religious organizations with reportedly limited government supervision.²⁰⁷⁰ School facilities are in disrepair, and overcrowding leaves 75 percent of students without a seat in the classroom.²⁰⁷¹ In addition, costs associated with school, including uniforms and books, are reported to prevent many children areas from attending.²⁰⁷²

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 14 years as the minimum age for apprenticeships.²⁰⁷³ The Labor Code also bans

²⁰⁶¹ UNICEF estimates that there are approximately 5,000 street children in Haiti, including those who escaped from domestic servitude. See UNICEF, *Haiti Faces Major Education Challenge*. According to Save the Children Canada, there are approximately 10,000 street children, including between 6,000 and 8,000 in the capital city, Port-au-Prince. See Save the Children/Canada, *Haiti*, [cited June 10, 2003]; available from <http://www.savethechildren.ca/en/whatwedo/haiti.html>.

²⁰⁶² ILO-IPEC, *Etude Exploratoire sur l'Exploitation Sexuelle Commerciale des Enfants*, Port-au-Prince, April 2003, pgs. 20, 31.

²⁰⁶³ ECPAT International estimates that 10,000 children are involved in commercial sexual exploitation in Haiti. See ECPAT International, *Haiti*, in ECPAT International, [database online] [cited June 10, 2003]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index/asp.

²⁰⁶⁴ ILO-IPEC official, electronic communication to USDOL official, August 16, 2002.

²⁰⁶⁵ *Constitution of Haiti*, (1987), [cited June 10, 2003]; available from http://www.right-to-education.org/content/index_4.html.

²⁰⁶⁶ Le Projet de Loi d'Orientation de l'Education, 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.

²⁰⁶⁷ World Bank, *World Development Indicators 2003*.

²⁰⁶⁸ UNICEF, *Haiti Faces Major Education Challenge*.

²⁰⁶⁹ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

²⁰⁷⁰ USAID, *USAID/Haiti: Population and Health*. See also UN Committee on the Rights of the Child, *Concluding Observations: Haiti*, para. 52.

²⁰⁷¹ UNICEF, *Haiti Faces Major Education Challenge*.

²⁰⁷² U.S. Department of State, *Country Reports- 2002: Haiti*, Section 5.

²⁰⁷³ Government of Haiti, *Code du Travail*, (1984), Articles 73, 335 [cited June 10, 2003]; available from <http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E>. In May 2003, the Minister of Labor introduced legislation intended to repeal the provisions of the Labor Code that sanction the use of child domestic workers. This legislation would also prohibits trafficking in children for the purposes of prostitution or pornography, but the legislation has not yet been passed. The new legislation does not stipulate enforcement measures or sanctions for violators. See *Law on the Prohibition and Elimination of All Forms of Abuse, Violence, Mistreatment, and Inhumane Treatment of Children*, (April 29, 2003), Article 1. See also U.S. Embassy- Port Au Prince, *unclassified telegram no. 983*. See also U.S. Department of State, electronic communication, February 19, 2004.

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,²⁰⁷⁴ and prohibits forced labor.²⁰⁷⁵

The Ministry of Labor and 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.²⁰⁷⁶ In June 2003, the government passed a law prohibiting all forms of violence and inhumane treatment against children.²⁰⁷⁷ Child labor laws, however, particularly child domestic labor regulations, are not enforced.²⁰⁷⁸ According to the government, the IBESR lacks the resources to adequately monitor the living conditions of child domestic workers, or to enforce protective measures on their behalf.²⁰⁷⁹ 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, but did result in the rescuing of approximately 100 child domestic servants.²⁰⁸⁰ In May 2003, the government formed a 30-person police unit to monitor cases of suspected trafficking along the border and to rescue trafficking victims. The unit is reported to be poorly equipped, but will receive U.S. Government-funded training along with the Ministry of Interior border officials.²⁰⁸¹

The Government of Haiti has not ratified ILO Convention 138 or ILO Convention 182.²⁰⁸²

²⁰⁷⁴ 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. *Code du Travail*, Articles 333, 35-39.

²⁰⁷⁵ *Ibid.*, Article 4.

²⁰⁷⁶ U.S. Embassy-Port Au Prince, *unclassified telegram no. 2570*, October 2001.

²⁰⁷⁷ U.S. Department of State, electronic communication, February 19, 2004.

²⁰⁷⁸ U.S. Embassy-Port Au Prince, *unclassified telegram no. 2570*. See also U.S. Department of State, *Trafficking in Persons Report- 2003: Haiti*.

²⁰⁷⁹ UN Committee on the Rights of the Child, *Initial Reports of States parties due in 1997: Haiti*, United Nations, Geneva, 2002, para. 259.

²⁰⁸⁰ U.S. Embassy-Port Au Prince, *unclassified telegram no. 2570*. See also U.S. Department of State, electronic communication, February 19, 2004.

²⁰⁸¹ U.S. Department of State, *Presidential Determination Regarding Trafficking in Persons: Haiti*. See also U.S. Department of State, *Trafficking in Persons Report- 2003: Haiti*. See also U.S. Department of State, electronic communication, February 19, 2004.

²⁰⁸² ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 10, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.