

Haiti

Incidence and Nature of Child Labor

The ILO estimated that 21.8 percent of children ages 10 to 14 years in Haiti were working in 2002.¹⁹³⁷ In general, due to high unemployment and job competition, there is very little child labor in the formal industrial sector. Children are known to work on family farms and in the informal sector in order to supplement their parents' income. A common form of exploitive child labor in Haiti is the traditional practice of trafficking children from poor, rural areas to cities to work as domestic servants for more affluent urban families.¹⁹³⁸ A 2002 survey by the Fafu Institute for Applied Social Sciences estimated that 173,000, or 8.2 percent of children ages 5 to 17 years, were child domestic workers.¹⁹³⁹ Many domestic workers, known as *restaveks*, work without compensation, reach the age of 15 to 17 years without ever having attended school,¹⁹⁴⁰ are forced to work long hours under harsh conditions, and are subject to mistreatment, including sexual abuse.¹⁹⁴¹

The armed uprising that began in 2004 introduced new hazards for children working in the streets or as child domestics.¹⁹⁴² Armed gangs in 10 of Haiti's 31 zones have recruited children for participation in the conflict.¹⁹⁴³ During the worst of the crisis, some schools closed for several months. In major cities, students have reported receiving death threats intended to prevent them from attending school. In addition, some families have been displaced.¹⁹⁴⁴

¹⁹³⁷ World Bank, *World Development Indicators* [CD-ROM], Washington, D.C., 2004.

¹⁹³⁸ U.S. Department of State, *Country Reports on Human Rights Practices-2003: Haiti*, Washington, D.C., February 25, 2004, Sections 6d and 6f; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27902.htm>.

¹⁹³⁹ According to the survey, previous estimates on the number of child domestics have generally been between 100,000 to 200,000 children. The survey notes that quantifying child domestic workers is difficult due to numerous factors. Most notably 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*, The Fafu Institute for Applied Social Sciences, 2002. A survey by the National Coalition for Haitian Rights estimated that 1 in 10 children in Haiti is a domestic worker. See 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.

¹⁹⁴⁰ UNICEF, *Helping Child Servants Who Are Virtual Slaves*, [previously online]; available from <http://www.unicef.org/media/storyideas.946.htm> [hard copy on file].

¹⁹⁴¹ 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, 2003, para. 56; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/0993aafea549a989c1256d2b00526ce9?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/0993aafea549a989c1256d2b00526ce9?Opendocument).

¹⁹⁴² Child domestics and other street children are still expected to conduct their shopping or other work, despite the violence that is ongoing in the streets and other public places. See *Les Enfants d'Haiti Face a la Crise: Situation et Realites*, UNICEF, Save the Children/Canada, et al., Port-au-Prince, March, 2004, 19 and 20.

¹⁹⁴³ *Ibid.*, 17. See also *West's Most Neglected Children Bear Brunt of Haiti's Upheaval*, UNICEF, [online] 2004 [cited May 15, 2004]; available from http://www.unicef.org/media/media_20443.html.

¹⁹⁴⁴ *Les Enfants d'Haiti Face a la Crise*, 24-25. See also *West's Most Neglected Children*.

An estimated 2,500 to 3,000 Haitian children are trafficked annually to the Dominican Republic.¹⁹⁴⁵ According to UNICEF, the civil unrest in 2004 has resulted in an increased number of children trafficked to the Dominican Republic to work as beggars or prostitutes.¹⁹⁴⁶

Estimates on the number of street children in Haiti vary from 5,000 to 10,000, according to studies by UNICEF and Save the Children/Canada, respectively.¹⁹⁴⁷ There are reported incidents of commercial sexual exploitation of children.¹⁹⁴⁸

According to the Constitution, primary school is free and compulsory.¹⁹⁴⁹ Education is required from the age of 6 to 15 years.¹⁹⁵⁰ Recent statistics on primary school enrollment in Haiti are unavailable.¹⁹⁵¹ In 2000, the gross primary attendance rate was 122.4 percent and the net primary attendance rate was 54.4 percent.¹⁹⁵² However, according to UNICEF, in 1999 almost two-thirds of Haitian children dropped out of school before completing the full 6 years of compulsory education, and over 1 million primary school children lacked access to schooling.¹⁹⁵³ School facilities are in disrepair, and overcrowding leaves 75 percent of students without a seat in the classroom.¹⁹⁵⁴ In addition, costs associated with school, including uniforms and books, prevent many children from attending.¹⁹⁵⁵

¹⁹⁴⁵ ILO-IPEC official, electronic communication to USDOL official, August 16, 2002.

¹⁹⁴⁶ *Les Enfants d'Haiti Face a la Crise*, 29.

¹⁹⁴⁷ UNICEF, *Haiti Faces Major Education Challenge*, [online] 1999 [cited May 14, 2004]; available from <http://www.unicef.org/newsline/99pr19.htm>. See also Save the Children/Canada, *Haiti*, [cited May 14, 2004]; available from <http://www.savethechildren.ca/en/whatwedo/haiti.html>.

¹⁹⁴⁸ In 2003, ILO-IPEC published a rapid assessment on the commercial sexual exploitation of children in Haiti, which found that the majority of the commercial sex workers surveyed were street children in the 13 to 17 age range, with some as young as 9 or 10 years old. See ILO-IPEC, *Etude Exploratoire sur l'Exploitation Sexuelle Commerciale des Enfants*, Port-au-Prince, April 2003, 50. Other reports indicate that commercial sexual exploitation of children occurs in the capital and other major towns, in connection with the tourist industry. 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 May 14, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index/asp.

¹⁹⁴⁹ *Constitution of Haiti*, as cited in online database "Constitutional Guarantees", (1987); available from http://www.right-to-education.org/content/index_4.html, Article 32.

¹⁹⁵⁰ 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.

¹⁹⁵¹ In 1998, the gross primary enrollment rate was 154 percent and the net primary enrollment rate was 81 percent. See USAID Development Indicators Service, *Global Education Database*, [online] [cited October 29, 2004]; available from <http://quesdb.cdie.org/ged/index.html>. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

¹⁹⁵² *Ibid.*

¹⁹⁵³ UNICEF, *Haiti Faces Major Education Challenge*.

¹⁹⁵⁴ *Ibid.*

¹⁹⁵⁵ U.S. Department of State, *Country Reports- 2003: Haiti*, Section 5.

Child Labor Laws and Enforcement

The Labor Code of 1984 sets the minimum age for employment at 15 years for work in industrial, agricultural, or commercial enterprises, and establishes 14 years as the minimum age for apprenticeships.¹⁹⁵⁶ The Labor Code also bans hazardous work for minors and night work in industrial jobs for children under 18 years. Additional provisions regulate the employment of children ages 15 to 18 years¹⁹⁵⁷ and prohibit forced labor.¹⁹⁵⁸ In 2003, the Government of Haiti passed legislation prohibiting trafficking and repealing the provisions of the Labor Code that permitted child domestic work.¹⁹⁵⁹ The Criminal Code prohibits the procurement of minors for the purposes of prostitution.¹⁹⁶⁰ Legislation also outlaws all forms of violence and inhumane treatment against children.¹⁹⁶¹

The Ministry of Labor and Social Affairs (MOLSA) is responsible for enforcing all child labor legislation, and the Institute for Welfare and Research (IBESR), which is part of the MOLSA, is charged with coordinating the implementation of child labor laws with other government agencies.¹⁹⁶² However, child labor laws, particularly child domestic labor regulations, are not enforced.¹⁹⁶³ 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.¹⁹⁶⁴

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

Following the end of the Aristide regime in February 2004, an interim government was established. Insufficient time has passed to evaluate the interim government's policies and programs.¹⁹⁶⁵ The previous

¹⁹⁵⁶ Government of Haiti, *Code du Travail*, (1984), 73, 335; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/135/64790/F61HTI01.htm>.

¹⁹⁵⁷ Children under 18 years of age are required to undergo a medical examination before working in an enterprise. Also, children ages 15 to 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 *Ibid.*, Articles 333 to 339.

¹⁹⁵⁸ *Ibid.*, Article 4.

¹⁹⁵⁹ U.S. Embassy- Port Au Prince, *unclassified telegram no. 00983*, May, 2003.

¹⁹⁶⁰ Government of Haiti, *Criminal Code*, as cited in The Protection Project Legal Library, [database online], Article 282; available from <http://209.190.246.239/protectionproject/statutesPDF/Haiti-1.pdf>.

¹⁹⁶¹ U.S. Department of State, electronic communication to USDOL official, February 19, 2004.

¹⁹⁶² U.S. Department of State, *Country Reports- 2003: Haiti*, Section 6d.

¹⁹⁶³ U.S. Embassy-Port Au Prince, *unclassified telegram no. 2570*, October 2001. See also 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>.

¹⁹⁶⁴ UN Committee on the Rights of the Child, *Initial Reports of States parties due in 1997: Haiti*, United Nations, Geneva, 2002, para. 259.

¹⁹⁶⁵ U.S. Department of State, *Trafficking in Persons Report- 2004: Haiti*, Washington, D.C., June 14, 2004; available from <http://www.state.gov/g/tip/rls/tiprpt/2004/33200.htm>.

Government of Haiti acknowledged the problem of internal trafficking for domestic labor, and devoted some of its social welfare budget to combat trafficking in children.¹⁹⁶⁶ The MOLSA also planned a series of public seminars to raise awareness on child domestic labor, in coordination with the IBESR, the Ministry of Women’s Affairs, and the Ministry of Education.¹⁹⁶⁷

In May 2003, the previous government formed a 20 person police unit to monitor cases of suspected trafficking along the border and to rescue trafficking victims.¹⁹⁶⁸

The previous government took steps to promote access to education by offering a 70 percent subsidy to cover educational supplies and calling on families who employ child domestics to release their workers during the afternoon so they can attend school.¹⁹⁶⁹ Regional government institutions and the Ministry of National Education, Youth and Sports are working with USAID-funded NGOs implementing the “Education 2004” initiative, which aims to improve the quality of teaching in disadvantaged schools and offer bilingual interactive radio instruction through radio stations across the country.¹⁹⁷⁰

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	
Ratified Convention 182	
ILO-IPEC Member	✓
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

¹⁹⁶⁶ U.S. Department of State, *Country Reports- 2003: Haiti*, Section 6f.

¹⁹⁶⁷ U.S. Department of State official, electronic communication to USDOL official, June 11, 2003.

¹⁹⁶⁸ U.S. Department of State, *Presidential Determination with Respect to Foreign Governments’ Efforts Regarding Trafficking in Persons: Statement of Explanation, Haiti*, [online] 2003 [cited May 14, 2004]; available from <http://www.state.gov/g/tip/rls/rpt/25017.htm>. 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.

¹⁹⁶⁹ U.S. Department of State, *Country Reports- 2003: Haiti*, Section 6f.

¹⁹⁷⁰ Jhonny Celicourt, *Interactive Radio Instruction in Haiti: An Enriching Experience*, UNESCO, [previously online] [cited May 14, 2004]; available from http://www.unesco.org/education/efa/know_sharing/grassroots-stories/haiti.shtml [hard copy on file].