

Haiti

Following the January 2010 earthquake, the issue of trafficking Haitian children for domestic service has received heightened attention from the Government of Haiti and the international community. Nonetheless, the practice of employing child domestic servants is prevalent throughout the country. Social protection programs remain insufficient for the nationwide prevention and elimination of the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	29.0%
Attending School	5-14 yrs.	81.2%
Combining Work and School	7-14 yrs.	27.5%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Haiti are exploited in the worst forms of child labor,²²²⁴ most commonly in domestic service.²²²⁵ This occurs through the practice of sending children, particularly girls, from poor rural areas to work as domestic servants for more well-off families, often with the perception that the children will have increased educational opportunities.²²²⁶ While some of these children, referred to as *restaveks*, are cared for and receive an education, many are trafficked into forced labor. Such children receive no schooling or pay and are at risk of sexual exploitation and physical abuse.²²²⁷ A 2009 survey estimates that 225,000 children work as *restaveks* in urban areas of Haiti, which is a number that is likely growing.²²²⁸ A previous requirement to pay a salary to domestic workers age 15 and older encouraged employers to dismiss *restaveks* before they reached that age, which in turn has contributed to a large population of street children in Haiti.²²²⁹ Prior to the January 2010 earthquake, there were an estimated 2,500 street children living in the capital, many of whom were former domestic servants.²²³⁰ The thousands of individuals displaced because of the earthquake have likely increased the number of both *restaveks* and street children.²²³¹ Children on the streets work washing car windows, as vendors,



and as beggars; and they are exposed to a variety of hazards, such as severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.²²³² Children on the streets are also exploited in prostitution.²²³³

Children in Haiti also work on farms where they may be exposed to pesticides, sharp tools, harsh conditions, and long hours.²²³⁴ A 2007 household survey in one department in Haiti found that children constituted one-quarter of the farm workers sampled. They contributed to the cultivation of pistachios, corn, peas, millet, sugarcane, manioc, and rice.²²³⁵

Haitian nationals who migrate to the Dominican Republic often lack personal identification papers and are consequently more vulnerable to exploitive labor situations.²²³⁶ The earthquake exacerbated this vulnerability as hundreds of thousands of Haitians lost their identification cards in the earthquake.²²³⁷ Children are trafficked both internally and from Haiti to the Dominican Republic.²²³⁸ Haitian children trafficked to the Dominican Republic work in domestic service, sex tourism, and agriculture.²²³⁹

Criminal groups rule many parts of Haiti, and children work with them as porters, spies, messengers, and armed marauders. Children of extremely poor families

are especially vulnerable to recruitment by armed gangs. They have been forced to participate in illegal activities and subjected to rape.²²⁴⁰

The January 2010 earthquake in Haiti severely damaged Port-au-Prince and surrounding areas, displacing more than 1.3 million people. It further devastated the country’s already inadequate social services, exacerbated political and socio-economic instability, and weakened the already poor educational system.²²⁴¹ Public safety has further deteriorated, particularly in Internally Displaced Persons (IDP) camps where girls are vulnerable to sexual violence and exploitation by self-appointed “security guardians.” Local NGOs and the Haitian National Police have indicated that reported cases of trafficking, forced labor, and forced prostitution of children have risen following the earthquake.²²⁴²

Laws and Regulations on the Worst Forms of Child Labor

Haiti’s Labor Code sets the minimum age for work in industrial, agricultural, or commercial enterprises at age 15.²²⁴³ Children age 15 to 18 who seek employment must obtain a work authorization from the Ministry of Labor. Employing a child without a work authorization is punishable by fines.²²⁴⁴ Children are prohibited from night work in industrial jobs, and from work that is likely to harm their health, safety, or morals.²²⁴⁵ There is no evidence of a list specifying what hazardous activities are prohibited to children.

The law sets the minimum age for military service at 18.²²⁴⁶ The Act on the Prohibition and Elimination of All Forms of Abuse, Violence, Ill Treatment, or Inhuman Treatment Against Children of 2003 prohibits the exploitation of children, which includes servitude and forced or compulsory labor and the use of children in criminal activities or armed conflict.²²⁴⁷ The Act criminalizes child trafficking and recruiting children for sexual exploitation, pornography, and illicit activities.²²⁴⁸ Although this Act does not include legal penalties against offenders, the Ministry of Social Affairs has the authority to use all laws against violators of these prohibitions.²²⁴⁹ Based on this Act, if the nature or condition of domestic service harms the health, safety or morals of children, employers of child domestic servants may be penalized. However, there is no minimum age restriction for work in domestic

service and there are no legal penalties for employing children in domestic labor.²²⁵⁰

A further gap is in the legal framework concerns education. Children in Haiti are required to attend school only until age 11.²²⁵¹ This gap may make children age 12 to 14 particularly vulnerable to the worst forms of child labor as they are not required to be in school but are below the minimum age for work.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	11
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Haiti has established a coordinating mechanism to combat the worst forms of child labor.²²⁵²

The Ministry of Social Affairs, through its Institute of Social Welfare and Research (IBESR), is responsible for enforcing child labor laws and for pursuing violations against children, according to the Act of 2003.²²⁵³ The Government has indicated that understaffing and a shortage of basic supplies hinder IBESR’s ability to conduct child labor investigations.²²⁵⁴ Consequently, the Government has not been reporting statistics on child labor violations investigated, prosecutions, or penalties imposed.²²⁵⁵

IBESR and the Haitian National Police's Brigade for the Protection of Minors (BPM) take the lead on anti-child trafficking efforts, and BPM is responsible for investigating crimes against children, which include trafficking.²²⁵⁶ The BPM has 75 officers and maintains a hotline to collect tips regarding child exploitation and abuse.²²⁵⁷ The BPM has the authority to respond to these tips and apprehend persons who have been reported to exploit child domestic workers.²²⁵⁸ However, the BPM does not target *restavek* cases for investigation because there are no specific legal penalties against the exploitive forms of the practice.²²⁵⁹ Following the earthquake, border officials identified and assisted potential child trafficking victims and referred some to NGOs.²²⁶⁰ Authorities have referred some *restaveks* to IBESR for temporary housing and care in NGO-supported shelters.²²⁶¹ The BPM has two holding cells to temporarily house minors in Port-au-Prince.²²⁶²

Government Policies on the Worst Forms of Child Labor

Haiti's poverty reduction strategy aims to improve the living conditions of children.²²⁶³

To improve access to education, the Haitian Government participates in the Education for All (EFA) campaign, overseen by the Ministry of Education. The EFA project subsidizes school fees, provides school feeding programs, and offers training to increase the number of qualified teachers so that more children will attend school.²²⁶⁴ The EFA project in Haiti reportedly exceeded goals set in 2007 by enrolling twice the anticipated number of new students into school.²²⁶⁵ However, the January 2010 earthquake damaged an estimated 4,000 schools that require reconstruction.²²⁶⁶

The question of whether these poverty and education policies have an impact on the worst forms of child labor does not appear to have been addressed.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Over the past decade, the Government of Haiti has participated in a number of donor-funded projects to combat trafficking and in one project which aimed to reduce exploitive child domestic service through education.²²⁶⁷

Currently, the Government is participating in a 2-year \$270,000 project to eradicate and prevent the worst forms of child labor, funded by the Government of Brazil.²²⁶⁸ It is also participating in a 5-year \$7.5 million project supported by the Coca-Cola Company. Its goal is to develop a sustainable mango juice industry that will raise incomes and standards of living for 25,000 Haitian mango farmers.²²⁶⁹ To lessen the economic impact from the January 2010 earthquake, USAID has been supporting cash-for-work activities to stabilize household livelihoods, which could reduce the likelihood of child exploitation.²²⁷⁰

The Ministry of Social Affairs assists children who work or live in the streets.²²⁷¹ From April 2009 until the January 2010 earthquake, the Ministry of Social Affairs, in collaboration with an NGO, identified 126 *restaveks* for needed assistance; however, considering the number of *restaveks* in exploitive situations, the number identified appears low.²²⁷² Following the earthquake, 816 *restaveks* have been identified in 25 major IDP camps in Port-au-Prince.²²⁷³ Before the earthquake, the Government promoted the reintegration of child *restaveks* into supportive family environments.²²⁷⁴ However, following the earthquake, the Haitian Government has indicated that vulnerable children placed in family-based foster care risk being exploited as *restaveks* because the Government does not have the capacity to monitor the placement of children.²²⁷⁵ Furthermore, educational programs and opportunities for children in rural areas are limited, which may contribute to child trafficking and the *restavek* practice.²²⁷⁶

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Haiti:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the legal framework to ensure the minimum age for work applies to domestic service.
- Ensure that children working as domestics receive schooling, pay, and protection from abuse and exploitation.
- Increase the age of compulsory schooling to match the minimum age for work.
- Amend the law to provide specific penalties against exploitive forms of the *restavek* practice, child trafficking, and sexually exploiting children.
- Amend the law to provide comprehensive protection against child labor in hazardous activities.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Make the Institute of Social Welfare and Research and the Haitian National Police's Brigade for the Protection of Minors priorities when determining allocations of government and donor resources.
- Investigate and prosecute trafficking cases involving *restaveks*.

IN THE AREA OF POLICIES:

- Develop a national action plan to address the worst forms of child labor, including hazardous work in agriculture and child domestic service.
- Assess the impact that existing poverty and education policies have on addressing the worst forms of child labor.
- Work with the Dominican Republic to create a joint action plan that addresses cross-border child trafficking.

IN THE AREA OF PROGRAMS:

- Include child labor and child trafficking issues as a consideration in all recovery and reconstruction efforts, implement programs to provide social services to such children, and monitor the treatment of children in such programs.
- Provide identification cards for all residents to reduce vulnerability to trafficking and exploitation.
- Raise awareness about the realities of the *restavek* situation to deter parents from sending their children into this practice.
- Prioritize resources to build an educational system that provides access to quality education for all children, with a focus on programs that improve educational opportunities in rural areas where children have a high vulnerability to trafficking and becoming *restaveks*.

²²²⁴ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

²²²⁵ PADF and USAID/Haiti Mission, *Lost Childhoods in Haiti: Quantifying Child Trafficking, Restavéks and Victims of Violence*, Port-au-Prince, November 2009, 6; available from http://www.crin.org/docs/Haiti_lost_childhoods.pdf. See also U.S. Department of State, "Haiti," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm>. See also ILO Committee of Experts, *Individual Observation concerning Forced Labour Convention, 1930 (No. 29) Haiti (ratification: 1958)*, [online] 2010 [cited May 14, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=11199&chapter=6&query=Haiti%40ref&highlight=&querytype=bool&context=0>.

²²²⁶ PADF and USAID/Haiti Mission, *Lost Childhoods in Haiti*, 6, 25, 30. See also ILO Committee of Experts, *Individual Observation C29: Haiti (2010)*.

²²²⁷ U.S. Department of State, "Country Reports- 2009: Haiti," section 7d. See also U.S. Department of State, "Haiti," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142763.htm>. See also ILO Committee of Experts, *Report of the Committee of Experts on the Application of Conventions and Recommendations (articles 19, 22 and 35 of the Constitution), Third Item on the Agenda: Information and Reports on the Application of Conventions and Recommendations*, ILO Conference, 92nd session, Geneva, 2005; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=7698&chapter=6&query=%28C029%29+%40ref+%2B+%28Haiti%29+%40ref&highlight=&querytype=bool&context=0>. See also IOM, *Americas: Assistance for Children Victims of Human Trafficking in Haiti*, [online] December 4, 2006 [cited August 12, 2010]; available from <http://www.iom.int/jahia/Jahia/featureArticleAM/cache/offonce?entryId=12185>. See also ILO, "Hope for Haiti's restavecs: South-South cooperation against child labour,"

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²²²⁸ PADF and USAID/Haiti Mission, *Lost Childhoods in Haiti*, 6. See also The Protection Project, "Haiti," in *2007 Human Rights Report on Trafficking in Persons, Especially Women and Children*, 2007; available from <http://www.protectionproject.org/haiti.doc>. See also ILO, *Hope for Haiti's restavecs: South-South cooperation against child labour*, [online] 2008 [cited February 16, 2009]; available from <http://www.reliefweb.int/rw/RWB.NSF/db900SID/EGUA-7BJN9W?OpenDocument>. See also ILO Committee of Experts, *Report of the Committee of Experts*. See also Jean Cadet Restavek Foundation, *The Fact is: Restaveks are Just One Piece of a Fractured Culture*, [2010 [cited May 14, 2010]; available from <http://www.restavekfreedom.org/index.cfm?fuseaction=cms.page&id=1025>.

²²²⁹ ILO Committee of Experts, *Individual Observation C29: Haiti (2010)*. See also ILO Committee of Experts, *Report of the Committee of Experts*. See also Government of Haiti, *Code du travail*, (1984), article 350; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/135/64790/F61HTI01.htm>. See also Government of Haiti, *Loi relative à l'interdiction et à l'élimination de toutes formes d'abus, de violences, de mauvais traitements ou traitements inhumains contre les enfants*, (June 5, 2003), article 1; available from <http://www.hsph.harvard.edu/population/trafficking/haiti.traf.03.doc>.

²²³⁰ U.S. Department of State, "Country Reports- 2009: Haiti," section 5.

²²³¹ U.S. Embassy- Port-au-Prince, *reporting*, March 1, 2010.

²²³² U.S. Department of State, "Country Reports- 2009: Haiti," section 7d. See also U.S. Embassy- Port-au-Prince, *reporting*, February 6, 2009.

²²³³ *Ibid.*

²²³⁴ U.S. Department of State, "Country Reports- 2009: Haiti," section 7d.

²²³⁵ Macro International, *Child Labor in Haiti's Agricultural Sector - A Study of Children in the Rural Centre Department (Draft)*, June 23, 2008, 35.

²²³⁶ U.S. Department of State, "Dominican Republic," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm>. See also U.S. Department of State, "Dominican Republic (Tier 3)," in *Trafficking in Persons Report- 2010*, Washington, DC,

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²²³⁸ U.S. Department of State, “Trafficking in Persons Report- 2010: Haiti.” See also The Protection Project, “Haiti,” in *2005 Human Rights Report on Trafficking in Persons, Especially Women and Children*, 2005; available from <http://www.protectionproject.org/haiti.doc>.

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²²⁴² U.S. Department of State, “Trafficking in Persons Report- 2010: Haiti.” See also United States Institute of Peace, “Haiti: A Forward Look.” See also International Crisis Group, *Haiti: Stabilisation and Reconstruction after the Quake*, 10. See also Ninette Sosa, “Child slavery a growing problem in Haiti, advocate says,” *CNN.com* (2010); available from [http://edition.cnn.com/2010/WORLD/americas/07/11/haiti.child.slavery/index.html?eref=edition_americas&utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+rss%2Fedition_americas+\(RSS%3A+Americas\)#fbid=EcB5Zuows2i&wom=false](http://edition.cnn.com/2010/WORLD/americas/07/11/haiti.child.slavery/index.html?eref=edition_americas&utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+rss%2Fedition_americas+(RSS%3A+Americas)#fbid=EcB5Zuows2i&wom=false). See also Martin Fletcher, “Aid agencies in Haiti race to save ‘orphans’ from child traffickers,” *The Times and The Sunday Times* (2010); available from http://www.timesonline.co.uk/tol/news/world/us_and_americas/article7002406.ece. See also Amanda Kloer, *Child Trafficking Rings Kidnapping Haitian Kids from Hospitals*, [2010 [cited September 8, 2010]; available from http://humantrafficking.change.org/blog/view/child_trafficking_rings_kidnapping_haitian_kids_from_hospitals. See also The Levin Institute of the State University of New York, “Haiti’s Struggles Continue: A Case of Child Trafficking?,” *Globalization101.org* (2010); available from http://www.globalization101.org/news1/Child_Trafficking_2010. See also Rebecca Winthrop, *Protecting Haiti’s Children: Good Intentions or Child Trafficking?*, [February 24, 2010 [cited March 12, 2010]; available from http://www.brookings.edu/opinions/2010/0224_haiti_adoption_winthrop.aspx. See also Elizabeth Cohen, “Painful plight of Haiti’s ‘restavek’ children,” *CNN.com* (2010); available from <http://www.cnn.com/2010/02/24/WORLD/americas/24.haiti.children/index.html>. See also Integrated Regional Information Networks, “Disasters fuel migration, diaspora fuels economy”. See also International Crisis Group, *Haiti: Stabilisation and Reconstruction after*

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²²⁴⁴ *Ibid.*, articles 337 and 340.

²²⁴⁵ *Ibid.*, articles 333 and 334.

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²²⁴⁷ Government of Haiti, *Loi relative a l’interdiction et a l’elimination de toutes formes d’abus*, article 2. See also ILO Committee of Experts, *Individual Observation concerning Forced Labour Convention, 1930 (No. 29) Haiti (ratification: 1958)*, [online] 2008 [cited March 12, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=9675&chapter=6&query=Haiti%40ref&highlight=&querytype=bool&context=0>. See also ILO Committee of Experts, *Individual Observation C29: Haiti (2010)*.

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²²⁵⁵ *Ibid.*

²²⁵⁶ U.S. Embassy- Port-au-Prince, *reporting, February 28, 2008*.

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²²⁷² U.S. Department of State, “Trafficking in Persons Report- 2010: Haiti.” See also PADF and USAID/Haiti Mission, *Lost Childhoods in Haiti*, 6.

²²⁷³ U.S. Department of State, “Trafficking in Persons Report- 2010: Haiti.”

²²⁷⁴ ILO Committee of Experts, *Individual Observation C29: Haiti (2010)*.

²²⁷⁵ U.S. Department of State, “Trafficking in Persons Report- 2010: Haiti.”

²²⁷⁶ PADF and USAID/Haiti Mission, *Lost Childhoods in Haiti*, 74.