

Haiti

During the reporting period, the Government of Haiti and the international community continued to attend to children being trafficked for the purpose of domestic service. However, the lack of social protection programs and legislation to eliminate the worst forms of child labor still serves as a barrier to progress. The worst forms of child labor, particularly domestic service, continue to be problematic.

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.	34.6



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Haiti are engaged in the worst forms of child labor, most commonly in domestic service.²⁶³⁶ Families in poor rural areas send their children, particularly girls, to work as *restaveks*, or domestic servants, for more affluent families.²⁶³⁷ Often this occurs with the expectation that the children will have increased educational opportunities.²⁶³⁸ While some of these children are cared for and receive an education, many receive no schooling or pay and are at risk of sexual exploitation and physical abuse.²⁶³⁹ A 2009 survey by the Pan American Development Foundation estimates that 225,000 children work as *restaveks* in urban areas of Haiti, a number that is likely growing.²⁶⁴⁰

A previous requirement to pay a salary to domestic workers age 15 and older appears to have encouraged employers to dismiss *restaveks* before they reach that age, which in turn has contributed to a large population of street children in Haiti.²⁶⁴¹ Children working on the streets wash car windows, sell goods and beg. They are exposed to a variety of hazards, such as severe weather, accidents caused by proximity to vehicles and

crime. They are also forced into prostitution and enlisted by criminals to commit illegal acts.²⁶⁴²

Children in Haiti also work on farms, where they may be exposed to pesticides, sharp tools, harsh conditions and long working hours.²⁶⁴³ 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 corn, manioc, millet, peas, pistachios, rice and sugarcane.²⁶⁴⁴ Research found no additional information regarding Haitian children's work on farms.

Haitian children are trafficked both internally and to the Dominican Republic to work in domestic service, sex tourism and agriculture.²⁶⁴⁵ Haitian nationals who migrate to the Dominican Republic often lack personal identification papers and are consequently more vulnerable to exploitative labor situations.²⁶⁴⁶ The 2010 earthquake exacerbated this vulnerability as hundreds and thousands of Haitians lost their identification cards in the earthquake.²⁶⁴⁷

The earthquake further weakened the country's inadequate social service and educational systems and exacerbated political and socio-economic instability.²⁶⁴⁸ Public safety has

further deteriorated, particularly in camps for internally displaced persons (IDPs), where girls are vulnerable to sexual violence and exploitation by self-appointed “security guardians.”²⁶⁴⁹ 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.²⁶⁵⁰

Criminal groups rule many parts of Haiti, and children work with them as porters, spies, messengers, and armed marauders. Children from extremely poor families are especially vulnerable to recruitment by armed gangs. They are also forced to participate in illegal activities and are subjected to rape.²⁶⁵¹

Laws and Regulations on the Worst Forms of Child Labor

Haiti’s Labor Code sets the minimum age for work in industrial, agricultural and commercial enterprises at 15.²⁶⁵² However, there is no minimum age restriction for work in domestic service, and there are no legal penalties for employing children in domestic labor.²⁶⁵³

	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

Children ages 15 to 18 seeking employment outside of domestic service must obtain a work authorization from the Ministry of Labor. Employing a child outside of domestic service without a work authorization is punishable by fines.²⁶⁵⁴ Children ages 15 to 18 are also prohibited from night work in industrial jobs and from work that is likely to harm their health, safety or morals.²⁶⁵⁵ During the reporting period, an ILO report on children in hazardous work identified Haiti as one of the countries with a completed list of hazardous work.²⁶⁵⁶

The 1987 Constitution sets the minimum age for compulsory military service at 18. However, Haiti has not had military service since January 1995.²⁶⁵⁷

Although the Government of Haiti has not passed an anti-trafficking law, children are protected from trafficking under the Act on the Prohibition and Elimination of All Forms of Abuse, Violence, Ill Treatment or Inhuman Treatment Against Children of 2003.²⁶⁵⁸ The act prohibits servitude, forced or compulsory labor and the use of children in criminal activities or armed conflict.²⁶⁵⁹ The Act also criminalizes child trafficking and the recruitment of children for sexual exploitation, pornography and illicit activities.²⁶⁶⁰

A further gap in Haiti’s legal framework concerns education. The 1987 Constitution guarantees free and compulsory primary education for all children.²⁶⁶¹ In practice, however, most Haitian children who attend school attend private schools that charge tuition.²⁶⁶² In many cases, families unable to afford the tuition do not enroll their children in school, which increases the children’s risk of engaging in the worst forms of child labor.²⁶⁶³ The public schools available are insufficient in quantity and do not meet the needs of the majority of Haitians.²⁶⁶⁴ Furthermore, children are only required to attend school until age 11.²⁶⁶⁵ Children age 12 to 14 may be particularly vulnerable to the worst forms of child labor as they are not required to be in school but are below the minimum age to legally work.

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.²⁶⁶⁶

The Ministry of Social Affairs, through its Institute of Social Welfare and Research (IBESR), is responsible for enforcing child labor laws.²⁶⁶⁷ The Government has indicated that understaffing and a shortage of basic equipment, such as vehicles, hinder IBESR's ability to conduct child labor investigations.²⁶⁶⁸ In addition, the Government does not report statistics on child labor violations investigated or penalties imposed.²⁶⁶⁹

IBESR and the Haitian National Police's (HPN) Brigade for the Protection of Minors (BPM) take the lead on anti-child trafficking efforts, and BPM is responsible for investigating crimes against children, including trafficking.²⁶⁷⁰ HPN has 35 officers and maintains a system to refer exploited and abused children for social services.²⁶⁷¹ BPM has the authority to respond to these tips and apprehend persons who have been reported to exploit child domestic workers.²⁶⁷² However, BPM does not pursue *restavek* cases for investigation because there are no legal penalties against the exploitative forms of the practice.²⁶⁷³

Before the January 2010 earthquake, which displaced more than 1.3 million people, there were an estimated 2,500 street children living in Port-au-Prince. Of those 2,500, the Ministry of Social Affairs had identified only approximately 126 because of the lack of a formal identification system.²⁶⁷⁴ Since the earthquake, the Ministry of Social Welfare and an international NGO have worked together to identify 816 *restaveks* in local shelters and IDP camps.²⁶⁷⁵ Although there was an increase in the number of *restaveks* identified through this mode of collaboration and cooperation, there was still no formal identification system to ascertain the number of *restaveks*.

Following the earthquake, Haitian-Dominican border officials identified and assisted potential

child trafficking victims.²⁶⁷⁶ Authorities referred the victims of trafficking to IBESR for temporary housing and care in NGO-supported shelters.²⁶⁷⁷ When possible, suspected victims were reunited with their families.²⁶⁷⁸

Government Policies on the Worst Forms of Child Labor

The Government of Haiti's poverty reduction strategy covering the period of 2007-2010, was replaced during the reporting period with the Action Plan for National Recovery and Development of Haiti.²⁶⁷⁹ The action plan includes initiatives aimed at rebuilding Haiti and its educational system.²⁶⁸⁰

To improve access to education, the Haitian Government runs an Education for All (EFA) campaign, overseen by the Ministry of Education. The EFA campaign subsidizes school fees, provides school food programs and offers training to increase the number of qualified teachers.²⁶⁸¹ However, the January 2010 earthquake damaged an estimated 4,000 schools. These schools will require reconstruction.²⁶⁸²

The question of whether the action plan and the EFA campaign have an impact on the worst forms of child labor does not appear to have been addressed.

Social Programs to Eliminate or Prevent Child Labor

USDOS funded nearly \$1 million in new grants as part of an emergency response to the increased risk of child trafficking after the earthquake.²⁶⁸³ As a result, suspected victims of trafficking were registered and transferred into the care of the appropriate Haitian government agency.²⁶⁸⁴

USDOS also awarded an additional \$4.75 million to 10 grantees to help strengthen the capacity of Haitian institutions and civil society to identify and respond to human trafficking.²⁶⁸⁵ The grantees will work with local partners to help draft anti-trafficking legislation, support direct services

for victims, raise awareness about the *restavek* situation and prevent trafficking and gender-based violence in the IDP camps.²⁶⁸⁶

To reduce the economic impact from the January 2010 earthquake, USAID has been supporting cash-for-work activities to stabilize household livelihoods.²⁶⁸⁷

Currently, the Government is participating in a 5-year \$7.5 million project supported by the Coca-Cola Company. The goal is to develop a sustainable mango juice industry that will raise incomes for 25,000 Haitian farmers, which could

increase the standards of living for families in rural areas.²⁶⁸⁸

The question of whether these programs have an impact on child labor does not appear to have been addressed.

In 2008, the Government participated in a 2-year \$270,000 project funded by the Government of Brazil to eradicate and prevent the worst forms of child labor.²⁶⁸⁹ Brazil, along with the United States and ILO, also signed the first “triangular agreement” to expand the fight against child labor in post-earthquake Haiti.²⁶⁹⁰

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 law to provide comprehensive protection against child labor in hazardous activities.
- Amend the legal framework to ensure the minimum age for work applies to domestic service and to ensure that child domestic workers rights are protected.
- Amend the law to provide penalties for employing *restaveks* younger than age 15.
- Amend the law to provide penalties for child trafficking and sexual exploitation of children.
- Allocate resources to ensure compliance with the Constitution’s guarantee of free and compulsory primary education for all children.
- Increase the age of compulsory schooling to match the minimum age for work.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Provide sufficient resources to the Institute of Social Welfare and Research and HPN’s BPM.
- Report statistics on child labor violations investigated or penalties imposed.
- Continue to work with the Government of the Dominican Republic to create a joint action plan that addresses cross-border child trafficking
- Establish and implement a formal identification system to reduce vulnerability to trafficking and to further identify displaced street children and victims of trafficking.

IN THE AREA OF POLICY:

- Assess the impact that existing poverty and education policies have on addressing the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Assess the impact that existing programs may have on child labor.
- Prioritize resources to build an educational system that provides access to free quality education for all children with a focus on educational opportunities in rural areas where children have a high vulnerability to trafficking and becoming *restaveks*.
- Implement programs to address the worst forms of child labor particularly in subsistence farming.

²⁶³⁶ Data provided in the chart at the beginning of the country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank survey, 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.

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²⁶³⁹ U.S. Department of State, "Country Reports- 2010: Haiti", 7d. 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 IOM, *Americas: Assistance for Children Victims of Human Trafficking in Haiti*, [online] December 4, 2006 [cited March 24, 2011]; available from <http://www.iom.int/jahia/Jahia/featureArticleAM/cache/offonce?entryld=12185>. See also ILO, "Hope for Haiti's restavecs: South-South cooperation against child labour", Relief Web, [online], 2008 [cited March 24, 2011]; available from <http://www.reliefweb.int/rw/RWB.NSF/db900SID/EGUA-7BJN9W?OpenDocument>.

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²⁶⁴¹ U.S. Department of State, "Country Reports- 2010: Haiti", section 7d.

²⁶⁴² *Ibid.*, 6b. See also U.S. Embassy- Port-au-Prince, *reporting, February 6, 2009*, .

²⁶⁴³ U.S. Department of State, "Country Reports- 2010: Haiti", 7d.

²⁶⁴⁴ Macro International, *Child Labor in Haiti's Agricultural Sector - A Study of Children in the Rural Centre Department (Draft)*, June 23, 2008, 35.

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²⁶⁴⁶ U.S. Department of State, "Country Reports- 2010: Dominican Republic."

²⁶⁴⁷ United States Institute of Peace, "Haiti: A Forward Look", usip.org, [online], June 22, 2010 [cited March 24, 2011]; available from <http://www.usip.org/files/resources/PB38PeritoCopeland.pdf>, *ibid.*

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