

In 2012, Haiti made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government of Haiti created a National Commission for the Elimination of the Worst Forms of Child Labor; established an inter-ministerial working group on trafficking; and expanded the national child protection database to include categories of vulnerable children, including restaveks. The Government also continued to improve access to education by enrolling an additional 200,000 students during the 2012 school year. Despite these efforts, the Government of Haiti continues to lack adequate legislation to address the worst forms of child labor. The Labor Code provides no minimum age restriction for domestic work, which leaves children vulnerable to working in the sector. There are also gaps in the Act of 2003, which prohibits the use of children in forced labor, commercial sexual exploitation, illicit activities, and hazardous work, but does not contain penalties for such crimes. Legislation on trafficking has been pending in Parliament for several years, but has yet to be passed. Social protection programs to combat exploitative child labor are also insufficient. Children in Haiti continue to engage in the worst forms of child labor, particularly in domestic service and dangerous forms of agriculture.

Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 yrs.	29.0 (659,864)
Attending School	7-14 yrs.	81.2
Combining Work and School	7-14 yrs.	27.5
Primary Completion Rate		Unavailable

Sources:

Primary completion rate: UNESCO Institute for Statistics, 2013.(1)

All other data: Understanding Children's Work Project's analysis of statistics from DHS Survey, 2005.(2)

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 and dangerous forms of agriculture.(3-5) Families in poor rural areas send their children, particularly girls, to more affluent families to work as *restaveks* or domestic servants.(4-7) Often this occurs with the expectation that the children will be provided with



food, shelter, and educational opportunities.(4-7) In practice, some of these children are cared for and receive an education, while others become victims of exploitation, including physical, psychological, and sexual abuse. Some *restaveks* are as young as age 4 or 5.(3, 5-7) A 2009 survey by the Pan American Development Foundation estimates that 225,000 children work as *restaveks* in urban areas of Haiti, while other estimates claim even higher numbers.(3-6, 8-11) Although information is limited, there are also reports that the number of *restaveks* has likely increased in the past few years as a result of children losing one or both parents during the 2010 earthquake.(3, 5, 8, 12)

Children are also found working on farms, where research suggests they may be exposed to pesticides, sharp tools, harsh conditions, and may work long hours.(5, 6, 13, 14) A 2012 USDOL-funded study on children in agriculture in the Sud Department in Haiti found that children engage in crop-related activities such as preparing the land for planting, fertilizing the fields, sowing, pruning, weeding, thinning, guarding, processing, and selling produce.(14) Although evidence is limited, children were reportedly involved in the production of bananas, beans, corn, peanuts, peas, rice, cassava, and yams, as well as raising cows, donkeys, goats, pigs, sheep, and poultry. Children working in agriculture reported exposure to prolonged sunlight, insects, cuts, dust, and smoke. Seventy-three percent of the children surveyed reported using machetes and 32 percent reported using knives in their work.(14)

There is a large population of street children in Haiti, many of whom are former *restaveks* who have run away from their abusive families or were dismissed by their employers and some of whom were displaced or orphaned as a result of the 2010 earthquake.(5, 6, 9) Children working on the streets work

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long hours for little income and are involved in washing car windows, selling goods, and forced begging.(5, 9, 13) They face various risks to their health and safety such as prolonged exposure to the sun, pain, and injury due to carrying heavy loads, and involvement in accidents caused by proximity to vehicles, along with respiratory illnesses due to inhalation of dust and fumes. They are also vulnerable to forced prostitution and crime.(5, 9, 13) Although information is limited, children are also found working in informal construction.(8)

Haitian children reportedly are involved in commercial sexual exploitation that entails exchanging sex for shelter and food.(8, 15) They are also trafficked both internally and to the Dominican Republic for work in domestic service, street vending, begging, and agriculture.(6, 16) NGOs have reported that children crossing the border illegally are often in the company of an adult who is paid to pretend to be the child's parent or guardian until reaching the Dominican Republic.(9) Some of these children are reunited with parents in the Dominican Republic, whereas others are found in domestic service or working on the streets shining shoes, washing windows, and begging.(6, 9, 16) While many Haitians' births are not registered, the 2010 earthquake and ensuing infrastructure destruction further exacerbated the lack of identity documentation, predominantly among children.(5, 6, 9, 16) Children, in particular, who lack personal identification papers are vulnerable to trafficking and exploitative labor situations.(5, 16) There have also been limited reports of forced child labor in residential care centers (orphanages).

Criminal groups continue to pose a problem in some urban areas of Haiti, particularly in Port-au-Prince; children as young as age 10 serve as messengers and carry weapons or drugs for these groups. Street children and children from extremely poor families are especially vulnerable to being recruited by these criminal groups.(3, 5, 17, 18)

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.(19) However, the code does not include a minimum age for work in domestic service.(5, 19, 20) Children ages 15 to 18 seeking employment outside domestic service must obtain a work authorization from the Ministry of Labor. Employing a child outside domestic service without a work authorization is punishable by fines.(19) Children ages 15 to 18 are also prohibited from working at night, in industrial jobs, and in

work that may be harmful.(19) Despite a previous report that a list of hazardous types of work prohibited for children was completed, the Government has stated that the list has not been finalized.(18, 21)

International Conventions and Selected Laws on Child Labor and Education

	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	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	11
	Free Public Education	Yes

The 1987 Constitution sets the minimum age for compulsory military service at 18. Haiti, however, has not had a military since January 1995.(22, 23)

The Act on the Prohibition and Elimination of All Forms of Abuse, Violence, Ill Treatment, or Inhuman Treatment Against Children of 2003 (Act of 2003) prohibits servitude, forced or compulsory labor, and the use of children in criminal activities or armed conflict.(20) The Act of 2003 also criminalizes child trafficking and the recruitment of children for sexual exploitation, such as pornography, and for illicit activities.(20) However, there are no penalties established for committing abuse and violence against children through any of the crimes discussed in the Act. As a result, the Institute of Social Welfare and Research (IBESR) and law enforcement officials often use provisions of the Penal Code to protect victims and children at-risk of being trafficked. Legislation on trafficking with criminal penalties, which has been pending in Parliament for several years and is now being analyzed within the Social Affairs Commission of the Chamber of Deputies, was not adopted during the reporting period.(6, 8)

Haiti's legal framework governing education contributes to children's vulnerability to the worst forms of child labor. The 1987 Constitution guarantees free and compulsory primary education for all children; however, these provisions are not implemented.(22) Despite the guarantee of free primary education, most public schools charge fees for books, uniforms, enrollment, and teacher salary. The duration of compulsory education in practice is unclear. It appears that children in Haiti are only required to attend school until age 11, which makes children age 12 through 14 particularly vulnerable to the worst forms of child labor, as they are not required to be in school nor are they able to work legally.(24) Public schools are insufficient in number and have unqualified teachers. As a result, most Haitian children who attend school go to private schools that charge tuition.(4, 17) Many others simply do not attend school and are at an increased risk of engaging in the worst forms of child labor.(4, 5, 17)

Institutional Mechanisms for Coordination and Enforcement

During the reporting period, the Government created the National Commission for the Elimination of the Worst Forms of Child Labor. Its members include labor unions, civil society members, the Ministry of Social Affairs and Labor (MAST), and MAST's IBESR.(8) The Commission conducted two workshops to identify the worst forms of child labor in Haiti, implemented a campaign in the West and South-East departments to raise public awareness about ILO Conventions 138 and 182, and conducted roundtables and other events on the issue of *restaveks*.(8) The Government also created an inter-ministerial working group on human trafficking to coordinate all executive branch initiatives on human trafficking during the reporting period.(9)

MAST and IBESR are responsible for child protection and enforcing child labor laws.(5, 8) MAST has assigned at least one child labor inspector to work in each of the regional offices; however, information on the number of inspections conducted is not available.(8) In addition, IBESR currently employs 200 agents to handle all types of child protection cases, including those related to child labor.(8, 9) IBESR also tracks cases of exploitive child labor, but does not publish the data.(8) Given the extent of child labor in Haiti's informal economy, government agencies lack sufficient resources to carry out enforcement activities adequately.(5, 8)

IBESR and the Haitian National Police's (PNH) Brigade for the Protection of Minors (BPM) take the lead on anti-child trafficking efforts, and the BPM is also responsible for investigating crimes against children, generally, including

trafficking.(8, 9) During the reporting period, the BPM increased its staff by hiring three additional investigators and three civil agents, bringing the total to 56 investigators and 46 agents. The BPM participated in seminars on the protection of children's rights. Although efforts were also made to systematically train law enforcement and judiciary officials in human trafficking and victim identification during the reporting period, not all were uniformly trained. All of these institutions also stated, that they lacked staffing and basic materials to effectively fulfill their mission.(8, 9) The BPM carried out 84 investigations and recorded 94 cases of child trafficking during 2012.(8) BPM agents also joined police patrols to conduct investigations on the streets or in places such as private homes, Internally Displaced Persons (IDP) camps, and residential care centers where forced child labor has been reported. In 2012, the BPM referred 370 children in need of services to IBESR, which then worked with a network of NGOs and/or international organizations to assess the children's needs and provide them with specialized care.(8, 9) The BPM and IBESR refer the cases of individuals violating legal provisions on child abuse to the Haitian judiciary for prosecution.(8) Information about the results of such criminal investigations and any possible convictions and sentences imposed on the perpetrators related to trafficking and the worst forms of child labor, including forced labor, was not found.

The Haitian government increased its participation in international efforts to prosecute child traffickers. As a result of coordination among the PNH's BPM, and the U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HIS) located both in the United States and the Dominican Republic, a U.S. citizen was found guilty of child sex tourism in Haiti. The individual faces a maximum sentence of 30 years in prison for each of the five counts of engaging in illicit sexual conduct with children in his care, who were forced to participate in sexual acts in order to remain at the Morning Star Center and continue attending school.(25)

Government Policies on the Worst Forms of Child Labor

The Government's 2010 Action Plan for National Recovery and Development outlines key initiatives that address the structural causes of Haiti's underdevelopment, including its educational system, in order to rebuild and make Haiti an "emerging country" by 2030.(26, 27) The plan aims to rebuild the country's infrastructure, the economy, and state institutions and improve living standards by increasing employment, providing housing, addressing food insecurity, and providing access to basic services such as healthcare, education, water, and sanitation.(26)

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To improve access to education, the Government of Haiti launched a comprehensive plan during the fall of 2011 to enroll 1.5 million students in school by 2016.(28) The National Action Strategy for Education for All campaign—overseen by the Ministry of Education and supported by the international community—subsidizes school fees for both public and private schools, provides school food programs, and offers training to increase the number of qualified teachers.(28, 29) During the fall of 2012, the Government unveiled a second free education initiative to provide primary education to children of poor families.(8) At the start of the initiative, the Government estimated that the effort would enable 1.2 million children to attend schools during the 2012 academic year, an increase of 200,000 students compared to the previous year.(8, 9) Preliminary results from a UN-backed 2012 national household survey showed 77 percent of children aged six-11 surveyed in 13,350 households attended primary school in 2012. This figure is an increase from the previous 2005-2006 national survey, which reported that less than 50 percent of such children attended primary school.(30) The survey results were not available for analysis as of the writing of this report, however, and are not included in the statistics table at the beginning of this country profile.

The 2010 Government Action Plan also includes a plan to establish 4,000 provisional facilities while building more permanent schools to replace the estimated 4,000 schools damaged by the earthquake.(26, 29) To date, more than 600 semi-permanent furnished classrooms have been built with funding from the U.S. government and in response to the Plan.(31) The question of whether these policies have had an impact on the worst forms of child labor does not appear to have been addressed.

Since the earthquake, Haiti and the Dominican Republic worked jointly to protect children under the 2010 Protocol of Action to Protect Vulnerable Haitian Children.(32) The protocol sets mandatory procedures for governmental and nongovernmental institutions to provide support to Haitian children. As a result, a number of Haitian children who were relocated to the Dominican Republic after the earthquake have since received care or were sent back to Haiti to be reunited with their families.(32) As part of a trafficking case heard in the Dominican Republic during the year, collaboration among the Haitian and Dominican governments and the IOM resulted in the provision of social services for trafficked children and the return of the children to their families and reintegration into the Haitian community.(33, 34)

Social Programs to Eliminate or Prevent Child Labor

The Government continues to work in cooperation with international organizations and foreign aid agencies on rebuilding efforts, including improving the situation of children engaged in the worst forms of child labor.

The Government of Haiti currently collects information on vulnerable children and tracks them through the national child protection database. To date, IBESR registered approximately 18,000 vulnerable children after adding different categories of vulnerable children, including *restaveks*, in the database during the reporting period.(8)

The Government of Haiti launched several child and social protection hotlines to prevent, refer, and respond to cases of at-risk children for exploitation and abuse. The BPM launched the “188” hotline, while IBESR launched the “133” hotline. The BPM and IBESR also launched campaigns informing the public about forced labor, sexual abuse, and child trafficking to reduce the incidence of these practices.(8) Between the months of May and December 2012, the BPM reported receiving approximately 200 calls, of which 93 were reported cases of child abuse.(8)

In October 2011, USAID awarded \$22.5 million for a 5-year project on Protecting the Rights of Children, Women, and Youth in Haiti.(35) The Project aims to support efforts by the Government of Haiti and nongovernmental and community-based organizations to address the needs of victims of gender-based violence, trafficking, prostitution, sexual exploitation, forced domestic service, and recruitment into criminal activity. The project likewise aims to strengthen institutional capacity to prevent abuse and address challenges faced by at-risk children, youth, and women.(35) Among other activities, the project is currently working closely with the State Welfare Office and IBESR on implementing activities aimed at sensitizing the general population against the *restavek* practice.(36) The project is also advocating for the adoption of the trafficking law.(36)

The Government of Haiti continues to respond to the heightened risk of child trafficking through collaboration with U.S. State Department on projects funded in Fiscal Year 2012.(37) Different organizations are implementing various projects to help strengthen the capacity of Haitian institutions to combat the trafficking of women and children, and to provide services to victims including children and *restaveks*, improve referral services, address cross-border trafficking between Haiti and the Dominican Republic, and improve the legislative framework to combat trafficking.(37)

In 2012, Haiti participated in the USDOL-funded, 4-year Global Action Program on Child Labor Issues Project which is active in approximately 40 countries. In Haiti, the project aims to build the capacity of national government and work with the government to develop strategic policies for the elimination of child labor and forced labor, as well as strengthen legal protections and social service delivery for child domestic workers.(38)

The Haitian Government continues to participate in a \$1 million project jointly funded by the Governments of the United States and Brazil to protect children from child labor during Haiti's earthquake recovery and reconstruction phases. The project is part of a larger recovery program developed by the Government of Haiti and supported by the UNDP and

other UN and NGO partners to protect children, including combating the worst forms of child labor and protecting adolescent rights to safe and decent work, particularly during reconstruction.(39) This 36-month project, scheduled to end in 2014, has resulted in the establishment of the National Tripartite Committee for the Prevention and Elimination of Child Labor by MAST and works with families, construction sites, and other stakeholders to provide appropriate skills training for adolescents engaged in construction.(39)

Programs to address the worst forms of child labor are still insufficient to address the problem, particularly in dangerous forms of agriculture and domestic service. In addition, the question of whether existing programs have had an impact on child labor has not been addressed.

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

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Amend the law to • Provide comprehensive protection against child labor in hazardous activities, including completing and adopting the list of hazardous work prohibited to children. • Establish a minimum age for domestic service and include penalties for employing child domestic workers younger than the minimum age.	2009, 2010, 2011, 2012
	Amend the Act on the Prohibition and Elimination of All Forms of Abuse, Violence, Ill Treatment or Inhuman Treatment Against Children of 2003 to include criminal penalties for violations of the Act.	2011, 2012
	Adopt a trafficking law and ensure it includes criminal penalties for child trafficking and sexual exploitation of children.	2011, 2012
	Enforce free and compulsory education for all children as mandated by the Haiti Constitution.	2012
	Increase the age of compulsory schooling to match the minimum age for work and include penalties for preventing children, including domestic workers, from attending school.	2009, 2010, 2011, 2012
Coordination and Enforcement	Provide sufficient resources to increase the capacity of the MAST, IBESR, and PNH's BPM to ensure effective enforcement of the laws.	2009, 2010, 2011, 2012
	Report statistics on child labor violations investigated, violations identified, penalties imposed and collected, and violations remedied.	2010, 2011, 2012
	Report on investigations, prosecutions, or convictions of trafficking offenders, disaggregating data on cases involving children.	2009, 2010, 2011, 2012
Policies	Assess the impact of existing education and child protection policies on addressing the worst forms of child labor.	2009, 2010, 2011, 2012

Area	Suggested Actions	Year(s) Action Recommended
Social Programs	Continue to implement and expand the national child protection database to reduce children's vulnerability to trafficking and to further identify displaced street children and <i>restaveks</i> .	2010, 2011, 2012
	Assess the potential impact of existing social protection programs on child labor.	2010, 2011, 2012
	Continue to 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 <i>restaveks</i> .	2009, 2010, 2011, 2012
	Implement programs to address the worst forms of child labor, particularly in dangerous forms of agriculture and continue to implement programs addressing domestic service.	2010, 2011, 2012

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