

In 2011, Haiti made a minimal advancement in efforts to eliminate the worst forms of child labor. Following a devastating earthquake in 2010, the Government worked with the international community to address child trafficking for domestic service. During the fall of 2011, the Government of Haiti launched a comprehensive plan to enroll 1.5 million students in school by 2016. Despite these efforts, the Government of Haiti lacks adequate legislation to address the worst forms of child labor. There is no minimum age restriction for work in domestic service and no legal penalties exist for employing child domestic workers. Current legislation likewise contains no penalty provisions for use of children in forced labor, commercial sexual exploitation, illicit activities or hazardous work. Legislation on trafficking has been pending in Parliament for several years, but it has yet to be passed. Social protection programs to combat exploitative child labor are also lacking. Children in Haiti continue to engage in the worst forms of child labor, particularly domestic service.



225,000 children work as *restaveks* in urban areas. This number has likely increased since the 2010 earthquake, due to the increased vulnerability of children as a result of losing one or both parents.(1, 6, 7)

Statistics on Working Children and Education

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

Sources:

Primary completion rate: UNESCO Institute for Statistics, 2012.(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.(3-5) Families in poor rural areas send their children, particularly girls, to more affluent families to work as *restaveks* or domestic servants.(1, 4, 5) Often this occurs with the expectation that the children will have increased educational opportunities.(3, 5) While some of these children are cared for and receive an education, many receive no schooling or pay. In practice some of these children, as young as age 4 or 5, become victims of exploitation and are subjected to physical, psychological and sexual abuse.(3, 4, 6, 7) A 2009 survey by the Pan American Development Foundation estimates that

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.(3, 7) Additionally, thousands of children displaced or orphaned as a result of the earthquake also increased the number of street children.(3, 8) Children working on the streets wash car windows, sell goods and beg. They are exposed to a variety of hazards, such as severe weather and accidents caused by their proximity to vehicles, as well as exposure to forced prostitution and crime.(3, 7)

Although information is limited, there are reports that children are also found working on farms, where they may be exposed to pesticides, sharp tools, harsh conditions and long work hours.(3, 6, 9, 10)

Haitian children trafficked both internally and to the Dominican Republic are subjected to work in domestic service, sex tourism and agriculture.(4, 12, 13) Such children are found working on the streets of the Dominican Republic shining shoes, washing windows, and begging.(9) During the 2010 earthquake, hundreds of thousands of Haitians lost their identification cards.(10) Many others never had one to begin with. As a result, children who lack personal identification papers are even more vulnerable to exploitative labor situations.(9) A national campaign to modernize Haiti's civil registry registered more than 19,000 children in survivor camps and in neighborhoods devastated by the earthquake, helping to reduce their vulnerability.(11)

The earthquake further weakened the country's inadequate social service and educational systems as well as exacerbated political and socio-economic instability. Despite significant progress during the past year, public services and safety continue to be limited.(12) Local NGOs and the Haitian National Police reported an increase in cases of trafficking of children for forced labor and sexual exploitation following the earthquake. Children who are without family support or secure housing appear to be particularly vulnerable to trafficking.(7, 12)

Criminal groups continue to rule many parts of Haiti; children as young as age 10 serve as messengers and carry weapons or drugs for these groups.(8, 13) Street children and children from extremely poor families are especially vulnerable to being recruited by these criminal groups.(1, 9, 19, 20)

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. However, there is no minimum age restriction for domestic servants and there are no legal penalties for employing child domestic workers—unless the nature or condition of the work harms their health, safety or morals.(1, 21, 22)

	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

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 work authorization is punishable by fines.(14)

Children ages 15 to 18 are also prohibited from working at night, in industrial jobs and in work that may be harmful.(14) Despite a previous report that the list of hazardous types of work was completed, the Government has stated that the list has not been completed.(15, 16)

The 1987 Constitution sets the minimum age for compulsory military service at 18. Haiti, however, has had no military since January 1995.(17, 18)

The Act on the Prohibition and Elimination of All Forms of Abuse, Violence, Ill Treatment or Inhuman Treatment Against Children of 2003 prohibits servitude, forced or compulsory labor and the use of children in criminal activities or armed conflict.(15, 19, 20) The Act also criminalizes child trafficking and the recruitment of children for sexual exploitation, such as pornography, and for illicit activities.(19) However, there are no penalties assessed for breaking the law by committing abuse and violence against children through any of the crimes discussed in the Act.(20) Legislation on trafficking also has been pending in Parliament for several years and a draft bill has been presented for consideration, but it was not adopted during the reporting period.(7)

A further gap in Haiti's legal framework concerns education. The 1987 Constitution guarantees free and compulsory primary education for all children.(18) However, 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.(21) Furthermore, most Haitian children who attend school go to private schools that charge tuition.(22) Due to the lack of availability and affordability of schools, 45 percent of primary-school-age children do not attend school, which increases their risk of engaging in the worst forms of child labor.(6, 22) The public schools that are available to these children are insufficient in number.(6, 8, 23)

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.

The Ministry of Social Affairs and Labor, through its Institute of Social Welfare and Research (IBESR), is responsible for enforcing child labor laws.(1, 22, 27) However, the lack of adequate resources, such as insufficient offices, facilities, transportation and fuel, affect IBESR's ability to conduct

child labor investigations effectively.(3, 23, 24) IBESR also reportedly lacks staff, but exact numbers of staff are unavailable. The Government also has not reported on the number of investigations conducted nor on violations or any penalties imposed during the reporting period.(25)

IBESR and the Haitian National Police's (HPN) Brigade for the Protection of Minors (BPM) take the lead on anti-child trafficking efforts, and the BPM is responsible for investigating crimes against children, including trafficking. Research found no information on investigations, prosecutions or convictions of trafficking offenders.(7) The BPM has 35 officers with the authority to apprehend individuals abusing child domestic workers, and a system to refer the exploited and abused children to social services.(3) However, the BPM does not routinely report *restavek* cases to IBESR and, unless there is a clear indication of abuse, IBESR also does not follow up on *restavek* cases.(25)

Following the 2010 earthquake, Haiti's Social Welfare Agency has been referring identified child victims to donor-funded NGOs to receive shelter, food, medical and psychosocial support because the Government lacked resources for victim assistance.(7)

Government Policies on the Worst Forms of Child Labor

The Government's Action Plan for National Recovery and Development includes plans to rebuild its educational system.(26)

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.(27) The National Action Strategy for Education for All campaign—overseen by the Ministry of Education and supported by the international community—subsidizes school fees, provides school food programs and offers training to increase the number of qualified teachers.(27, 28) The 2010 Government Action Plan 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, 28) Research did not identify the total number of schools that have been built as of the end of the reporting period.

Since the earthquake, Haiti and the Dominican Republic have worked jointly to protect children under the 2010 Protocol of Action to Protect Vulnerable Haitian Children. This protocol sets mandatory procedures for government and non-government institutions to provide support to Haitian

children.(29) As a result, a number of Haitian children relocated to the Dominican Republic after the earthquake have received care or were sent back to Haiti to be reunited with their families.(29)

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

Social Programs to Eliminate or Prevent Worst Forms of Child Labor

Despite the massive destruction of the earthquake that severely limits its ability to operate, the Government has worked in cooperation with international organizations and foreign aid agencies to rebuild Haiti, including improving the situation of children engaged in the worst forms of child labor.

The Government of Haiti has responded to the heightened risk of child trafficking through collaboration with USDOS on approximately \$4.75 million in anti-trafficking projects funded in Fiscal Year 2010.(30) The multiple projects are working through different organizations 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 *restavek*, improve referral services, address cross-border trafficking between Haiti and the Dominican Republic, and improve the legislative framework to combat trafficking.(31)

UNICEF has worked with Haiti's BPM to strengthen its ability to prevent and investigate crimes against children, particularly trafficking and other forms of exploitation. This includes upgrading referral mechanisms for child protection cases by linking Government, UN and other NGO actors, and mapping services at the Dominican border to prevent child trafficking and mainstream child protection across sectors.(32)

To reduce the economic impact from the January 2010 earthquake, USAID and other agencies supported cash-for-work activities to stabilize household livelihoods.(31, 33) The organizations implementing the projects have created over 60,000 short-term employment opportunities for adult beneficiaries.(33) During 2011, the Government, in collaboration with other organizations, provided temporary employment to remove rubble and to repair roads and other infrastructure in order to inject cash into the hardest-hit communities, as well as to help the community contribute positively to the cleanup and recovery of their neighborhoods.(33)

The question of whether cash for work has an impact on child labor does not appear to have been addressed.

Haiti

The Government is also participating in a jointly funded \$1 million project by the United States and the Government of Brazil to eradicate and prevent the worst forms of child labor in post-earthquake Haiti.(34) It 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.(35) This 36-month project focuses on protecting children and youth from dangerous labor in construction.(35)

In March 2012, USAID awarded a \$22.5 million for the Protecting the Rights of Children, Women and Youth Project.

This 5-year project targets the most vulnerable population; it seeks to prevent gender-based violence, trafficking, prostitution, sexual exploitation, the *restavek* practice, and recruitment into gangs and criminal activity by supporting interventions that build the capacity of families, communities, NGOs, the private sector and the Government of Haiti.(36) The project will work closely with several government agencies to prevent and respond to the abuse and exploitation of the target population. Families hosting *restaveks* will also be sensitized to change their mindset regarding the *restavek* practice in order to reduce the likelihood children will continue to fall into the *restavek* system.(37)

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 : <ul style="list-style-type: none"> • Provide comprehensive protection against child labor in hazardous activities. • Ensure the minimum age for work applies to domestic service and child domestic worker rights are protected. • Provide penalties for employing <i>restaveks</i> younger than age 15. 	2009, 2010, 2011
	Amend the Act of 2003 to include penalties for violations and enable enforcement of the provisions.	2011
	Complete and adopt the list of hazardous work.	2011
	Adopt the trafficking law that is currently pending in Parliament and ensure it includes penalties for child trafficking and sexual exploitation of children.	2011
	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
Coordination and Enforcement	Establish a coordinating mechanism to combat the worst forms of child labor.	2009, 2010, 2011
	Establish and implement a formal identification system to reduce children's vulnerability to trafficking.	2011
	Provide sufficient resources to increase the capacity of the IBESR, and HPN's BPM to facilitate and ensure enforcement of the law.	2009, 2010, 2011
	Report statistics on child labor violations investigated or penalties imposed.	2010, 2011
	Report on investigations, prosecutions or convictions of trafficking offenders.	2009, 2010, 2011
	Investigate and prosecute cases involving child labor.	2011
	Establish and implement a formal identification system to reduce children's vulnerability to trafficking, and to further identify displaced street children and victims of trafficking.	2010, 2011

Area	Suggested Actions	Year(s) Action Recommended
Policies	Assess the impact of existing education and child protection policies on addressing the worst forms of child labor.	2009, 2010, 2011
Social Programs	Assess the potential impact of existing programs on child labor.	2010, 2011
	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
	Implement programs to address the worst forms of child labor, particularly in dangerous forms of agriculture and domestic service.	2010, 2011

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