

Haiti

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Haiti are unavailable.²²¹² In general, due to high unemployment and job competition, there is very little child labor in the industrial sector and on commercial farms. Children are known to work on family farms and in the informal sector in order to supplement their parents' income.²²¹³ Haiti is a source, transit, and destination country for the trafficking of children for forced labor and commercial sexual exploitation. The trafficking of children, particularly girls, from poor, rural areas to work as domestic servants for relatively richer families is a common traditional practice. These children, referred to as "restaveks," live under conditions of forced labor and are often subject to long hours, poor nourishment, hard labor, and sexual and other kinds of abuse.²²¹⁴ Many of these children do not attend school.²²¹⁵ Estimates on the number of children living under these conditions vary widely.²²¹⁶

In 2004, Haiti experienced violence resulting from political upheaval and natural disasters.²²¹⁷ Despite the presence of U.N. peacekeeping forces, violence continued.²²¹⁸ According to UNICEF, the civil unrest in 2004 has resulted in an increased number of children trafficked to the Dominican Republic to work as

²²¹² This statistic is not available from the data sources that are used in this report. 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, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

²²¹³ U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Haiti*, Washington, DC, February 28, 2005, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2004/41764.htm>.

²²¹⁴ U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from <http://www.state.gov/g/tip/rls/tiprpt/2005/46614.htm>. See also U.S. Department of State, *Country Reports- 2004: Haiti*, Section 5. See also ILO-IPEC, *Haiti Escenario de Moderna Esclavitud*, [online] August 2005 [cited September 19, 2005]; available from <http://www.oit.or.cr/ippec/encuentros/noticia.php?notCodigo=469>.

²²¹⁵ ILO Committee of Experts on the Application of Conventions and Recommendations, *Individual Observation concerning Convention No. 29, Forced Labour, 1930 Haiti (ratification: 1958)*, Geneva, 2005; available from <http://www.ilo.org/ilolex/english/index.htm>.

²²¹⁶ U.S. Department of State, *Trafficking in Persons Report*. A 2001 study conducted by the Haitian Institute for Statistical Information 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 Fafo Institute for Applied Social Sciences, 2002, 15, 34, and 82-85.

²²¹⁷ In 2004 Jean-Bertrand Aristide resigned his presidency following an insurgency by anti-government rebels. Additionally, major flooding in May 2004 and cyclone Jeanne in September 2004 left approximately 2,754 people dead or missing. Louis Joinet, *Situation of Human Rights in Haiti*, E/CN.4/2005/123, UN Economic and Social Council, 61st session, January 24, 2005, 2; available from http://ap.ohchr.org/documents/dpage_e.aspx?m=47.

²²¹⁸ Organization of American States: Inter-American Commission on Human Rights, *IACHR Calls For Immediate Measures to Quell Unprecedented Violence in Haiti*, 29, Washington, D.C., July 22, 2005; available from <http://www.cidh.org/Comunicados/English/2005/29.05eng.htm>. See also United Nations Security Council, *Report of the Security Council mission to Haiti, 13 to 16 April 2005*, May 6, 2005, para 11, 13, and 14; available from <http://www.un.org/Docs/missionreport.html>.

beggars or prostitutes.²²¹⁹ An estimated 2,500 to 3,000 Haitian children are trafficked annually to the Dominican Republic.²²²⁰

Many children who live on the streets in Haiti are former domestic servants.²²²¹ Both child domestic servants and street children are the victims of violence.²²²² Violence against street children included killings, sometimes by police.²²²³ Children are recruited into armed groups.²²²⁴ The commercial sexual exploitation of children, including street children, is a problem. 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.²²²⁵

According to the Constitution, primary school is free and compulsory.²²²⁶ Education is required for children ages 6 to 11 years.²²²⁷ Gross and net enrollment statistics are not available for Haiti.²²²⁸ Schools are in poor condition and lack a sufficient number of teachers. Most children living in rural areas do not have access to public schools. The costs associated with public school, including school fees, uniforms, and books, prevent many children from attending. Approximately 90 percent of schools are private.²²²⁹ In 2004, the last year for which data is available, schools were targets for violence and threats.²²³⁰

Child Labor Laws and Enforcement

A gap exists between the age at which compulsory schooling ends and the minimum age for employment. The Labor Code sets the minimum age for employment as a domestic servant at 12 years. The minimum employment age for work in industrial, agricultural, or commercial enterprises is 15 years.²²³¹ Children must be at least 14 years of age to work as an apprentice.²²³² Children ages 15 to 18 must obtain a work authorization from the Ministry of Labor. According to the Code, employing a child without a work

²²¹⁹ UNICEF, Save the Children-Canada, Save the Children-US, World Vision, and Plan International, *Les Enfants d'Haiti Face a la Crise: Situation et Realites*, Port-au-Prince, March, 2004, 29; available from <http://www.unicef.org/media/files/assessment.pdf>.

²²²⁰ U.S. Department of State, *Trafficking in Persons Report*.

²²²¹ U.S. Department of State, *Country Reports- 2004: Haiti*, Section 5.

²²²² Many child domestic servants are still expected to conduct their shopping and other work despite the violence. See UNICEF, Save the Children-Canada, Save the Children-US, World Vision, and Plan International, *Les Enfants d'Haiti Face a la Crise*, 19-20.

²²²³ U.S. Department of State, *Country Reports- 2004: Haiti*, Section 5. See also Amnesty International, *Haiti: Disarmament delayed, justice denied*, July 28, 2005; available from <http://web.amnesty.org/library/print/ENGAMR360052005>.

²²²⁴ Louis Joinet, *Situation of Human Rights in Haiti*, 9. See also Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report- Haiti*, London, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=829.

²²²⁵ See ILO-IPEC, *Etude Exploratoire sur l'Exploitation Sexuelle Commerciale des Enfants*, Port-au-Prince, April 2003, 50 and 52. Commercial sexual exploitation of children occurs predominately in the capital and other major towns. There are reports of sexual tourism involving Haitian boys. See ECPAT International CSEC Database, <http://www.ecpat.net> (Haiti; accessed October 4, 2005).

²²²⁶ Right to Education Constitutional Guarantees Database, <http://www.right-to-education.org> (Haiti; accessed June 23, 2005).

²²²⁷ UNESCO, *EFA Global Monitoring Report: Education for All- The Quality Imperative*, Paris, 2004, Regional Overview: Latin America and the Caribbean, 6; available from http://portal.unesco.org/education/en/ev.php-URL_ID=35874&URL_DO=DO_TOPIC&URL_SECTION=201.html.

²²²⁸ This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.

²²²⁹ U.S. Department of State, *Country Reports- 2004: Haiti*, Section 5.

²²³⁰ UNICEF, *Healing the Wounds: UNICEF Haiti Advances Psychosocial Initiatives*, [online] March 30, 2005 [cited June 23, 2005]; available from http://www.unicef.org/emerg/haiti/index_25833.html.

²²³¹ *Code du Travail*, (1984), Articles 335 and 341; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/135/64790/F61HTI01.htm>.

²²³² *Ibid.*, Article 73.

authorization is punishable by fines.²²³³ Children less than 18 years of age are prohibited from hazardous work and night work in industrial jobs.²²³⁴

Employers of child domestic servants must meet age, income, and other requirements, and they must be licensed by the Institute for Social Welfare and Research (IBESR).²²³⁵ Employers must ensure that child domestic workers have regular health exams, attend school, and are provided with sufficient housing, clothing, and food.²²³⁶ Child domestic servants must have 10 hours of uninterrupted rest a day and may not work on Sunday afternoons and legal holidays.²²³⁷ Children ages 15 and older must receive wages. Procedures and rules are established for employers to follow when firing child domestic workers and for situations when child domestic workers run away.²²³⁸ Fines are established for violations of these provisions.²²³⁹

Although there is no law specifically prohibiting the worst forms of child labor in Haiti, there are statutes under which the worst forms can be prosecuted. The Criminal Code prohibits procurement of minors under age 21 for the purposes of prostitution. Punishments range from 6 months to 3 years of incarceration.²²⁴⁰ Child trafficking is illegal.²²⁴¹ The Labor Code prohibits forced labor.²²⁴² The constitution obligates Haitians over age 18 to perform military service, however the military has been disbanded by presidential order.²²⁴³

According to the U.S. Department of State, Haiti lacks the resources to enforce child labor laws.²²⁴⁴ IBESR is responsible for coordinating the implementation and enforcement of child labor laws; however it does not have sufficient funding to do so. Government institutions lacked resources to effectively monitor the border.²²⁴⁵ The judicial system is weak and has not yet recovered from the 2004 political upheaval.²²⁴⁶ Efforts were made by the National Police's Brigade for the Protection of Minors to investigate concerns regarding children in the Port-au-Prince area; however these efforts were limited due to a lack of resources.²²⁴⁷ The Ministry of Social Affairs and Labor (MAST) is responsible for coordinating anti-trafficking programs.²²⁴⁸ The Haitian National Police, in coordination with the U.N. Stabilization Mission in Haiti and the Dominican Consul General, rescued 13 Dominican girls who had been trafficked to Haiti for commercial sexual exploitation. The girls were repatriated and a Haitian man was arrested in connection with the crime.²²⁴⁹

²²³³ *Ibid.*, Articles 337 and 340.

²²³⁴ *Ibid.*, Articles 333 and 334.

²²³⁵ *Ibid.*, Articles 342 and 343.

²²³⁶ *Ibid.*, Articles 344-348.

²²³⁷ *Ibid.*, Article 347.

²²³⁸ *Ibid.*, Articles 350-353.

²²³⁹ *Ibid.*, Article 355.

²²⁴⁰ *Código Penal*, Article 282; available from <http://www.unifr.ch/derechopenal/introanu.htm>.

²²⁴¹ U.S. Embassy-Port au Prince, *reporting*, March 5, 2005.

²²⁴² U.S. Department of State, *Country Reports- 2004: Haiti*, Section 6d.

²²⁴³ Coalition to Stop the Use of Child Soldiers, *Global Report- Haiti*.

²²⁴⁴ U.S. Embassy- Port Au Prince, *reporting*, November 16, 2005.

²²⁴⁵ U.S. Department of State, *Country Reports- 2004: Haiti*, Section 6d. See also U.S. Department of State, *Trafficking in Persons Report*.

²²⁴⁶ OAS Inter-American Commission on Human Rights, *Preliminary Observations of the Inter-American Commission on Human Rights Upon Conclusion of its April 2005 Visit to Haiti*, Washington, D.C., June 6, 2005, para. 33; available from <http://www.reliefweb.int/library/documents/2005/iachr-hti-6jun.pdf>. See also U.S. Embassy-Port au Prince, *reporting*, March 5, 2005.

²²⁴⁷ U.S. Embassy-Port au Prince, *reporting*, March 5, 2005.

²²⁴⁸ U.S. Department of State, *Trafficking in Persons Report*.

²²⁴⁹ U.S. Embassy- Port Au Prince, *reporting*, November 16, 2005.

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

According to the U.S. Department of State, the government lacks the capacity to support its existing child welfare programs.²²⁵⁰ As part of the Interim Cooperation Framework, a 2004 agreement with various donors including the European Commission, the IDB, the U.N. and the World Bank, MAST developed a two year plan to open shelters and protect children. With assistance from U.N. peacekeepers, two shelters have been opened.²²⁵¹ The Interim Cooperation Framework has also supported anti-trafficking training for government officials.²²⁵² The Interim Government participates in ILO implemented programs to eradicate and prevent exploitative child labor, including exploitative child domestic labor, through funding from the Canadian Government.²²⁵³ MAST also provides services for street children and a hotline for reporting child abuse. Most of the complaints received by the hotline involve child domestic workers. Some children in forced labor situations are placed in shelters and with NGOs. Haitian consulates along the border with the Dominican Republic and agents in airports monitor for potential child trafficking situations.²²⁵⁴ IBESR conducts a media campaign to prevent fraudulent adoptions.²²⁵⁵ The Interim Government of Haiti facilitated and participated in workshops with Dominican government officials regarding border issues, including trafficking.²²⁵⁶

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	

The government subsidizes school costs for some child domestic servants.²²⁵⁷ Additionally, a school nutrition program is funded by the World Bank.²²⁵⁸

²²⁵⁰ U.S. Department of State, *Country Reports- 2004: Haiti*, Section 5.

²²⁵¹ U.S. Embassy-Port au Prince, *reporting*, March 5, 2005.

²²⁵² World Bank, *First Year of Haiti's Interim Cooperation Framework - Achievements*, [online] May 2005 [cited October 17, 2005]; available from

<http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/LACEXT/HAITIEXTN/0,contentMDK:20579076~pagePK:141137~piPK:141127~theSitePK:338165,00.html>.

²²⁵³ ILO-IPEC official, email communication to USDOL official, November 8, 2005. See also ILO Committee of Experts on the Application of Conventions and Recommendations, *Committee of Experts*.

²²⁵⁴ U.S. Department of State, *Country Reports- 2004: Haiti*, Section 5.

²²⁵⁵ U.S. Embassy-Port au Prince, *reporting*, March 5, 2005.

²²⁵⁶ U.S. Embassy- Port Au Prince, *reporting*, November 16, 2005.

²²⁵⁷ U.S. Department of State, *Country Reports- 2004: Haiti*, Section 5.

²²⁵⁸ World Bank, *Haiti: World Bank Signs US\$ 1.3 million in Grants for School Feeding Program and Education Initiative*, [online] December 6, 2004 [cited June 23, 2005]; available from

<http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,contentMDK:20290093~menuPK:34464~pagePK:34370~piPK:34424~theSitePK:4607,00.html>.