

## Haiti

<i>Selected Statistics and Indicators on Child Labor</i>	
Percent of children ages 5-14 estimated as working:	Unavailable
Minimum age of work:	15 <sup>1994</sup>
Age to which education is compulsory:	11 <sup>1995</sup>
Free public education:	Yes <sup>1996*</sup>
Gross primary enrollment rate:	Unavailable
Net primary enrollment rate:	Unavailable
Percent of children 5-14 attending school:	Unavailable
Percent of primary school entrants likely to reach grade 5:	Unavailable
Ratified Convention 138:	No <sup>1997</sup>
Ratified Convention 182:	No <sup>1998</sup>
ILO-IPEC Participating Country:	Yes <sup>1999</sup>
*Must pay for school supplies and related items.	

### Incidence and Nature of Child Labor

Children in Haiti work on family farms and in the informal sector. Children also engage in street vending. In general, because of high unemployment and job competition, there is very little child labor in the industrial sector and on commercial farms.<sup>2000</sup> Past reports indicate that Haitian children have worked on sugar plantations in the Dominican Republic. Some recent reports indicate that the practice of transporting Haitians to harvest sugarcane in the Dominican Republic has been largely curtailed.<sup>2001</sup>

<sup>1994</sup> Government of Haiti, *Code du travail*, (1984), Article 335; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/135/64790/F61HTI01.htm>.

<sup>1995</sup> UNESCO, *Education for All Global Monitoring Report 2006: Literacy for Life*, Paris, 2005, 306; available from [http://portal.unesco.org/education/en/ev.php-URL\\_ID=43283&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/education/en/ev.php-URL_ID=43283&URL_DO=DO_TOPIC&URL_SECTION=201.html).

<sup>1996</sup> Government of Haiti, *Constitution de la République d'Haiti*, (1987), article 32; available from <http://pdba.georgetown.edu/Constitutions/Haiti/haiti1987fr.html>. See also UNESCO, *Education for All Global Monitoring Report 2006: Literacy for Life*, 84. See also U.S. Department of State, *Background Note: Haiti*, [online] June 2006 [cited October 18, 2006]; available from <http://www.state.gov/r/pa/ei/bgn/1982.htm>.

<sup>1997</sup> ILO, *Ratifications by Country*; accessed October 18, 2006; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

<sup>1998</sup> Ibid.

<sup>1999</sup> ILO, *IPEC Action Against Child Labour: Highlights 2006*, Geneva, October 2006; available from [http://www.ilo.org/iloroot/docstore/ipec/prod/eng/20070228\\_Implementationreport\\_en\\_Web.pdf](http://www.ilo.org/iloroot/docstore/ipec/prod/eng/20070228_Implementationreport_en_Web.pdf).

<sup>2000</sup> U.S. Department of State, "Haiti," in *Country Reports on Human Rights Practices- 2006*, Washington, DC, March 6, 2007, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2006/78895.htm>.

<sup>2001</sup> International Confederation of Free Trade Unions, *Internationally-Recognised Core Labour Standards in the Dominican Republic: Report for the WTO General Council Review of Trade Policies of the Dominican Republic*, 2002, 7; available from <http://www.icftu.org/www/pdf/englishclsdominicanrepublic.pdf>. See also International Organization for Migration, *Americas: Assistance for Children Victims of Human Trafficking in Haiti*, [online] December 4, 2006 [cited January 29, 2007]; available from <http://www.iom.int/jahia/Jahia/featureArticleAM/cache/offonce?entryId=12185>. See also U.S. Department of State, "Dominican Republic," in *Country Reports on Human Rights Practices- 2006*, Washington, DC, March 6, 2007, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2006/78889.htm>.

The most common form of work for children in Haiti is domestic service.<sup>2002</sup> The practice of sending children, particularly girls, from poor rural areas to work as domestic servants for relatively richer families is a common traditional custom. While some of these children, referred to as “restaveks,” are cared for and receive an education, many are victims of trafficking. Such children receive no schooling; are sexually exploited and physically abused; and work under conditions of forced labor.<sup>2003</sup> Many children who live on the streets in Haiti are former domestic servants.<sup>2004</sup> Boys are also victims of trafficking under the restavek practice, in which they are sent to stay with better-off families and find themselves forced to work in agriculture.<sup>2005</sup> Save the Children and UNICEF estimated in 2002 that the number of victims of internal trafficking in Haiti was between 176,000 and 300,000.<sup>2006</sup>

In addition to internal trafficking, children are trafficked from Haiti to the Dominican Republic. An IOM/UNICEF study in 2002 found that more than 2,000 Haitian children are victims of such trafficking each year.<sup>2007</sup> Inconclusive evidence suggests that some Haitian children are sent to live with families in the Dominican Republic, where some of them are required to work rather than attend school, raising the possibility that such children are victims of trafficking.<sup>2008</sup> Girls are also trafficked from the Dominican Republic to Haiti for commercial sexual exploitation.<sup>2009</sup> In 2003, ILO-IPEC published a rapid assessment on the commercial sexual exploitation of children in Haiti, which found that the majority of the child commercial sex workers surveyed were street children in the 13 to 17 age range, with some as young as 9 or 10 years old.<sup>2010</sup> Haitians are trafficked to the United States, Europe, and Canada, but it is unclear if children are among those trafficked.<sup>2011</sup>

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<sup>2002</sup> ILO-IPEC, "Haiti escenario de moderna esclavitud," *Boletín Encuentros* (August 2005); available from <http://www.oit.or.cr/ipec/encuentros/noticia.php?notCodigo=469>. See also U.S. Department of State, "Country Reports- 2006: Haiti," Section 6d.

<sup>2003</sup> U.S. Department of State, "Country Reports- 2006: Haiti," section 5. See also U.S. Department of State, "Haiti," in *Trafficking in Persons Report- 2006*, Washington, DC, June 5, 2006; available from <http://www.state.gov/g/tip/rls/tiprpt/2006/65991.htm>. See also ILO, *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>.

<sup>2004</sup> U.S. Department of State, "Country Reports- 2006: Haiti," Section 5.

<sup>2005</sup> U.S. Embassy - Port-au-Prince, *reporting*, March 6, 2007.

<sup>2006</sup> International Organization for Migration, *Americas: Assistance for Children Victims*.

<sup>2007</sup> U.S. Department of State, "Trafficking in Persons Report- 2006: Haiti." See also International Organization for Migration, *Americas: Assistance for Children Victims*.

<sup>2008</sup> U.S. Department of State, "Country Reports- 2006: Dominican Republic," Section 6d.

<sup>2009</sup> U.S. Department of State, "Trafficking in Persons Report- 2006: Haiti."

<sup>2010</sup> ILO-IPEC, *Etude exploratoire sur l'exploitation sexuelle des mineurs à des fins commerciales*, Port-au-Prince, 2003, 50, 52. See also Chief of the Cabinet of the Minister of the Feminine Condition and Rights of Women, Interview with USDOL consultant, July 14, 2006.

<sup>2011</sup> U.S. Department of State, "Country Reports- 2006: Haiti," Section 5.

Despite the generally peaceful 2006 elections, Haiti has continued to experience insecurity.<sup>2012</sup> Children are involved with armed groups in the country; they work as porters, spies, messengers, and combatants.<sup>2013</sup>

## Child Labor Laws and Enforcement

The minimum age for work in industrial, agricultural, or commercial enterprises in Haiti is 15 years.<sup>2014</sup> The minimum age for employment as a domestic servant is also 15 years.<sup>2015</sup> The minimum age for work as an apprentice is 14.<sup>2016</sup> Children ages 15 to 18 must obtain a work authorization from the Ministry of Labor. Employing a child without a work authorization is punishable by fines.<sup>2017</sup> Children less than 18 years of age are prohibited from night work in industrial jobs, and minors (of undefined age) are prohibited from hazardous work.<sup>2018</sup>

The law prohibits forced labor, including by children.<sup>2019</sup> The law also prohibits the corruption of youth below the age of 21, including by prostitution, with penalties ranging from 6 months to 3 years imprisonment.<sup>2020</sup> Child trafficking is illegal.<sup>2021</sup> The law obligates Haitians over age 18 to perform military service, but the military forces have been disbanded by presidential order.<sup>2022</sup>

The Ministry of Social Affairs and Labor (MAST), through the Institute of Social Welfare and Research (IBESR), is responsible for enforcing child labor laws.<sup>2023</sup> According to the U.S. Department of State, the agency has insufficient resources to investigate child labor violations.<sup>2024</sup> IBESR also often takes the lead on anti-child trafficking efforts.<sup>2025</sup> The Haitian National Police's Brigade for the Protection of Minors is responsible for investigating crimes against children, which also include trafficking. The Brigade, which has 18 full-time officers,

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<sup>2012</sup> Ibid. See also UNICEF, *At a Glance: Haiti: Background*, [online] [cited October 18, 2006]; available from <http://www.unicef.org/infobycountry/haiti.html>. See also Louis Joinet, *Situation of Human Rights in Haiti*, UN Economic and Social Council, January 24, 2006, 2; available from <http://daccessdds.un.org/doc/UNDOC/GEN/G06/104/54/PDF/G0610454.pdf?OpenElement>.

<sup>2013</sup> UNICEF, *At a Glance: Haiti: Background*, [online] n.d. [cited October 18, 2006]; available from <http://www.unicef.org/infobycountry/haiti.html>. See also Representative of the Child Protection Unit, UN Mission for the Stabilization of Haiti, interview with USDOL consultant, July 25, 2006.

<sup>2014</sup> Government of Haiti, *Code du travail*, Article 335.

<sup>2015</sup> 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. See also Ministry of Social Affairs and Labor official, Interview with USDOL consultant, July 17, 2006. See also U.S. Embassy - Port-au-Prince official, Interview with USDOL official, March 21, 2007.

<sup>2016</sup> Government of Haiti, *Code du travail*, Article 73.

<sup>2017</sup> Ibid., Articles 337 and 340.

<sup>2018</sup> Ibid., Articles 333 and 334.

<sup>2019</sup> Ibid., Article 4. See also Government of Haiti, *Loi relative a l'interdiction et a l'elimination de toutes forms d'abus*, article 2.

<sup>2020</sup> Government of Haiti, *Código penal*, Article 282; available from <http://www.unifr.ch/derechopenal/introanu.htm>.

<sup>2021</sup> U.S. Embassy- Port au Prince, *reporting*, March 2, 2005. See also Government of Haiti, *Loi relative a l'interdiction et a l'elimination de toutes forms d'abus*, Article 2.

<sup>2022</sup> Coalition to Stop the Use of Child Soldiers, "Haiti," in *Child Soldiers Global Report 2004*, London, 2004; available from [http://www.child-soldiers.org/document\\_get.php?id=829](http://www.child-soldiers.org/document_get.php?id=829).

<sup>2023</sup> Ministry of Social Affairs and Labor official, Interview, July 17, 2006.

<sup>2024</sup> U.S. Department of State, "Country Reports- 2006: Haiti," Section 6d.

<sup>2025</sup> U.S. Embassy - Port-au-Prince, *reporting*, March 6, 2007.

monitors the movement of children across the border with the Dominican Republic.<sup>2026</sup> In February 2007, the Brigade arrested the owner of an orphanage involved in trafficking 32 children through fraudulent adoptions.<sup>2027</sup> The U.S. Department of State reports, however, that a lack of resources, training, and established procedures hamper the work of the Brigade.<sup>2028</sup> The police and Ministry of Interior have posted border agents at the country's international airport to watch for children who might be victims of trafficking.<sup>2029</sup> According to the U.S. Department of State, however, a dysfunctional judicial system and corruption, as well as attention to other issues such as the elections and controlling the country's violence, prevent the government from effectively addressing child trafficking.<sup>2030</sup>

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

The government has established a 5-year National Protection Plan for Children in Difficult Situations and Vulnerable Children that includes strategies to reduce child domestic work, combat child trafficking, and rehabilitate children involved in armed groups.<sup>2031</sup> As part of the 2004-2006 Interim Cooperation Framework, an assistance program supported by various bilateral, multilateral, and UN agencies, MAST developed a 2-year plan to open shelters and protect children, including victims of trafficking. Two shelters have been opened, but they were not functioning during the reporting period.<sup>2032</sup> Government officials from several ministries received training on trafficking issues during 2006.<sup>2033</sup> The government refers victims of trafficking to NGOs that provide return and reintegration services. It also provides a small sum to repatriated persons, who may be victims of trafficking, to aid in their return to their origin communities.<sup>2034</sup>

The government also participated in a USD 430,000 Canadian-funded project implemented by ILO-IPEC to eradicate and prevent the worst forms of child labor, which ended in September 2006.<sup>2035</sup>

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<sup>2026</sup> Minister of Justice and Public Security, *Directive Generale portant création, organisation, mission et fonctionnement de la Brigade de Protection des Mineurs de la Direction Centrale de la Police Judiciaire*, Port-au-Prince, 2003, 4. See also U.S. Embassy - Port-au-Prince, *reporting, March 6, 2007*. See also U.S. Department of State, "Country Reports- 2006: Haiti," Section 5.

<sup>2027</sup> U.S. Embassy - Port-au-Prince, *reporting, March 6, 2007*.

<sup>2028</sup> U.S. Department of State, "Country Reports- 2006: Haiti," Section 5.

<sup>2029</sup> U.S. Embassy - Port-au-Prince, *reporting, March 6, 2007*.

<sup>2030</sup> U.S. Department of State, "Trafficking in Persons Report- 2006: Haiti." See also U.S. Embassy - Port-au-Prince, *reporting, March 6, 2007*.

<sup>2031</sup> Ministry of Social Affairs and Labor, *Plan Nationale de Protection: Enfance en situation difficile ou de vulnérabilité*, December 2005, 1.

<sup>2032</sup> UN, World Bank, European Commission, and Inter-American Development Bank, *Republic of Haiti: Interim Cooperation Framework 2004-2006, Summary Report*, July 2006, xi; available from <http://haiticci.undg.org/uploads/ReportVersion8%20Eng%20FINAL%20Low%20Res.pdf>. See also U.S. Embassy - Port au Prince, *reporting, March 2, 2005*. See also U.S. Embassy - Port-au-Prince official, Interview, March 21, 2007.

<sup>2033</sup> U.S. Department of State, "Haiti," in *Country Reports on Human Rights Practices- 2005*, Washington, DC, March 8, 2006, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2005/61731.htm>.

<sup>2034</sup> U.S. Embassy - Port-au-Prince, *reporting, March 6, 2007*.

<sup>2035</sup> ILO-IPEC official, E-mail communication to USDOL official, November 16, 2006.