

Tone Sommerfelt (ed.)

# Child Fosterage and Child Domestic Work in Haiti in 2014: Analytical report





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## Acronyms

	English	French/Creole
<b>ACNVH</b>	Christian Action for a New Life in Haiti	Action Chrétienne pour une Nouvelle Vie en Haïti
<b>AED</b>	Save the Children in Domesticity	Aide à l'Enfance en Domesticité
<b>AKSE</b>		Koletktif Aksyon pou kont Sekirite Eksplwatasyon
<b>ASEC</b>	Assembly of the Communal Section	Assemblée de la Section Communale
<b>ASR</b>		Aba Sistem Restavek-Haiti
<b>ATM</b>		Association Timoun Mirebalais
<b>AVSI</b>	The Association of Volunteers in International Services	Associazione per il Servizio Internazionale Volontari ( <i>IT</i> )
<b>BIT</b>	International Labour Office (secretariat of ILO)	Bureau International du Travail (secrétariat d'OIT)
<b>BPM</b>	Brigade of the Protection of Minors	Brigade de la Protection des Mineurs
<b>CAD</b>	Action Centre for Development	Centre d'Action pour le Développement
<b>CARE</b>	CARE International	
<b>CASEC</b>	Board of Directors of the Communal Section	Conseil d'Administration de la Section Communale
<b>CASODI</b>		Centre d'Action pour la Solidarité et le Développement Integre
<b>CDW</b>	Child Domestic Worker/Child Domestic Work	
<b>CECODE</b>	Compassion Centre for Deprived Children	Centre de Compassion pour les Enfants Démunis
<b>CEMEAH</b>	Combite to the Supervision of Abandoned Children Morne Hospital	Combite vers l'Encadrement des Enfants Abandonnés de Morne l'Hôpital
<b>CI</b>	Confidence Interval	
<b>CPE</b>	Child Protection Code	Code de Protection de l'Enfant
<b>CRS</b>	Catholic Relief Services	
<b>CWS</b>	Church World Service	
<b>ECVMAS</b>	Households living condition survey after the earthquake	Enquête sur les conditions de vie des ménages après le séisme

	<b>English</b>	<b>French/Creole</b>
<b>ECVH</b>	Haiti Living Conditions Survey (HLCS)	Enquête sur les Conditions de Vie en Haïti
<b>EEDH</b>		Enfants en domesticité en Haïti
<b>EJH</b>	Haiti Youth Survey 2009 (HYS)	Enquête sur la Jeunesse d'Haïti 2009
<b>EMMUS</b>	Demography and Health Survey (DHS), Haiti	Enquête Mortalité, Morbidité et Utilisation des Services, Haïti
<b>ERIC</b>	Ethical Research Involving Children	
<b>ESK</b>	Popular education modules on child rights and child protection	Edikasyon yon konvesasyon
<b>FEDDEH</b>	Emmaus Foundation for the Defence of Children's Rights and Human Development	Emmaüs Fondation pour la Défense des Droits d'Enfants et du Développement Humain
<b>FLSC</b>	Ecumenical Foundation for Peace and Justice	Fondation Œcuménique pour la Paix et la Justice (FOPJ)
<b>FMAS</b>		Fondation Maurice A. Sixto
<b>FMS</b>		Foyer Maurice Sixto
<b>FOPJ</b>	Ecumenical Foundation for Peace and Justice (FLSC)	Fondation Œcuménique pour la Paix et la Justice
<b>FZT</b>		Fondation Zanmi Timoun
<b>GARR</b>	Support Group for Refugees and Returnees	Groupe d'Appui aux Rapatriés et Réfugiés
<b>GHRAP</b>	Haitian Group for Research and Educational Events	Groupe Haïtien de Recherches et d'Actions Pédagogiques
<b>GRAH-DEL</b>		Groupe d'Action pour la Solidarité et le Développement Intègre
<b>GTPE</b>	Working Group on Child Protection	Groupe de Travail sur la Protection de l'Enfant
<b>HCDH</b>	Office of the United Nations High Commissioner for Human Rights (OHCHR)	Haut Commissariat des Nations Unies aux Droits de l'Homme
<b>HH</b>	Household	Ménage
<b>HLCS</b>	Haiti Living Condition Survey	Enquête sur les Conditions de Vie en Haïti (ECVH)
<b>HYS</b>	Haiti Youth Survey 2009	Enquête sur la Jeunesse d'Haïti 2009 (EJH)
<b>IBESR</b>	The Haitian Institute of Social Welfare and Research	Institut du Bien-Etre Social et de Recherches
<b>ICEDNO</b>	Initiative Citizens for the Northwest Child Development	Initiative des Citoyens pour le Développement des Enfants du Nord-Ouest

	<b>English</b>	<b>French/Creole</b>
<b>IDB</b>	Inter-American Development Bank	Banque Interaméricaine de Développement (BID)
<b>IHE</b>		Institut Haïtien de l'Enfance
<b>IHSI</b>	Haitian Statistical and information Institute	Institut Haïtien de Statistique et d'Informatique
<b>ILO</b>	International Labour Organization	Organisation International du Travail (OIT)
<b>IOM</b>	International Organization for Migration	Organisation Internationale pour les Migrations (OIM)
<b>IPEC</b>	International Programme on the Elimination of Child Labour	Programme international pour l'abolition du travail des enfants
<b>IPSOFA</b>	Psycho-Social Institute of the Family	Institut Psycho-Social de la Famille
<b>IRC</b>	International Rescue Committee	
<b>J / TIP</b>	US Department of State's Office to Monitor and Combat Trafficking in Persons	
<b>JILAP</b>	Justice and Peace	Jistis ak Lapa (Justice et la Paix)
<b>KNF</b>	Kindernothilfe ( <i>GE</i> )	
<b>LA-CEEED</b>	Collective Action League for the Training and Education of Deprived Children	Ligue d'Action Collective pour l'Encadrement et l'Education des Enfants Démunis
<b>LATI</b>		Lavi Timoun
<b>MADE-GAN</b>	Love Movement Toward Deprived Children of Ganthier	Mouvement d'Amour vers les Enfants Démunis de Ganthier
<b>MAEC</b>		Ministère des Affaires Etrangères et des Cultes
<b>MAST</b>	Ministry of Social Affairs and Labour	Ministère des Affaires Sociales et du Travail
<b>MBESH</b>	Evangelical Baptist Mission of South Haiti	Mission Baptiste Evangélique du Sud d'Haïti
<b>MCC</b>	Mennonite Central Committee	
<b>MCFDF</b>	Ministry of Women and Women's Rights	Ministère à la Condition Féminine et aux Droits des Femmes
<b>MDG</b>	Millennium Development Goals	
<b>MENFP</b>	Ministry of Education and Professional Training	Ministère de l'Education Nationale et de la Formation Professionnelle
<b>MICT</b>		Ministère de l'Intérieur et des Collectivités Territoriales
<b>MINUS-TAH</b>	United Nations Mission for Stabilization in Haiti	Mission des Nations Unies pour la Stabilisation en Haïti

	<b>English</b>	<b>French/Creole</b>
<b>MJSAC</b>	Ministry of Youth, Sports and Civic Action	Ministère de la Jeunesse, des Sports et de l'Action Civique
<b>MJSP</b>	Ministry of Justice and Public Safety	Ministère de la Justice et de la Sécurité Publique
<b>MOCO-SAD</b>	Community Movement for the Rescue of the Deprived	Mouvement Communautaire pour le Sauvetage des Démonis
<b>MSIPACS</b>	Special Mission of Intellectual Progressives in Action for Combating Underdevelopment	Mission Spéciale des Intellectuelles Progressistes en Action pour Combattre le Sous-Développement
<b>MSPP</b>	Ministry of Public Health and Population	Ministère de la Santé Publique et de la Population
<b>MVM</b>		Mouvman Wine Folds Moun
<b>NGO</b>	Non-governmental organisation	ONG
<b>OHCHR</b>	Office of the United Nations High Commissioner for Human Rights	Haut-Commissariat des Nations Unies aux Droits de l'Homme (HCDH)
<b>OIM</b>	International Organization for Migration (IOM)	Organisation Internationale pour les Migrations
<b>OIT</b>	International Labour Organization (ILO)	Organisation International du Travail
<b>OJFA</b>	Organization of Girls in Action	Organisation des Jeunes Filles en Action
<b>ONEF</b>	National Organization for Children's Education	Organisation Nationale pour l'Education des Enfants
<b>ONI</b>		Office National d'Identification
<b>OPC</b>	Office of Citizen Protection	Office de la Protection du Citoyen
<b>OPEE</b>		Organisation pour la Promotion de l'Education de l'Enfant
<b>PADF</b>	Pan American Development Foundation	
<b>PNH</b>	National Police of Haiti	Police Nationale d'Haïti
<b>PSUGO</b>	Free and compulsory universal education program	Programme de scolarisation universelle gratuite et obligatoire
<b>RNDDH</b>	National Human Rights Defence Network	Réseau National de la Défense des Droits de l'Homme
<b>RSI</b>	Randomly Selected Individual	
<b>SIMPOC</b>	ILO's Statistical Information and Monitoring Program on Child Labour	

	<b>English</b>	<b>French/Creole</b>
<b>SODIH</b>	Solidarity for Integrated Development of Haiti	Solidarité pour le Développement Intégré d'Haïti
<b>SO-FALAM</b>		Solidarité Fanm pou Lavi Myò, Solidarité avec des Femmes pour un vies Meilleure
<b>Tdh-L</b>		Terre des Hommes - Lausanne
<b>UNDP</b>	United Nations Development Programme	Programme des Nations Unies pour le Développement (PNUD)
<b>UNHCR</b>	Office of the United Nations High Commissioner for Refugees	Haut-Commissariat des Nations Unies pour les Réfugiés
<b>UNICEF</b>	United Nations Children's Fund	Fonds des Nations Unies pour l'Enfance
<b>UNPOL</b>	United Nations Police	
<b>USAID</b>	U.S. Agency for International Development	
<b>WPB</b>	Working Group on Child Protection	

## Preface

This report presents the overall findings from the research component on the Haiti Child Domestic Worker Project. The research was commissioned in 2013 by UNICEF, ILO, IOM, IRC and the Terre des Hommes Lausanne Foundation, in cooperation with the Haitian state. It was carried out with the support of 28 Haitian organisations that have served in a reference group for the research project, providing feedback, advice, and assistance throughout the research period.

The findings in this report are based on quantitative data from a household survey conducted in cooperation with Institut Haïtien de l'Enfance (IHE), carried out in September 2014. Fafo has been responsible for the design of the survey questionnaires, sampling and analysis of statistical data, whereas implementation in the field was done by IHE. In addition, the report draws on insights from an institutional study carried out by consultant Helen Spraos, a qualitative fieldwork carried out in Haiti in September 2014 by Tone Sommerfelt and Helen Spraos, and a survey of recent academic and policy-related works on child domestic work in Haiti (by Henriette Lunde and Tone Sommerfelt). The synthesis and analysis of this data has been completed by Anne Hatløy, Henriette Lunde, Jon Pedersen, Helen Spraos and Tone Sommerfelt.

Fafo takes the opportunity to express its sincere gratitude to all those who have participated in the undertaking and contributed to the success of the Haiti Child Domestic Workers Survey. In particular we are grateful to Institut Haïtien de l'Enfance (IHE) for conducting the fieldwork for the survey with a high level of commitment and professionalism. IHE's team of around 80 people was headed by General Director, Dr. Michel Caymittes and assistant General Director Valery Blot, assisted by technical coordinator Canez Alexandre, and field coordinators Michaud Jouse and Héloïne Gérard. Many thanks also to Pierre Anthony Garraud, who was responsible for setting up and programming the tablets used during the survey.

Fafo also wishes to thank UNICEF, ILO, IOM, the IRC, Terre des Hommes Lausanne Foundation and the Haitian state for initiating this important research, and all the members of the Technical Committee for generously funding and supporting the research and facilitating fieldwork. Special thanks go to UNICEF and Kristine Peduto, Flore Rossi and Pierre Ferry for coordination efforts and in ILO to José M. Ramirez for input during the analytical phase. Nathalie Brisson Lamaute also deserves thanks for comments to the draft report that was presented in Port-au-Prince in June 2015. In connection with his work on the translation of this report into French, Paul Ward-Perkins has also contributed with editing of the English text.

Most importantly we wish to thank people in local Haitian communities for their kind cooperation in responding to the study. It is our hope that the results of the research will inspire national planners and international donors to meet future challenges.

Much of the vocabulary in this report is taken from general social science. Some of our uses of specific terms may deviate from the usage in legal texts and international conventions. It goes without saying that any errors, ambiguities or misunderstanding in this report is the sole responsibility of Fafo.

# Executive summary

## Introduction

This report is an analysis of the overall findings from the research project on Haitian child domestic workers. The research was initiated by UNICEF, the Haitian Ministère des Affaires Sociales et du Travail (MAST), the Institut du Bien-Etre Social et de Recherches (IBESR), ILO, IOM, the IRC and the Terre des Hommes Lausanne Foundation. Additional organisations joined during the course of research, and eventually a group of 28 different organisations supported the research and made up a Technical Committee.

Representations of child domestic work in Haiti seem to fall into two camps. On the one hand, a rights-based media discourse tends to homogenise different practices under a stigmatising label of slavery, and focus on curtailments of children's freedoms. On the other hand, academic literature draws attention to the logic of child rearrangement solutions that grow out of rural poverty, high fertility, and parenting stress and weakening of the caretaking structures in the larger *lakou* residential units. In the latter context, children's agency is also emphasised. In the latter context, however, the specificities of the conditions faced by many children in domestic work arrangements in Haiti in the bad end of the continuum are not made subject of further elaboration.

Aiming to move beyond a narrow conception of "agency", and the concomitant distinction between children's agency and victimisation, we approach child domestic work by putting agency in relational perspective. We explore the many social connections and movements that define working childhood and the specificities of Haitian children's volatility. We argue that the nature of children's social relationships and exclusion better convey the particularities of Haitian child domestic work, in contrast to lack of independence or free will. "Agency" in this Haitian setting, rather than constituted by the degree of freedom to act independently, is the relational dynamics of the multiple social attachments that define children's living conditions. By the same token, local perceptions of agency and action are defined by the nature of social connectedness, and caretaking, loyalty, collaboration and/or resistance to domination in each of these relationships. Our approach also results from a local emphasis on social mobility in these networks that appeared in our conversations with children and youth, child domestic workers, and rural parents. Moreover, we show some ways in which mobility exposes children to risk, focusing on how children in new homes are treated in relation to other children and how these particular social placements give intakes to children's experiences.

## Objective and methodology

The main objective of the research component of the Haiti Child Domestic Worker Project is to establish a better understanding of the child domestic work phenomena in Haiti, as well as mapping the existing institutional responses.

Findings in this report are based on statistical data from a nation-wide household survey carried out in September 2014. The report also draws on insights from a qualitative fieldwork carried out in Haiti in September 2014, and an institutional study that included fieldwork in Haiti from May to September 2014. In addition, we have reviewed recent academic literature and policy-related works on child domestic workers in Haiti. Insights from this desk study appear in comparative perspective throughout the chapters, as statistical data from the survey and material from the qualitative fieldwork and the institutional study are analysed in relation to existing literature in the field. Needless to say, the institutional analysis also relies on document reviews.

## Numbers and distributions of child domestic workers in Haiti

One of the main objectives of the current research is to establish a better understanding of phenomena involving children's domestic work in Haiti. We estimate the percentages of child domestic workers in the child population based on delineations provided by the Technical Committee to this study. In turn, the report estimates the number of child domestic workers based on a definition that takes into account the fact that all children in Haiti, regardless of whether they live with parents or not, are morally and socially obliged to perform some domestic chores.

First, if we define "child domestic workers" as people under the age of 18 years, that perform domestic work in the home of a third party, either paid or unpaid, most of the persons below 18 years who live away from parents fall into this category. This category includes both permissible and non-permissible situations. Among the non-permissible, "child labour in domestic work" defines 15 years of age as an absolute boundary – all work performed in the household of a third party qualifies as child labour in domestic work as long as the child is under the age of 15. With the figures we have in Haiti, this would include 80 percent of children below the age of 15 who live away from parents. However, with the high workloads specified as permissible for the children 15 years and older (arrangements not qualifying as child labour until the workload reaches 6 hours per day for those in the age group 15 and eight hours per day for those in the age group 16-17), very few children fall in the category of non-permissible situations. Put differently, according to this understanding, the numbers on child labour in domestic work drops drastically at 15 years.

Second, a definition based on relative workload, educational performance and parent-child separation gives a different picture. According to these criteria, the age distribution of child domestic workers is different, and numbers increase with age. This definition also leads to considerable numbers of child domestic workers below 15 years of age, but it is not as all-inclusive of the below 15-year-olds as is the first definition.

According to the latter definition based on relative workload, education and parent-child separation (which was also used in the analysis of the survey data from 2001, cf. Sommerfelt, ed., 2002), both the absolute number and the percentage of child domestic workers in Haiti have increased during the last fifteen years. This is true regardless of age limits and whether we base estimates on the upper two or upper three quintiles of work. The highest estimate of 407 000 child domestic workers, obtained by including those over 15 years of age, is probably too high, because of the difficulty in applying standards for schooling and work for that group. Thus, a more reasonable figure is the 286 000 we find when we restrict the age to five to fourteen years.

Partly, the increase in numbers compared to 2001 stems from increases in the child population size due to population growth. Another reason for the increase in numbers compared to previous estimates is that the earlier assumptions about the population size in 2001 were too low. That, of course, is a technicality rather than a substantive issue. Finally, and most importantly, the prevalence of child domestic work has increased.

## **Contexts of children's work and education in contemporary Haiti**

Twenty five percent of Haitian children 5-17 years of age live separately from their parents. This is an increase compared to 2001. Most of these children (21 percent) live together with relatives, while the remaining four percent live with "strangers" (non-relatives, a third party). Fewer of the children living with strangers are currently attending school, and they perform more domestic work than children living with parents or relatives. However, within each group of children there is a large variation in both school attendance and workload. In this respect, there is a small group of children who are worse off than others. Their life situations should not be understood as typical of larger groups of children. The children who have considerable higher workloads and poorer educational performance are found among children who live with parents as well as those who live with a third party. However, an additional strain for child domestic workers in the bad end of this spectrum is the feeling of separateness.

## **Living and working conditions, and experiences of separateness**

Consistent with the 2001 findings, and contrary to common stereotypes, there are no differences in the proportions of child domestic workers of the child population between urban and rural areas. The proportion of boys among the child domestic workers is higher in rural than urban areas, which is related to their participation in agricultural work, a point to take account of given the urban focus of many project activities.

Haitian children perform a large number of household tasks in the households where they live. More child domestic workers than non-child domestic workers do household tasks. It is

not possible to point out clear differences in the workload by children's living-arrangement. Fifteen percent of all Haitian children work after 8 pm in the evening and before 6 pm in the morning. Twenty-seven percent of the child domestic workers work during night-time. This is more than twice as many as the non-child domestic workers. Domestic tasks do not seem to influence on school work to the extent that it shows in statistical terms. The survey material neither reflects differences between child domestic workers and other children in terms of exposure to illness and injuries. The factor that has the highest impact on the children's descriptions of their well-being is whether the child is enrolled in school or not, regardless of whether they are domestic workers or not.

Child domestic workers are vulnerable to exploitation. At the same time, they actively try to improve their opportunities, some successfully, others not. Living and working conditions of child domestic workers, and their different experiences, convey that inclusion and exclusion in family life in their current home better portrays the specific nature of individual child domestic work arrangements. Differential treatment and exclusion from educational opportunities affect children's opportunity situations and their feelings of self-worth. Verbal reprimand from their employers is a source of denigration for child domestic workers, and they feel this as more denigrating than many forms of corporal punishment.

## **Profiles of original homes and employment households – and paths in-between**

Boys more often than girls move shorter distance to or within the rural areas. This reflects the difference in tasks undertaken by boys and girls: girls move to urban areas to take up domestic work in houses there whereas boys (also) take part in agricultural labour in rural areas.

If children's own reports of the use of middlemen better reflect the use of middlemen than the statements among the receiving households (household heads) that pay for the services of middlemen (*kouyite*), it means that the use of a third party that receives payment for placing children in a work relationship is not uncommon (10 percent). For the most part, however, parents, children and receiving (employing) households arrange children's movements through informal networks and without compensation. This should be kept in mind when discussing child domestic work in terms of conscious processes of "recruitment". By the same token, distinctions drawn between different categories of children (child domestic workers, child labourers in domestic work, etc), for instance on the basis of workload, age and education, are constructive for building up an understanding of child domestic work, but must not be understood categorically: These are not different children, but different situations that many children slip in and out of during their life course.

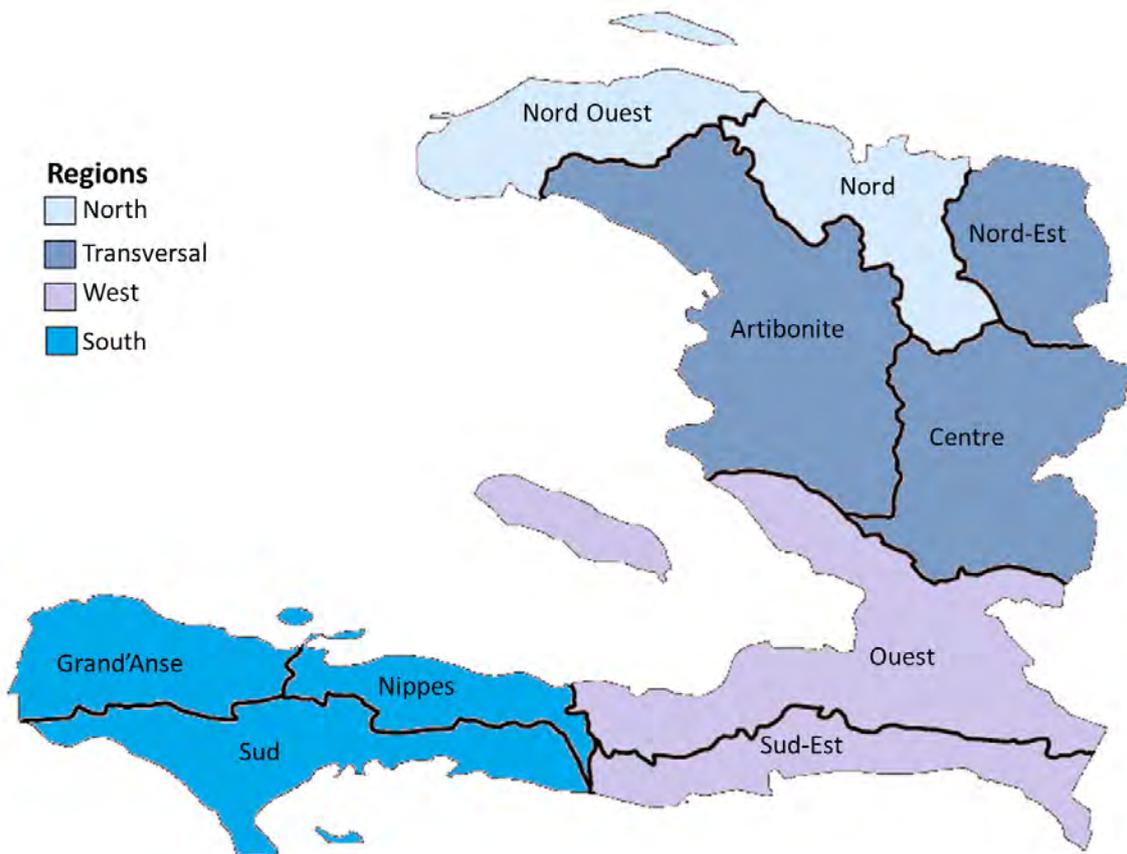
Households that contain child domestic workers score higher on the wealth index than do households that have sent children away during the past five years. Generally speaking, child domestic work is a "solution" for household that are in need of helping hands, but also appears as a way to help out relatives who are in trouble and cannot provide proper care for their children at a certain point in time. With the unpredictability of rainfall and income, many people rely on these kinds of informal help networks: They know that in ten years' time, the ones in need of relief from upkeep of children may be themselves. This does feed children

into the domestic work-“market”. It also means that sending versus receiving children in arrangements of domestic work is not necessarily a matter of attitude, but rather an adaption to difficult phases that parents and households go through.

In addition to informal risk management strategies in a context of poverty, children themselves in the slightly higher age categories (10 upward) often seek employment in order to pay for their own schooling. In this sense, the quest for education is contributing to the supply side of child domestic work.

Moreover, child domestic work in Haiti covers multiple needs and reflects many motivations: The need for relief of upkeep of children among parents, for labour in receiving households, for investment in future security for receiving households (given that they too may need relief of child care at a later stage), and children’s need and wish for an education and better lives. This stands as a contrast to economies in which children’s work covers primarily one need, for instance in a strictly plantation based setting where children work the fields but do not contribute significantly in other sectors. In consequence, several methods must be employed to counter the negative effects of children’s labour.

# Map of Haiti with departments and regions



# 1 Introduction

Tone Sommerfelt and Henriette Lunde

This report is an analysis of the overall findings from the research project on Haitian child domestic workers. The research was initiated by UNICEF, the Haitian Ministère des Affaires Sociales et du Travail (MAST), the Institut du Bien-Etre Social et de Recherches (IBESR), ILO, IOM, the IRC and the Terre des Hommes Lausanne Foundation. Additional organisations joined during the course of research, and eventually a group of 28 different organisations supported the research and made up a Technical Committee.<sup>1</sup> The Technical Committee has acted as a reference group for the study and is chaired by MAST and IBESR.

The research follows up insights from a study that Fafo conducted in Haiti in 2001. The 2001-study resulted in a report entitled “Les fondements de la pratique de la domesticité des enfants en Haïti” (Sommerfelt, ed. 2002).<sup>2</sup> In basing information on a representative sample of the population, it was the first of its kind on this topic in Haiti, and warranted much attention. The aim on this occasion has been to examine the developments of the living conditions and situations of children in domestic work arrangements in Haiti, from 2001 and until 2014, the devastating earthquake in 2010 also raising new questions about recruitment procedures of children to domestic work, motivations among children, parents and caretakers regarding children’s relocation, and incentives connected with aid and disaster relief efforts in the cities. The study also offers opportunities to reflect on Haitian children’s experiences, and to discuss child domestic work in Haiti in light of developments in international legislation.

Among the funders’ stated interests at the time of announcement of this research, were information that could enable a better understanding of child domestic work in Haiti within a broader framework of children’s mobility and vernacular practices of child care (cf. BIT et al 2013, and Annex 5). This perspective was motivated by the fact that child work in the domestic sphere in Haiti partly unfolds in relationships that simultaneously can be described as fostering arrangements. The fact that most arrangements in Haiti are unpaid contributes to blurring any distinction between socialisation and work.

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<sup>1</sup> Following the announcement of research, the original members of the Technical committee – the International Labour Organization (ILO), the United Nations Children’s Fund (UNICEF), the International Organization for Migration (IOM), the International Rescue Committee (IRC) and Terre des Hommes (Tdh-L), IBESR and MAST – were joined by several other organisations. The Technical Committee is composed of 28 organisations, with MAST and IBESR in leading roles. Organisations that joined were Aba Sistem Restavek-Haiti, Ambassade de France, AVSI, Care International, Catholic Relief Services (CRS), Church World Service (CWS), Enpak, Fondation Maurice A. Sixto (FMAS), Free the Slaves, The French Government, Handicap International, Institut Haitien de l’Enfance (IHE), Kinder not Hilfe, Office of the High Commissioner for Human Rights (OHCHR), Office of the United Nations High Commissioner for Refugees (UNHCR), Plan International, Réseau National de Défense des Droits Humain (RNDDH), Restavek Freedom Foundation, Save the Children, UN Women, The United Nations Stabilisation Mission in Haiti (MINUSTAH) and World Vision. The study was funded by the UNHCR but does not officially reflect the position of UNHCR.

<sup>2</sup> In the web and in published literature, this report is variously referred to as «Fafo 2002», «Ministère des Affaires Sociales et du Travail 2002» and «Sommerfelt 2002». We use the latter version of the reference. The report can be found on [http://www.fafarkiv.no/ais/other/haiti/childlabour/EEDH\\_Report\\_final\\_french.pdf](http://www.fafarkiv.no/ais/other/haiti/childlabour/EEDH_Report_final_french.pdf) (in French) and [http://www.fafarkiv.no/ais/other/haiti/childlabour/EEDH\\_Report\\_draft\\_english.pdf](http://www.fafarkiv.no/ais/other/haiti/childlabour/EEDH_Report_draft_english.pdf) (English).

We have followed the initial call for research and concentrated on children's domestic work as it takes place in settings of relocation, i.e. in households different from children's original homes. We shaped research tools and data collection procedures accordingly, in order to enable broader comparisons of children's workloads and schooling in Haiti, and in order to portray children's experiences in different household settings. This seems particularly pertinent when considering that many arrangements that lead into child domestic work come about following children's self-initiated migration to urban areas.

## International discourses on child labour, domestic work and slavery

The 1990s saw a renewed interest in child labour. In reports and rights-based work, the scope widened. Attention was no longer limited to children's work in industry and manufacture, and was increasingly directed towards children's work in the household sphere, in households different from their own, standardised under the label "child domestic labour" (see for instance Black 1997; UNICEF 1999). At the same time, child domestic work was often equated with "child servitude" and "child slavery" (cf. Blagbrough & Glynn 1999). The ILO Convention on "the worst forms of child labour" from 1999 includes "all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour" (ILO C182, article 3). Arbitrary references to this convention in many reports automatically classify child domestic work as slavery. In this usage, the distinction between children's work in the domestic sphere and child slavery remains unclear, but tends to be related to the degree of restraint that children experience, and the degree of exploitation they are subjected to. For instance, whereas children's work in industrial settings is negatively evaluated because it makes part of a commercial wage labour relationship, children's work in domestic settings is typically considered similar to slavery precisely because it is *not* paid.<sup>3</sup> Without considerations of a child's workload, as recent initiatives attempt to do (cf. The International Conference of Labour Statisticians 2008), this effectively includes many forms of child fosterage and caretaking in the category of slavery. Though the equation of children's domestic work with servitude or slavery is appropriate in some cases, it is problematic in cases where children's work input is typical of household production and child rearing more generally.

Odd equations of children's domestic work with servitude or slavery are particularly striking in the case of Haiti. In this introductory chapter we address overall tendencies in the international discourses on child domestic work, as these play out with respect to Haiti, as well as main issues in the scholarly literature. This is of relevance to the present study, as different approaches shape agendas for knowledge production and focus attention to very different aspects of children's experiences.

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<sup>3</sup>The first legal tools regulating child labour were developed in order to protect children from exploitation in the industrial sector. The commercial element inferred by remuneration is one of the underlying assumptions that distinguish "child labour" from "work", "socialisation" or "duty" in much social science literature. See Nieuwenhuys (1994, 1996) and Zelizer (1994) for discussions of moralities of childhood.

## Media and the rights-based discourse on 'restavek'

Only a few days after January 12<sup>th</sup> 2010, news stories reported that children orphaned by the earthquake were targeted by human trafficking. In one article published by the TIME magazine, the journalists quote American-Haitian emergency worker, Mia Pean, saying that “I really fear ... that most of the kids you see being picked up on the streets in Haiti right now are going to become *restaveks* or victims of sexual trafficking” (Padgett & Gosh 2010). The early stories on trafficking were never verified (cf. Schwartz 2014), but they continued to circulate in the media and many NGO webpages referred to an increase in “child trafficking” and connected it with the earthquake, earthquake orphans and Haiti’s history of child work and labour. The linking of child labour with trafficking, as was done in these representations, effectively re-associated child domestic work in Haiti with slavery and “the worst forms” of child labour. The representations also cemented the common stereotype that children in domestic work, including those who work in servant-like situations, live with unrelated strangers.

The equation of child labour in domestic work with slavery was common before the 2010 earthquake too (see Schwartz 2011: 230ff). In rights-based reports and in media-coverage on children’s life situations in Haiti, there has been a broad tendency to link children’s domestic work in households other than their own, with slavery, without qualifications. Haitian children have become a symbol of exploitation of children in general, and no international report of child domestic work can avoid mention of Haiti (cf. ILO 2002, ILO 2004; UNICEF 1999). Haitian *restavek* created headlines in media around the world following a seminar organised in Port-au-Prince in 1984 (see e.g. Anderson et al. 1990: iv; UNICEF 1993: 34) and especially following the publication of Cadet’s book entitled *Restavec: From Haitian Slave Child to Middle-Class American* (1998).<sup>4</sup> In 2000, Cincinnati Post wrote that “Hundreds of thousands of children are living in slavery in Haiti”. In the following years, Haitian “child slaves” appeared in headlines and articles in TIME Magazine, CNN, BBC, and elsewhere (see also Schwartz 2011: 230-233).

A consequence of this surge of public attention to the issue both nationally and internationally is that the *restavek* notion has become increasingly negatively charged, also in Haitian usage. Connotations to exploitation, abuse and slavery trickle down and contribute to increased stigmatization (Moncrieffe 2006). Consequently, many Haitians have become reluctant to using the term.<sup>5</sup> It also seems that inferring a *restavek* narrative occasionally is done opportunistically in order to attract money and attention to different aid projects (cf. Schwartz 2011).

The equation of child labour in domestic work with slavery intensified following a fact-finding visit in 2009 by the UN Special Rapporteur on Contemporary Forms of Slavery that conducted interviews with aid organisations and community leaders (United Nations 2009). The report concluded, “The Special Rapporteur considers the *restavek* system a contemporary form of slavery” (2009: 2). Notwithstanding the varied usages in Haiti over the term *restavek* – and its multifaceted meanings in Creole – distorted images arise when journal articles refer

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<sup>4</sup>The spelling of “restavec” with a ‘c’ is French, whereas “restavek” / “restavèk” is Haitian Creole and is more commonly used in English texts. We use Creole spelling of Haitian terms in this article.

<sup>5</sup>Haitians reluctance to using the term is evident in the very low self-reporting on *restaveks* in households in the HLCS and HYS. In the HLCS from 2001, only 179 children in the age group 5 to 18, or 1.4 percent, were recorded as “restaveks”. In the HYS from 2009, only 10 “restaveks” were reported in the same age group, i.e. 0.3 percent.

to “restavek” as slavery and follow up by presenting estimates of how widespread “this practice” is – reciting, however, estimates of the extent of *child domestic work* or *child labour in domestic work*. The sub-text thus conveys that all children who can be seen as child domestic workers in a legal perspective live under conditions of slavery. This is evident, for instance, in an article on CNN in 2010, where the number 300,000 is supplied, in combination with a reference to the UN labelling of *restavek* as slavery (Cohen 2010), thus indicating that 10 percent of the child population lives in slavery.

A similar process – associating from child domestic work to slavery – appears in newspaper articles that report on individual stories of children who live in horrible conditions (Cohen 2010 is an example, another is BBC article by Thomson 2009). Taking such stories as illustrative starting points, articles usually go on to quote one of the estimates of child domestic workers in Haiti – thus associating, again, the nature of the suffering in the one described case with the experience of the many children who live away from their original parents and work for their upkeep. Inflated numbers of “child slavery” tallies poorly with the experiences of most children we have encountered that live as “child domestic workers”, quite simply because a high workload and delays in schooling is commonplace for children regardless of whether they live with their parents or not. Many of the children that “qualify” as child domestic workers attend school – which they did not while living with parents. Moreover, inflated numbers of “child slavery” seems like an exercise in misplaced blame to the majority of Haitians that live in poverty and lack educational opportunities. Child work and labour is an obvious part of the household production system in many parts of Haiti, but labels of “slavery” to all of the practices that can be defined in terms of child work are simply out-of-place.

When the international discourse on *restavek* obscures the differences in arrangements and rearrangements of child rearing, caring, labour and exploitation, it is partly due to lacking contextualisation of children’s workloads in more general terms. Also, with a few noteworthy examples (Smucker and Murray 2004; Pierre et al. 2009; Sommerfelt ed. 2002), publications on children’s domestic work and child domestic workers based on field research in Haitian households are few, and estimates on the number of child domestic workers are seldom grounded in empirical research (see further discussion in Chapter 3 in this report).

The production of biased reports about Haiti and Haitians seems to be a continuous process (Lawless 1992; Farmer 2006: 188ff.), and extrapolations of “slavery” to all child relocation practices appear as new contributions to this process. Several scholarly writers have criticised the international discourse on *restavek* on these grounds (e.g. Hoffman 2012a, 2012b; Schwartz 2011). Additionally, the media-discourse tends to demonise all the new caretakers of children, and portrays all relocated children as passive victims of abuse.

## **A summary of Fafó’s 2001-study**

In 2001, the Fafó-study combined statistical data from the extensive Haiti Living conditions Survey, and qualitative data produced by a separate anthropological fieldwork. We based quantitative estimates of the number of child domestic workers on legal frameworks that were operative at the time, and defined child domestic work in terms of parent-child separation, high workload of the child, and lack of or delays in schooling. In addition to assessing the

extent of child domestic work in Haiti, the 2001-study described how arrangements of child domestic work ordinarily come about, assessed the economic and social contexts in which child domestic work takes place, and analysed how the practices, relations and processes involved are generated and reproduced.

We found that child domestic workers made up 8.2 percent of the child population aged five to 17 years. The population estimates that were available at the time numbered the child population in this age group to approximately 2.1 million. This gave a figure of 173,000 child domestic workers in 2001. According to counts since then, the 2004 census in particular, the population estimate in 2001 was significantly underestimated. With a child population of 2.9 million in 2001, which is a more probable estimate, child domestic workers would have counted 239,000 in 2001, rather than 173,000.

Not regarding urban-rural status, our data showed that overall, 59 percent of the child domestic workers were girls, whereas 41 percent were boys. In absolute numbers, most of the child domestic workers were found in rural areas. When we considered the *proportion* of child domestic workers of the total child population in urban and rural areas, however, the percentages of child domestic workers were about the same. The 2001-study also identified a tendency that more of the boy child domestic workers originated from rural areas, whereas girls to a larger extent than boys came from urban areas. We also found that urban girls made up a large proportion of the child domestic workers, and among these girls, fewer had kinship relationships to their new guardians.

Based on both qualitative and quantitative findings in 2001, we emphasised that Haitian children's recruitment into child domestic work in households different from their original homes arise from needs related to poverty (parents' low incomes), from parents' hopes of giving their children a better future, the fact that formal education is a highly treasured value, and from priorities among "employing" households in terms of labour needs and their children's schooling. With respect to the latter, we found that households that included child domestic workers had higher incomes than sending households.

The devastating earthquake that struck Haiti in 2010, the flooding and droughts following hurricanes Isaac and Sandy in 2012, and late and poor rainfall in 2013 to 2014 have made life increasingly difficult for many parents and children. These dramatic events, the earthquake in particular, have reinvigorated international media attention to child "servitude" in Haiti, as rumours about urbanites taking orphaned children into domestic servitude have abounded and made international headlines.

## **Scholarly literature on fosterage, family and poverty mitigation**

Literally meaning "a person who lives with someone else", the Creole term *restavek* conveys that a child's co-residence is transferred to new caretakers. In this sense, the term illustrates that work arrangements and "fostering" may overlap. In Haiti, however, the term *restavek* carries other connotations than to fosterage. A *restavek* first and foremost denotes a "child domestic servant" or "maid". The "restavek" child performs household tasks like carrying water, washing, cleaning, and also services for other household members, petty trading, running

errands, etc.<sup>6</sup> The term carries many negative connotations and often evokes the image of an underprivileged child that in many practical, social and emotional regards is set apart from the rest of the children and does not become part of the family. In this way, a person who identifies a child as a *restavek* simultaneously describes the child's assumed living conditions as different from, and worse than, those of other children of a house. The term may also be used derogatory, as an offence, implying that children so defined should answer to the needs of anyone who calls him or her.

However, the meanings and uses of the concept of *restavek* are not universally shared by Haitians, which makes it unfit for purposes of estimating extent in research. Different Creole terms also blur arrangements of child relocation and child work and labour, and especially concepts denoting "servant"-like positions (*domestik, restavek, tiomoun, pitit kay*) and arrangements of "paid board" (*apensyon*) for the purpose of children's education (see Sommerfelt, ed. 2002). "Paid board" is sought when there is no school nearby, children thus being placed in homes in order to attend school, their upkeep compensated for by cash and kind transfers from parents. A range of intermediary arrangements – between "paid board" and servant positions – exist, in which parents or kin agree with new caretakers about the terms for a child's stay, parents paying for the child's schooling, for instance, but the child compensating for upkeep partly by contributing with work.

Early scholarly literature that addressed issues of children's domestic work input and phenomena referred to in Creole as "restavek" has described them as forms of fosterage, and emphasised that delegation of tasks of child raising ("parental roles") to other adults than a child's parents is, or was, widespread. For instance, Mackenzie (1971 [1830]: 273), Herskovits (1964 [1937]: 103-104) and Simpson (1941: 648ff.; 1942: 666-667) have described Haitian arrangements in this regard.

A high level of child relocation is a longstanding feature of Haitian sociality and should not come as a surprise (as expressed in Pierre et al. 2009: 9). In both 2001 and 2009, we found that around one in five Haitian children are not living with any of their parents (Pedersen & Hatløy 2002: 38; Lunde 2009: 45). As we will show, frequencies of parent-child separations are higher in the 2014 data. As we outline in Chapter 4, the current data shows that one in four children live in households without a parent present. In Haiti, child mobility is an integral part of child rearing. Social networks, including extended kin, are crucial channels for social risk management and mitigation of poverty and hardship for Haitian parents. Raising children in rural areas of Haiti have typically been a shared responsibility of the *lakou*, a cluster of households that include a multi-generational family and relatives. Mothers have received support in the care and supervision of their children within the *lakou*, while children have benefitted from multiple caregivers (Edmond et al. 2007). In contrast to Euro-American ideals of the nuclear family, children belong to this wider community and it is a moral obligation to care for children whose parents are unable. Another aspect of moral obligations among kin beyond the nuclear family is that children will be offered in placement to households in need of domestic work or the company of a child. Moreover, high levels of child relocation imply that parent-child separation is no way a sufficient criterion for a work arrangement. It

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<sup>6</sup> We retain a general social science vocabulary when using the concept of «household task». This may differ from usage in international legislative frameworks, and from ILO usage, the latter which seems to use «household tasks» to describe domestic activities performed by children in their own homes and by children in foster situations, while "domestic work" is used to describe domestic activities performed by children in an employment situation. Categorical distinctions between fosterage situations and employment are highly problematic in the Haitian cultural context. For comparative reasons also, and in to investigate which children do what and in which living arrangements, we use the concept of «domestic tasks» with reference to all categories of children.

also implies that households that include relocated children cannot automatically be defined as “employers”. Thus, in order to quantify child domestic workers in a survey, methodology must employ techniques other than self-identification or direct social labelling.

Fluidity in child raising practices is partly related to obligations of kinship and ways that new ties of kinship can be forged. Haitian kinship is constituted through consanguineal ties (“blood kin”), and through marriage and various social contracts and guardianships. Godparenthood is important in this context: A child’s *marenn* (godmother) and *parenn* (godfather) are typically of a higher social standing and they obtain rights in the child’s labour on equal terms with its birthparents, but also accept a social responsibility for the child. The naming of godparents creates morally obligating kinship ties between families and is also a strategic decision that works as a social safety net for vulnerable families (Schwartz 2011). As early as in 1830, Mackenzie described godparenthood as a means used by Haitian landowners to “procure labourers” in agricultural fields (1971 [1830]: 273).

Edmond et al. (2007) argue that the traditional *lakou* system has changed. Land fragmentation and increased poverty has intensified the pressure on Haitian mothers – transforming the model of “multiple” mothering in the *lakou* to a pattern of single mothers becoming the sole caretakers (2007: 20ff.). For some mothers, inability to provide proper care – as they experience difficulties in paying for their children’s food, education and medical care – leads to increased parenting stress. This may affect the levels of out-fostering of children, and the “supply” of children into domestic work. At the same time, it should be mentioned that many of the cases of physical absence of a father in a household is not permanent: Many fathers live and work away from their children but return and contribute economically for periods of time. Many women also link sexual relations to financial contributions from men and thus entertain several sexual relationships at the same time (cf. Schwartz 2011). This does not contradict the fact that the burden of care on Haitian parents is high. Even so, high fertility remains, and is not necessarily a result of the lack of access to contraception. The tendency among many wealthier urbanites in Haiti to argue that the presence of *restavek* and child domestic workers in urban areas can be blamed on failing family planning policies – does not harmonise well with the view of children as a resource among many poorer families. Many parents know that they cannot care for their children for periods of time – but they seek assistance from others and hope their children will be successful elsewhere, and take in the children of others in later phases, when the most resource demanding phase is past (see Chapter 6). As Schwartz has shown, adults are explicit about the economic utility of their children (2011: 135ff.). Many adults also hope to promote their children’s chances of obtaining an education while living with caretakers who are more resourceful than themselves at any given time.

Connected with the significance of extensive networks of kin and the moral obligation of relatives, and opposed to the common stereotype in sensationalist newspaper articles about children in Haiti, most of the relocated children reside with kin and only few with unrelated strangers (see Chapter 4). In some reports, relocated children who are not (previously) related to persons in their current home are described as more vulnerable than other children (Smucker and Murray 2004: 23; Pierre et al. 2009: 10). Consequently, perhaps, some authors have made unsubstantiated claims that the statements of family ties are often false (Suarez 2005), and as such rendered the motives of families both sending and receiving children suspect. These claims rest on a weak understanding of Haitian kinship, and neglect the fact that most parent-child relationships are bonds of mutual assistance and work.

## Child agency

Education has a strong position in Haitian society. Despite structural disincentives for enrolment and success within the Haitian education system (Lunde 2008), parents go a long way to ensure their children an education. In addition to providing opportunities for employment, the socialising effect of education on children is also regarded as important. It is striking that children who regularly sleep in the streets define themselves as *timoun lari* (children of the street) in contrast to *timoun lekol* (children in school), rather than in contrast to *timoun lakay* (children in homes) (Kovats-Bernat 2006, see also Lunde 2008). Putting such a strong stigma on not being in school is likely to provide parents with a strong incentive towards enrolling their children when the possibility is there (Lunde 2008), also when it entails that children move to new homes. This is also related to informal status hierarchies of schools in Haiti, many adults as well as children regarding urban schools as of better quality than in rural areas. Children in Haiti are strikingly concerned with obtaining formal education, and many work to pay for their own schooling.

In much of the scholarly literature, attention is thus paid to the rationale of child rearrangement solutions as they grow out of rural poverty, high fertility (Sommerfelt, ed., 2002; Schwartz 2011), parenting stress and weakening of the caretaking structures in the larger *lakou* residential units, as well as parents' educational aspirations for their children. In recent years, this image has been complemented by literature that shows children's own initiatives with respect to mobility and relocation. Many Haitian children initiate their own migration and are active in seeking better opportunities away from their natal household. Educational aspirations are a motive behind children's voluntary migration in many developing countries (cf. Boyden 2013), and in Haiti, this is tied to notions of learning the ways of urban life (cf. Sommerfelt et al. 2002a: 66ff.). Hoffman points out that many children who are recognised in Haiti as "restavek" see this as an opportunity to "become someone" (2012a: 160). Schwartz has recently described how Haitian children "want out", and often prefer an urban life to co-habitation with a rural parent (2014). Moreover, Hoffman asserts that:

This theme of child agency has been echoed in an extensive ethnographic literature on street children and child laborers around the world that illustrates the large gaps between the subjective realities of child laborers and representations of them that emphasize their victimization at the hands of adults (2012a: 160).

Attention to children's own initiatives in migration and relocation is important and remains a gap in the literature on Haiti. At the same time, a danger of the attention to child "agency" in the current context is that it may privilege the voices of the children whose "manoeuvring" the streets and homes is the most striking, and does not bring to the fore the "bad end" of the spectrum of child relocation arrangements in which the nature of relationships produce experiences of isolation. It also fails to address the slow response by Haitian politicians to address children's fates in "the bad end" of the continuum of living conditions. There *is* an element of class to child domestic work and labour in Haiti – and it relates not only to the economic differences between homes that send and receive children in domestic service – but also to the lacking will to address these issues systematically.

## Beyond a dichotomy of victimhood and agency

As reflected in the discussion above, a cleavage has been produced in representations of Haitian child domestic work, between a rights-based media discourse, on the one hand, and an academic discourse on the other. In the first, where different practices tend to be homogenised under a stigmatising label of slavery, descriptions centre on curtailments of children's freedoms (as outlined above, see e.g. Pierre et al. 2009). In the second, scholars draw attention to the logic of child rearrangement solutions that grow out of rural poverty, high fertility (Sommerfelt, ed., 2002; Schwartz 2011), and parenting stress and weakening of the caretaking structures in the larger *lakou* residential units (Edmond et al. 2007). In the latter context, children's agency is emphasised (Hoffman 2012a, 2012b). However, the specificities of the conditions faced by many children in domestic work arrangements in Haiti in the bad end of the continuum are not made subject of further elaboration.

The divide between the two discourses is based on different views regarding whether, or the extent to which, children in work arrangements have room to act voluntarily, i.e. the agency of child domestic workers. However, the underlying notion of "agency" is understood in the same manner across the divide, and it characterises discourses on children's domestic work, child labour and mobility beyond Haiti. This notion of agency is perceived in terms of the opportunity to make independent choices, i.e., degree of "free will". As agency is presumed as residing in the individual child's range of choices, it is defined as a matter of quantity: a person may or may not have agency (cf. Ahearn 2001: 114), or agency is described in terms of its erosion from "thick" to "thin" (Klocker 2007: 85).

Aiming to move beyond a narrow conception of "agency", and the concomitant distinction between children's agency and victimisation (cf. Honwana 2005: 47ff.; Leifsen 2013), we approach child domestic work by putting agency in relational perspective. As noted, this approach rests on an analytical framework that perceives of relation-making as a basis of personhood (Carsten 2000). In extension, we see the nature of relatedness, in this case in children's various and relative social inclusion in households, as sources of being. We explore the many social connections and movements that define working childhood and the specificities of Haitian children's volatility. We argue that the nature of children's social relationships and exclusion better convey the constitutive essence of Haitian child domestic work, in contrast to lack of independence or free will. "Agency" in this Haitian setting, rather than constituted by the degree of freedom to act independently, is the relational dynamics of the multiple social attachments that define children's living conditions. By the same token, local perceptions of agency and action are defined by the nature of social connectedness, and caretaking, loyalty, collaboration and/or resistance to domination in each of these relationships. Our approach also results from a local emphasis on social mobility in these networks that appeared in our conversations with children and youth, child domestic workers, and rural parents. Moreover, we show some ways in which mobility exposes children to risk, focusing on how children in new homes are treated in relation to other children and how these particular social placements give intakes to children's experiences.

## 2 Objective and methodology

Tone Sommerfelt, Helen Spraos, Anne Hatløy and Henriette Lunde

The main objective of the research component of the Haiti Child Domestic Worker Project is to establish a better understanding of phenomena involving children's domestic work in Haiti, as well as mapping the existing institutional responses. The new knowledge deriving from the research will make national and international actors, both on political levels and in local communities, better able to develop a common program and policy response, in line with socio-economic realities, the institutional environment, and national and international legal frameworks.

The terms of reference for the current research are attached in Annex 5. The research seeks to answer the following overarching questions:

- a) How many child domestic workers are there currently in Haiti? How can their demographic distribution be described?
- b) What are their working and living conditions?
- c) Which factors make children more or less vulnerable to recruitment into domestic work and related arrangements? Which factors make children and child domestic workers more or less vulnerable to exploitation and abuse?
- d) What are the characteristics of the children's original households and the households where they live and work? What are Haitian household heads' perceptions about child relocation and children's domestic work?
- e) What is currently being done to prevent children from entering into domestic work and to protect children already living as domestic workers? What should be done at present?

In addition to broadening the scope of research compared to the 2001-study, the current research thus also includes an institutional study (cf. point E above). The aims of the latter component include:

- Identifying and mapping the organisations and institutions working in the field of protection of child domestic workers in Haiti. These include, for instance, services of the State, NGOs, social partners and community organisations
- Analysing the methods used by these organisations/institutions; determine the types of services offered and reference mechanisms proposed. Methods, services and mechanisms used are for instance immediate care/removal of children from their current location, family reunification, reinsertion, and prevention
- Assessing the financial and human resources available for the protection of child domestic workers.

The institutional study is the first of its kind in Haiti. It is a tremendously diverse and complex sector to analyse. The findings we present in the current study represent a wide-ranging look at the work done by stakeholders currently involved in programming and activities aimed at

prevention and elimination of child labour in domestic work and and/or improvement of the conditions of child domestic workers in legal working age in Haiti, highlighting the legal tools, policies, activities by formal institutions and non-governmental organisations. The aim of this is thus to identify and address overarching patterns, diversity, strengths and weaknesses of intervention strategies.

In order to delineate child domestic work in the Haitian context we combine criteria defined by international legislation with factors related to Haitian social and cultural practices and realities.

## Defining concepts according to international legislation

Haiti has signed a number of international conventions. Currently, instruments of international law relevant to child domestic workers in Haiti are:

- **Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery** (1956), ratified in 1957, which covers

Any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour (United Nations 1956, Art. 1, paragraph d).

- **The Convention on the Rights of the Child** (United Nations 1989), ratified by Haiti in 1994, which requires States to take:

all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child (Article 19).

Article 32 recognises “the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development” (UN 1989).

- **ILO Convention 138** (International Labour Organization 1973) which sets the minimum age for work at 15 years, ratified by Haiti in 2009. However, the Convention opens for a minimum age of 14 for developing countries (cf. Article 2), and Haiti ratified the convention with this specification, thus setting the minimum age to 14. Importantly, ILO C138 permits children (as from the age of 12 or 13, depending on the general minimum age declared) to perform “light work” (Article 7) but requires national authorities to determine the kinds of activities that should be permitted and prescribe the number of hours and the conditions under which such light work can be undertaken.

- **ILO Convention 182** (International Labour Organization 1999) on the Worst Forms of Child Labour, ratified by Haiti in 2007, which, among other, prohibits all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, forced or compulsory labour, and work likely to harm the health, safety or morals of children. Member states are required to take measures to secure the prohibition and elimination of the worst forms of child labour. A list of hazardous work developed in accordance with this agreement will be an integral part of the new Child Protection Code which is waiting to be approved by the Haitian Parliament (see below).
- **The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children**, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol, United Nations 2000), ratified by Haiti in 2009. The Palermo Protocol, article 3a, states that:

‘Trafficking in persons’ shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (UN 2000, Article 3a).

In article 3c, it further states that: «The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if this does not involve any of the means set forth in subparagraph (a) of this article». Finally, in article 3d: «‘Child’ shall mean any person under eighteen years of age» United Nations (2000).

- **The International Covenant on Social, Economic and Cultural Rights** (United Nations 1966), ratified by Haiti by decree in 2012. Among its provisions, Article 10 states that “The widest possible protection and assistance should be accorded to the family ... while it is responsible for the care and education of dependent children “ (Art. 10.1) and that

Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law (article 10.3).

This treaty from 1966 also states that “The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions” (Article 11.1), and that “primary education shall be compulsory and available free to all; secondary education ... including technical and vocational secondary education, shall be made generally available and accessible to all” (Article 13.2).

On the other hand, Haiti has not yet ratified the ILO Convention 189 on Domestic Workers (ILO 2011).

The various legal instruments listed above do not outlaw the performance of household tasks by children in their own homes, which is considered an aspect of children's socialisation to adulthood. As noted above, with reference to ILO C138, "light work" for children aged 12 to 14 is also allowed, as long as it does not impact negatively on the child's health, development and education (Article 7). The age normally allowed by Convention 138 for light work is 13 to 15 years. However, given that Haiti took advantage of the provision that allows 14 as a minimum age for work (Article 2) upon ratification, the stipulated age for light work is affected accordingly (Article 7.4). Thus, from the age of 14, children are allowed to work in a household or elsewhere unless conditions fall under those defined as worst forms of child labour (slavery alike situations and work that by its nature of the conditions in which it is carried out is likely to harm the health, safety or morals of children).<sup>7</sup>

In ILO's global estimate classifications, "child labour in domestic work" statistically includes:

- (i) all children aged 5-11 years engaged in domestic work; (ii) all children aged 12-14 years engaged in domestic work for more than 14 hours per week; and (iii) all children aged 15-17 years engaged in hazardous domestic work which includes "for long hours" defined for purposes of these estimates as "43 and more hours per week" (ILO 2013b: 20).

In extension, for children aged 12 to 14 more than 14 hours of work per week is considered unacceptable "child labour" and less than 14 hours per week is considered permissible "light work" (cf. The International Conference of Labour Statisticians 2008: 60). For a child under the age of 12, however, one hour or more of productive activity (including "unpaid household services"), is considered impermissible child labour.

It should be noted particularly that regardless of hours of work, work should not harm children's health, safety or morals and no work should be forced or compulsory. The latter constitutes worst forms of child labour and is prohibited for all children under the age of 18. In accordance with ILO C182 (and on an ILO mandate), and in order to operationalise the ban of forms of labour to be considered "worst forms" in Haiti, a list of work prohibited for children was developed by a Tripartite Committee that brought together representatives of the Government, unions and employers. The list has been approved by the Ministry of Social Affairs and Labour (MAST) and incorporated into the text of the new Child Protection Code. Technically and legally speaking, if the working conditions of a child domestic worker do not meet the requirements stipulated by the operationalisations in this list, the case is to be considered as illegal, i.e. as child labour, and will be penalised by law.

We discuss the instruments for children's protection in Haitian law in further detail in Chapter 7. At this point, we want to make a brief note on regulations that have implications for our delineations of child domestic work for purposes of estimating extent. The Haitian Labour Code of 1961, amended in 1984, defines and prohibits forced labour in general (art. 4) and sets the minimum age for employment at 15 years for industrial, agricultural and commercial work and 14 for entry into apprenticeships (see e.g. ILO n.d.).<sup>8</sup> Until it was repealed by a law of June 3rd 2003, Chapter 9 of the Labour Code defined the legal conditions for the employment of children in domestic work. The minimum age at the time was 12 years. In 2003, however, this article on minimum age was revoked, but was not replaced by a new minimum age (cf. University of Toronto 2008: 17, further discussed

<sup>7</sup> Cf. article 3 of ILO Convention 182 and Article 333 of the Haitian Labour Code, the latter which is available at [http://www.crijhaiti.com/fr/?page=loi\\_interdiction](http://www.crijhaiti.com/fr/?page=loi_interdiction).

<sup>8</sup> The law is also available at: [http://www.crijhaiti.com/fr/?page=loi\\_interdiction](http://www.crijhaiti.com/fr/?page=loi_interdiction).

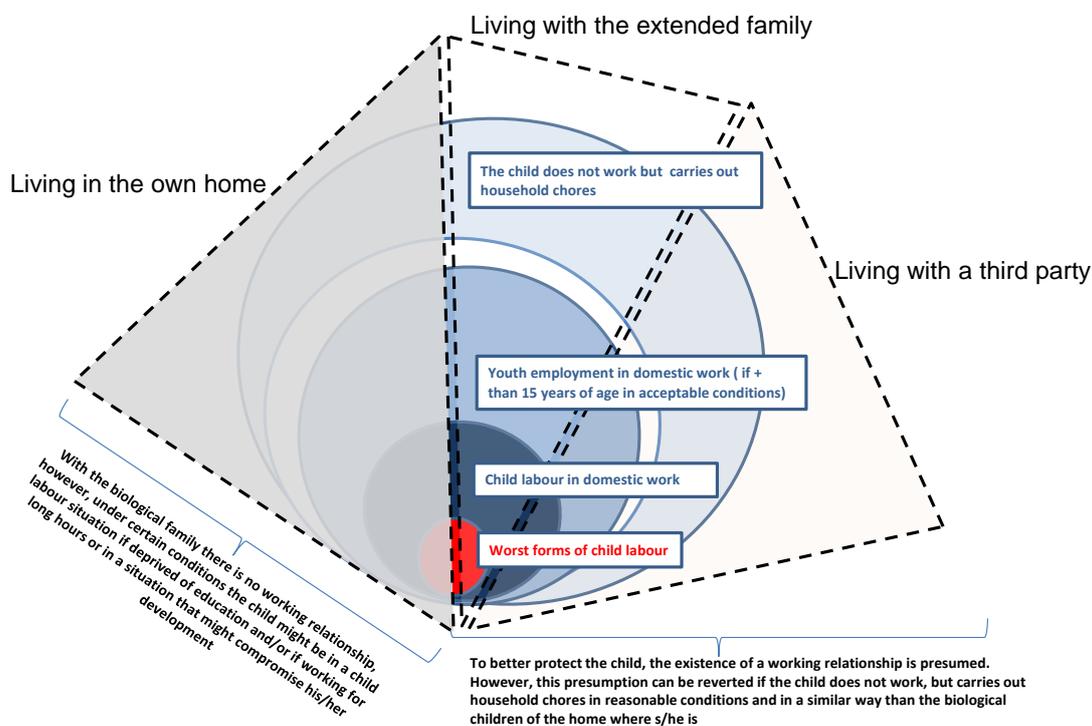
in Chapter 7). Today, facing this void concerning minimum age for domestic work in national legislation, it is the ILO Convention 138 which provides the legal standard. The ambiguity of the minimum age-limits of 14 and 15 thus not only derive from details of Haiti's ratification of ILO C138, but also from the fact that child domestic work is not currently regulated by the National Labour Code. A factor which further contributes to this ambiguity is that ILO C138 establishes that the minimum age for admission to employment should not be inferior to the age at which compulsory education stops. In Haiti, primary schooling starts when children are six years old, lasts for nine school years, and thus ends after children's 14th year of life. This influences delineations of child labour in domestic work in Haiti, and possible interpretations, which we turn to below.

## Delineations drawn by the Technical Committee of the current study

UNICEF and ILO, in collaboration with the other organisations in the Technical Committee of the current study, have prepared the following diagram in order to portray different legal distinctions.

The different definitions and delineations that are built into the figure are listed below, in a conceptual framework developed by the Technical Committee for this study. The concepts and delineations provided can be read as ways to further operationalise terms along the lines of The International Conference of Labour Statisticians (2008), as described above (see also ILO 2013b: 20).

Figure 1 Framework UNICEF/ILO 2014



**Table 1 Definitions of concepts regarding child domestic work according to the framework set by the Technical Committee**

<b>Concept</b>	<b>Definition</b>
Child living in own home	Child living with at least one of his/her biological parents
Child living with the extended family	Child living with members of his/her family other than the biological parents up to the third degree
Child living with a third party	Child living with people other than the biological family or the extended family
Domestic work	Work performed in or for a household or households. It refers to work such as cook, waiter, chauffeur, housekeeper, child care home, gardener, washer person, guardian, etc. The tasks and services vary from country to country and may be different depending on age, gender, ethnicity and immigration status of the workers concerned, and according to the cultural and economic context in which the work is performed <sup>1</sup> .
Domestic worker	Means any person engaged in domestic work within an employment relationship. Domestic workers are employed by private households for which they provide services <sup>2</sup> .
Household services	Production of domestic and personal services by a household member for consumption within their own household
Child domestic work	Refers to the situation where children, that is to say, people under 18 years of age, perform domestic work performed in the home of a third party or employer, with or without pay. In some situations the term employer may include the extended family, particularly when this family treats the child as if he/she was an employee (domestic worker). This general concept encapsulates both permissible as well as non-permissible situations <sup>3</sup> .
Child labour in domestic work	Means domestic work performed by children: below the relevant minimum age applicable in Haiti for the non-hazardous forms domestic work: 15 years; for the hazardous forms of domestic work: more than 6 hours per day between 15 and 16 years of age or more than 8 hours per day between 16 and 18 years of age; or in a slavery-like situation (all persons below 18 years of age).
Child in a worst form of child labour	It is an aggravated form of child labour, in domestic work, includes the following: all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use [as domestic workers] in armed conflict; work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children <sup>4</sup>
Hazardous child domestic work	Domestic work that by its nature or the circumstances, in which it is carried out, is likely to harm the health, safety or morals of children. In Haiti, according to the draft "Order Establishing dangerous and prohibited forms of child labour" (MAST - 2013), it is prohibited to employ children under 15 years in domestic work, in addition, child domestic work is considered dangerous by the conditions under which it is exercised if realized: For more than 6 hours a day for those in the age group 15 to 16 years For more than 8 hours a day for those in the age group 16 to 18 years If the work is performed between 18:00 and 6:00 or If the work is excessively demanding, physically or psychologically
Youth employment in domestic work	Means the professional activities, as part of domestic work, carried out in Haiti by a young person of 15 years of age or more, in decent work employment conditions.

**Table 1 Definitions of concepts regarding child domestic work according to the framework set by the Technical Committee**

Concept	Definition
Children carrying out household services (in own home)	Household chores performed by children in their own homes, on reasonable terms and under close monitoring of adult members of the family, are an integral part of family life and personal development, that is to say something positive. However, when the workload interferes with children's education or is excessive, in such cases, these situations should be considered equivalent to a child labour situation, that is to say, these are situations to be eliminated. Children performing household chores in their own homes, and children involved in domestic work (in the home of a third party) can perform similar tasks. However, in the first case, the element of the employment relationship does not exist, and so we should not refer to these situations as child domestic work.

<sup>1</sup> [http://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---travail/documents/publication/wcms\\_159558.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_159558.pdf)

<http://www.ilo.org/ipecc/areas/Childdomesticlabour/lang--fr/index.htm>

<sup>2</sup> OIT/ILO C.189 and R.201 concerning decent work for domestic workers.

<sup>3</sup> <http://www.ilo.org/ipecc/areas/Childdomesticlabour/lang--fr/index.htm>

<sup>4</sup> OIT/ILO C.182, R 201

In this research, we relate as much as possible to the clarifications outlined above. At the same time, the definitions of “child domestic work” and “child labour in domestic work” above entail that all child domestic work “performed in the home of a third party or employer, with or without pay” below the minimum age of 15 years is included in the category of impermissible child labour. Thus, if we attempt to operationalise it in clear statistical terms, child domestic work becomes all-inclusive for children below 15 years as long as it takes place in the house of a third party, even if it is a relative. In this perspective, even half an hour of domestic work per day qualifies a child below the age of 15 years as a child labourer. There are modifications to this in legal texts but not in current operationalisations. The latter operationalisations rest upon an opposition between “genuine” fosterage arrangements and “employment”, child arrangements that involve work thus being represented in terms of concealed labour arrangements (see e.g. ILO 2013b: 28). Though this definitely is the situation in some cases, such a binary opposition tallies poorly with many informal fosterage arrangements that are practiced in Haiti that involve both care and work.

As we show in Chapter 3, an operationalisation of “child labour” that includes even an hour of work per week in the home of a third party for the below-15-year olds would entail that almost all children living in the home of a third party will be included in a label of “child labour in domestic work”, regardless of whether they combine this work with schooling. Children who live with a parent, on the other hand, will not, even if they have heavier workloads (e.g. three hours per day) and do not go to school. Conversely, for the above 15 year-olds, the hours of work specified are high comparatively speaking: six hours a day permissible for 15 year olds and eight hours per day for 16 and 17-year olds. This workload is difficult to combine with schooling.

Moreover, this discussion illustrates a complicating factor in delineating and estimating child labour, namely that universal criteria of workload that do *not* take into account the general workloads of children in a given context may easily lead to far too extensive estimates. Such all-inclusive estimates run the risk of missing out on significant differences in processes pertaining to the exploitation of children. This is the background for our own approach

that combines legal criteria of child domestic work and labour with other considerations. To underline the point: This is not incompatible with ILO's approach (2013b), in which it is acknowledged that children (also children below 15 year) often engage in household work that does not impact negatively on their education or health. Our approach and emphasis is made with particular reference to problems of operationalisation in research in the Haitian context.

In a report on children's work in the agricultural sector in Haiti's Department du Sud, Howell refers to UNICEF's use of 28 hours of domestic work as defining child labour (Howell 2012: 9n54). This measurement is taken from earlier UNICEF Multiple Indicator Cluster Surveys, and is not necessarily in line with current child labour legislation, or with ILO methods to operationalise child labour in domestic work that defines 14 hours per week as a cut-off point for 12 to 14 year-olds (cf. discussion of ILO's global estimate classifications above, ILO 2013b: 20). As our aim in the current study reaches beyond classification of cases into "child labour" and "non-child labour", however, we analyse children's activities and assess variation in domestic workloads in broader terms. We therefore employ both 14 hours and 28 hours per week as descriptive criteria, among several.

One final methodological point should be made in this context, with respect to the assessment of "hazardous child domestic work". One of the criteria in the definition above (Table 1) specifies that work is hazardous if "excessively demanding, physically or psychologically". For statistical purposes, it is challenging to find good operationalisations of hazardous work in Haiti. We return to this issue in Chapter 3 and consider working conditions in Chapter 5.

Keeping with the focus of the current study, and taking into account the discussion above, we concentrate on children's domestic work in households different from their original homes. At the same time, we enable comparisons between children's workloads and education in different household settings. It should also be noted that, in research terms, we do not "presume" that arrangements should be defined as "working relationships" until the opposite is proven (as indicated in the lower right corner of Figure 1), but set out, precisely, to document workloads empirically. However, the criteria for a non-labour relationship defined in Figure 1 – specifying that a child is in school and does not work, but performs housework in the same way and under similar, acceptable conditions as other children in the household in which he/she lives – overlap with the criteria employed for the current study.

## Approach

In the following we avoid the *restavek* term and focus our analysis on child domestic work in more general terms, as this is defined in different international legal frameworks. At the same time, our approach takes the cultural context of child mobility and workload into account. In order to estimate the extent of child domestic work in Haiti, we have defined a child domestic worker according to the following four criteria:

- the child is living without parents;
- has a high domestic workload, defined as in the upper three quintiles of weekly work hours for children's age (see Chapter 4);
- has insufficient education, i.e. never enrolled, not currently enrolled or enrolled in a lower level than expected for his or her age, and finally;
- is aged five to 17 years (below 18).

The lower age limit of five years does not imply that younger children are regarded as not exposed to exploitation, but rather reflects estimation purposes and possibilities, delays in education not making sense for children below five years of age. Furthermore, we calculate living and working conditions based on data for all children aged five through 17 years. With reference to the estimate of child domestic workers – we provide figures for the number of child domestic workers based on workload, inferior or no education and separation from both parents, for the age groups five throughout 14; five throughout 15, and finally five throughout 17 (see Chapter 3).

In addition, we analyse domestic workloads that exceed 14 hours and 28 hours per week for the different age groups. The aim of this, and of the calculations mentioned above, is to enable a discussion of targeting: who should projects aimed at child domestic work try to reach? Should they aim at reaching the many children that are above 15 years and who have heavy workloads, or the children below 15 years who live with a third party but do not (as we show) have heavy burdens of work?

In theoretical terms, the aim of this approach is to depict patterns of interaction. Hence, we approach child domestic work as a social system, and seek to understand why original families, children themselves, and the people who “employ” them, act and react the ways they do, given the opportunities they are faced with. This analysis enables an understanding of how practices and relations are generated, and thus, an understanding of the effects of intervening in these practices, and how such interventions should be directed. Furthermore, and as discussed in Chapter 1, we aim to move beyond a narrow conception of children’s “agency”, and the concomitant distinction between children’s agency and victimisation (cf. Honwana 2005: 47ff.; Leifsen 2013). Thus, we approach child domestic work by putting agency in relational perspective. This approach rests on an analytical framework that perceives of relation-making as a basis of personhood (Carsten, 2000). In extension, we see the nature of relatedness, in this case in children’s various and relative social inclusion in households, as sources of being. We explore the many social connections and movements that define working childhood and the specificities of Haitian children’s volatility.

## **Methodology, fieldworks and sources of data**

Findings in this report are based on statistical data from a nation-wide household survey carried out in September 2014 (see Lunde, Liu and Pedersen 2014). The report also draws on insights from a qualitative fieldwork carried out in Haiti in September 2014, and an institutional study that included fieldwork in Haiti from May to September 2014. Below, we supply more specific information on the different methods employed for producing data.

In addition, we have reviewed recent academic literature and policy-related publications on child domestic work in Haiti. Insights from this desk study appear in comparative perspective throughout the chapters, as statistical data from the survey and material from the qualitative fieldwork and the institutional study are analysed in relation to existing literature in the field. Needless to say, the institutional analysis also relies on document reviews (see especially Chapter 7).

## The survey: Questionnaires and sample

The survey was developed to generate updated estimates on the number of child domestic workers in Haiti. We have also wanted to identify characteristics of households that are prone to send and receive children in domestic work arrangements (e.g. in terms of household size and economy), and to characterise the profile of child domestic workers in terms of age, gender, type of tasks performed, workload, education, health, punishment and abuse, sleep and sleeping arrangements, clothing, and parental contact. Extending the survey tool from 2001 in order to better capture migration pattern of child domestic workers, we added questions on children's number of moves, reasons for moving, and the social circumstances around children's mobility (in line with the Haiti Youth Survey from 2009, see e.g. Lunde 2010). As a result of this, and following input from the IHE, the Technical Committee and Fafo's desk review, the quantitative survey questionnaire used for the current research has been extended and is far more detailed on issues relevant to children compared to the 2001 questionnaire.

Two main questionnaires were used: a household questionnaire and a questionnaire for a randomly selected child. The *household questionnaire* contained three rosters and a set of questions about the household. A household roster collected basic information about all household members, while a child roster collected more detailed information on children in the household aged 5-17. Main topics in the child roster were education, domestic work, social conditions, health status and parental contact. In addition, a roster for children who had left the household the last five years prior to the survey was included. The household questionnaire also contained questions on household level on topics such as household economy, dwelling and infrastructure, as well as a module on perceptions of child relocation.

In each surveyed household a child responded to the *randomly selected child questionnaire*. Households without a member in the age range 5-17 were not found eligible for interview. In households with children living without their parents, the child respondent was randomly selected within this group of children. In households without children separated from their parents, the respondent was randomly selected from all children within the age range. The child questionnaire included questions on the same topics as addressed in the household questionnaire, but they were directed to the individual respondent. In addition the child questionnaire included questions on relocation, treatment in the household and a short psychological mood and feelings self-assessment. The self-assessment questionnaire is designed to screen for depression in general populations of children and adolescents from the age of eight (Angold et al. 1995). The depression index is reported on in the current synthesis report. The tabulation report includes some of the individual questions that make up the index (see tables 6.9 to 6.14 in Lunde, Liu and Pedersen 2014). Both the household and the child questionnaires are to be found at [www.fafo.no](http://www.fafo.no).

The survey sample included 2,160 households, distributed in 80 randomly selected clusters, stratified according to an urban/rural distinction (see the Tabulation report for details: Lunde, Liu and Pedersen 2014). The national sample was stratified into four regions: North, South, Transversale and West (the latter including the metropolitan region). At the first stage of sampling, the 80 clusters were selected based on a probability proportionate to the number of households in each cluster. Prior to the second stage of sampling, each cluster was mapped and all households were listed and screened for the presence of children not living together with their parents. In total, 13,402 households were visited as part of the screening exercise. Two lists were made in each cluster: one for the households hosting children separated from their parents

and one for households not hosting children separated from their parents. For each cluster, a total of 27 households were selected. Out of these, 20 households were randomly chosen from the list of households with children separated from their parents and 7 households were chosen from the list of households without separated children. In clusters where there were less than 20 households hosting separated children, all were selected for interview and additional households were selected from the other list, giving a total of 27 households in each cluster (Lunde, Liu and Pedersen 2014: 12). In each eligible household two respondents were interviewed:

1. The head of household. If the household head was not available, another adult, informed household member was interviewed
2. A randomly selected child in the household. In the households hosting separated children, the child was selected from this group of children. If there were no children aged 5-17 living in the household, the household was not found eligible for interview.

In total, 2,078 households and 1,617 randomly selected children were interviewed. Out of the children, 959 were separated children and 658 were children living with their biological parents. The response rate was 98.7 percent on the household level and 97 percent on the child level.

### **Qualitative fieldwork**

The qualitative fieldwork aspired to a methodology that was as close to an ethnographic fieldwork as possible. This is to say that field research attempts to document human practices through participatory observation rather than simply interviewing (thus grasping what people do as well as what they *say* that they do). At the same time, with the given time frame, fieldwork was bound to become reliant on extensive interviewing. Fieldwork was carried out by Tone Sommerfelt (PhD of anthropology, who also conducted fieldwork for the 2001-study) and Helen Spraos. Helen Spraos has carried out the institutional analysis for the current research, and Fafo wanted to benefit from her insights from that study as well as from her long-term engagement with work in Haiti, her Creole language skills and wide, informal, network of people and families independently of NGO and GO-networks.

Respondents, interviewees and participants were recruited partly by the assistance of the Technical Committee, via UNICEF, and partly through the independent and personal networks of Helen Spraos and Tone Sommerfelt. In addition, we also recruited respondents “sur site”: People who heard that we were in a settlement volunteered to tell us about their own experiences, views, and histories relating to sending or receiving children. Recruitment of research participants through NGO networks carries with it advantages as relates to access to the field and relevant information. At the same time, there are obvious disadvantages associated with relief organisations being involved in information gathering. A main point of the qualitative fieldwork is to disconnect information gathering from directly related project work, in order to avoid that respondents adjust their explanations to the hope of obtaining direct assistance or benefit as a result. This was also one of the reasons why we tried to recruit as many respondents possible independently of NGO-networks. On at least three occasions, recruitment of interviewees through NGOs did not work according to our intention, in the sense that we were clearly associated with the NGOs in question in a manner which shaped people’s accounts.

The overall aim of the supplementary qualitative fieldwork was to provide independent findings that cannot be obtained by a pre-defined questionnaire design, as well as to provide input on

the analysis of the quantitative material by identifying relevant connections to explore statistically. The design of the qualitative methodology was thus made open-ended and flexible. The topics covered in interviews, informal conversations and group discussions with people included especially:

- The different mechanisms of recruitment of child domestic workers, including initiatives among caretakers, employers and children and the use middlemen or recruiters (a topic that arose during the 2001-study but that could not be pursued in detail)
- Motivations and life experiences of children in domestic work and among former child domestic workers in the areas of origin and of destination.
- Reasoning over child placement among the original caretakers of child domestic workers, including parents' views on children's education
- Perceptions among employers with regard to the use of children as domestic workers and the treatment of children taken in

Our conversations with adults and children additionally pursued issues we could not have foreseen, especially relating to the details of the difficult economic situation following the last drought in 2013/2014, and individual life histories in the aftermath of the 2010 earthquake. The different categories of respondents included current and former child domestic workers, and other children living away from original family (in different forms of living arrangements); receivers/guardians/employers of child domestic workers; parents and/or family members of children sent into domestic work or into a new home; middlemen, formal and informal, in the recruitment process of child domestic workers (no formal recruiters, *koutiye*, were identified); Resource personnel/other key informants (religious leaders, school teachers and headmasters, local community leaders, NGO-representatives, etc.), and other adults and children not directly or personally involved in child placement.

Fieldwork and interviews were carried out in September 2014, and took place in in different areas of Carrefour Feuilles, also in also camp settings; in different neighbourhoods of Port-au-Prince (including Cité Soleil) in camp and non-camp settings; in different areas of Petionville, Jacmel, Marigot (Plateau Desira, Seguin and Cassé Dent) and in Grand Goave. In addition to a series of informal conversations, this fieldwork included individual interviews and group discussions with approximately 110 people (see table in Annex 1 for details). Transcription of these interviews was done at night-time during fieldwork and in the weeks following fieldwork. All transcriptions were double checked by both fieldworkers.

### **Institutional study**

Helen Spraos, an international consultant who is Creole-speaking and has 15 years' of experience in programming activities and research in Haiti, conducted the institutional study. The techniques used to collect the data in this report were essentially:

- Document reviews, with a particular focus on the material produced by organisations and institutions active in the field of child protection in Haiti, and in particular, of children in domestic work (publications, reports, leaflets, DVDs, etc.). Reviews included internet sources and written information from organisations that participated in the study.
- Semi-structured interviews, lasting from 20 minutes to three hours, conducted with resource persons belonging to the organisations that are the subject of institutional analysis (the guide is to be found in Annex 3). A total of 123 people representing

58 institutions participated in the interviews over a period of six weeks, from 6<sup>th</sup> of May to 20<sup>th</sup> of June 2014, and during the period from September 12<sup>th</sup> to 21<sup>st</sup> (cf. list of participants in Annex 2). Most interviews were conducted face to face, but three were conducted over telephone. Much of the interviews were conducted in Port-au-Prince because of the concentration of offices in the metropolitan area.

- In addition to interviews carried out in the metropolitan area, field visits were conducted in Jacmel in the Southeast department, the city of Les Cayes in the South and in Grand Goave in the west, in Mirebalais in the Central Plateau, and Gonaives in the department of Artibonite. This enabled us to become familiar with initiatives that take place outside of the capital and to get insights into the perspectives of persons involved in these decentralised activities.

Though insights from the institutional study appear throughout the chapters, the main findings are gathered in Chapter 7. The institutional study is the first attempt to map the stakeholders and the methods they use in the sector in Haiti. Therefore, we sought to identify and make contact with as many stakeholders as possible instead of proceeding on the basis of a sampling according to criteria of randomisation. We used a 'snowball' approach, taking the members of the Technical Committee as a starting point and following up with the organisations mentioned in these interviews. In view of the short time available and the many organisations of civil society that seek to address the issue of child domestic work in Haiti, we were unable to meet all stakeholders. However, we were able to make contact with the majority of the actors playing a key role in the sector and, in addition, keep a balance between the different types of institutions (public, private, non-governmental, community) and include several geographical regions. For the same reason, we were not able to visit all the departments of the country, and chose to prioritise the relatively accessible major towns where it has been reported that the mechanisms for the protection of children has had some momentum.

Our interview notes were analysed according to our main themes of interest, particularly regarding mandate, mission statements, strategies adopted, partnerships, achievements and constraints, resources and financing. Detailed data were registered in a separate database. The database includes data on 31 organisations. The data is incomplete (due to difficulties in obtaining data), but provided a basis for drawing a picture of the scale of the interventions of organisations in the sector rather than details of each actor.

Aiming to highlight general tendencies, especially with respect to the organisations' methodologies, the institutional study in this report cannot deal with all aspects of the work of institutions. As it is also different from an evaluation – it does not set out to measure the impact of various approaches and intuitions. Furthermore, we could not force institutions to participate. This has consequences for the current study. However, information does enable us to portray main actors in the sector as well as trends in the efforts made in the sector.

Some particularities of the methodological challenges we faced during the institutional study should be mentioned. Several organisations target vulnerable or abused children – or child protection generally – without distinction and without explicit definitions of child domestic work. Children included in such programming activities are, for example, street children, orphans and abused children, as well as children in domestic work. Therefore, it is often difficult to quantify organisations' input, e.g. the number of child domestic workers included in programming activities or the scale of resources intended for them.

Also, much information provided by the organisations we contacted is inaccurate and not suitable for further comparisons, either because time periods for which data is reported do not match, or the bases of data compilation differs (e.g. the budget figures may include salaries

in some cases, but not in others). Data on children reported by the organisations are often disaggregated by children's gender, but when they are, they rarely report on age groups. Furthermore, there is a risk of double counting because donors provide figures in order to cover activities implemented by partners that have reported separately.

With few exceptions, relatively little additional information was made available by organisations that participated in the institutional study in written form. Most information was presented in the form of verbal shared data during interviews of limited duration. This may lead to inaccuracies. In addition, some people were unable to respond to our request for an appointment during fieldwork due to illness, extended travel etc, leaving gaps in information. In other cases, interviewees were unable to provide the requested information. Some information was also received at a very late stage of the research process, and was difficult to include in the main analysis.

Finally, the absence of a definition of a “child domestic worker” in the organisational sector and a clearly defined framework has made discussions with partners difficult. Some ambiguities arise from the legal framework itself (see discussion above). Furthermore, the use of the terms “trafficking” (as defined in Article 3a of the Palermo Protocol, as discussed above) and “slavery” complicates debates, as they might convey the wrong idea that all children in domestic work are subject to trafficking or live in a situation similar to slavery.<sup>9</sup> In addition, the Creole term “restavek” is occasionally used to translate the term “child domestic worker”, or is used in English or French sentences. As this notion carries negative connotation and is often experienced as stigmatising, this usage too has occasionally made discussions unclear. What is more, the notion of *restavek* does not encompass all forms of child domestic work in the legal sense.

Despite these challenges, the institutional analysis presented in this report provides the opportunity to discuss priorities and the philosophies and assumptions on which organisations base their work. The aim is to relate this discussion to the empirical findings from the qualitative study and the survey data. In turn, the objective is to make recommendation about priorities as well as possible consequences – and unintended consequences – of initiatives aimed to improve the lives of children in Haiti, and children in domestic work. We hope to provide new insights regarding the actions taken by various actors so far and contribute to advancing efforts to enable children to fully enjoy their rights.

### **Ethical considerations**

Participation of children in research requires particular attention to ethical guidelines. The Fafo research team has extensive experience from research with children in developing countries, also from research collaboration with UNICEF and the ILO, on issues pertaining to vulnerable children in particularly difficult life situations. During the development of the methodology for the current study, the guidelines of the international “Ethical Research Involving Children (ERIC)” project were consulted (cf. Graham et al. 2013). We paid particular attention to the ethical challenges that arise in relation to the roles and responsibilities of researchers and sponsoring institutions, achieving meaningful informed consent, maintaining confidentiality and privacy, assessing the representativeness of “local authorities” in facilitating research on behalf of vulnerable populations, and finally, ethical issues that arise in the publication or dissemination of research findings.

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<sup>9</sup>Smucker and Murray (2004: 155ff) discuss sensationalist images and approaches in this respect.

It is important to emphasise that participants to this study (as well as names of villages or local communities) will remain anonymous. Participants were also made aware of the fact that the research will not lead to immediate or direct intervention from FAFO, though NGO's or governmental organisations may use the information to organise activities. This unless there were children in need of immediate assistance, in which case the reference system put up by the Technical Committee was referred to, an arrangement we describe below.

The research project set-up with a Technical Committee improved the opportunities for doing ethically sound research with follow-up from organisations after interviewing. Ahead of the fieldwork for the survey, interviewers received two weeks of training. The supervisors participated during the interviewer training and received an additional two weeks of specialised training. All participants in the survey signed a code of conduct developed by UNICEF. Some of the topics asked about in the interviews with the children were of a sensitive nature, for instance their treatment relative to other children in the household and their feeling of self-worth. Only female interviewers were used during the survey. The training was conducted by IHE staff, supervised by Fafo and following a field manual developed by Fafo. The technical committee was represented by staff from World Vision, and the International Rescue Committee (IRC), who held lectures in child sensitive interviewing. UNICEF trained the field staff on how to identify potential cases of abuse, based on observations during the interviews. If the interviewers or supervisors suspected that a child was subject of abuse or maltreatment in the household, they were instructed to report to their field coordinator. The field coordination would then refer the case to UNICEF, who would be responsible for investigation and follow-up. No suspected cases of child abuse were reported during the quantitative fieldwork.

All qualitative interviews were conducted with informed consent: information about the purpose of the conversations was given at the beginning of each interview and group discussion. During the qualitative fieldwork, we came across several accounts of abuse from children during fieldwork. All of these accounts were retold in centres where the children were already taken into care precisely because of this abuse. In addition, we forwarded several children who were not in school to different educational facilities. Between 10 and 15 of these children were later assisted by community workers into educational arrangements.

## Chapter outline

Chapter 3 makes estimates of the number child domestic workers based on different criteria, and presents some general demographic characteristics. Chapter 4 describes some overall characteristics of children's living arrangements, workloads and educational levels, in order to provide a broader perspective for comparisons of child domestic work with situations defined in different terms. Chapter 5 focuses on the children's working and living conditions, and on experiences of the conditions under which child domestic workers live. In Chapter 6, we analyse the broader socio-economic relations of which child domestic workers make part, by way of assessments of the children's backgrounds; the households that employ children for domestic work; and the relationship between them in term of social inequality. Chapter 7 presents the institutional study and Chapter 8 sums up research findings, discusses how methodologies in the policy field match the empirical realities on the ground, and present recommendations.

## 3 Numbers and distributions of child domestic workers in Haiti

Jon Pedersen and Anne Hatløy

One of the main objectives of the current research is to establish a better understanding of phenomena involving children's domestic work in Haiti. In this chapter, we start by estimating the percentages of child domestic workers in the child population based on delineations provided by the Technical Committee to this study (cf. Figure 1). In turn estimate the number of child domestic workers based on a less inclusive definition.

### Different definitions produce different numbers

In Table 1, a series of definitions were listed. If we employ the different definitions used in the list, we find the following percentages in Haiti:

**Child living in own home:** In Haiti, three out of four children (74 percent), aged five to 17 years (i.e. below 18 years), live with one or both parents. 44 percent of all children live with both parents, while 30 live with only one parent. In the presentation of quantitative results throughout this report, we refer to these, interchangeably, as “children living with parents” and “children living in own home”.

**Children living with the extended family:** Seven percent of Haitian children live in the household that they were born into, but where parents have moved out or have died. These children most often live with grandparents or their parents' siblings. Another 11 percent of children in Haiti tell that they live with what they refer to as “well-knowns” – which mainly are relatives. In total, then, 18 percent of children aged five to 17 in Haiti are living with their extended family. In the presentation of quantitative results throughout this report, we refer to these, interchangeably, as “children living with other members of family” and “children living with the extended family”.

**Children living with third party:** The remaining seven percent of Haitian children are living with what they characterise as people they did not know prior to the move into their present home, or who they only knew a little before they moved. In the presentation of quantitative results throughout this report, we refer to these, interchangeably, as “children living with non-relatives” and “children living with a third party”.

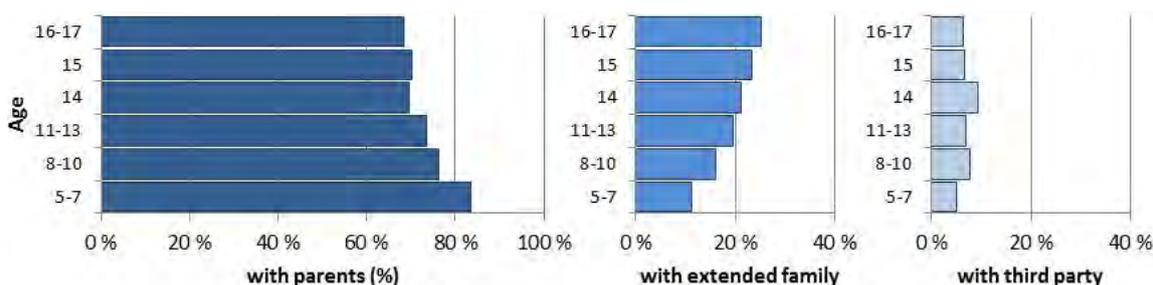
Furthermore, it is a clear tendency that it is the older children that move to extended family, whereas movements to a third part are not related to the age of the children (Figure 2).

**Domestic work/household tasks:**<sup>10</sup> Only two percent of all children in the age group five to 17 report that they never do any domestic tasks. It is only children below eight

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<sup>10</sup>As noted in Chapter 1, that we do not distinguish between domestic work and household tasks or chores in this context. Thus, we employ these terms synonymously, and use them both with reference to children who can be considered “child domestic workers” and those who cannot, according to international legislation.

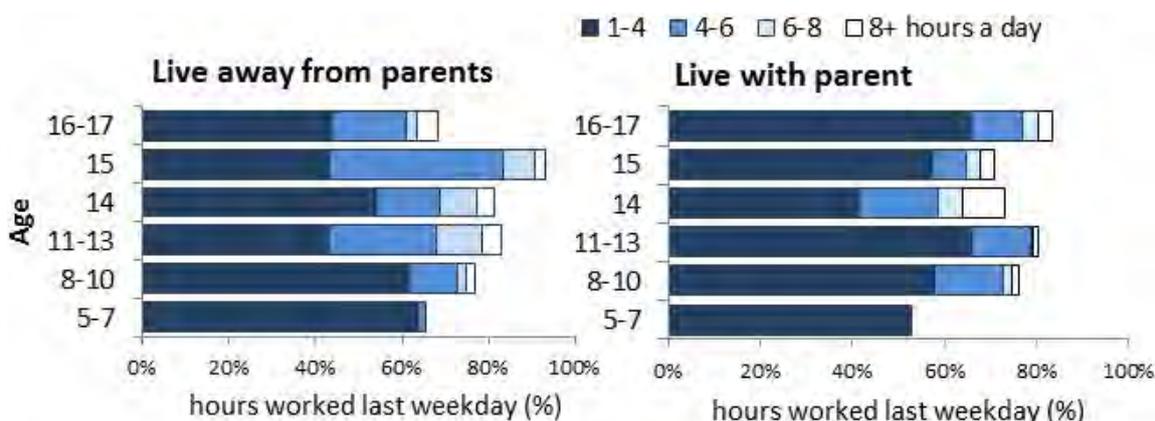
Figure 2 Living arrangement by age groups



years of age that say they never carry out any such work. Among the latter, 11 percent say they never take part in any domestic work. Another 24 percent of all children (regardless of age) did not perform any work the day before the interview (“yesterday”, or if the last day was a weekend, last weekday), but report to do such work on a regularly basis. Six out of ten children (57 percent) carried out less than 4 hours of household work the last workday. More than 8 hours of work was carried out by two percent of the children, and three percent worked between six and eight hours. As Figure 3 shows, around four out of five children eight years of age or older did some form of work the previous weekday.

**Child domestic work:** We have seen that most children in Haiti do some sort of household tasks. According to the framework provided by the Technical Committee to this study, whether such tasks should be considered “child domestic work” depends on whether or not a child lives with a third party (among other factors). In this framework, child domestic work refers to a situation where children perform domestic work in the home of a third party or employer, with or without pay. Out of the children in Haiti that live separated from their parents, only one percent says that they never perform domestic tasks, and another 21 percent had not performed any domestic tasks the previous weekday. Put differently, in this framework, nearly all of the children who live away from parents perform household tasks, and a majority of these cases qualify as child domestic work, permissible and non-permissible.

Figure 3 Hours of work spent on household tasks yesterday by age. The length of each bar shows the percentage of children in each age-group that worked the previous day



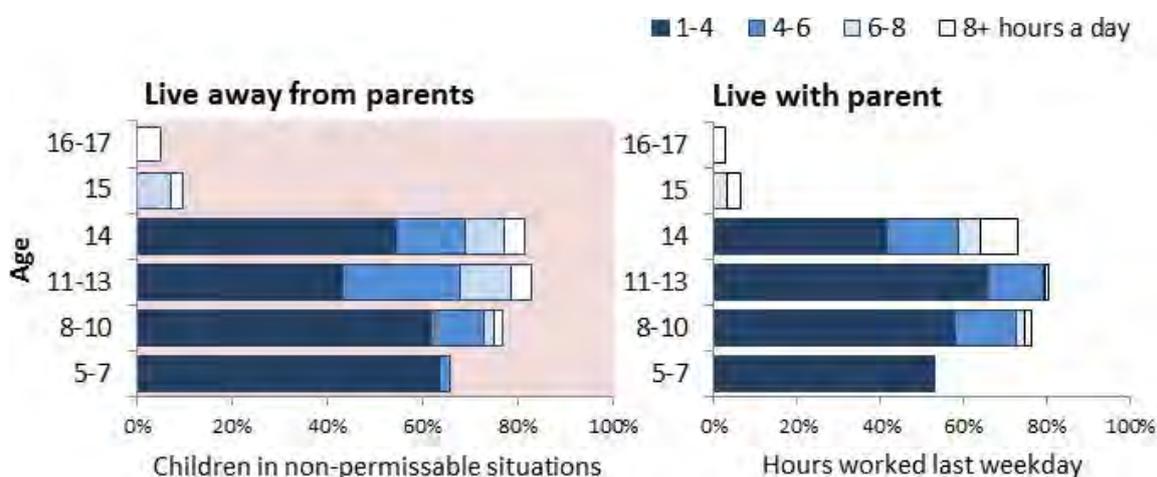
**Child labour in domestic work:** Child domestic work encompasses both permissible and non-permissible conditions. “Child labour” in child domestic work makes up the non-permissible situations. This framework further follows specific minimum ages. In Haiti, the minimum age for non-hazardous forms of domestic work is 15 years. Thus, strictly speaking (and related to problems of operationalisation, as pointed out in Chapter 2), nearly all of the domestic tasks that younger children carry out exceed the level of hours considered as acceptable in this framework and consequently fall in the category of unacceptable level of domestic work (the rule is absolute for children aged 11 and below). Note that 80 percent of all children below 15 years who live away from parents engage in domestic tasks and domestic work.

Children 15 years old may legally work up to six hours a day, and children aged 16 and 17, up to eight hours a day. Very few children work so many hours. In Haiti, our figures show that among the 15-year-olds who live away from parents, a total of nine percent work six hours or more per day. In comparison, among the 15 year olds who live with parents, the figure is six percent. Among the 16 and 17-year-olds who live away from parents, five percent work for eight hours or more. In comparison, three percent among the 16 and 17 year-olds who live with parents work eight hours or more per day. It should be noted, that many children aged 15 to 17 (i.e. below 18 years) work from one to six hours per day. A workload of four to six hours per day is difficult to combine with education.

In Figure 4, all the non-permissible situations – ‘**Child Labour in Domestic Work**’ – are put against a red background. As noted, we focus here on children that live separately from their parents (not the cases of work-like activities or abuse that takes place in the child’s parental home). In line with our comment above, special attention should be made to the children younger than 14 years of age that work more than four hours a day. As many as 40 percent of the children who live away from parents aged 11 to 13 years work more than four hours a day, and 15 percent work more than six hours per day. Very few of the children in that age group that live with their parents have such a workload.

Another group of children that requires scrutiny is the children living with their parents, and have a high workload, as shown to the right in Figure 4. Most children of this category do perform work. Even though this is considered “permissible” in the given framework, a workload of more than four hours a day is difficult to combine with schooling.

Figure 4 Child Labour in Domestic Work (left) compared to children living with parents with same workload (right)



As specified above, according to this framework, nearly 80 percent of the children below 15 years of age living separately from their parents will belong to the category “Child Labour in Domestic Work” (but recall comments on criteria of operationalisation in the previous chapter). In contrast, only nine percent of the 15 years-olds and five percent of the 16-17 years old children living without parents will be defined in this group.

In the Haitian context, to single out child domestic workers in **the worst forms of child labour** is particularly difficult. This applies equally to children below 15 years and 15-17 year-olds. As will become evident from the analysis that follows, this is related to the fact that all Haitian children work (whether domestic workers or not, see Table 10 and Table 11). Also, children perform the same types of tasks, rather than child domestic workers engaging in different forms of work from other children. Usually, children perform domestic tasks without being paid, which complicates the application of terms such as “exploitation” and “slavery” to describe (some) child domestic workers specifically. Furthermore, and as mentioned in the previous chapter, one of the criteria used to define **hazardous child domestic work** in the ILO framework (Table 1) specifies that work is hazardous if “excessively demanding, physically or psychologically”. Other criteria include children’s work with dangerous object and hazardous substances. Again, considering that most Haitian children engage in the same types of tasks that also involve the use of sharp object or proximity to open fire (see Figure 23), singling out child domestic workers in the “worst forms” of child labour is challenging. We return to working conditions in Chapter 5, but emphasise that these considerations should inform future debates and project work on child domestic workers in Haiti.

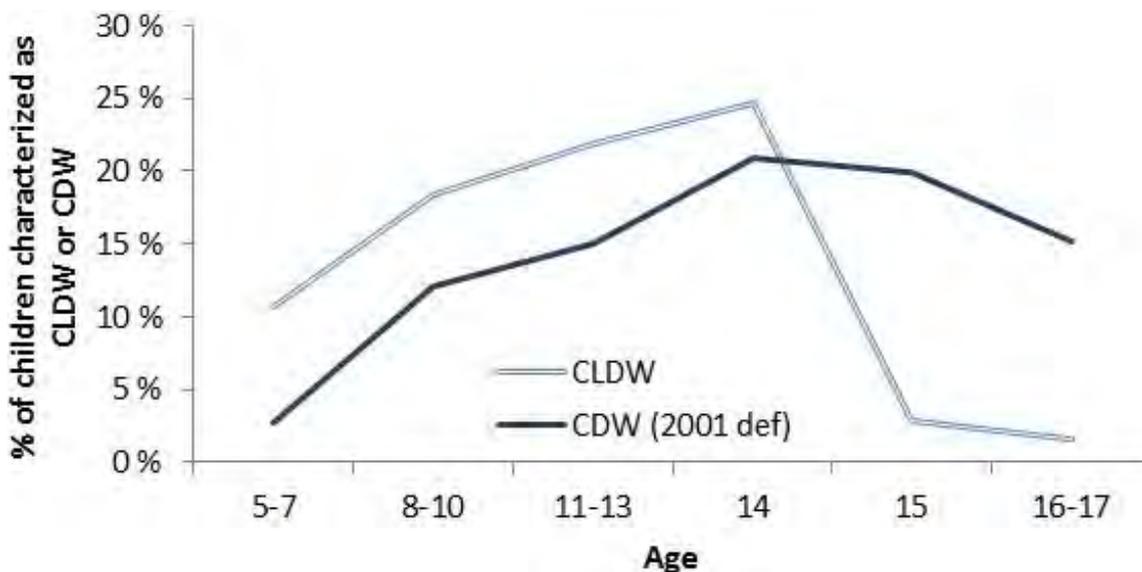
## Relative workload, educational performance and parent-child separation

As shown in Figure 3, most children do some kind of domestic tasks, whether they live with parents or not. This applies to all age groups.

In the study of child domestic workers from 2001, age-adjusted cut off points for domestic work were used in order to define and estimate the number of child domestic workers. These cut-off points were thus relative according to age. In brief, this means that the children working most compared to the other children in a specific age-group were considered to be one factor defining a child domestic worker (see Pedersen and Hatløy 2002). In addition, education was taken into account in the 2001 study: In order to be characterised as a child domestic worker, the child living away from parents should have a relatively high workload and be delayed in his or her education. This definition captured a much higher proportion of the children aged 15 and above, as compared with a fixed cut-off based on age and workload, and left out a larger part of the children under the age of 15 (that did take part in some household tasks but without a heavy workload). This difference will be considered in further detail later in this chapter.

Figure 5 shows that if we apply the 2001 definition on the current data, a larger proportion of the children between 15 and 17 are defined as Child Domestic Workers, as compared with the fixed cut-off rates used in the Technical committee criteria for child labour in domestic work. All other studies have found a relatively large proportion of child domestic workers in the older age-groups; similar to the results we get using the

Figure 5 Proportion of all children that are defined as either in child labour in domestic work or as child domestic workers (based on 2001 definition), by age groups



2001-definition. Thus, in order to capture the details of workload and educational performance of children in different age groups, we use the 2001 definition in the calculation of child domestic workers in Haiti, and base comparisons of their working and living conditions on this delineation.

In the figure below, we show how the number of child domestic workers vary with age according to our definition – and compare it with the numbers that would have been produced using the Technical Committee criteria for child labour in domestic work (as should be evident, according to the framework of the Technical Committee, most children aged 15 and above fall outside of the category of child labour in domestic work, as they do not work a sufficient number of hours per day).

Below, we employ the latter definition to estimate the total number of child domestic workers in Haiti.

## Estimations based on workload, education and separateness from parents

Based on the discussion in the previous section, we have chosen to include three factors in the estimation of child domestic workers in Haiti, namely that the child is living away from its parents; that the child is not following normal progression in education; and that the child is working more than other children. In order to operationalise the workload criterion we have chosen that the child is among those in the upper three quintiles in the workload distribution. Since the acceptable workload varies with age, the quintiles have been calculated separately for six different age groups between five and seventeen (see Table 11, Chapter 4).

The second step, given this definition, is the actual proportion of child domestic workers aged five to seventeen as recorded by the survey. This proportion is 13.1 percent, with a 95 percent confidence interval of 10.8 percent to 15.9 percent.

The third step is translating this proportion to a number. In principle this can be done using the so-called expansion weights from the survey, i.e. adding together how many children in the population each selected child represents. However, since the sample is relatively small, the estimate is subject to large variability. It is therefore prudent to adjust the estimate to the actual size of the child population, as far as this is known.

Unfortunately, the last census of Haiti was in 2004, and current population figures are projections based on assumptions about the development of fertility, mortality and migration. Of these, the migration figures are the most uncertain, but as these affect the number of children of child bearing age, they also affect the number of children being born, and therefore the number and age distribution of the child population.

Regrettably, the various recent surveys, and the population projection of the United Nations Population Division (UNPD) return relatively different age structures of children. The 2012 Demographic and Health Survey is relatively similar to the present survey for the under eighteens, but different to the population projection. In contrast the ECVMAS<sup>11</sup> of 2012 differs significantly from the two other surveys, as well as the UNPD projection. Therefore, we have elected to simply use the projected population count from the projection as basis for the number estimate, without correcting for the rather uncertain internal structure of the child population. Or, put in another way, we accept the age and gender structure of the current survey, while using the total number from the projection. The projection arrives at a population count of 3,105,000 children aged from five to seventeen years in 2014. It is possible that this number is somewhat over stated because the projection does not take migration sufficiently into account.

## **Four hundred thousand: The maximum estimate based on workload and education**

Based on the definition of child domestic workers in terms parent-child separation, higher workload and lower educational performance, as well as the assumptions and estimates above, there were 407,000 child domestic workers in Haiti in 2014, with a 95 percent confidence interval ranging from 335,000 to 494,000. The confidence interval is approximate because the unknown uncertainty of the population numbers has not been considered.

We estimated that there were 173,000 child domestic workers in 2001 with a similar definition to the one used here. The huge increase in the estimated number of child domestic workers is related to three factors: increase in the proportion of child domestic workers; change of population estimates; and increase of the child population.

The first aspect is the fact that the proportion of child domestic workers out of the total child population has increased. In 2001 we found the proportion to be 8.2 percent. Thus, the

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<sup>11</sup> The ECVMAS (Enquête sur les Conditions de Vie des Ménages Après le Séisme), a household living condition survey carried out after the earthquake, was conducted by the IHSI (The Haitian Statistical Bureau) with support from the World Bank and the DIAL joint research unit of France.

increase is nearly five percentage points. This is contrary to what we predicted in 2001. In 2001 we considered that because of the fertility decline, which indeed has continued since 2001, there would be a smaller number of children available for fostering because parents would be inclined to keep all their few children. That assumption appears wrong, or other factors have increased the supply and demand for children.

The second factor of the increase is a more technical issue of estimation: the results of the census in 2004 implied that we probably had underestimated the size of the child population in 2001. While we had used the figure of 2.1 million children between ages five to seventeen, there were probably 2.9 million children. The 2.9 million-figure in turn implies that there in fact were 239,000 child domestic workers in Haiti in 2001, rather than 173,000.

Regarding the estimate of the child population one should note that currently the situation is only slightly better than in 2001. In 2001 the population estimates were based on projection from the 1982 census and therefore rather uncertain. The 2004 census on which the current projection is based is now 11 years old. Given the poor migration data; uncertainties about exact fertility levels and age patterns of fertility; and mortality patterns; one must be clear that the estimate of the size of the child population is uncertain.

Third, and finally, regardless of the various demographic data and assumptions, the child population has grown since 2011. Based on the projection the growth has been about 200,000 children between 2001 and 2014. The relatively small increase of 0.5 percent per year is partly because of the fertility decline that Haiti has experienced. If the proportion of children living as domestic workers had been constant at the 2001 level, with current population projections, there would have been 257,000 child domestic workers today, i.e. 152,000 less than what is found.

The proportion of child domestic workers is lowest for young children. Of the children aged five to nine, seven percent (95 percent CI 5.3-9.2 percent) are child domestic workers, in the age group ten to fourteen 16.3 percent (95 percent CI 12.5-21.1 percent) are child domestic workers, and of those aged fifteen to seventeen 17 percent (95 percent CI 12.4-22.9 percent) are child domestic workers.

Girls are more often child domestic workers than boys. Of the girls, 15.9 (95 percent CI 12.9-19.5 percent) are child domestic workers, while 10.6 percent (95 percent CI 7.9-14 percent) of the boys are. The percentages correspond to 236,000 girls and 171,000 boys.

One should keep in mind here that the relocation itself is gender neutral, so that the child labour arises from work load and education performance. As noted in Chapter 4, the child domestic workers make up only a part of the children that do not live with their parents. Of the children aged between five and seventeen 25.7 percent, or 797,000 (95 percent CI 719,000- 876,000) are living without both parents. Multivariate analysis of the propensity to be a relocated child, depending on the age, gender, if residence is urban or rural and the location in Haiti only yields age as a statistically significant explanatory variable, and the model fit in general is very poor.<sup>12</sup> Thus, there is little evidence that being relocated is determined by gender, location or residence. Relocation is necessarily related to age as the decisions to relocate a child does all take place at the same age, thus there is a natural tendency that the relocation prevalence increases with age, if we assume that once relocated a child generally stays relocated.

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<sup>12</sup>The multivariate analysis in question was a design corrected logistic regression, Nagelkerke's pseudo r-square was 0.032.

## Stricter definitions of age result in lower numbers

The child domestic workers are a relatively diverse group along several dimensions. One such dimension is age, and reducing the top of the age range reduces the number of child domestic workers significantly using the same definition as above. This is because the highest percentages of child domestic workers are found among the older children and because the number of old children is large.

Accordingly, the number of child domestic workers aged five to 14 years (below 15) is 286,000 (95 percent confidence interval 233,000 – 350,000). This present estimate is more than a doubling of the number compared with our 2001 estimate for the five to 14 age group, which was 134,000. As was the case for the whole five to seventeen age group, the increase stems from an increase in the percentage, an increase in the estimated population base; and population growth.

The number of child domestic workers aged five to 13 years is 229,000 (95 percent confidence interval 184,000 – 283,000). Again, and for the same reasons as those stated above, the estimate about twice as high as the similarly constructed estimate from 2001 (115,000).

So far, we have considered estimates based on the three factors of living away from parents, delay or absence of education and working in one of the three highest quintiles. It may be argued that including the three highest quintiles result in an over estimate, since the work load is not higher than two hours a day for any age group in the third quintile except for the 15 to 17 one (where the limit on hours is not so relevant in any case).

Two approaches to restricting the definition have been tested. The first is loosening the work criteria to the two highest quintiles (Restricting the definition to only the highest quintile appears unreasonable, since it would imply that it is acceptable for all age group except for the very youngest to work more than 18 hours per week).

The second is to restrict the work criteria to an absolute number of hours allowable for each age group. This definition would nearly make child domestic workers non-existent above 15 years, since very few have a workload that it is in itself completely unacceptable.

Restricting the estimate of the number of child domestic workers through relaxing the to only the two highest quintiles results in a total estimate of 9.1 percent or a total 284,000 (95 percent CI 233,000 – 334,000) for the five to 17 age group, that is, a reduction of about 122,000 compared to the estimate that uses the three highest quintiles. In workload terms it means an unchanged workload for the youngest group and an increase of the minimum to be considered as child domestic work of four to seven hours per day for the other age groups (see Table 11 in Chapter 4 for precise changes).

As was seen for the wider definition, restricting the age range to five to fourteen years results in a smaller estimate, both as a percentage (8.6 percent) and as absolute numbers: 207,000 children (95 percent CI 166,000 – 248,000). Restricting the age range even further has similar consequences (see Table 2).

The majority of children living away from their parents live together with relatives, as noted in Chapter 4. However, the percentage child domestic workers among those living without relatives are strikingly different from that among those living with relatives. Thus, 60 percent (95 percent CI 44-75 percent) of children aged five to seventeen years living without relatives can be classed as child domestic workers, while 10.6 (95 percent CI 8.5-13.2 percent) of those living with relatives can. The huge difference in the width of the confidence intervals for the

Table 2 Numerical consequences of different restrictions on the definition of child domestic workers

Age range	Child population	Definition			
		Upper three quintiles of work		Upper two quintiles of work	
		Percentage	Number ('000)	Percentage	Number ('000)
5-17	3 103 007	13.1	407	9.1	284
5-14	2 407 627	11.9	286	8.6	207
5-13	2 173 187	10.5	229	7.9	171

two estimates stems from the fact that only 180 children was observed as living without relatives, while 1409 lived with relatives. The estimates are practically the same for those aged five to fifteen years.

The present estimate is not the only one of the number of domestic child workers in Haiti. Several publications report estimated numbers of domestic child workers (Table 3, see reference list for bibliographical details).

Given the small size of many of the surveys, and the rather variable definitions, both in terms of age ranges and definition of what constitutes child domestic work, the numbers are surprisingly consistent.

Table 3 Number of domestic child workers in Haiti, various estimates

Source and year	Estimate (1000's)	Age group	Based on	Reference
PADF 2009	225	5-14 years	1458 interviews in "troubled urban areas" in some Haitian cities/towns	Pierre, Y.-F., et al. 2009
HLCS 2001 High	173	5 – 17 years	National sample: residence, workload and education	Pedersen & Hatløy 2002
HLCS 2001 Low	124	5 – 17 years	National sample: residence, workload and education	Pedersen & Hatløy 2002
HLCS 2001 High	134	5 – 14 years	National sample: residence, workload and education	Pedersen & Hatløy 2002
HLCS 2001 High	115	5 – 13 years	National sample: residence, workload and education	Pedersen & Hatløy 2002
Emmus III 2000	87		Asked household heads if unrelated children in their households were restaveks	Cayemittes, M., et al. 2001
IPSOFA/UNICEF 1998	300		Not specified	IPSOFA 1998
UNICEF 1997	250		Not specified	UNICEF 1997
UNICEF 1993	130	0 – 15 years	Sample of 1117 children in 3 towns adjusted to whole population	UNICEF 1993
IHSI/IBESR 1982	109	5 – 17 years	Estimated from self-reporting of household composition in 1982 Census of Haiti	Dorélien 1984
Clesca 1982- II	240	6 – 15 years	Doubling of Clesca 1982 – I based on inclusion of relatives and lodgers/tenants.	Clesca 1984

## Age, gender and geography

As noted above, child domestic work is related to age and gender: the older children are nearly three times as likely to be child domestic workers as the younger ones, and girls are more likely to be than boys. This holds true regardless of whether we change criteria of workload or age.

The difference between boys and girls does not stem from the boys working, on average, less than the girls, or the boys being less retarded at school than girls on the average. Rather it is the fact that girls score more poorly than boys in being *both* delayed at school, *and* working more at the same time. Thus, for girls work and lack of education are a double whammy, while for boys the two are independent disadvantages.

The percentage of child domestic workers (regardless of workload or age in our definition) does not show much difference according to the geographic region in Haiti. While Transversale have higher percentages than others, the differences can easily be due to chance. In contrast to what is often believed (see e.g. Pierre et al. 2009), but consistent with the 2001 findings, there are no differences between urban and rural areas. A similar logistic regression model as the one carried out for whether or not the child is relocated shows that age and gender are significant variables as predictors of child domestic work, but again overall model fit is poor.

## Conclusion

If we define “child domestic workers” as people under the age of 18 years, that perform domestic work in the home of a third party, either paid or unpaid (in accordance with the framework in Figure 1), most of the persons below 18 years who live away from parents fall into this category. This category includes both permissible and non-permissible situations. Among the non-permissible, “child labour in domestic work” defines 15 as an absolute boundary – all work performed in the household of a third party qualifies as child domestic labour as long as the child is under the age of 15. With the figures we have in Haiti, this would include 80 percent of children below the age of 15 who live away from parents. However, with the high workloads specified as permissible for the children 15 years and older, very few children fall in the category of non-permissible situations. Put differently, according to this understanding, the numbers on child labour in domestic work drops drastically at 15 years (Figure 5).

A definition based on relative workload, educational performance and parent-child separation gives a different picture. According to these criteria, the age distribution of child domestic workers is different, and numbers increase with age. This definition also leads to considerable numbers of child domestic workers below 15 years of age, but it is not as all-inclusive of the below 15-year-olds as is the previous definition.

According to the definition based on relative workload, education and parents-child separation, both the absolute number and the percentage of child domestic workers in Haiti have increased during the last fifteen years. This is true regardless of age limits and whether we base estimates on the upper two or upper three quintiles of work. The highest estimate of

407 000 child domestic workers, obtained by including those over 15 years of age, is probably on the high side, because of the difficulty in applying standards for schooling and work for that group. Thus, a more reasonable figure is perhaps the 286 000 found restricting the age to five to fourteen years.

As we have seen, part of the increase in numbers stem from increases in child population size due to population growth, albeit this increase is comparatively small. Another reason for the increase in numbers compared to previous estimates is that the earlier assumptions about the population size in 2001 were too low. That, of course, is a technicality rather than a substantive issue. Finally, and most importantly, the prevalence of child domestic work has increased.

## 4 Contexts of children’s work and education in contemporary Haiti

Anne Hatløy

In this chapter we describe overall patterns of children’s living arrangements in Haiti, i.e. who children live with, as well as their educational level and workload.<sup>13</sup> The purpose of this contextualisation is to provide a broader perspective for comparisons of child domestic work with situations defined in different terms. Another purpose is to identify three vulnerabilities that can be employed as criteria for the delineation and definition of child domestic workers for the purpose of statistical study. These vulnerabilities include parent-child separation, i.e. whether children live away from their parents; delayed education, and; high domestic work load.

### Children and living arrangements

In 2001, one out of five Haitian children (19 percent) aged five to 17 lived separately from their biological parents (HLCs 2001, see Sommerfelt, ed., 2002). This number has increased to one out of four (26 percent) in the present 2014-survey. Among all the children in this age group, eight percent no longer have a living mother, and 12 percent do not have their father alive. As shown in Table 4, only half of the children live together with their biological father (51 percent), and 69 percent live together with their mother. Less than half of Haitian children, 44 percent, live together with both their biological parents (Table 4).

Among the 26 percent of the children that live away from their biological parents, most live with other relatives (Figure 6). Living with grandparents is the most frequent living arrangement for these children. However, 17 percent of children who live away from parents do not have any prior relation to their current household head. 13 percent of these children are characterised as ‘Other non-relatives’, while 4 percent are characterised as “Restavèk” by respondents.<sup>14</sup>

In the figure below, we distinguish between children who live away from their parents, according to the following criterion:

1. Children living with “other relatives” (as grandchild, sister’s or brother’s child, cousin, other relative of spouse, sibling, other relative, adopted or fostered child, sibling of spouse, Godchild or son/daughter-in-law); and

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<sup>13</sup>The quantitative analyses in this chapter are, when nothing else is mentioned, based on information provided by the household heads (or other adult) in the household questionnaire.

<sup>14</sup>The term “Restavèk” was used as a code in the questionnaire with respect to the relation between household members and the household head. This alternative was not probed, and was only noted if the respondent used the term him/her-self. The term CDW – child domestic worker – is defined for statistical purposes in chapter 3, and is *not* based on the respondents’ own uses of the term.

**Table 4 Percentage of all children with mothers and fathers alive, and percentage who live in the same household as their mother and father (all children UnWn=3525)**

	Yes	No
Mother alive	92%	8%
Mother in same household	69%	31%
Father alive	87%	13%
Father in same household	51%	49%
Living with one or both biological parents	74%	26%
Living with both biological parents	44%	56%

2. Children living with non-relatives – registered by respondents as “other non-relative” or “restavèk”.

In sum, three out of four Haitian children (74 percent) live with one or two parents, one of five live with extended family (22 percent) and one of twenty-five live with a third party (four percent) (Figure 7).

In the assessments of children’s education and workloads later in this chapter, we make a point of this distinction among children who live away from their parents – between children living with and without relatives. As we will show, we find clear differences in educational level as well as in workload with reference to this distinction.

Figure 6 Relation to household head for children living without their biological parents in the household (blue live with relatives, green with non-relatives) (UnW n=1467)

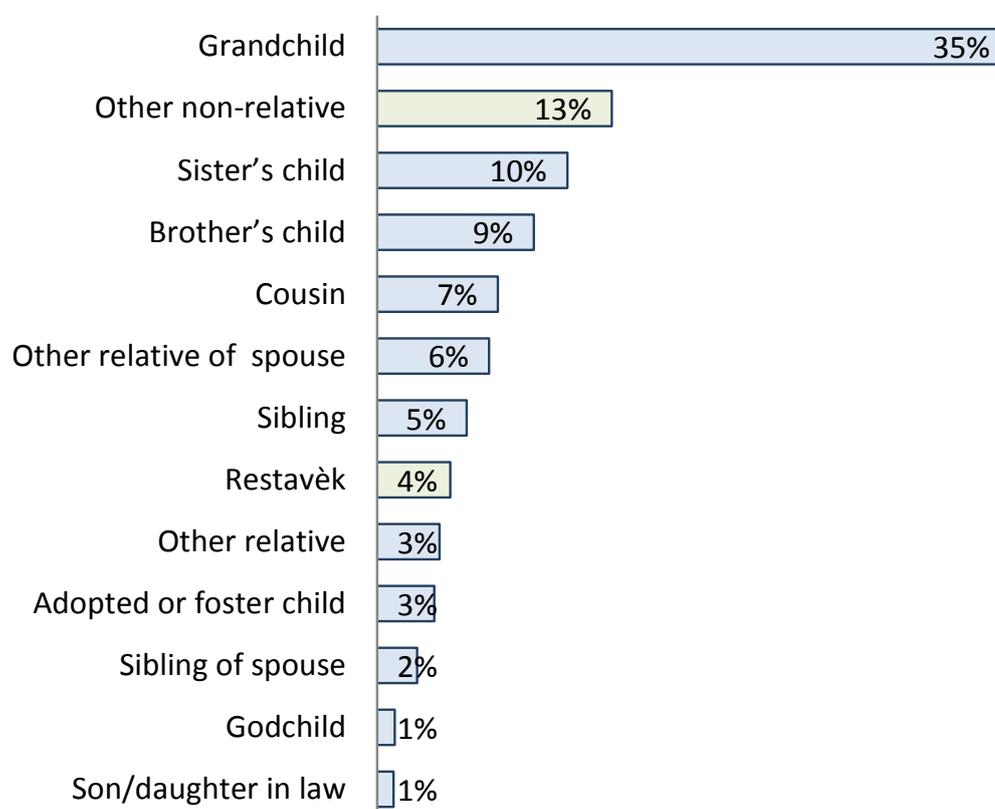
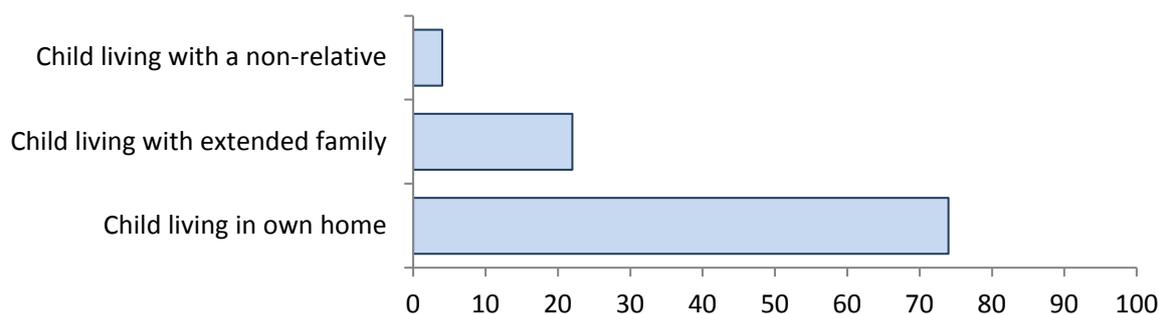


Figure 7 Living arrangements for Haitian children under age 18



### Regional differences in living arrangements

As shown in Table 5, 74 percent of children live together with either one or both parents. With respect to the ways in which children are related to other household members, there are no large differences between the regions. However, there is a tendency that fewer children in the North live together with non-relatives than in the West (2 versus 6 percent).

However, there are differences in living arrangements between children living in urban and rural areas. In urban areas, fewer children live with both parents (31 percent versus 51 in rural), and more live with relatives or non-relatives. In rural areas, half of both the boys and the girls live in the same households as both of their parents, while this is only the case for one out of three children in urban areas (Table 5). The rural boys are those who most rarely live with non-relatives (3 percent), while the urban girls are those who most frequently live with non-relatives (6 percent).

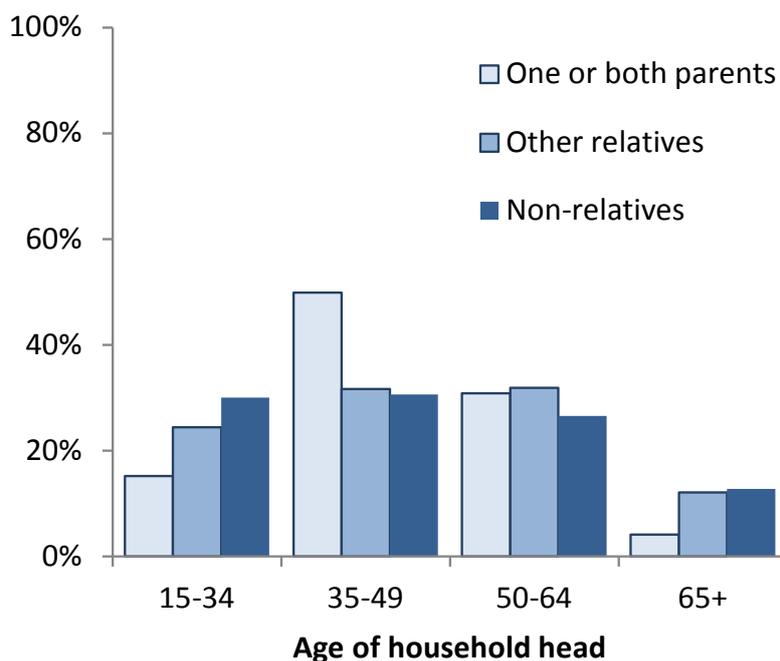
### Living arrangement and household characteristics

The highest proportion of children living with biological parents lives in a household where the household head is in the age-span 35-49 years, which correspond to the age of their parents. There is no difference in the age of the household head for the children living with other relatives and the children living with non-relatives (Figure 8).

Table 5 Percentage of children age 5 to 17 living together with both parents, one parent, other relatives and non-relatives by region and area

	Region				Area				Total
	North	South	Transversale	West	Male		Female		
					Urban	Rural	Urban	Rural	
Both parents	44%	52%	46%	41%	32%	51%	30%	52%	44%
Only mother	23%	22%	22%	28%	29%	22%	32%	21%	24%
Only father	7%	3%	6%	6%	8%	6%	7%	4%	6%
Other relatives	23%	19%	23%	20%	28%	19%	25%	17%	21%
Non-relatives	2%	4%	4%	6%	4%	3%	6%	5%	4%
UnW N	470	492	1102	1461	581	1167	674	1103	3525

Figure 8 Age of household head by living arrangement



With respect to the number of household members in the households in which children live, there is no evidence in the data that children living separately from their biological parents live in differently composed households from other children. As shown in Table 6, mean number of household members is between 6 and 7 for all groups, with the exception of urban children living with only fathers that are somewhat lower, and children living with both parents in rural area that is somewhat higher.

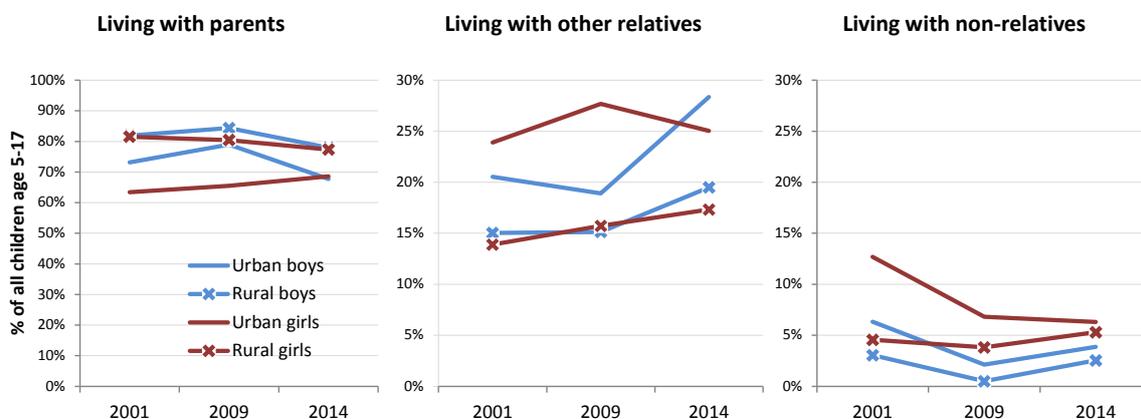
#### Living arrangements from 2001 to 2014

The rural children tend to live more frequently together with one or both of their parents than the urban children. This is the same tendency that surveys conducted in 2001 and 2009 have found (see Figure 9). However, it seems to be a trend that children not living with their parents increasingly live together with other relatives, and fewer live with non-relatives.

Table 6 Mean number of household members in households containing children aged 5 to 17, by living arrangement and area

	Urban	Rural	All
Both parents	6.1	7.2	6.9
Only mother	6.4	6.4	6.4
Only father	5.4	6.6	6.1
Other relatives	6.2	6.3	6.2
Non-relatives	6.0	6.8	6.5
All	6.2	6.8	6.6

Figure 9 Percent of children 5-17 years of age living with biological parents (one or both), other relatives and non-relatives by gender and area. Comparison of findings in the following surveys: The Haiti Living Condition Survey 2001, the Haiti Youth Survey 2009 and the present study of Child Domestic Workers in Haiti 2014



## Education

Below, we look at the educational levels of Haitian children, and make a preliminary analysis of these in relation to the living arrangements described above.

### Enrolment

Nearly all children above 12 years of age have been enrolled, either previously or currently (Table 7). Only 1-2 percent of the children in this age-group that live with their biological parents or other relatives have never attended school, while this is the case for 4-6 percent of those living with non-relatives. For the children younger than 12 years of age less than 90 percent have ever attended school no matter their living arrangements.

Regarding the children that are currently enrolled to school, the children living with non-relatives have a lower enrolment rate than the others – in all age-groups. For children

Table 7 Percentage of children ever enrolled, and children currently enrolled, by age group and who they are living with (percent = 'yes')

	One or both parents	Other relatives	Non-relatives	Total
<b>Ever enrolled</b>				
6-11 years	82%	78%	86%	81%
12-14 years	98%	99%	96%	98%
15-17 years	99%	98%	94%	99%
All	89%	89%	92%	89%
<b>Currently enrolled</b>				
5-11 years	71%	68%	62%	70%
12-14 years	87%	80%	76%	85%
15-17 years	73%	77%	58%	73%
All	75%	73%	67%	74%

**Table 8 Percentage of children with birth certificate by who they are living with**

	One or both parents	Other relatives	Non-relatives	Total
Birth certificate available	71%	52%	40%	66%
Birth certificate not available	24%	43%	46%	29%
No certificate	4%	5%	14%	5%
Total	100%	100%	100%	100%

aged 15-17, however, the ones living with other relatives have a higher enrolment rate than their peers (Table 7). This can indicate that some children move from their parents to relatives in order to attend school.

Below, we investigate enrolment among children according to whether they have a birth certificate or not. In Haiti nearly all children (95 percent) have birth certificates (Table 8). However, children living without parents and relatives more often do not have a birth certificate than other children (14 percent). Among the children who have a birth certificate, 90 percent have been enrolled (i.e. “ever enrolled”), while for those who do not have such a certificate 70 percent have been enrolled.<sup>15</sup>

### **Completion of primary school**

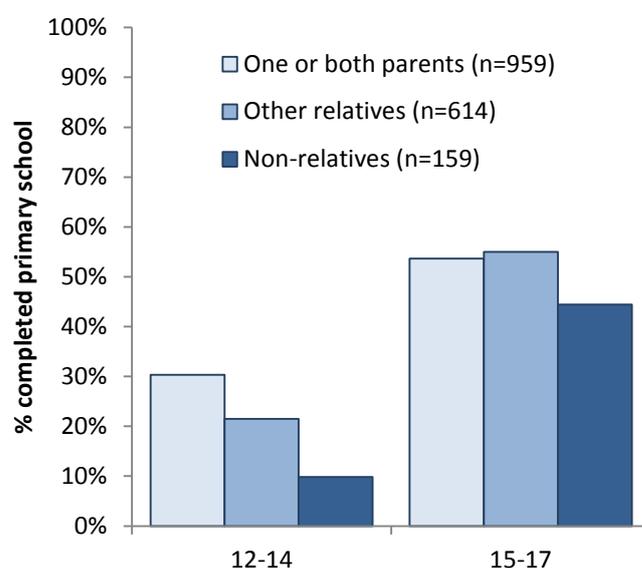
One of the Millennium Development Goals (MDG) is completion of primary school. If children follow the educational schedule, they should finish their primary education when they are 12 years old. Among children aged 12-17, only 40 percent had obtained that goal countrywide. Only 27 percent of Haitian children in the age group 12-14 have completed primary education. It is less likely that children living with non-parents finish primary school. However, children aged 15-17 years, no matter who they live with, have a higher likelihood for having completed primary school than their younger peers. This indicates that a large amount of Haitian children either have started school late, or have failed repeatedly. Only 54 percent of all Haitian children aged 15 to 17 have completed primary education. As shown in Figure 10, somewhat fewer children living with non-parents also in this age-group have completed primary education.

### **School delay**

As indicated above, many Haitian children seem to be delayed in their schooling. When we take into account which level they should have obtained according to their age, as many as 77 percent of the children is delayed in their education (Table 9). Even though it is high for all, it is highest for the children above 10 years of age, and highest for children living with non-relatives. For the children 15-17 years of age, there is no significant difference in delays between the children living with their parents, and those living with their relatives, another indication that children might move to relatives in order to attend school.

<sup>15</sup>The sample size is too small to make any analyses on the school attendance among children with no birth certificate living with non-relatives.

Figure 10 Percentage of children age 12 to 17 who have completed primary education, by their living arrangement



## Workload

With reference to the legal frameworks discussed in Chapter 1 and 2, and enabling analysis according to different criteria for defining child domestic work, we analyse children's workloads with particular reference to the distinction of 14 hours per week for children aged less than 15 years (given that the work is carried out under acceptable conditions). More specifically, we group domestic workload (domestic work/household tasks) into four categories: no work, two to thirteen hours per week, 14 to 27 hours and finally 28 hours or more per week criterion.

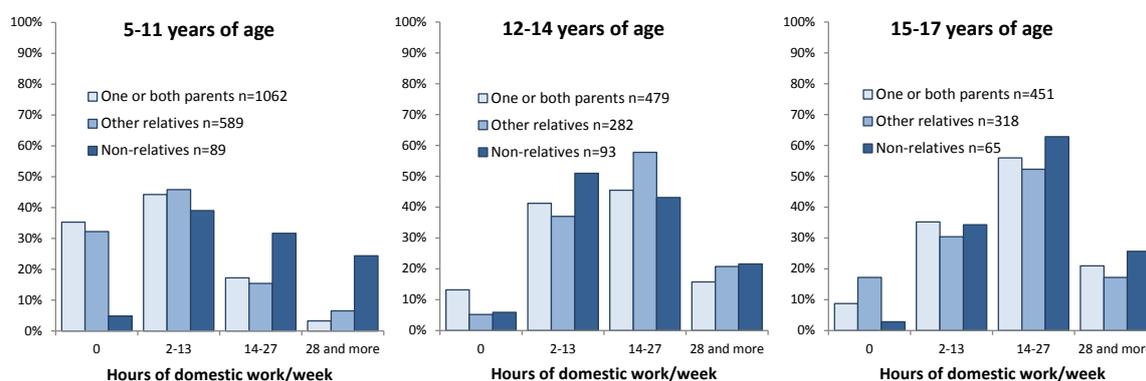
Nearly all Haitian children take part in domestic tasks in the household, no matter whether they live with parents, relatives or non-relatives. The one exception is children below 11 years of age: one third of these young children are not reported as performing domestic work if they live with their parents or with relatives. It is a relatively small share of the children in this age-group that live with non-relatives, however more than half of them do domestic work for more than 14 hours per week, and as many as 24 percent of them do domestic work for more than 28 hours per week (Table 10 and Figure 11).

For the children aged 12 years and above, there are no remarkable differences between children living with parents, other relatives and non-relatives in the number of hours they

Table 9 Delayed schooling by age and living arrangement. Percentage that are delayed or have never attended school

	One or both parents	Other relatives	Non-relatives	Total
6-9 years	55%	61%	77%	61%
10-14 years	84%	93%	96%	86%
15-17 years	84%	86%	97%	85%
All 5-17 years	73%	81%	92%	77%

Figure 11 Hours of domestic work/tasks per week for children living with parents, other relatives and non-relatives by age-group



do domestic work. However, approximately half of the children aged 12-17 work more than 14 hours a week with domestic tasks, and one out five have more than 28 weekly hours of domestic work.

### Work quintiles

As we have seen above, most children in Haiti do domestic work. We have ranked their weekly workload into five approximately equally sized groups (quintiles) within age groups. Table 11 gives an overview of the number of working hours in each quintile in each age-group.

For children aged 15 and above, there are no differences in their workload according to who they live with. For the children aged five to 14, the highest share of the children that work in the upper 5 quintile, are from the children living with non-relatives (Figure 12).

Table 10 Hours of domestic work/week for children living with parents, other relatives and non-relatives by age.

	One or both parents <i>n</i> =1062	Other relatives <i>n</i> =589	Non-relatives <i>n</i> =89	All <i>n</i> =1740
<b>Age 5-11</b>				
0 hrs/week	35%	32%	5%	34%
2-13 hrs/week	44%	46%	39%	44%
14-27 hrs/week	17%	15%	32%	17%
28 and more hrs/week	3%	7%	24%	5%
	One or both parents <i>n</i> =479	Other relatives <i>n</i> =282	Non-relatives <i>n</i> =93	All <i>n</i> =854
<b>Age 12-14</b>				
0 hrs/week	13%	5%	6%	11%
2-13 hrs/week	41%	37%	51%	41%
14-27 hrs/week	30%	37%	22%	31%
28 and more hrs/week	16%	21%	22%	17%
	One or both parents <i>n</i> =451	Other relatives <i>n</i> =318	Non-relatives <i>n</i> =65	All <i>n</i> =834
<b>Age 15-17</b>				
0 hrs/week	9%	17%	3%	11%
2-13 hrs/week	35%	30%	34%	34%
14-27 hrs/week	35%	35%	37%	35%
28 and more hrs/week	21%	17%	26%	20%

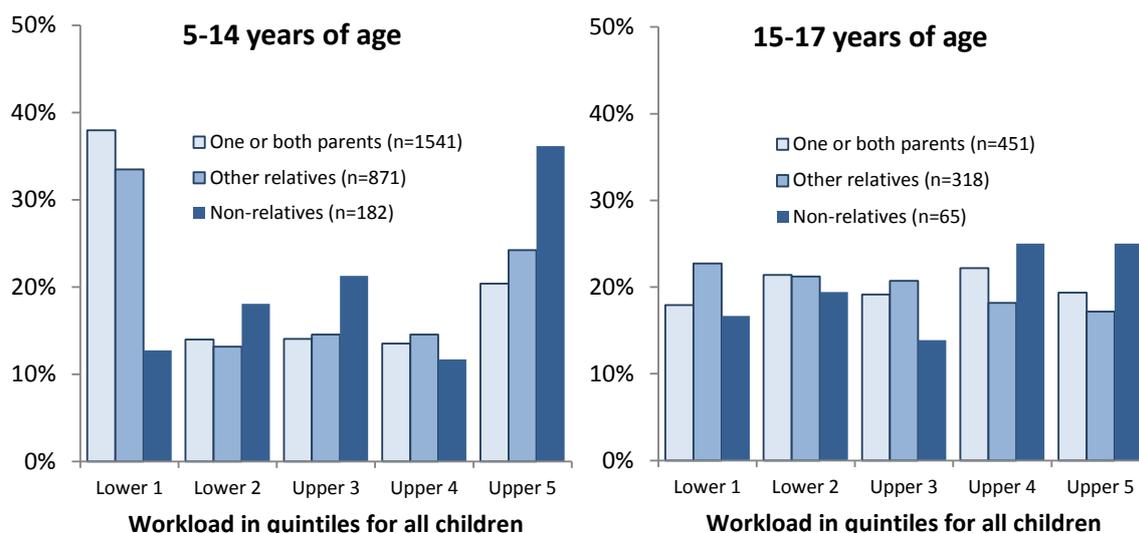
Table 11 Children's weekly domestic workload, in approximate quintiles of hours worked by age

Age group	Approximate quintile					Median
	Lower 1	Lower 2	Upper 3	Upper 4	Upper 5	
5 - 7	0	0	0	0	7 +	0
8 - 9	0	1 - 4	5 - 8	9 - 17	18 +	7
10 - 11	0 - 1	2 - 7	8 - 13	14 - 20	21 +	9
12 - 13	0 - 4	5 - 10	11 - 15	16 - 23	24 +	13
14 - 15	0 - 3	4 - 10	11 - 17	18 - 26	27 +	14
16 - 17	0 - 2	3 - 11	12 - 18	19 - 28	29 +	16

## Concluding remarks

Twenty five percent of Haitian children 5-17 years of age live separated from their parents. Most of these children live together with relatives, 21 percent, while the remaining four percent live with non-relatives (a third party, often referred to as “strangers” by Haitians). Fewer of the children living with strangers are currently attending school, and they have in general more domestic work than children living with parents or relatives. However, within each group of children there is a large variation in both school attendance and workload. In Chapter 3, this information was used to define which children can be considered as child domestic workers (CDW). In turn, a more thorough analysis of the living conditions of CDWs, non-CDWs and children living with parents will be presented in Chapter 5. Chapter 5 also re-examines the details on enrolment and workloads for these different categories of children.

Figure 12 Workload in quintiles by living arrangement and age



## **5 Living and working conditions, and experiences of separateness**

Anne Hatløy and Tone Sommerfelt

In chapter 4, we assessed some main features of children's living arrangements, educational levels and workloads. The analysis was based on information provided by the heads of households (or another responsible adult in the households). In this chapter, we explore working and living conditions and education in greater detail, and base our analyses on information that the children themselves have provided. If nothing else is stated, all the statistical information in this chapter is thus based on interviews with children in the child questionnaire-part of the survey. We use the definition, or delineation, of child domestic workers that is described in the last section of chapter 3, and compare child domestic workers with other children who live away from their parents (non-child domestic workers), and with children who live with one or both parents. The aim of these analyses is to draw portraits of child domestic workers and describe common features as well as variations among them. Another aim is to show what children themselves describe as particular difficulties. In order to explore the latter topic, we complement data from the survey with information obtained in conversations with children during the qualitative fieldwork.

We start by a more detailed assessment of the living arrangements of children according to some basic demographic variables.

### **Gender and area: Recent changes among relocated children and child domestic workers**

As pointed out in chapter 3, child domestic work is related to age and gender: the older children are nearly three times more likely to be child domestic workers than the younger ones, and girls are more likely to be child domestic workers than boys. Consistent with the 2001 findings, there are no differences in the proportions of child domestic workers of the child population between urban and rural areas.

In the survey in 2001, we found that overall, 59 percent of the children classified as child domestic workers were girls and 41 percent boys. The data from the current survey shows that the share of male and female domestic workers has remained unchanged (Table 12). Another continuity is the gender distribution in rural areas, which should be noted especially: Just as in 2001, the proportion of boys in rural areas is higher than in urban areas. This is most likely related to the differences in labour tasks in urban and rural areas: Tending animals is almost entirely a male task, and taking part in agricultural work is far more common for boys than girls (cf. Sommerfelt, ed., 2002: Chapter 4). A household need for the labour force of boys

**Table 12 Distribution of child domestic workers according to gender, place of residence and year (2001 or 2014)**

Area	Year of survey	Male	Female	Total
Urban	2001	28 %	72 %	100 %
	2014	35 %	65 %	100 %
Rural	2001	47 %	53 %	100 %
	2014	46 %	54 %	100 %
All	2001	41 %	59 %	100 %
	2014	42 %	58 %	100 %

in agriculture may thus partly account for the higher proportion of boys in rural areas. The rural boy domestic remains hidden in much public debate that paints a picture of the urban girl as the stereotypical child domestic worker in Haiti.

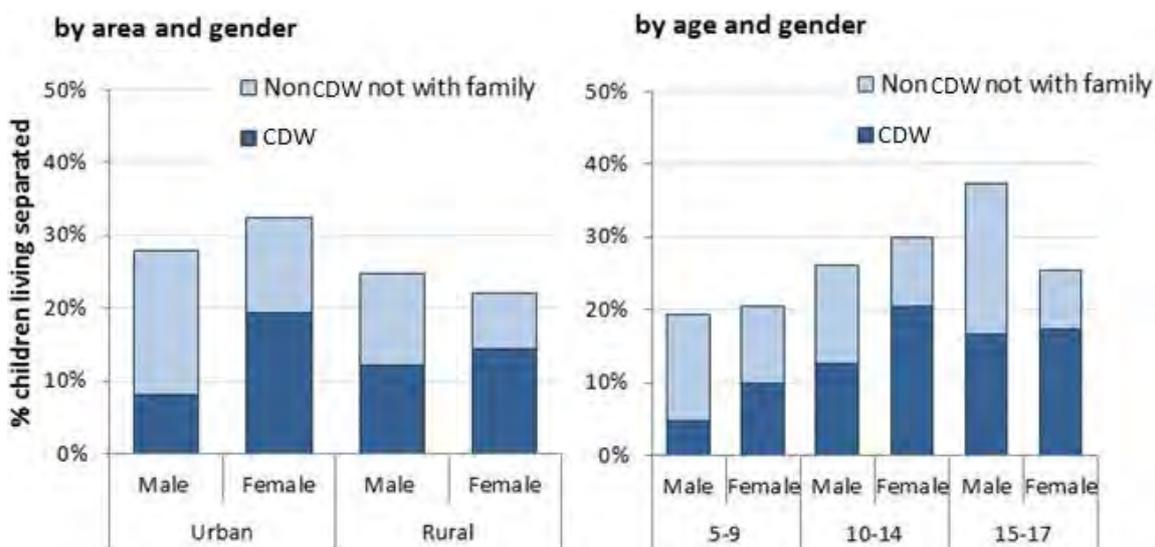
In urban areas, there are changes in the gender distributions of child domestic workers as compared to results of 2001. While in 2001 we found 72 percent girls among the urban CDWs, this share is reduced to 65 percent in 2014. The proportion of boy CDWs in the urban areas has increased accordingly, and the gender distribution of CDWs are thus becoming more equal in urban areas too.

Concentrating on the 2014-figures, we have stated earlier that 25 percent of children in the age-group 5-17 live separately from their parents. These 25 percent include *all* children who live separately from their parents, also children who cannot be considered as child domestic workers. Among these “separated” children, there are differences between CDWs and non-CDWs in urban and rural areas and with respect to gender and age. As shown in Figure 13, more children live separately from their parents in urban than in rural areas (30 vs 23 percent). In rural areas there is not a big difference between the genders in this respect. However, 12 percent of the rural boys are *not* CDWs even though they live separated from their parents, which is higher than for girls. Put differently, in the rural areas, girls who live away from their parents more often are CDWs than boys. The highest share of child domestic workers is found among urban girls: Nearly one in five urban girls can be classified as a CDW.

Looking into distributions according to gender and age, the highest share of child domestic workers is found among girls in the age-group 10-14 (see the second part of Figure 13). In this group too, nearly one out of five girls can be classified as a CDW. In the youngest age-group, 5-9 years of age, 20 percent of children live separately from their parents – but the proportion of CDWs among them is different for girls and boys. It is important to pay attention to the girls in this group, as half of them are characterised as CDW. The figure also brings out that the majority of CDWs are found in the highest age group, 15-17 years of age, where the gender distribution is pretty similar.

One of the reasons to include all children separated from their parents in the assessment above is to illuminate gender differences among children living away from parents more generally. Overall, girls who live away from their parents are more often than boys CDWs. This is particularly pronounced in the oldest age group, where many boys live away from parents but are not to be considered CDWs. This may mean that boys either live away from parents in order to attend school, in arrangements of “paid board” (cf Sommerfelt, ed. 2002), or they do not pursue an education but do not have heavy domestic workloads either.

Figure 13 Percentage of children living separated from their parents by whether they work as child domestic workers or not



## Left behind or travelled? Child domestic work and the nature of connections to new homes

As we have pointed out, 74 percent of children live with either one (30 percent) or both (44 percent) of their parents (cf. Chapter 4). In the table below, we describe in further detail the distribution of the remaining 25 percent of children who live in households without a parent present. As many as seven percent are born in their current household, and they are thus left behind as parents migrate or they stay on in their parental household they when orphaned (often with grandparents, cf. Figure 6). Of the remaining 18 percent of the children who do not live with a parent, 11 percent say that they live with relatives or someone they know well, while seven percent say that they live with strangers or people they only knew “a little” before their move.

Interestingly, among the children who remain living in their original household without parents present, there is a gender bias: Girls are underrepresented in the rural areas, whereas

Table 13 Living arrangements for Haitian children aged 5-17 by gender and area

	Male		Female		All
	Urban	Rural	Urban	Rural	
Live with both parents	36%	47%	27%	55%	44%
Live with one parent	37%	28%	42%	23%	30%
Born in HH, no parents present	7%	11%	4%	4%	7%
Not born in HH, live with well-known	11%	10%	16%	12%	11%
Not born in HH, live with little- or un-known	9%	4%	11%	7%	8%
Total	100%	100%	100%	100%	100%
UnWn	285	492	335	479	1591

**Table 14 Distribution of child domestic workers by living arrangement for Haitian children aged 5-17**

	Child domestic worker	Non-CDW	Total	UnWn
Live with both parents	-	100 %	100 %	352
Live with one parent	-	100 %	100 %	305
Born in HH, no parents present	43 %	57 %	100 %	232
Not born in HH, live with well-known	58 %	42 %	100 %	444
Not born in HH, live with little- or un-known	50 %	50 %	100 %	241
Total	13 %	87 %	100 %	1574

boys are not. This indicates that boys are left behind when parents move away from their children's households in the rural areas, whereas girls to a greater extent are brought along. This may well reflect that boys' labour input in agricultural work is highly valued and that boys more often than girls participate in farm work (cf. Sommerfelt, ed, 2002: Chapter 4). In the urban areas, more girls than boys live in households they were *not* born into.

In Chapter 3, we outline that the focus of the current study is child domestic work in children's non-parental households, and delineated child domestic work in accordance with this – defining CDWs for the purpose of the current study as children living in non-parental households, who have higher workloads than their peers and are delayed in schooling. Below, we explore patterns of co-habitation further in order to portray the living arrangements of child domestic workers. Here, it becomes evident that the lowest proportion of child domestic workers is found among the children who are living in their original household without parents present (and who have thus been left behind). Furthermore – and opposed to the common stereotype that child domestic workers live with unrelated strangers – the table below shows that the highest proportion is found in the households of relatives or with people the children knew well prior to their move (58 percent).

**Figure 14 Percentage of children with parents alive among the children living separately from parents**

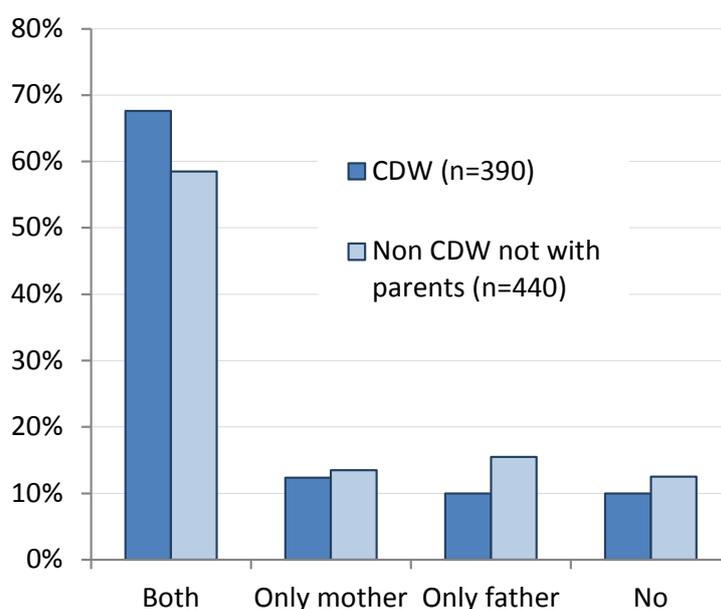
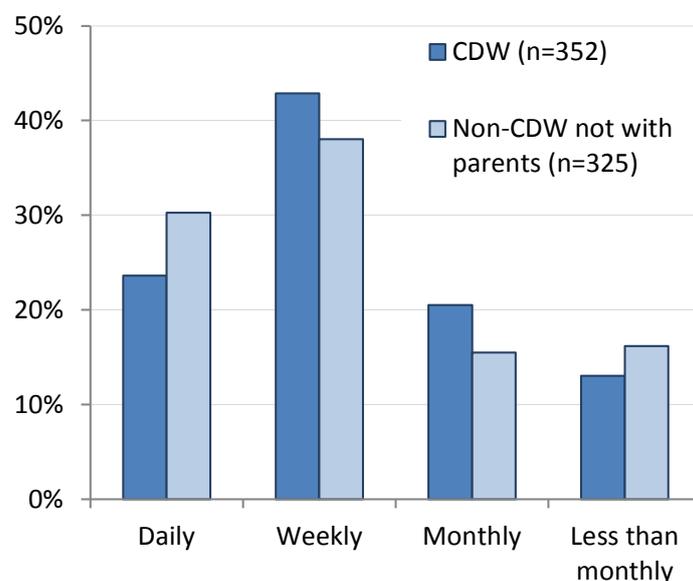


Figure 15 Frequency of contact with parents among the 85 percent of the children with at least one parent alive



In other words, among the children who move, about half can be defined as child domestic workers in their new homes – regardless of whether they live with people they know well or not. This should modify the stereotype that child domestic workers most commonly live in the homes of strangers.

Among the children who live away from their parents, two thirds have both parents alive, whereas 11 percent have lost both parents. This pattern is similar for the child domestic workers and the non-CDWs. Most of the children, 85 percent, with at least one parent still alive, stay in touch with their parent(s) (Figure 15). Child domestic workers and non-CDWs thus report to have relatively similar frequency of contact with parents.

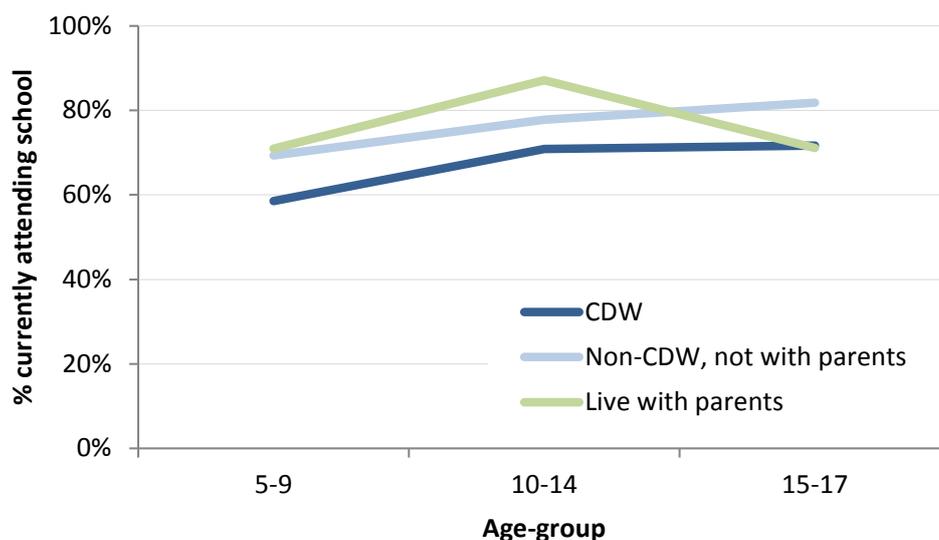
## Education

As we employ educational level as one of the criteria for delineating child labour in domestic work, child domestic workers by definition have lower enrolment rates than non-child domestic workers. However, a further elaboration of the figures brings out how educational performance varies with age, and in different living arrangements. Also, education is one of the most important factors children themselves bring forth in conversations about aims in life, and feelings of inclusion and exclusion in family life.

### School enrolment, attendance and access to school material

As noted, CDWs by definition have delayed schooling compared to the norm. Compared to both children living with parents and non-CDWs living away from parents, the CDWs have a lower enrolment-rate (Figure 16). However, whereas the enrolment-rate for the children living with their parents drops from age 10-14 to 15-17, the same is not the case for the two groups living away from their parents.

Figure 16 Percentage of children currently enrolled in school by age and child status



This figure shows that non-CDWs who live away from their parents have better school attendance than children who live with their parents in age group 15 to 17 years. As noted earlier too, this category of children include those who live in arrangements of “paid board” (*a pensyon* in Creole), where they pursue an education and thus get better schooling than many kids who live with parents. In this sense, child placement for the purpose of education works for the older children. However, as compared with 2001, the difference in this regard between children living with parents and non-CDWs who live away from parents is not as pronounced: In 2001 it was found that more non-CDWs were currently enrolled than those living together with their parents - in 2014 this difference only applies to older children (Table 15).

A moderate improvement in school enrolment applies to child domestic workers too – whose current enrolment increase with age. However, child domestic workers have low enrolment rates in their early age. On a positive note, their enrolment rates have improved in 2014, as compared to 2001, the percentage of child domestic workers who have never attended school falling from 29 percent to 7 percent, for instance. These and other details are provided in Table 15.

Table 15 School enrolment by child status, comparing survey data from 2001 and 2014

		Never attended	Not currently enrolled	Currently enrolled	Total	UnWn
CDW	2001	29%	11%	60%	100%	1 160
	2014	7%	25%	68%	100%	494
Non-CDW not with parents	2001	10%	4%	86%	100%	862
	2014	11%	13%	76%	100%	457
With parents	2001	16%	5%	79%	100%	8 444
	2014	8%	15%	77%	100%	1 607
All Children	2001	16%	6%	78%	100%	10 466
	2014	8%	16%	76%	100%	1 607

**Table 16 Percentage of the enrolled children attending morning or day-school according to child status**

	CDW	Non-CDW, not with parents	Live with parents	Total
Attending morning school	88%	92%	93%	92%
Attending day school	12%	8%	7%	8%
Attending evening school	0%	0%	0%	0%
UnWn	341	346	498	1185

The table above shows that overall; three out of four Haitian children are currently attending school. This is similar to the level found in the 2001 survey. However, while in 2001 it was found that 16 percent of the children never had attended school; in 2014 this was reduced to 6 percent that never had attended school (Table 15). Most remarkable is the reduction among the child domestic workers that we mentioned above: While in 2001 29 percent of them had never attended school, in 2014, it was only 7 percent of the CDWs that never had attended school.

What school attendance is concerned, the absolute majority of children go to morning school. The percentage of children attending day school is higher among the child domestic workers, but the difference is not remarkable (Table 16). It is assumed that child domestic workers attend evening schools – however, none of the children in our survey attended evening schools.

Differences in access to schooling material are not systematic to the extent that they are visible in the survey material. As is demonstrated below, most children struggle with access to textbooks, and some of the other material that they need for school.

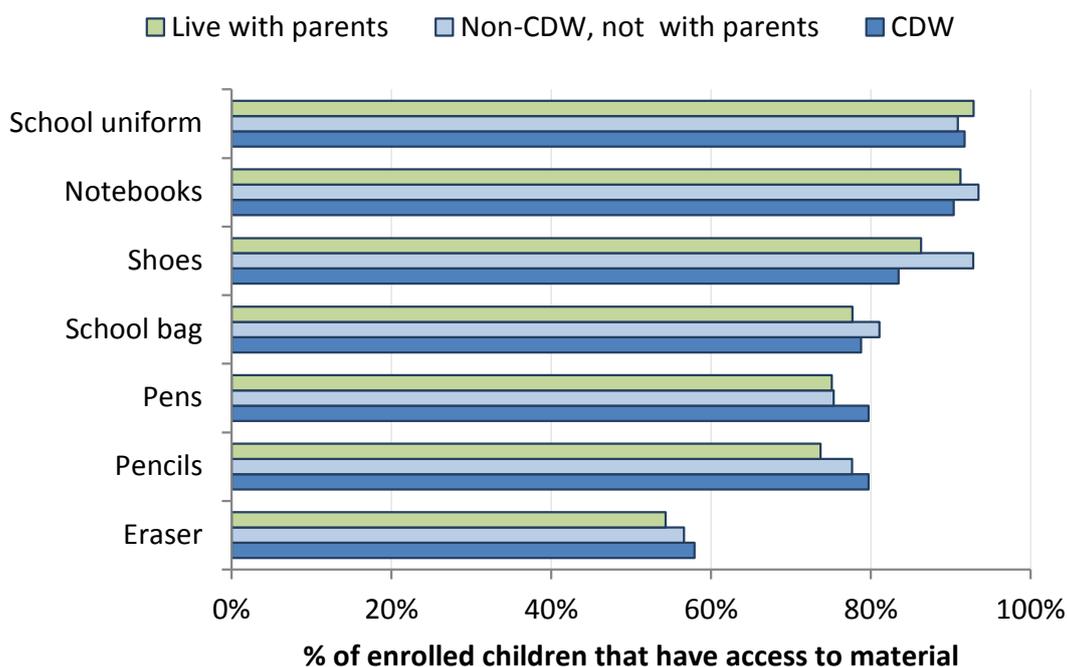
### Education and identity

In spite of rising enrolment and attendance rates, the largest proportion of children who are not currently enrolled (or have never been enrolled) are found among child domestic workers. As shown in Table 16, these figures are 32 percent (seven plus 25 percent) for child domestic workers (as against 40 in 2001), 24 percent for non-child domestic workers living away from their parents (as against 14 percent in 2001) and 23 percent for children living with their parents (as against 21 percent in 2001). It is important to underline the importance that adults and children assign to formal education, and thus, the emotional aspects of these numbers. As we discussed in the 2001-report, success stories of children who have been given an opportunity to go to school, or to a “better school” in urban areas

**Table 17 Access to textbooks for enrolled children according to child status**

	CDW	Non-CDW not with parents	Live with parents	Total
<b>Access to textbooks</b>				
Not access to any book	11%	17%	13%	13%
Access to some books	63%	47%	60%	59%
Access to all books	26%	36%	27%	28%
UnWn	341	346	498	1185

Figure 17 Access to school material for enrolled children



while living away from parents figure prominently when children talk about their wish to migrate to towns and live in new homes, and informal hierarchies of presumed school quality is often given as a reason why children move. Moreover, educational aspirations are a motive behind children’s voluntary migration in many developing countries (cf. Boyden 2013). In this sense, children’s search for education is a volatile state, and the drive for social mobility exposes children to risks of high workloads and inferior educational opportunities as compared with other children in the homes they are placed in, and whose chores they take over.

Despite structural disincentives for enrolment and success within the Haitian education system (Lunde 2008), parents go a long way to ensure their children an education. In addition to providing opportunities for employment, the socialising effect of education on children is also regarded as important. “*Children out of school are lost in a jungle*”, one of Lunde’s respondents told her in 2008, and continued to say that: “*They are a menace to society*”. Thus, schooling provides children with knowledge, and also integrates children among a group of “school children”, rather than among the “drifting” children, or the “vagabonds”, who are not in school. A father of three school children in Jacmel summarised what he thought was the generally held opinion by arguing that “*if you can’t read you are less than dirt. You are garbage*”. Putting such a strong stigma on not being in school is likely to provide parents with a strong incentive towards enrolling their children when the possibility is there (Lunde 2008). At the same time, many adults and children alike regard migration, even without prospects of schooling, as a better option than “drifting” and “vagabondisme” in rural communities. This applies to boys especially, for whom working in households away from home, it is hoped, may provide informal training (*formasyon*) in a craft, and experience with the ways of the urban world (cf. Sommerfelt et al. 2002a: 66ff.).

Younger children too are remarkably concerned with education; they portray it as an aspect of personal fortune and sense of self and they go to much trouble in order to cover educational expenses. During fieldwork in 2001, many children as well as adults portrayed informal learning of life skills (*formasyon*) as important (cf. Sommerfelt, ed, 2002: 60ff). During fieldwork in 2014, the emphasis had shifted: though informal training is still described as a resource, adults as well as children underlined that formal education is a prerequisite for success (albeit an insufficient one), and this emphasis was more striking than in 2001. Conversely, children express that not going to school is denigrating, and especially when it reflects differential treatment from other children in a new household.

These views were expressed in many of our conversations with children. In Carrefour Feuilles near Port-au-Prince, we met Maria in September 2014, whose story is recounted below:

### **Maria**

Maria is a girl of 15 who has lived with an aunt since the earthquake in 2010. She was ten years old when the earthquake hit. At that point, she was living in Cap Haitien with an older cousin, whom she had lived with since her mother died. However, she tells that she wasn't comfortable with her cousin: she was insulted, told her she was too slow, and when her head was injured (*tet pete*), she left with a long-distance trading woman in order to come to live with her aunt in Carrefour Feuilles, where she is now. Maria says her father has nothing to do with her. "It's as if I didn't have a father. He doesn't know whether I eat or if I'm well. He's got other children to look after."

Maria is currently not in school. In the house of her aunt, Maria does the washing up, dusts, and washes clothes for her aunt. Maria says her aunt treats her badly: "She hits me and I can't hit her back. She is more affectionate towards her own children," Maria says. Her aunt has two small children, one of whom was in school but will not be going this year as there is no money. There is just enough to eat, but they do not eat well in the house, Maria says. The aunt does not work. Her partner sells water or juice in the streets.

Maria has done two years of schooling earlier. However, there is no money to pay for her school now, she says. Her aunt wants to go back to live in a rural area (*an provens*) but Maria does not want to go with her because she would not be able to go to school there. Maria hopes a local NGO will help her go to school. If she cannot go to school, she says, she will try to get an income. She tells that she once had a job where she was paid 2,000 Gourdes per month.

Maria speaks as if her aunt's home is not "her home", and says that she has to relate to her aunt's wish to move out of Port-au-Prince, and adds that, "wherever I can go to school, that's my home". Yet, she repeats that she does not want to go outside of Port-au-Prince, even if it has a school, as the water there will give her "spots" on my skin", is a commonly held view.

Later, Maria says she wants to carry on living in Port-au-Prince, if she could choose. She would like to live with her younger sister (aged 10) who is currently living in the Delmas area. Her sister is attending school, and Maria conveys that she is more fortunate than herself. Maria does not want to go to live with the family of her sister, though, so this is a problem. She sees her sister once a month. Maria finds money to pay the bus fare, five Gourdes each way. She manages to find the money to go, gets it from her aunt or from others she knows.

Near Jacmel, we met a 17-year-old boy whose account exposes child labour outside of the domestic sphere more than anything, and before then, a case of delayed schooling. His story gives a better idea about the efforts children go to in order to secure an education.

### Joseph

Joseph comes from Belle Anse, a town in a very arid part of the South East which often suffers from food insecurity. His father died when he was young and his mother went to the Dominican Republic in 2010. He is one of five children. One of his sisters (of the same mother) lives in Cayes Jacmel with her father. Another sibling lives in Port-au-Prince with an aunt, and two are with his mother in the Dominican Republic.

Joseph lives with his father's brother, who came to fetch him when his mother left. He has been living with him in Jacmel since then. The uncle has one son who is currently in the final year (Philo) at the Lycee in Jacmel. The uncle's wife had left him before Joseph came to live there.

Joseph has not gone back to school yet this year. He was in the third year of primary school last year, a class supposed to be for eight to nine-year-olds. He has been paying his own school fees, helped by his mother who sends some money from time to time. When he left Belle Anse, he had only completed his first school year, and was thus seriously delayed. In the four years that had passed since then, he has completed two years of schooling.

"When there's food, we eat," (*le gen manje, nou manje*) he says to illustrate the situation of scarcity in his uncle's house. He struggles to cover his school expenses: "I have a problem of things to wear to go to school", he says. He needs to buy trousers for 400 Gourdes, 1 000 Gourdes for the material for two shirts plus 300 Gourdes to get them made, as well as the cost of shoes. His school costs 3 000 Gourdes, of which he only has to pay half at the beginning.

He has been working on building sites since 2013, along with his cousin (the uncle's son). He manages to work once or twice in a month and earns 250 Gourdes a day from this.

His uncle sells in the streets. He has asked for his uncle to help him pay for his schooling, to which his uncle has answered that everyone has to look after their own business, or literally in a Creole saying: "glow-worms give off their own light" (*tout koukwouj klere je l*), and that "I'm not your father". His uncle sometimes insults him, he says. How do you answer to that, we ask, and he answers that "I accept it" (*m pran l*, literally "I [simply] take it"). At home, his cousin sleeps in a bed but Joseph and the uncle sleep on the floor. Joseph explains that he does some of the housework "because I'm younger".

"I think about my future", says Joseph, and adds that "I would like my children to live well" (*m panse pou avni m. M ta renmen pitit mwen viv byen*). He also says that "I've always been told that my Mum was going to come to take me to live with her but she's ill. I don't really believe it."

In spite of very difficult circumstances, Joseph does not give up the idea of school. The chance of a public school accepting him at the level of Lycee (high school) is meagre given that he is so delayed, but this is still Joseph's goal.

### Enterprising, education-seeking children

In many of the conversations we had with children who live in arrangements of child domestic work, both children going to school and not, a recurrent theme was the ways in which children search for tiny incomes in order to improve their opportunities. They also do so in order to

cover day-to-day needs. A common expense is travel costs, as was reflected in Maria's story above. When we talked with her, Maria added that if she could not go to school, she would continue to visit the NGO resource centre where we met her, in order to continue learning crochet. She believed that she would eventually be able to sell the crocheted items she makes, for instance bikinis. At the moment, she added, she did not have the money she needed for this, but when ready she will ask a friend.

We met with another young man of 20 years in Jacmel who had been more successful in staying in school than Joseph, thanks to his own work input and personal connections.

### **Gregory**

Gregory has not lived with his mother since he was two months old. Since his father died in 1999 he has lived in five different households, until now, when he rents his own room. He was first living comfortably with his grandmother, who was caring and protective, and stopped people "talking harshly" to him. But when she died, life became tough for Gregory. In addition to doing a lot of housework in his different homes, he has tried to earn money all along. When he saw kids doing construction work, he joined them, and he has also sold phone cards in the streets. He has also asked for help from relatives and especially from relatives abroad. Now, he has managed to build up a small pot of money from the help from relatives abroad, and has bought a motor cycle. This gives him the opportunity to transport kids to and from school, and he gets paid for this transport service.

All along, he has used his incomes and personal networks in order to pay school fees and expenses. Throughout the years, he says has missed out on two years of schooling only: in 2007 to 2008 when he did not manage to pass his exams, and when one of the relatives who used to help him went abroad, in 2012 to 2013. In 2013, he could not pass his ninth and final year of basic education (the "Brevet"), as the Ministry of education ended up not recognising (accepting) the school that Gregory had paid so much to go to. Now, at the age of 20, he will sit for the Brevet and thus complete his basic cycle (the ninth year). The plan is to further his education.

Gregory's relative success is a result of assistance – his social network materialising in the form of economic support. Volatility is a fact of life for all of these children, opportunities changing rapidly when caretakers fall ill or another crisis hits. In these situations, children work hard to change their opportunities for the better. Education looms large in children's motivations for working as hard as they do, almost surprisingly large given the meagre chances of formal academic education paying off as long-term employment.

Given the cultural importance of formal education, children who live in homes where other children go to school, but who themselves are unable to attend, experience this as a form of exclusion – also emotionally and socially. Children also worry that it causes longer-term problems, as they may not be able to secure the life that they dream of without an education. This aspect of the educational complex is significant regardless of whether child domestic workers' access to education is improving or not in statistical terms. Interestingly, however, and as is shown in Chapter Six of the tabulation report, the factor that has the highest [reported] impact on the children's [emotional] well-being in the ... [survey] is whether the child is enrolled in school or not. Children who are not enrolled in school generally feel more lonely, unhappy and unloved than enrolled children, regardless of domesticity status (Lunde et al. 2014: 178).

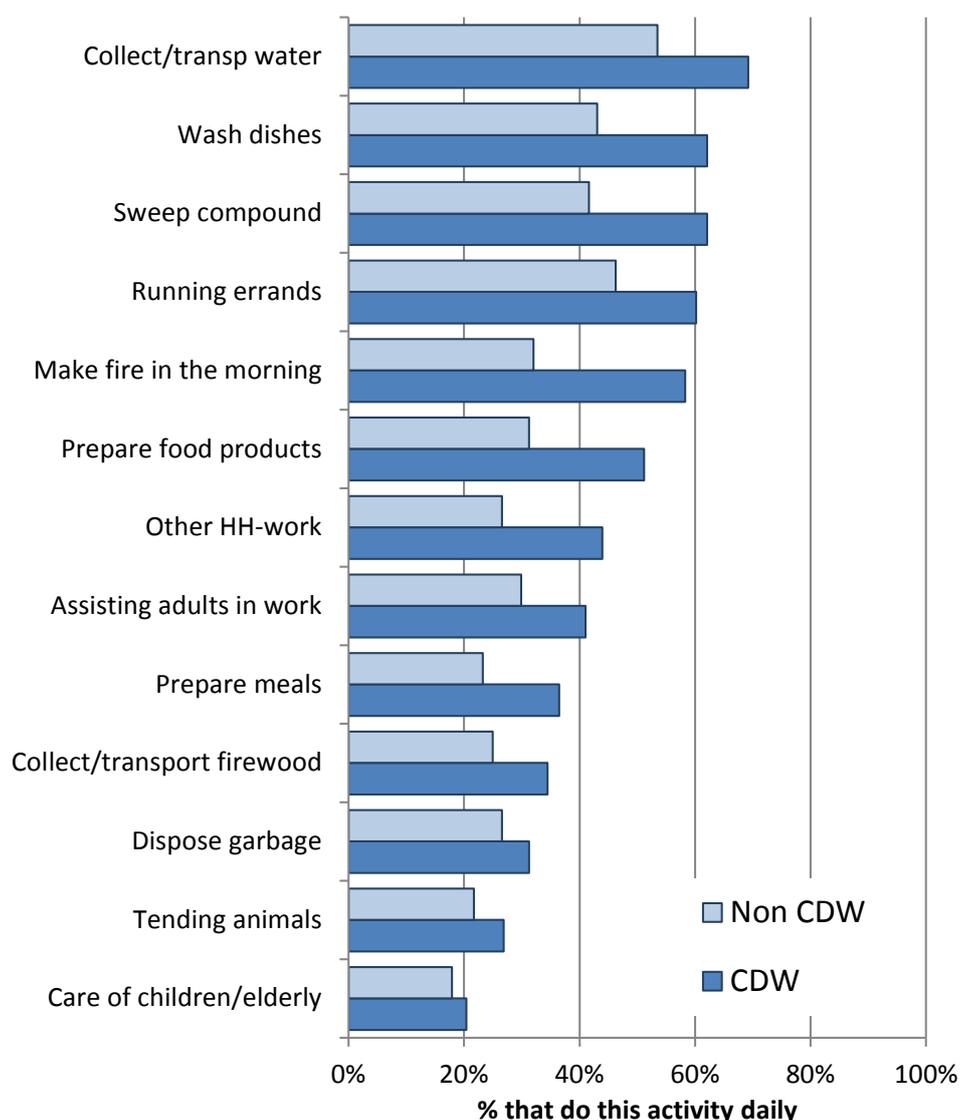
## Working conditions

Haitian children perform a large number of household tasks in the households where they live. As shown in Figure 18, more child domestic workers than non-CDWs do engage in household tasks. It is important to remark, however, that overall, there are no activities that are performed exclusively by child domestic workers.

Even though no activities are performed exclusively by child domestic workers, the distribution of tasks in individual households may give a different perspective. Many children explain that they take over some tasks when they move to a new household, and become the only ones to perform them. They associate this with their domestic worker position, especially the task of throwing out the contents of the night buckets when the morning comes.

As can be seen in Chapter 3 of the Tabulation Report (Lunde et al. 2014), more than half of child domestic workers are daily involved in collecting and transporting water, washing dishes,

Figure 18 Household tasks done daily, child domestic workers compared to other children, age 5 to 17



sweeping the compound, running errands and making fire in the morning. If we control for children's age, as is done in Figure 19, we see that even in the same age group, it is a higher proportion of child domestic workers that perform domestic tasks. It is worth pointing out that the two groups of children that live separately from their parents have a very different workload, and child domestic workers do considerably more of all tasks than other children. Male child domestic workers do more of the outdoor activities, such as carrying firewood, tending animals and agricultural activities. The tasks of female child domestic workers are to a higher degree tied to the house, and typically involves preparing food products and meals, washing dishes and sweeping the compound (Lunde et al. 2014: Chapter 3).

Most children do some kind of domestic tasks, no matter with whom they live. As Figure 20 shows, around 80 percent of children aged five to 17 do domestic tasks both on weekdays and in weekends. There is a tendency that children work more on Saturdays than on the other weekdays. On Saturdays there is also a higher share that works many hours: 14 percent of all the

Figure 19 Domestic tasks performed daily by CDWs and non-CDWs not living with parents and children living with parents by age

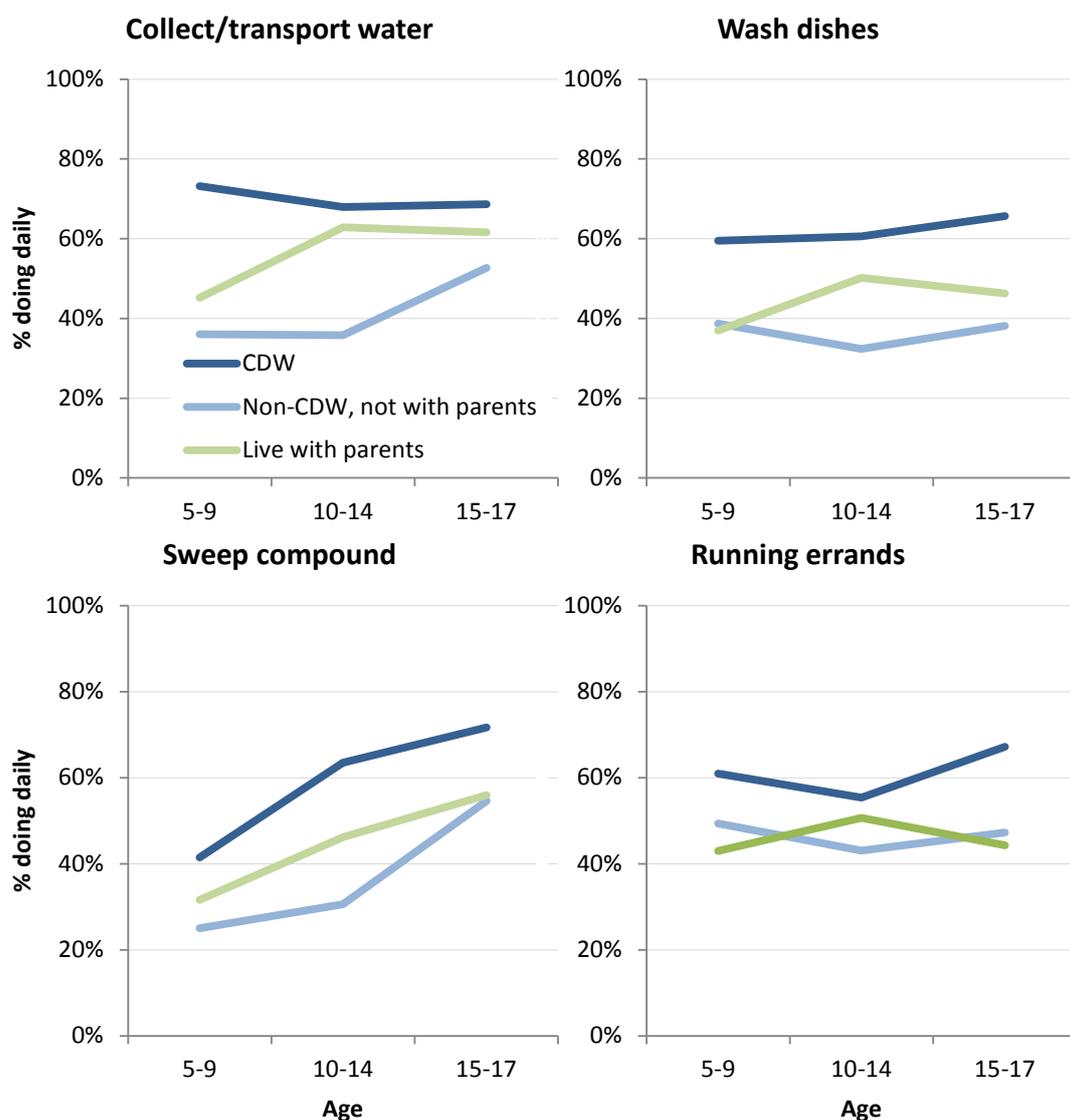
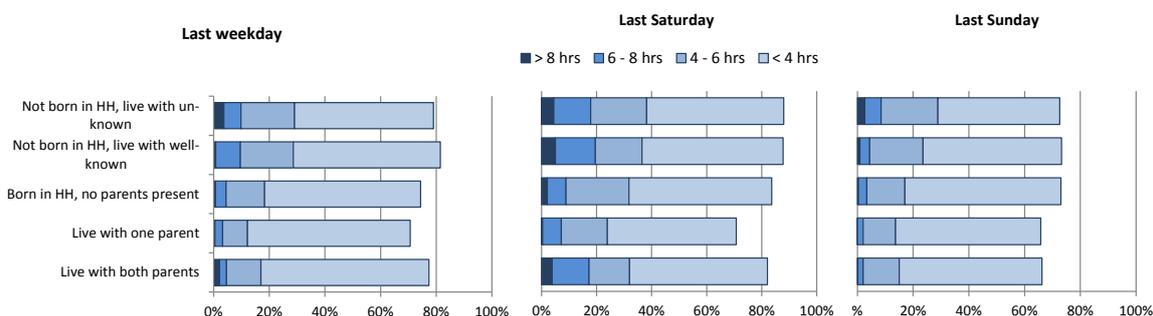


Figure 20 Percentage of children that have worked on weekdays and weekends by living arrangement, divided in numbers of hours worked



children worked more than six hours the last Saturday, while only 5 percent had such a large workload last weekday, and 3 percent last Sunday. A somewhat higher share of the children living away from the household they were born into, work more hours during weekdays than the other children: 25 percent versus 18 percent.

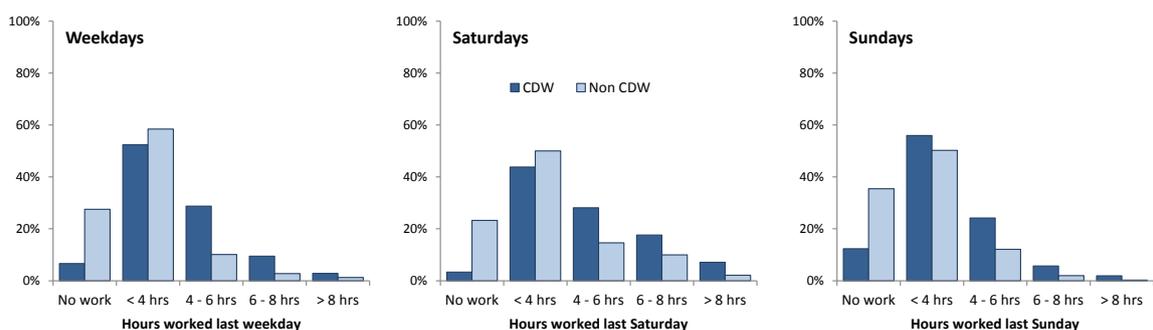
In an assessment of children’s working conditions, it is not only the total number of hours worked that should be taken into account. Another aspect is working hours. Fifteen percent of all Haitian children work after 8 pm and before 6 am (14 percent “sometimes” and 1 percent “always”). There is a slight tendency that children living together with one or both parents work somewhat less during the night-time than children living together in a non-parental household (Table 18). Note that twenty-seven percent of the child domestic workers work during night-time. This is more than twice as many as the non-CDWs.

Very few children (4 percent) are given compensation in the form of money for their work. As shown in Figure 22, an equal amount of the child domestic workers (3.3 percent) and the non-CDWs living away from parents (2.5 percent) get compensation, as the children living with their parents (3.9 percent). Thus, whether children are remunerated is not influenced by their status.

As regards hazardous work, our statistical material does not show systematic differences between different categories of children (see figure below).

With respect to work-related injuries, half of all children report that they have experienced injuries while doing household work. The two main injuries reported are cut-injuries and having been burnt. As indicated in Figure 24, the child domestic workers and the non-CDWs

Figure 21 Workload on weekdays and weekends for CDWs and non-CDWs



**Table 18 Percentage of children that always, sometimes or never work after 8 pm and before 6 am by living arrangement and CDW status**

	Living arrangement					Child status		
	Live with both parents	Live with one parent	Born in HH, no parents present	Not born in HH, live with well-known	Not born in HH, live with un-known	CDW	Non-CDW	Total
Always	0 %	2 %	3 %	2 %	2 %	2 %	1 %	1 %
Sometimes	13 %	12 %	15 %	17 %	16 %	24 %	12 %	14 %
Never	86 %	86 %	82 %	81 %	82 %	73 %	87 %	85 %
<i>UnWn</i>	352	305	236	452	245	494	1104	1598

follow the same pattern in this respect, but with a tendency that there are some more child domestic workers that have experienced any injury (57 versus 50 percent) and have received cuts during work (50 versus 41 percent).

In addition, some rare cases of broken limbs, eye injuries, infected wounds, head injuries and other injuries are reported. However, our sample is too small to give an indication of how frequent these injuries are, as only 1 to 5 individuals out of all child respondents have reported any of these kinds of injuries.

Domestic tasks do not seem to influence on school work to the extent that it shows in statistical terms. The only exception is late-coming to class, where child domestic workers are slightly over-represented.

In terms of being too tired to follow instructions in class, no significant differences can be registered (note however that this only regards children who are enrolled in school).

## Health

The survey material does not reflect differences between child domestic workers and other children in terms of exposure to illness and injuries (Figure 26).

Differences in medical treatment are so marginal that it is difficult to draw definitive conclusions (Table 20).

**Figure 22 Percentage of children that are given payment for their household tasks / domestic work**

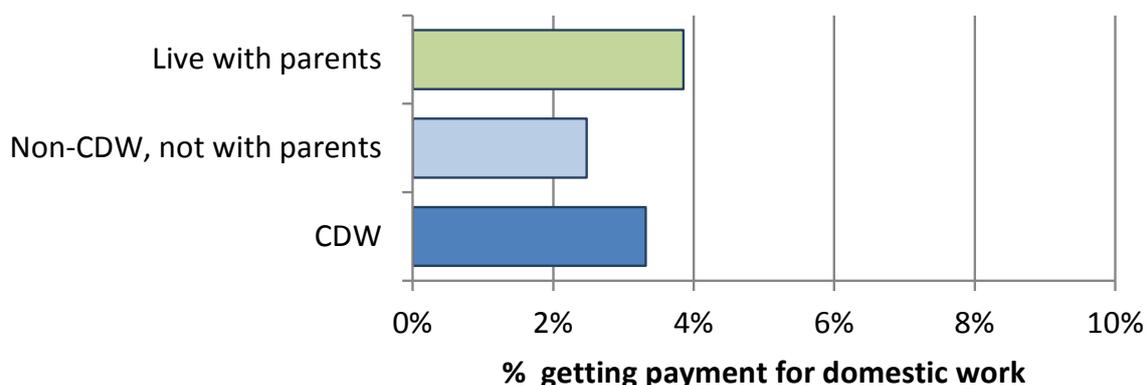


Figure 23 Percentage of children that use dangerous objects and hazardous substances during their work in the house according to child status

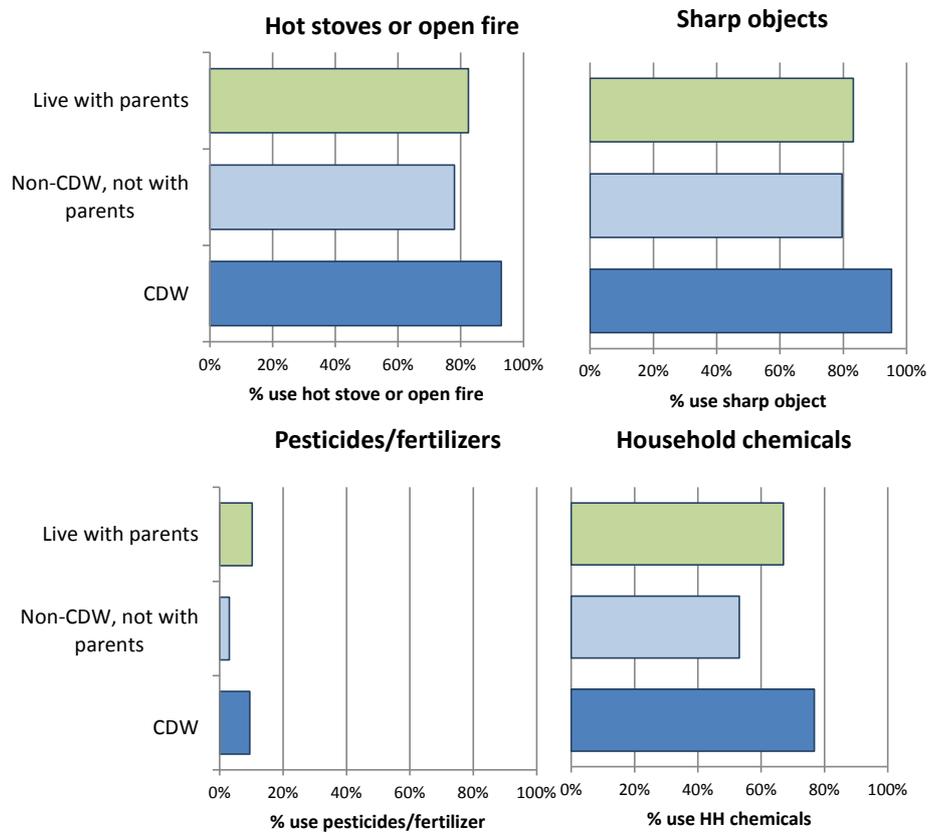


Figure 24 Percentage of children that have experienced injuries during domestic tasks / work according to child status

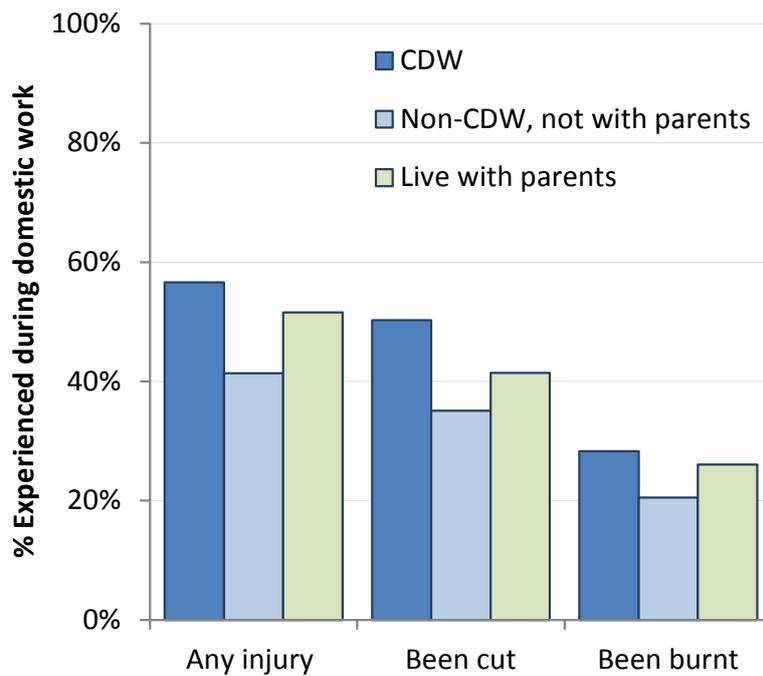


Figure 25 Percentage of enrolled children that have dropped homework, been absent from school or been late for class due to work to do at home

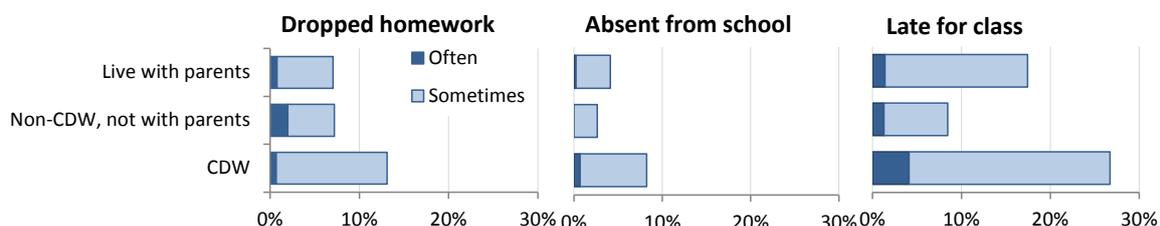
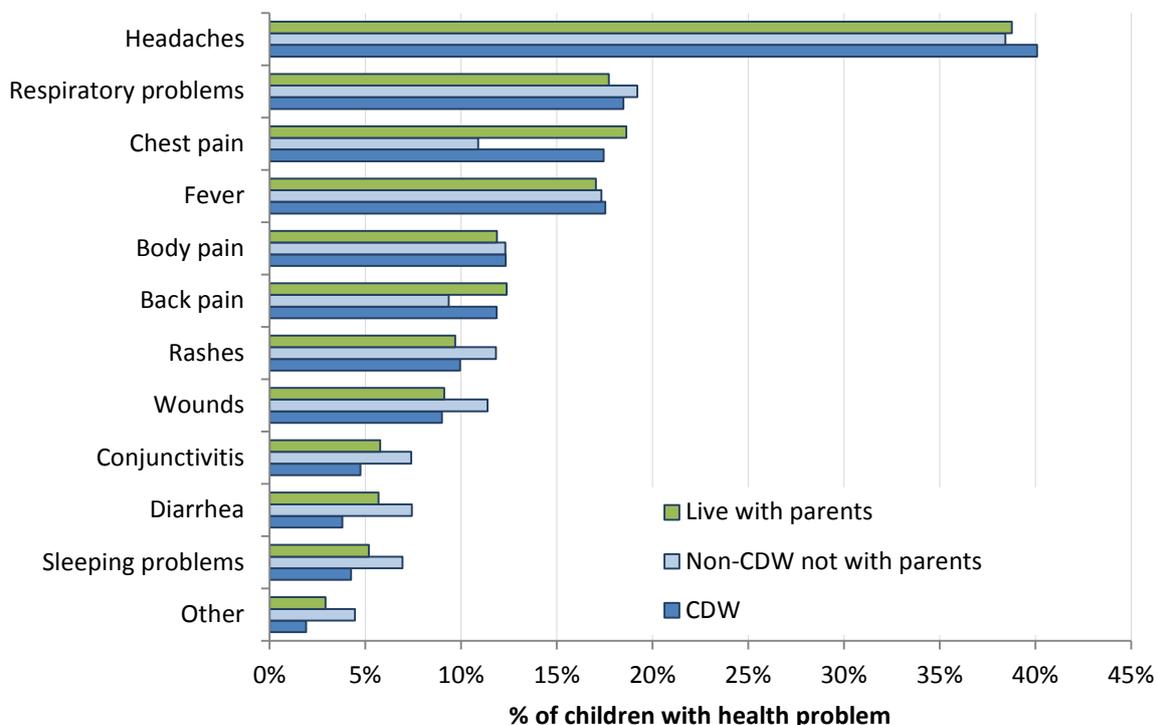


Table 19 Being too tired to follow instructions in class due to work at home (for enrolled children)

	CDW	Non-CDW not with parents	Live with parents	Total
Being too tired to follow instructions in class				
Always	3%	3%	2%	2%
Often	19%	17%	19%	19%
Sometimes	78%	80%	79%	79%
UnWn	341	346	498	1185

Figure 26 Percentage of children suffering from different health problems



**Table 20 Been to hospital or seen a health worker past 12 months**

	CDW	Non-CDW not with parents	Live with parents	All
Yes	19%	25%	22%	22%
No	81%	75%	78%	78%
<i>UnWn</i>	494	447	657	1598

In the child questionnaire for the survey, we also included a psychological mood and feelings self-assessment. The self-assessment screened for depression among children and adolescents from the age of eight (along the lines of Angold et al. 1995). The tabulation report includes some selected tables on mental health (see tables 6.9 to 6.14 in Lunde et al. 2014). The tables are a part of a larger set of questions that together make up a depression index.

What is evident from the individual tables in the tabulation report is that there are no large differences in the reported moods and feelings the last two weeks before the survey between child domestic workers and other children. As noted, the factor that has the highest impact

**Figure 27 Depression index: Percentage of children 8-17 years of age that said it was true or sometimes true that they had these feelings last two weeks**

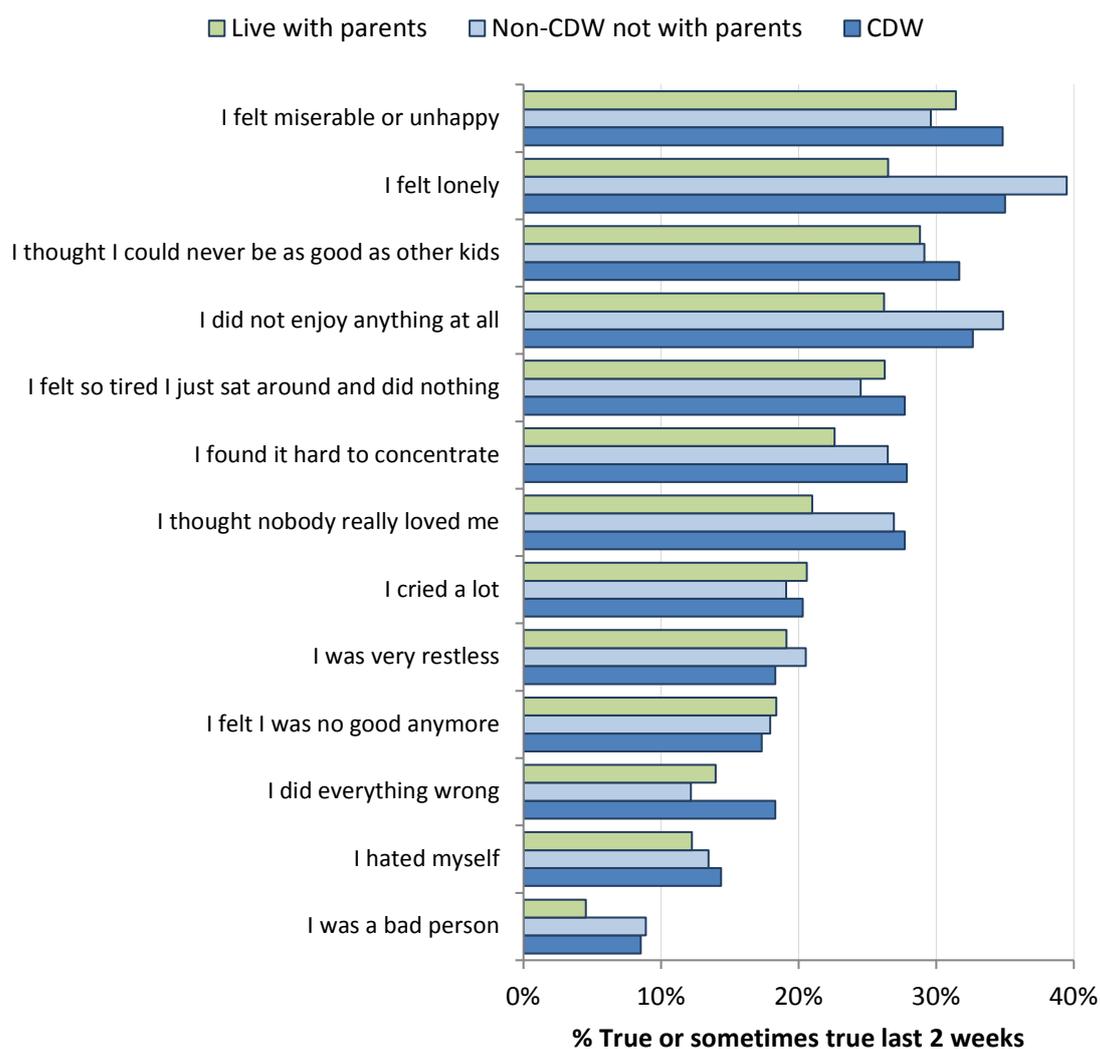


Figure 28 Percentage on each level of the depression index

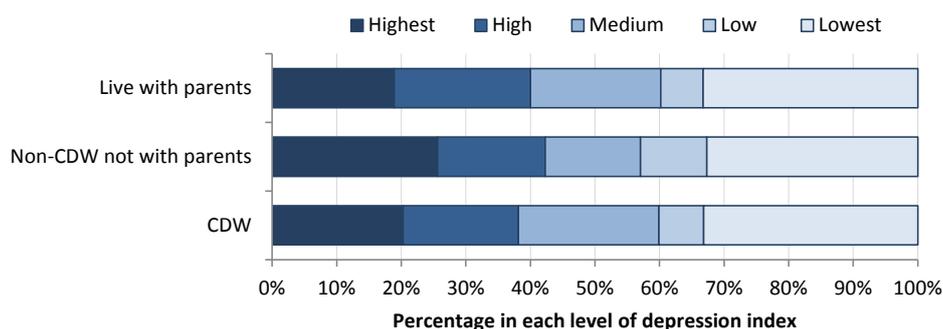


Table 21 Prevalence of handicap among children under 18 years of age by living arrangement

	One or both parents	Other relatives	Non-relatives	All
Psychological	0.3%	0.5%	0.8%	0.4%
Visual	0.5%	0.3%	1.5%	0.5%
Auditory	0.9%	0.3%	0.0%	0.8%
Physical	1.1%	0.3%	0.8%	0.9%
Intellectual	3.5%	1.2%	5.4%	3.1%
Any handicap	5.7%	2.3%	6.9%	5.0%

on the children's well-being in the selected tables is whether the child is enrolled in school or not. There is also a tendency that girls are more troubled with difficult moods and feelings than boys, and older children more than younger children.

As Figure 28 shows, distributions of children on the different levels of the depression index, from high to low, is not significantly different between children who live with parents, child domestic workers and non-CDWs who live away from parents.

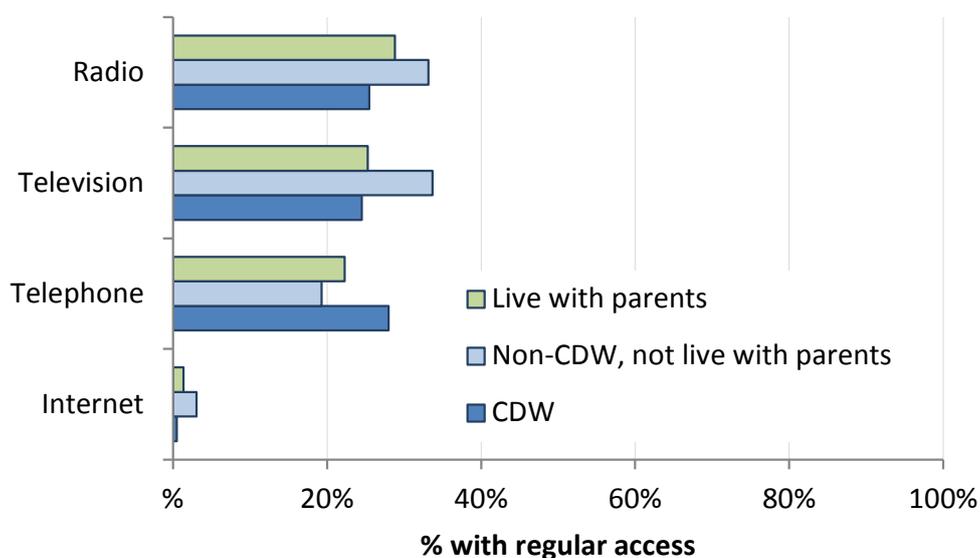
If we disregard the distinction between child domestic workers and non-CDWs, and focus on children's living arrangements, we find that one out of twenty children (five percent) in the age-group five to 17 has a handicap<sup>16</sup> (see Table 21). The most frequent handicap is intellectual. There is a tendency that parents to a very little extent will send their handicapped children to other relatives. Relatively few children with an intellectual handicap are found among the children living with other relatives. As we will come back to later, many of the children living with other relatives do so for educational purposes.

## Social conditions

In the child questionnaire of the survey, a range of questions intended to uncover children's different limitations, privileges, resources and treatment in households were included. We explore some of the data that these generated in the following. For the most part, no marked

<sup>16</sup> All the handicaps are as reported by the household head – no medical examinations have been carried out during this survey. As it appears from this, the data on this variable are based on the roster data and not on direct response from children.

Figure 29 Access to media by child status



differences between the different categories of children can be drawn based on this data. Therefore, the discussion is complemented by qualitative data.

### Privileges and restrictions: Media access, clothing and freedom to leave the house

Nearly none of the children that were included in the survey sample reported to have access to the internet. Roughly one third have regular access to radio, TV and telephone. There is no particular difference between children living with their parents, child domestic workers and non-child domestic workers living separately from parents in this respect.

Compared to what we witnessed during ethnographic fieldwork in Haiti in 2001, many children living in new homes stayed in regular contact with their parents via mobile phones.

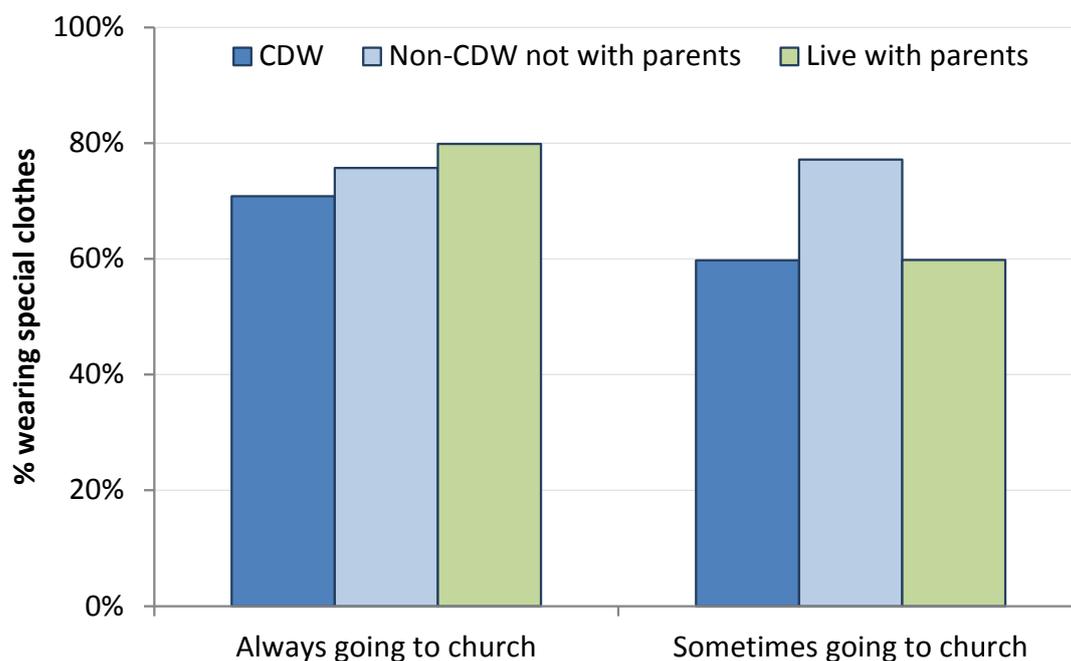
Child domestic workers are slightly less likely to go to church than other family members. When they go, they are slightly less likely to wear special clothes, but the differences are so minimal that it is not possible to draw dramatic conclusions based on the survey data.

As Lunde et al. point out in the tabulation report (2014: Chapter 5), data show that overall, child domestic workers are more frequently allowed to leave the house alone, both for duties and for own purposes, than other children. Much of the explanation for this is, however, is that the child domestic workers on average are older than other children. In Figure 31, numbers are divided by children's age.

Table 22 Percentage of children going to church

	CDW	Non-CDW not with parents	Live with parents	All
Always	34 %	38 %	42 %	41 %
Sometimes	39 %	36 %	37 %	37 %
Never	27 %	27 %	20 %	22 %
UnWn	494	446	657	1597

Figure 30 Percentage of the children wearing special clothes when they go to church

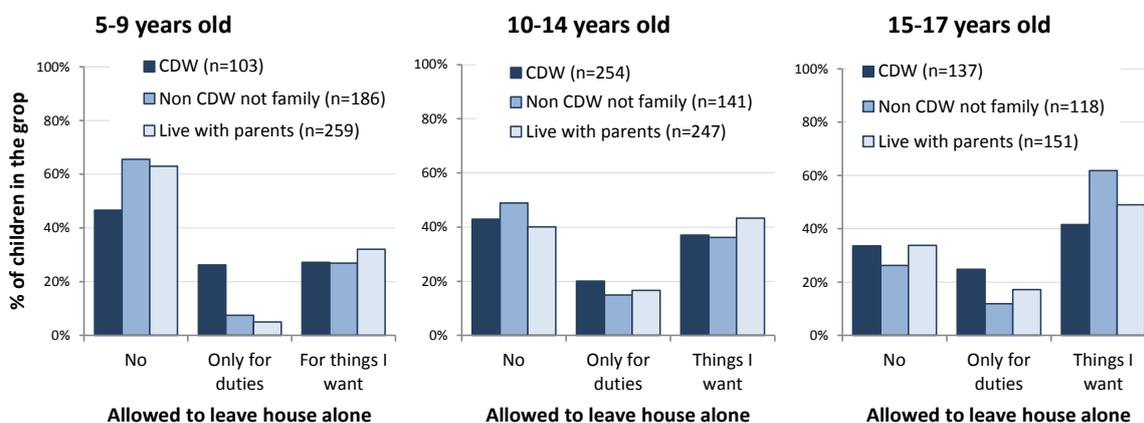


The issue of leaving the house is not always an issue of degree of freedom and privilege: it is also a dimension of local concerns regarding the protection of children by adults. What gender is concerned, girl child domestic workers are less likely to be allowed to leave the house for own purposes than child domestic workers who are boys.

### Experiences of care: Punishment, commensality and social inclusion

In the survey data, there are no marked differences in the frequency of punishment. The difference that is there, though small, indicates that child domestic workers receive less punishment than do other children. According to household respondents, child domestic workers are considerably less likely to be hit with an object or whipped, which is the most common form of punishment of children generally speaking.

Figure 31 Children allowed leaving the house on their own, according to child status and age



**Table 23 Percentage of children that have ever been punished by a member of the household**

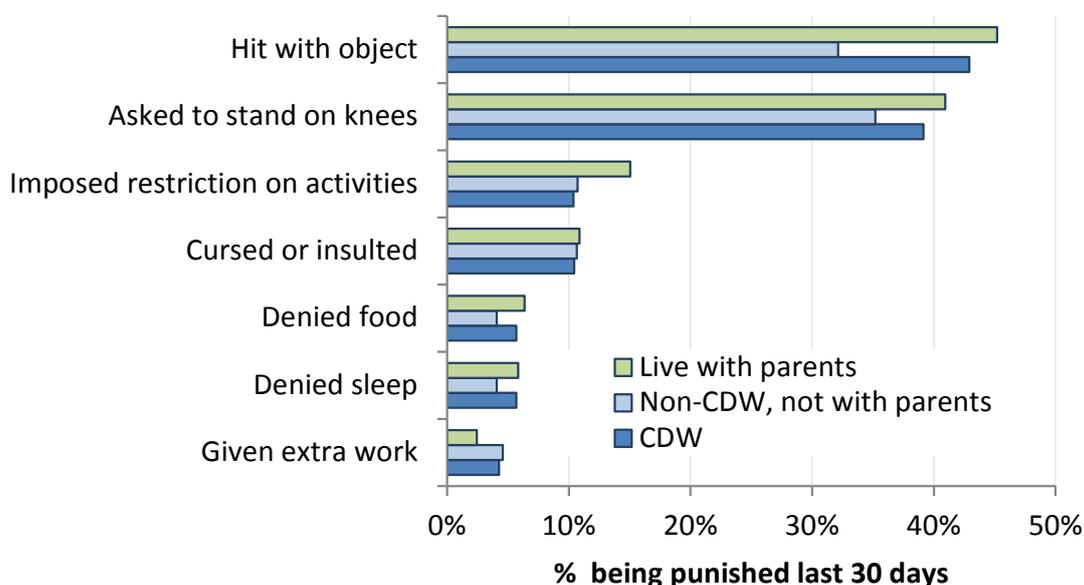
	CDW	Non-CDW not with parents	Live with parents	Total
Often	9 %	8 %	11 %	10 %
Sometimes	55 %	56 %	65 %	63 %
Never	36 %	36 %	24 %	27 %
<i>UnWn</i>	494	444	657	1595

Approximately 10 percent of all children, child domestic workers included, report to have received verbal reprimand. Interestingly, verbal reprimand is the type of punishment that parents who want to send their children to live in another household find *least* acceptable. According to these parents, verbal reprimand and/or insulting is unacceptable, while 81 percent accept that members of the new household whip their children (see tabulation report, Lunde et al. 2014: Chapter 7). We return to this issue in Chapter 6.

In spite of small or no significant differences between child domestic workers and non-child domestic workers with respect to punishment, also reflected in the findings from 2001 (Sommerfelt et al. 2002), children’s statements during our informal conversations with them indicate that punishment reproduces child domestic workers’ feeling of being outsiders. In informal interviews, children who talked about difficult circumstances during stays as domestic workers often focused on the issue of being beaten and punished. By punishment in this context, they also referred to scolding, being put to tasks they did not want to perform or that they found disgusting.

The feeling of not being included in the daily life and emotional community of a household is expressed by many child domestic workers. This feeling of separateness is a vague notion in the sense that it is practically impossible to capture by way of asking questions in a standardised interview. However, notions of separateness come out clearly in conversations with child domestic workers, and especially clearly in the context of meals, and how and by

**Figure 32 Percentage of all children that have been punished in different ways last 30 days**



whom they are served meals. Some child domestic workers are not allowed to eat at the same table as other people of the house they live in, or they have to eat after the other residents have finished their meal.

### **Nathalie**

We meet Nathalie in Port-au-Prince, where she attends a day centre for children who live under difficult circumstances. She is 15 years old. Nathalie is originally from Grand'Anse. Her mother died when she was three years old and her father was killed in the 2010 earthquake. Until that time, Nathalie had been living with her father and going to school. When her father died, Nathalie went to live with her Godsister (i.e. the daughter of her Godfather). The Godsister works in the informal sector selling second-hand clothes. The sister's partner, who is employed by the state, also lives in the same house.

There are three other children (aged nine, five and two years) in the house. Only the oldest is in school but the five-year-old will start next year, on time, tells Nathalie. Nathalie stopped going to school when she came to live here.

Nathalie tells she is suffering (*map pase mizè*) in the house of her Godsister. She says that her Godsister "doesn't give me anything". Nathalie sweeps the floors and does the washing up. The Godsister gives clothes to her children but not to her, in spite of her selling second hand clothing, Nathalie remarks. When her Godsister cooks meals, and Nathalie is at home, she is usually given food. However, she is often in the day centre, and takes classes there, and when she returns home, food is not put aside to her. When the Godsister is out doing her commerce, and no food is cooked at home, the Godsister gives money to her children to buy food "in the streets" i.e. snack), but she does not leave money for Nathalie to do the same. Nathalie comments that they do not care about her, and do not mind that she is hungry.

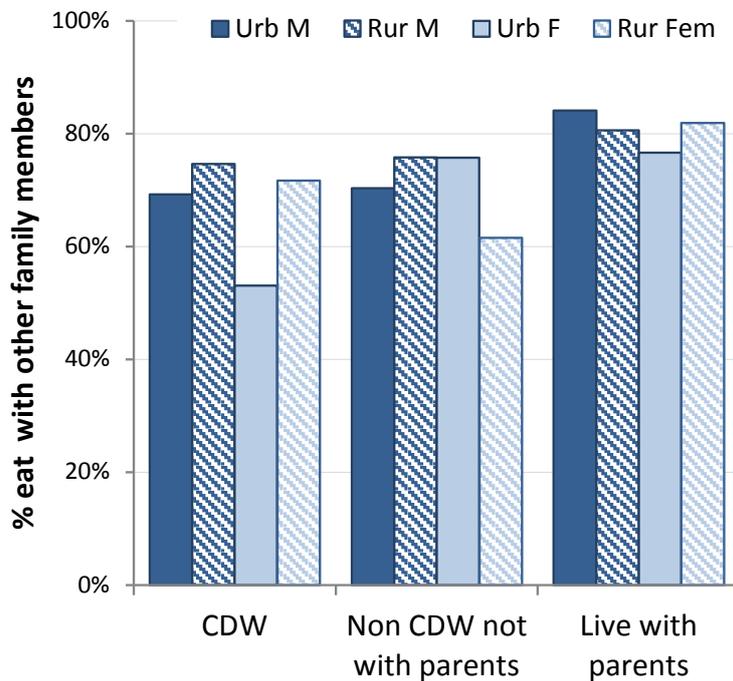
In the same day centre, we met another girl, aged 12 years, whose remarks on meals resonated with Nathalie's. She tells that when she returns from the day centre, where she too attends classes, food is not set aside for her. A man next door sometimes gives her food when he has cooked, she tells us.

In Maria's account (above), similar notions about being cared for, and sentiments about lack of care, were articulated. She remarked that "it's as if I didn't have a father. He doesn't know whether I eat or if I'm well". Moreover, a feeling expressed by many child domestic workers is that their employers, or caretakers, do not worry about their well-being and do not care about their material survival.

Differences in commensality are significant in the statistical material, and the sharing of meals comes across as an important measure of integration in the household. Nearly four out of five Haitian children (78 percent) do eat together with other members of the households they live in. However, there is a remarkable difference between the children living with their parents, and the other children. As shown in Figure 33 children living with their parents eat more frequently together with the rest of the household than the other children do. Only half of the female child domestic workers in urban areas (53 percent) eat with the rest of the households. The mean number of meals does however not vary between the groups, the mean number of meals for all the groups were two.

Another aspect of treatment on households is children's sleep and sleeping facilities. However, the survey results show only small differences, too small to be significant (Figure 34 and Figure 35), between child domestic workers and other children.

Figure 33 Percent of children that usually eat together with other members of the household by child status, area and gender



## The bad end: Being set aside

Among the children that do not live together with their original parents, 10 percent think they are worse treated than the other children in the household (12 percent of the child domestic workers and 8 percent among the others). This question is only answered by the children that live separated from their parents.

For the children not defined as child domestic workers, 17 percent feel they are better treated than other children in the household, while this is the case for six percent of the child domestic workers (Table 24).

Though there are a difference among child domestic workers and non-child domestic workers who live away from parents with respect to the feeling of being treated better, then, we cannot say

Figure 34 When children rise in the morning and where they sleep

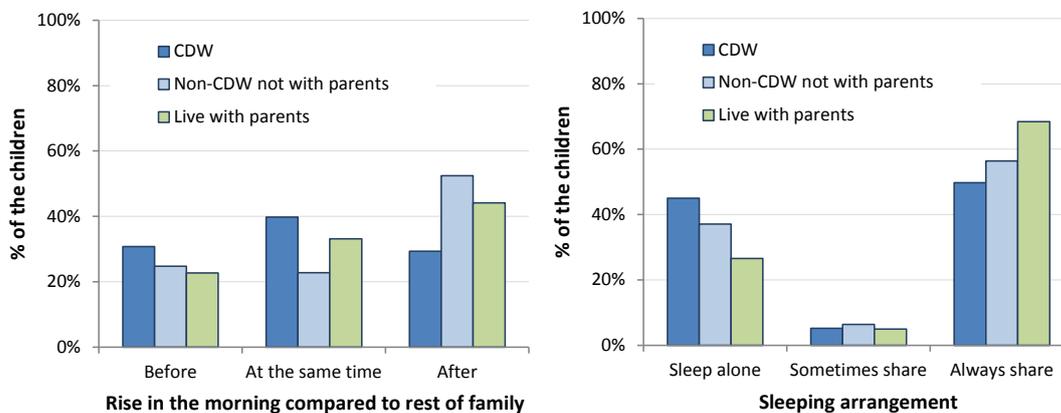
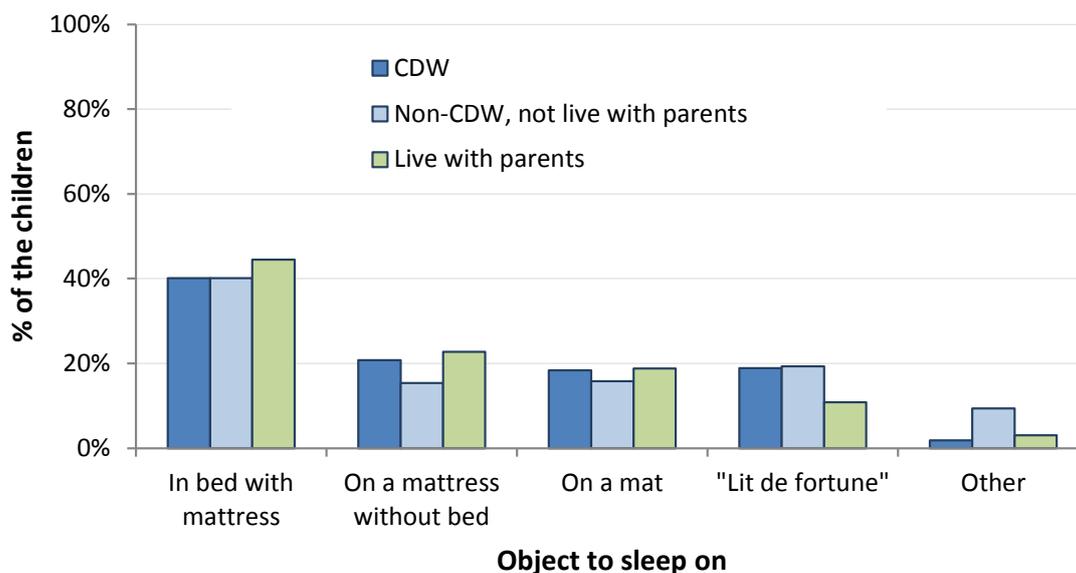


Figure 35 Kind of bed children sleep on



that a majority of child domestic workers feel that they are treated worse. What we *can* say with reference to qualitative data is that among children who do describe their life as child domestic workers as especially difficult, descriptions centre on experiences of exclusion and separateness. This is, moreover, an aspect the constitution of the “bad end” of the continuum of cases of child domestic work, and these cases differ from those situations in which children experience the stay or employment in a new home as an acceptable way to improve their opportunities. Thus, this is not an issue of describing the majority situation, but rather, how worst cases are experienced. In this context, the account given by one of the urban girls we talked with is illustrative.

### Joane

Joane is 14 years old. Her mother lives in a rural area. Three years ago, she sent Joane to live with a woman in Port-au-Prince. “She sent me to get a better life, but that didn’t happen” (*lal chache yon vi miyò pou mwen, m pa jwenn*). Joane no longer has any contact with her mother and she has no father. She went to school from the age of six to eight and she reached the third year of primary school. She thus started school on time but dropped out before coming to Port-au-Prince. “I’d like to go to school”, she says, ‘but [if I don’t] when I’m bigger I’ll sell things in the market”.

The woman she is living with is elderly. She sells food in the morning but for the past week she hasn’t done this. She tells Joane that she has no money to sell food, but Joane says

Table 24 Perception among relocated children of treatment compared to other children in the household

	CDW	Non-CDW not with parents	All
Better	6 %	17 %	11 %
Same	59 %	57 %	58 %
Worse	12 %	8 %	10 %
No other children in household	24 %	18 %	21 %
<i>UnWn</i>	488	440	928

that “it’s just for me that there’s no money”. There are two other children in the household, who are older than Joane, and one of them is in university, according to Joane.

Before Joane came to live with this elderly woman, she lived with another family in Carrefour Feuilles, but they “couldn’t cope” [having Joane there].

In her current home, Joane says, “I do a lot of work: I wash up, and wash clothes, I cook”. Sometimes she is allowed to play with other children, but not when she has got work to do. “I cry when I see them go to school because I can’t go”, she says.

She tells that sometimes, she is beaten for a long time (*san rete*). “She treats me badly” (*mizè lfe m pase*). When we ask why she is beaten, Joane answers, “because I’m not her child”. And to illustrate, she adds: “I’m hungry and they don’t give me food”. The family eats, she says, but they do not give her proper meals. In the morning they have coffee and bread, and later they buy *fritay* (street food) to eat. “If I ask for five Gourdes, she [the old woman] says she hasn’t got it. It’s when I do the washing up that I will find something to eat from what they leave behind. She mentions that she sleeps on a sheet on the floor and that the others have beds.

Child domestic workers own comparisons convey that the source of suffering is not necessarily workload, but often derives from the feeling of separateness from other household residents and of being treated differently from other children of a house.

## **A continuum of domestic work arrangements, and children’s movements along it**

Children’s experiences of being treated differently are also shaped by their own comparisons with their opportunities back in their original homes. Some children express that a difference of privilege *in degree* between children in a house – for instance a child domestic going to a school of assumed poorer quality than other children of the house – can be bearable if it entails that they get opportunities they otherwise would not have had, had they remained living with their original parents. This contributes to diversifying the image of how children experience their lives as child domestic workers.

One of the cases that leads us to this assessment of the diversity of child domestic worker arrangements involves a boy we call Joel (below). We met him in his home in one of the refugee camps that still existed in Port-au-Prince in September 2014. We also met the couple who was his caretaker. They all lived in a small house (so-called “T-shelter”). Joel is a nephew of the wife of the family.

### **Joel**

Joel is 10 years old, and attends school. He is currently in the 5th year of primary school, and is on track with his education. He lives in the house of his aunt and her husband, a couple in their forties. They have two children of their own, the youngest a boy of 10 years who is also in his fifth year.

Joel has been with the couple for three years. Before joining the family he had reached the third year of primary school. According to the aunt, the boy’s father never took responsibility for him and his mother is not working. He could not continue schooling, which was partly the reason why he came to live with them. He now goes to a community school in the mornings (in the camp). The couple’s own children go to a different school, regarded as of better quality. The aunt says that Joel participates in housework, and that all the members of the house do the same.

It was difficult for us to check Joel's workload, but his situation came across as a regular case of informal fostering. Regardless, had Joel not come to stay with his aunt, he said, he would not have been able to continue schooling, and would have dropped out or become delayed in his education. He cherished the opportunity he had now, to go to school.

Many children we met had experienced the kind of delay that was threatening Joel, due to parents' inability to pay school fees. In some of these cases, their taking up domestic duties in a new home did not entail denigration as in the bad cases accounted for above, but enabled them to take up schooling again, although they were now delayed in their education.

In the steep hills above Port-au-Prince, in an area called Phillipeau, we visit the house of Marjorie.

### **Marjorie, Lisa and Immacula**

Marjorie has four adult children who all live with her – three boys and a girl (26-year old Immacula). Additionally, Marjorie's Goddaughter, Lisa, moved to Marjorie three years ago, from Jeremie, and is now 18 years old. She is the niece of Marjorie's late husband. Lisa's own father died three months ago. Her mother is alive, but has had 10 children, out of whom two have died.

Lisa goes to school. Marjorie also paid for her schooling when she lived in Jeremie with her parents and went to a private school there. When Lisa first arrived to Philippeau she attended a local private school, for two years. Marjorie then found a place for her in a state secondary school (lycee), where she has done three years now. She is in the 10th grade, and as an 18-year-old, this implies that she is two years behind in her education. This is less of a delay in schooling than Immacula, her 26-year-old daughter, who is nine years behind at present. Immacula has recently taken her exam for "Rheto" again (the second of three years of the Baccalaureat), for the second time. When Immacula was 18 years old, she was in the ninth grade, thus delayed in schooling with three years.

However, Lisa was behind in her schooling when she arrived. Life was hard for her parents in Jeremie, and now her mother is alone with the burden of supporting her many children.

For Marjorie, who also helps her sons in establishing small-scale business-ventures, the expenses for the schooling of Lisa and her own daughter are heavy. Marjorie has had a relatively steady income, which, she explains, has enabled her cover costs and pay for her children's schooling for all of these years, and for Lisa's schooling now.

Marjorie works as a maid. Consequently, she is away at work most days, and many nights too. In effect, there is a heavy workload falling on Lisa, Immacula and the three sons. All children in the house participate in the housework, says Marjorie, with no distinctions. Wilbert fetches water, a heavy job considering the distance from the pump and up the hillside. If Immacula doesn't do the cooking, then Lisa does it, then the youngest of the sons. The other two are never at home for meals as they do commerce. All participate in laundry. Immacula and Lisa explain that they are the ones to put aside food for Marjorie, so that she can eat on the days she comes back home from work.

The workloads of both Lisa and Immacula when they return from school are rather high – as no other adult is present in the daytime. They have to do housework for several hours a day, and turn to homework when the housework is done.

When Immacula was younger, she and her three brothers all lived in Jeremie. In fact, Marjorie placed them in the house of Lisa's mother and father. They stayed there for four years, while Marjorie was working to pay for the plot of land she now owns, and to build the house she currently lives in. The fact that Marjorie does not have to pay rent, but owns

her own house, is the reason why she can afford to pay for the kids schooling, she explains. This was when Immacula was 10 to 13 years old.

When Immacula was in Jeremie, she went to poorer schools, she says. Also, at one point, a relative of Lisa's father (Immacula's caretaker at the time), claimed that Immacula was too young to go into the class she was supposed to enter. He made her repeat a class: he "held her back". This was when Immacula's delays in schooling started. The man who "held her back" wanted his own children to advance ahead of relative's daughter. This was not about money, according to Immacula, Lisa and Marjoire, but about envy. Marjorie adds that, "he also tried to hold back my oldest son, but he didn't succeed, as he finished Philo ahead of the relative's children - who never finished!"

Marjorie says, in her presence, that while she was living away from her in Jeremie, Immacula used to complain that she was the only one in the house who used to to the laundry. They laugh about this when we talk – and Immacula says that there was work to do, but they had a water pump in the yard so the load was not too heavy.

The example of Lisa and Immacula exposes some of the experiences behind cases that would most likely be considered child domestic work, especially in Lisa's case during the last three years: She is delayed in schooling and has a considerable workload. However, her current living arrangement has helped her back on an educational track. Moreover, the case shows the way in which domestic work is a process of transitions for many children, a matter of slipping in and slipping out of work and education. In this regard, the case of Immacula and Lisa resembles the stories of Gregory and Joseph presented earlier in this chapter, who slipped in and out of education in a similar manner, the difference being that they had to pay for their own schooling and that their interruptions were caused by their own income-generating activities.

The point to make in this context thus goes beyond an illustration of the variation in conditions and experiences on the spectrum of child domestic work arrangements. The processes that many children go through, slipping in and out of child domestic work arrangements, entail that "recruitment patterns" of child domestic workers are often informal. This thus distinguishes these processes from recruitment processes that can be described in terms of the trafficking in children, and it entails that different preventive measures are required.

## Conclusions

Child domestic workers are vulnerable to exploitation. At the same time, they actively try to improve their opportunities, some successfully, others not. The different patterns in the living and working conditions of child domestic workers depicted in this chapter, and their different experiences, convey a point we have emphasised earlier: rather than a lack of personal independence, the nature of children's social relationships, inclusion and exclusion better portrays the specific nature of individual child domestic work arrangements. "Agency" in this setting is defined by the relational dynamics of children's multiple social attachments, rather than the degree of freedom to act independently. The extent and limitations of children's social networks affect their opportunity situations and shape feelings of self-worth. In the next chapter, we turn to explorations of the households that send and receive child domestic workers, and the processes by which arrangements of domestic work come about.

## 6 Profiles of original homes and employment households – and paths in-between

Tone Sommerfelt and Anne Hatløy

In chapter 5, we focused on living conditions of child domestic workers, in comparison to other children. In this chapter we direct attention to households that children come from and go to. We compare households that have sent children away to live elsewhere, households that are the homes of non-biological children and homes that only include children born into the household. In addition to exploring the demographic characteristics of these households, we assess attitudes towards child relocation and child domestic work. In the last part of the chapter, we explore the paths between households that send and receive children in relocation and work arrangements, by focusing on the circumstances around children's movements and the processes by which children change homes.

In order to analyse the living conditions of children who have moved into new households, the survey methodology for this study was designed to obtain as many "receiving" households as possible (cf. section on research methodology). There are also households in the sample that has sent their children away to live elsewhere. However, the research design does not allow us to quantify how many receiving and how many sending households there are, as the number of sending households is too low. Even so, the sample enables us to look into some different characteristics of these households.<sup>17</sup> In addition, we complement the quantitative survey material with information from parents as well as former and present caretakers, and thus employers, of children who can be considered child domestic workers.

### **Sending and receiving households: Some general characteristics**

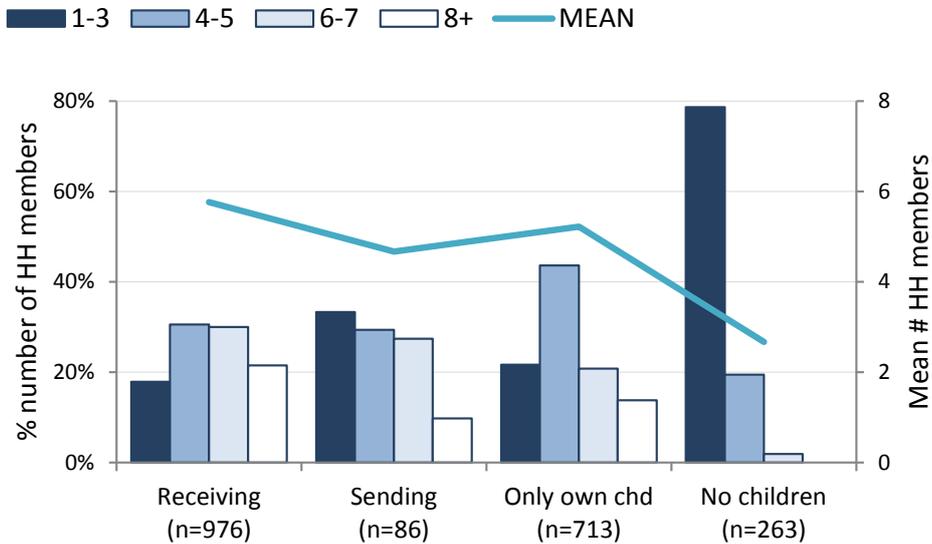
According to our figures, the average household size in Haiti is 4.9 persons. In households that have received children in different relocation arrangements, the mean household size is nearly one member more, 5.8. As shown in Figure 36, these households have a much higher proportion of eight or more household members than any of the other households. These households are larger, obviously, as a result of children having moved to them, but they are larger than the increase of children to them can account for. This may indicate a higher demand for household work in receiving households

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<sup>17</sup> Among the responding households, 40 were both senders and receivers of children as they had both received children and some of their own children have left the household. These 40 households have been excluded from the analyses of the quantitative material that follow because they are too few to generalise from. We do discuss this situation based on qualitative material, however.

Figure 36 Size of households that have received children under 18 and from which children have left (sending HH)

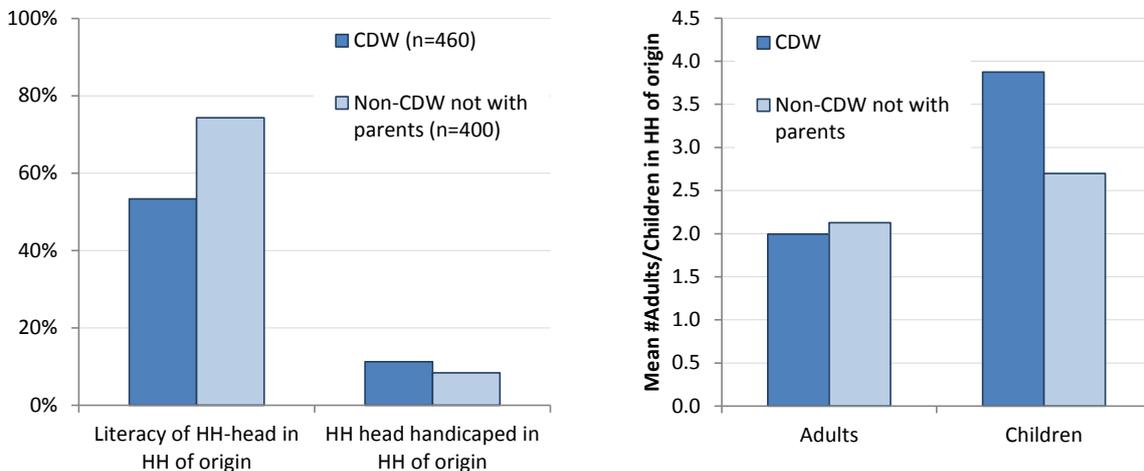
**Household members:**



Households that do not contain children are by far the smallest. The households where children have left to live elsewhere have a mean size of 4.7 persons. It seems to be a commonly held view in Haiti (also among NGO representatives) that households that send children away to live elsewhere are generally larger than other households. In our material, however, there is nothing that indicates that it is the larger households that send some of their children away. This does not mean that they are not poor or face challenges in meeting the needs of care for their children, however, a point to which we shall return below.

Based on information from children in the child questionnaire, however, the households of child domestic workers and non-child domestic workers (who live separately from parents) have some different characteristics. The child domestic workers come from households with

Figure 37 Situation in households where children were born. Left: percentage of household heads that were literate and percent hindered in their work due to handicap. Right: number of adults and children in the household of origin



more children than the non-CDWs (living away from parents). This supports the interpretation that kids are sent into child domestic work in order to relieve the household heavy burdens of upkeep and care. Once again, this shows that children who are sent away for the primary purpose of pursuing their education, but also may conduct household work within the limits of the “permissible”, come from smaller households than the children that live as child domestic workers.

Also, the non-CDWs (living away from parents) come from households with higher education among the household heads that the child domestic workers. There is a small difference between children living in new households in whether the household head in their original household was suffering from a handicap, but the difference is too small to be statistically significant.

Households that have sent children away are equally female and male headed. This is in contrast to the households that have received children – this group has the highest share of female headed households. Almost none of these sending households have old household heads (Figure 38).

There are no particular differences in the level of literacy in French and/or Creole among the different groups of households (Figure 46).

Most of the households that have sent their children away are located in rural areas, while the receiving households are found both in urban and rural areas (Figure 40). In all regions there are households receiving children and other households sending their children away. It is a small tendency that in the “Transversal” (The North-East, ) area there is a higher level of child mobility; households here have a higher likelihood both of receiving children and sending children away than in the other regions (Figure 40).

## Child relocation and domestic work: A matter of attitudes?

Most of the adult respondents find it not desirable for children to be placed in other households for doing unpaid or paid agricultural work and domestic work. This is found desirable for neither children under the age of 18 nor children under 14 (Figure 41). The

Figure 38 Age and gender of household head in the households that have received children or sent children away

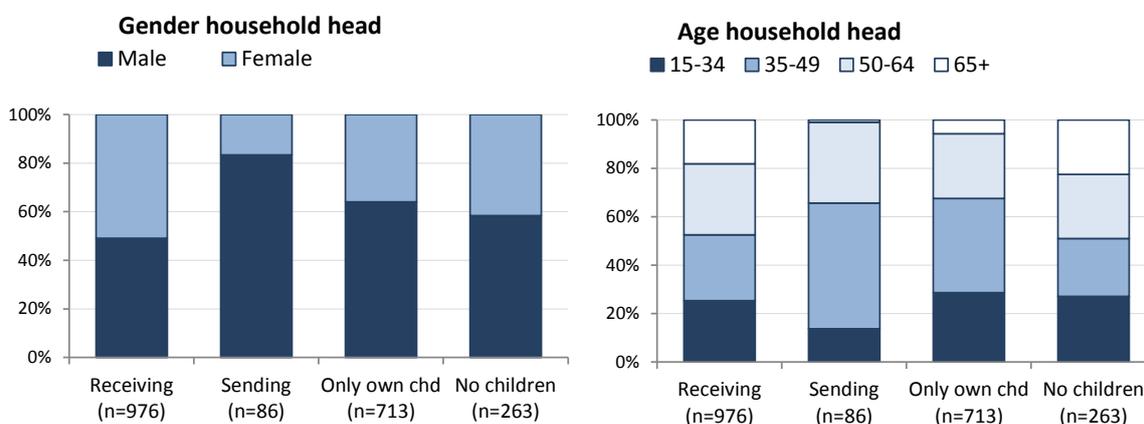
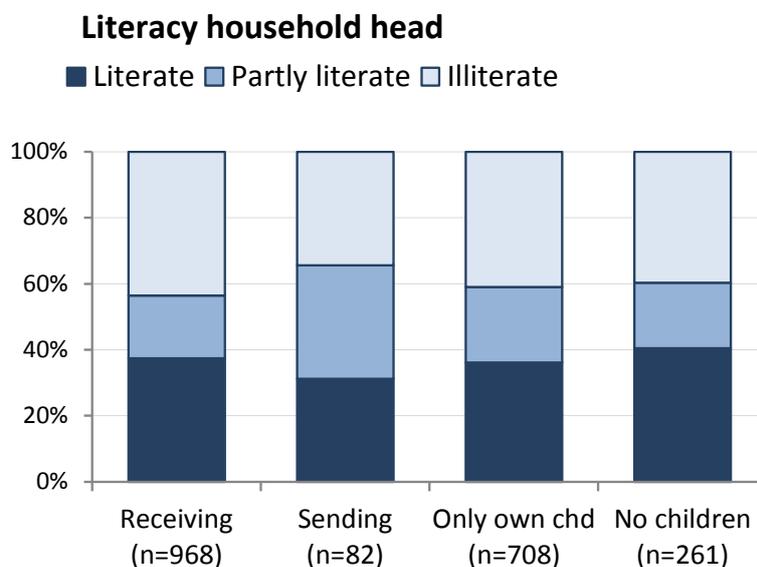


Figure 39 Literacy of household head in the households that have received children or sent children away



placement in homes of relatives or godmothers/godfathers is found “not desirable” for 50 to 60 percent of the respondents. The least problematic is to place children for apprenticeships. However, attitudes in the latter respect vary considerably with children’s age: 49 percent of respondents report that they find it unacceptable to place children under 14 years for apprenticeship, while 27 percent state that children under 18 should not be placed for apprenticeship.

Whether a household contains only biological children, whether it contains children unaccompanied by parents (receiving/employing household), or whether one or more of their own children has left before the age of 18 during the last five years (sending household), the overall picture of what is considered acceptable and unacceptable is relatively similar (Figure 42). However, the sending households are somewhat less sceptical to sending children under the age of 14 away for unpaid domestic and unpaid agricultural work than other households.

Figure 40 Area and region of households, according to whether households have received children or sent children away

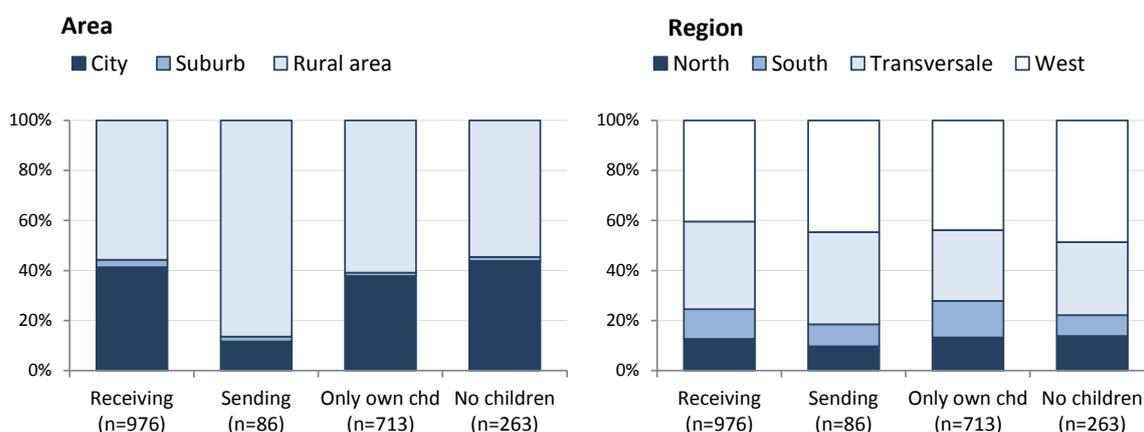


Figure 41 Percentage of adults that find different forms of placement of children "not desirable" for children under the age of 14 and 18

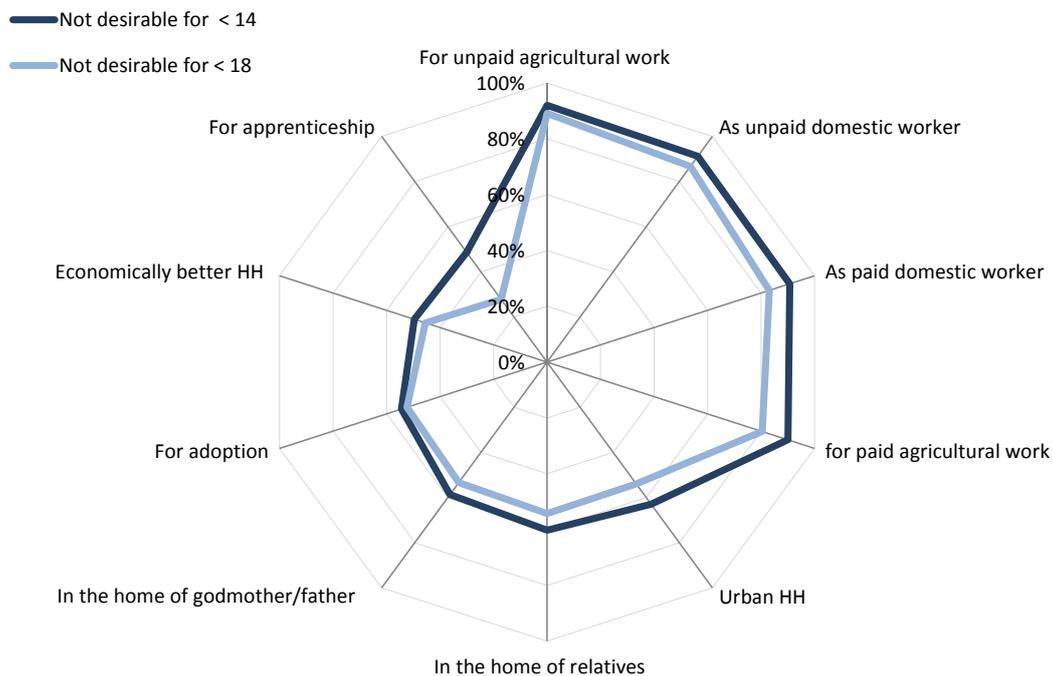
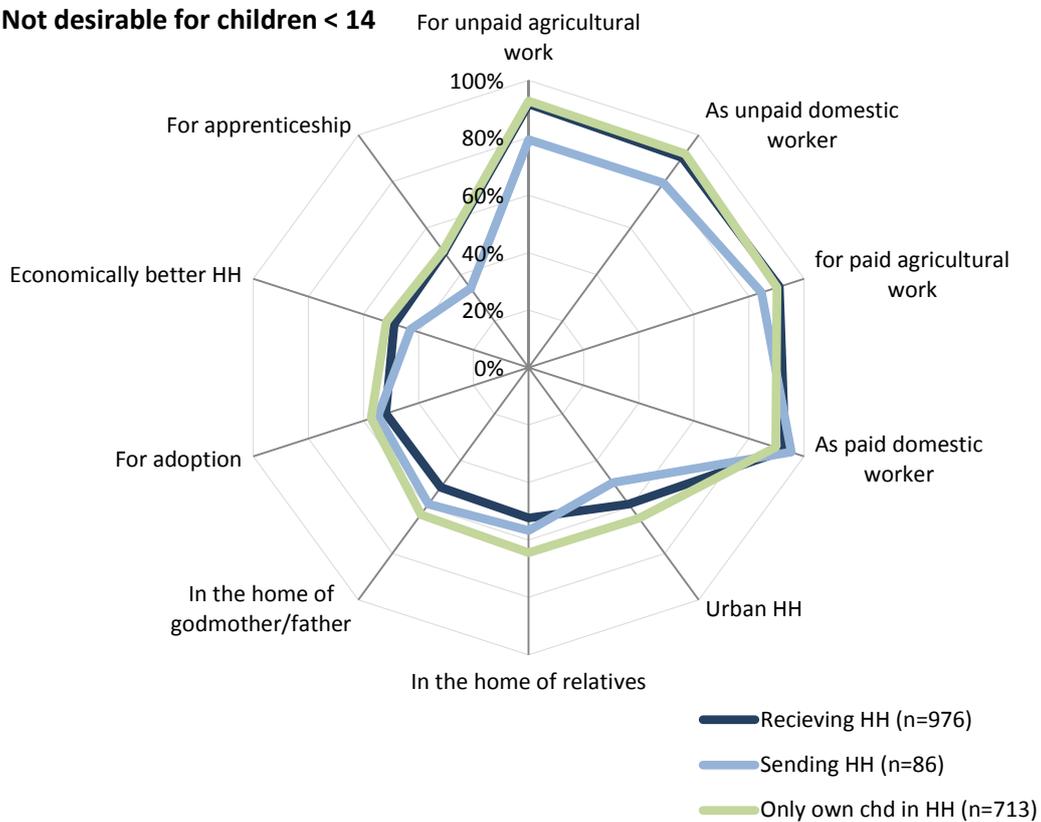


Figure 42 Percentage of adults that find different forms of placement of children under the age of 14 "not desirable", according to whether the family receives or sends children

**Not desirable for children < 14**



Parents do not distinguish between their sons and daughters with respect to the purpose of sending children to live and/or work in new homes. As shown in Figure 43, nearly none of the parents want to send their children to other households to do unpaid domestic or agricultural work. They are also very sceptical to sending them for these activities even if the children receive payment or an education (in addition to working). However, most parents accept sending their children to households “in pension” (*a pensyon* in Creole) arrangements, i.e. where parents pay for children’s schooling and expenses while they live in a home closer to their school, or in a household for apprenticeship.

Among all the parents that were asked, five percent said they would encourage their own children to live in another household, regardless of purpose. Another 24 percent said that they would do so under certain conditions.

There are, however, differences among the households that would encourage their children to live in new households. As shown in Figure 44, the poorest households - and households the lowest education of household heads – are much more willing to send their children to other households than the more wealthy households and the households whose household heads have higher education. What is more, parents from rural areas are more willing to send their children to other households than the urban ones: While 40 percent of the parents from the Transversal region are willing to relocate their children, this is the case for 18 percent of the parents in Northern region.

The parents that reported that they would encourage their children to live in another household, but whose children were still living in the household, were asked why their children had not yet left. The main hindrances reported were lack of money and that the children were considered to be too young (Figure 45).

Figure 43 Percentage of parents that would not encourage own sons and daughters to live under certain conditions (UnWn=711 adults with own children in the household)

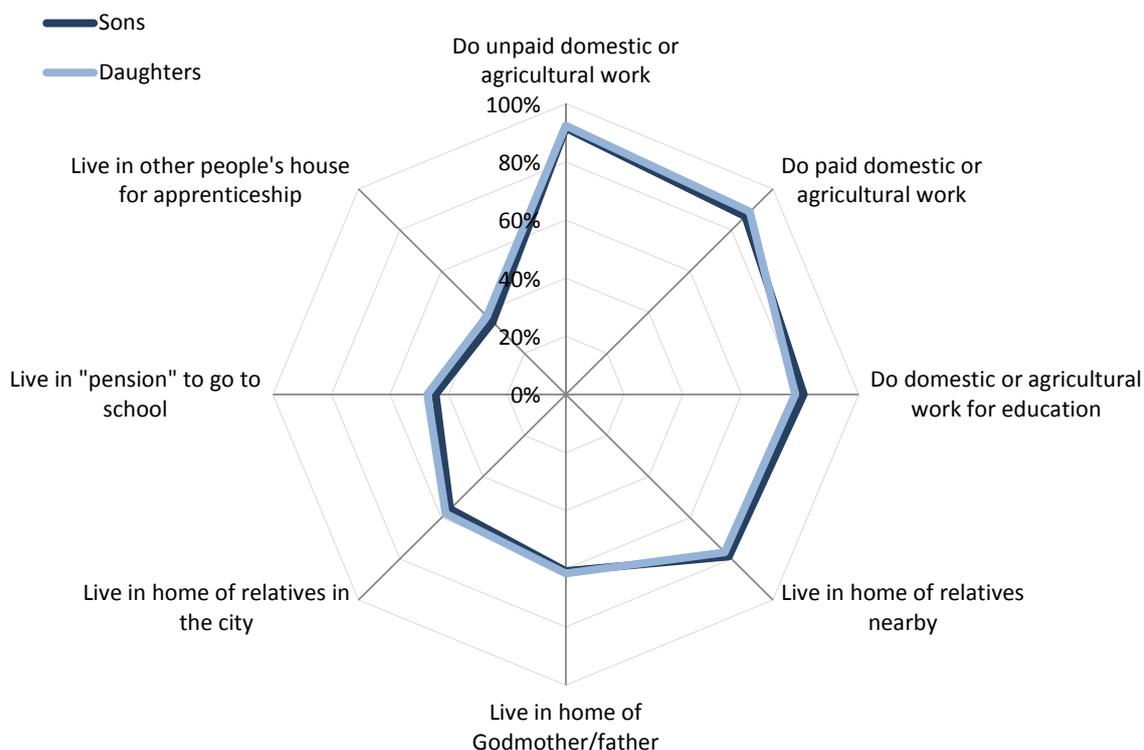
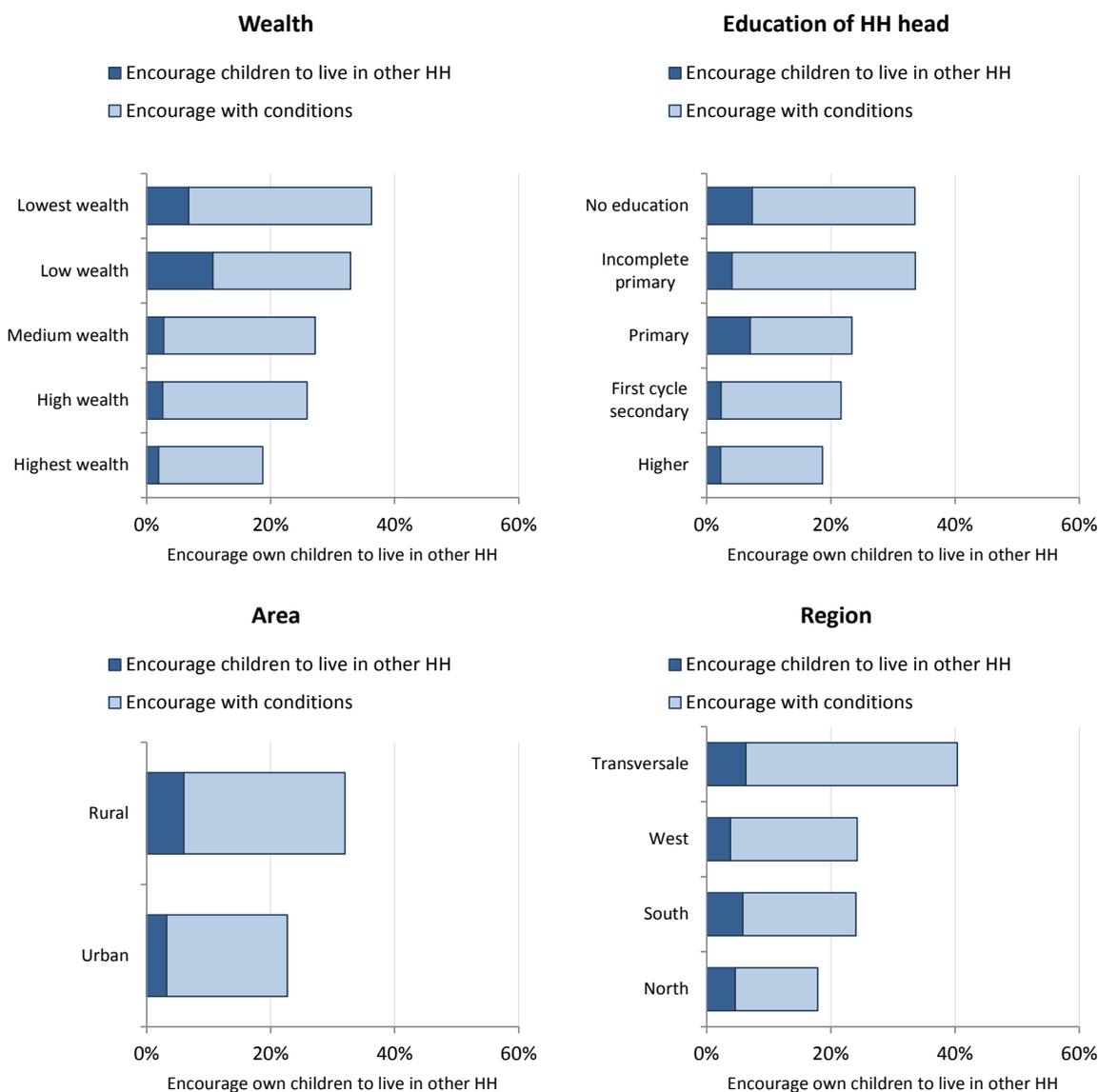


Figure 44 Percentage of adults with own children that would encourage their children to live in another household, by household wealth, education of HH head, area and region (UnWn=1043)

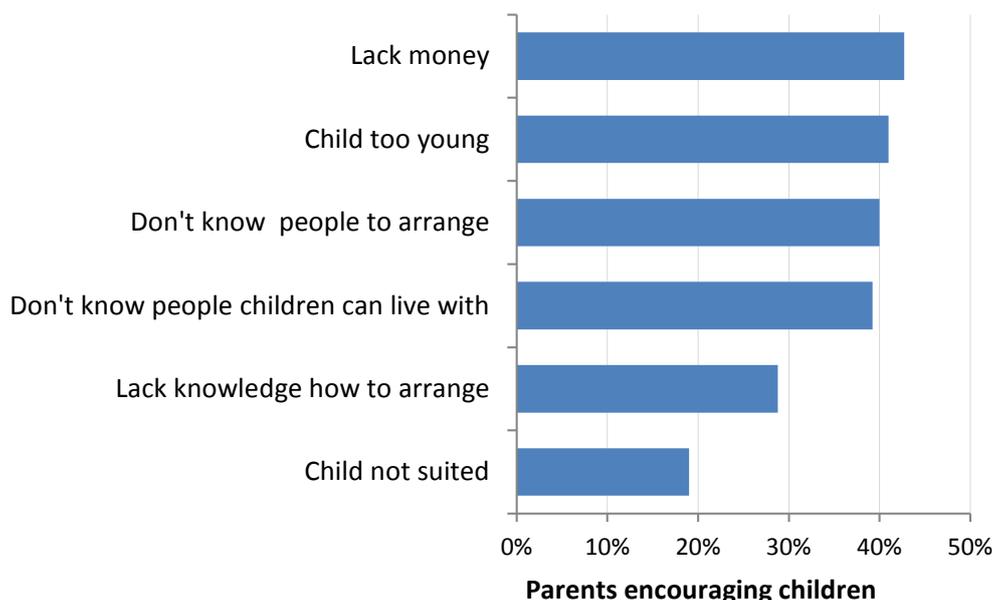


The finding shown in Figure 44, as well as the minor variations between sending and receiving / employing households that were shown Figure 42, indicate that to send children away is not necessarily a matter of attitudes, but of economic adaptations to economic circumstances, that vary according to household wealth, or that varies in different life phases. Other survey data strengthens this impression, as does the qualitative material.

## Inequality, economic adaptations and the death of a parent

Looking at the wealth of the households, nearly none of the households that have sent children away to live elsewhere are defined in the rich third on the wealth index. In the households that have received children, on the other hand, only 26 percent are in the poor third. Thus, there is

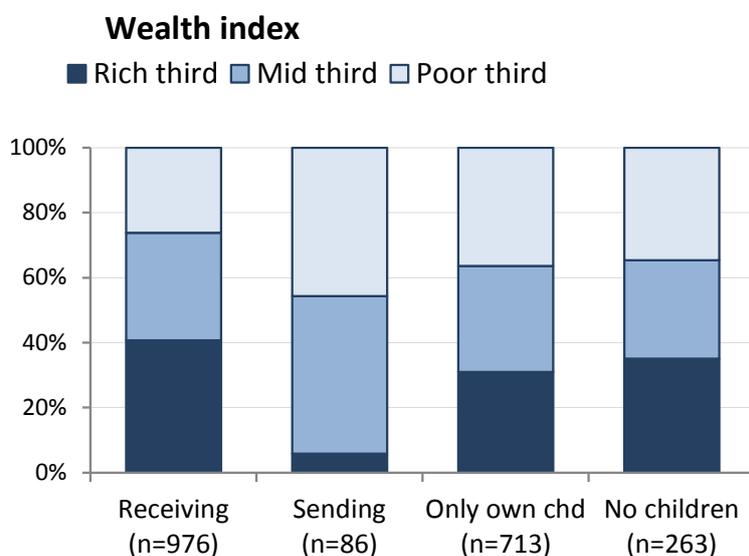
Figure 45 Reasons for the parents why the children have not left the household (UnWn=294 parents that would encourage children to leave to live elsewhere)



a tendency that the better-off receive children, whereas the poorer households have a higher likelihood of sending their children away.

These findings support the interpretation that parents adjust to difficult economic circumstances by circulating children for periods of time. This also entails that parents cannot necessarily be distinguished categorically on the basis of whether they defend, or do not defend, the placement of children in arrangements of child domestic work: Many parents send of children during some phases of difficulty and following crises, and when times become easier, they “assist” other parents by providing upkeep for their children. They may benefit from the children’s work in return. *Or*, people struggle in some phases, and actively look for children

Figure 46 Wealth in the households that have received children or sent children away



as extra hands when times turn and they are in need of extra labour input in the household. Moreover, many parents are thus both receivers and senders of child domestic workers during their life course.

As noted previously, only 40 households in the survey material were registered as both senders and receivers of children. However, the question asked in the survey was whether parents had sent children away during the last five years. During the qualitative interviews, we met many parents who had sent away children during difficult phases, only to collect them some years later. Eventually, they “returned the favour” to the same family by caring for their children in a position to receive children later. Marjorie, whose case we introduced in Chapter 5, is one example.

### **Marjorie’s placements of children and longer-term planning of the household economy**

When we met her, Marjorie’s Goddaughter Lisa was living with Marjorie in Phillipeau, along with Marjorie’s four children. Lisa took part in housework in Marjorie’s house, and went to school in Port-au-Prince.

Years earlier, however, Marjorie had sent her own four children to live with Lisa’s parents in Jeremie. Lisa’s parents were not well-off, but they did not have the same burden of support for children at the time as Marjorie. When their children left for Jeremie, Marjorie’s husband lived in The Dominican Republic, and worked in a factory where he made bricks for construction. Marjorie herself did not have a regular job, and she was renting the house that they lived in. As many others, she was paying rent every six months. When one of the six-month payments was approaching, she understood that she needed relief of expenses for the upkeep of her children. She asked her husband’s brother for help. The children moved to him and his wife in Jeremie, and stayed there for four years. Marjorie says that she used to send money to contribute to the children’s upkeep when she could, but often she could not.

Soon after the children’s departure, Marjorie managed to find a regular job, and she has had regular jobs as a maid ever since. This has made life more predictable. As a maid, Marjorie slept in the house of her employers, and thus, could not care for her children. At the same time, Marjorie decided to keep the children in Jeremie in order to build up capital to buy a plot of land. As soon as she had enough money and an appropriate piece of land was available, she did. When the first room was ready and roofed, four years after the children had moved to Jeremie, she brought the children back to her, and put them in school in Port-au-Prince.

Just a few months prior to her completion of the first room, Marjorie’s husband sustained a serious injury in the factory in The Dominican Republic. Her returned to his wife in Haiti, but did not survive. Marjorie still insisted on bringing her children back home from Jeremie. Even with the loss of her husband’s income, her economic situation was now much easier, as she could live without the burden of paying rent. The fact that Marjorie does not have to pay rent, but owns her own house, she explains, is the reason why she can afford to pay for her children’s schooling, and for the schooling of her Goddaughter. She has now extended the house with additional rooms.

Thus, Marjorie worked to build up longer-term economic resilience, and in this pursuit, placed her children elsewhere. Payment of rent yearly or every six months appears as a particularly critical time for people, and it is a recurrent topic in parents’ stories about decisions to place their children temporarily in the homes of others.

It should be noted that households both receiving children in work arrangements, and sending children away in other phases, is not unique, and it is not a new finding (as indicated in a study by Pierre et al 2009: 9). We pointed this out in our previous study (cf. Sommerfelt, ed., 2002), and in our interviews in the urban areas in September 2014, this came across as a standard procedure for parents in difficult situation.

An economic shock that affects parents in the rural area is failing crops following drought or flooding. In the mountains in the South-East department, we spoke with farmers who saw no alternative than to send their children away, eyes open to the fact that children were placed in difficult and potentially exploitative situations.

### **Parents' acceptance and encouragements, and children's own initiatives**

In September 2014, we talked with Claude, a farmer of about 60 years. He lived in a community at an altitude of more than 1800 meter above sea level in the commune of Marigot. The area is moist and rocky, and agricultural fields stretch out in all directions. Due to the altitude and constant mist, people in this area usually expect rains or dew from January to late autumn. However, the area had experienced drought from January 2014 and therefore increased sun-exposure, further aggravating the drought.

Claude has been active in establishing initiatives for youth in the area, and started community school nearby. He is a respected elder in the community, and is described by others we meet as a person people turn to for help.

Claude says that this year has been particularly hard for parents, due to the drought the past six months: "Normally, we can send kids to school from the [money from the sale of] harvest, but now, with the drought and too much sun, it is not possible".

As we walk around the fields, Claude keeps pointing to the "school fees" in the ground – short two-centimetre long carrots that should have been mature by now but that do not grow because of the drought. Some carrots have grown but have cracked and dried up because of the lack of cloudy shield from the sun that is ordinarily here.

Farmers are on their second round of carrots and spring onions when we speak with Claude – as their entire first round was destroyed. But even the second round does not grow properly. Claude points to small plants of (second round) spring onions that should have been large, harvestable, plants now. He is afraid that all of their investments from two rounds of planting will be lost. And worse, people will not have food to eat, says Claude.

As we walk into the small yard of his house, we meet several women residents. They fill in, and emphasise that the drought, added to it the loss of a parent, is a usual reason for sending kids away: "For some kids, their fathers die or leave, and then their mothers cannot take care of them". Many do become *restavek*", they say, and explain that: "People here suffer! When the sun is hot they eat snails and lizards raw, to stop the feeling of hunger. This is bad! It's worse here than in town. Here, they don't get even a single [hot] meal. The children who stay [behind] here, who don't go as *restavek*, they suffer more!".

Some kids go to Port-au-Prince, they say, and sleep in the public market places. They spend the night under the empty market tables. One of the women we speak with says that she to sleeps in the market place when she goes to Petionville. She adds: "The sadness of the kids who sleep in the market places is that they watch other children who have a better time. So they are not happy. Even if the street kids see others who are better off, they don't return here, because life here is too bad. They hope for a better life [in town]. They sell water. They are often 10 to 12 years old when they go to town".

We speak with a middle-aged woman, the sister of Claude's wife. As a comment to the discussion of the difficult agricultural year, she emphasises, "we have nothing". She tells that she has eight children all in all, by two different fathers. The two oldest children, two sons of 23 and 21 year, live with their father in Port-au-Prince. "They have their father", she says.

With respect to the six youngest, she says that "I should have sent them to school but I can't". Their father died. They are two boys and four girls. Four of them are in Port-au-Prince and Petionville.

The oldest among the girls is about 18 years old. She went to Petionville to do trade, but after the government outlawed the marketplace trade in Petionville, it was no longer allowed to sell there and she could not continue. This commerce was supposed to pay for the schooling of the youngest girl of 15 years, who came to stay with her. But now that's impossible: "She started schooling in Port-au-Prince last year but couldn't finish, so she couldn't start this year. She did her third year last year in primary school. She feels the 'bleach' (*klorox*)". By "the bleach", she refers to the pain in the stomach that is felt when hungry, as if you have eaten bleach. Now, the 15-year old helps her sister, washes dishes and does the dusting. They both live near Canapé Vert.

One of the two sons (of the deceased father) has also left for Port-au-Prince. He lives in the marketplace of Petionville. The other son is doing day labour, cutting horse fodder. He wants to earn money to pay for his own schooling.

This situation is more desperate than the one conveyed in Marjorie's case, given that parents respond to crisis without the opportunity of building up longer-term resilience. It may seem extreme, but this situation was not unique in the area. Parents also emphasised that children often put pressure on their parents to accept them leaving for town. Many children had also simply left Marigot, parents told, by taking the path across the mountains to Fermathe, and then continuing down to Petionville. Children's active initiatives in these circumstances reflect the enterprising attitudes described in Chapter 5, in the context of children's active pursuit of work opportunities in order to pay for their education.

The accounts from adults in Marigot illustrate, also, that the death of a breadwinner often leads to children's placements in new homes. Widowhood was a recurrent topic in conversations we had with people in the Port-au-Prince area, and the 2010 earthquake had affected many, as the burden of support of children was too heavy following widowhood. To make quantitative estimates of the earthquake's effect on the frequency of child placements is not feasible, however.

The situation in Marigot may seem exceptional, but it does reflect a general shift that was also remarked upon in Chapter 5: Whereas in 2001, parents often emphasised the "positive" factors of children's placements in a new home, such as informal training in city habits or learning the ways of the world, avoiding idleness in children ("vagabondisme"), in 2014 many parents underlined that the placement of children is a response to a difficult situation, and which is especially unfortunate if it deprives them of the opportunity to attend schooling. This may also reflect that placement of children in new homes is becoming increasingly stigmatised. At the same time, child placements are an elementary aspect of social risk management in Haitian households, to the extent that discussing "motivations" for child placements seems biased: When a crisis arises, an equally relevant question to parents is why parents would insist on keeping kids close when they may receive better care elsewhere.

Even though parents accept or encourage their children's placements with new families, it does not mean that they are indifferent to the treatment their children receive.

## Original parents' expectations, motivations, acceptance

Based on the survey material, we see that parents that are positive to letting their children live in other households have high expectations to the new household. They expect new caretakers, or employers, to help out with education and upbringing of the child, and with feeding and protection (see Figure 47).

Parents who have sent children to live in new households also expect that the adults in the new household take action if their child misbehaves. As shown in Figure 48, there are some forms of punishment that are seen as relatively acceptable, such as telling the child to stand on its knees, hitting the child with an object and sending the child back to the household of origin. However, it is not regarded as acceptable to take the child out of school, to slap the child, and as noted, to insult the child. Very few accept that their child is denied sleep or food or given extra work. These results on what parents find acceptable then, are in line with how children reported that they were punished. As Figure 32 in Chapter 5 showed, the children that have been punished the last 30 days have mainly been hit with an object or asked to stand on knees.

## A note on differential treatment of children in receiving/employing households

In receiving / employing households, there are complexities in the way that people understand the role of children who perform domestic work. This comes across clearly in children's experiences that we described in Chapter 5. Whereas in some houses children are treated and

Figure 47 Parents' expectations of the households that have received their children (Urban=76 and Rural=217 parents that would encourage children to leave to live elsewhere)

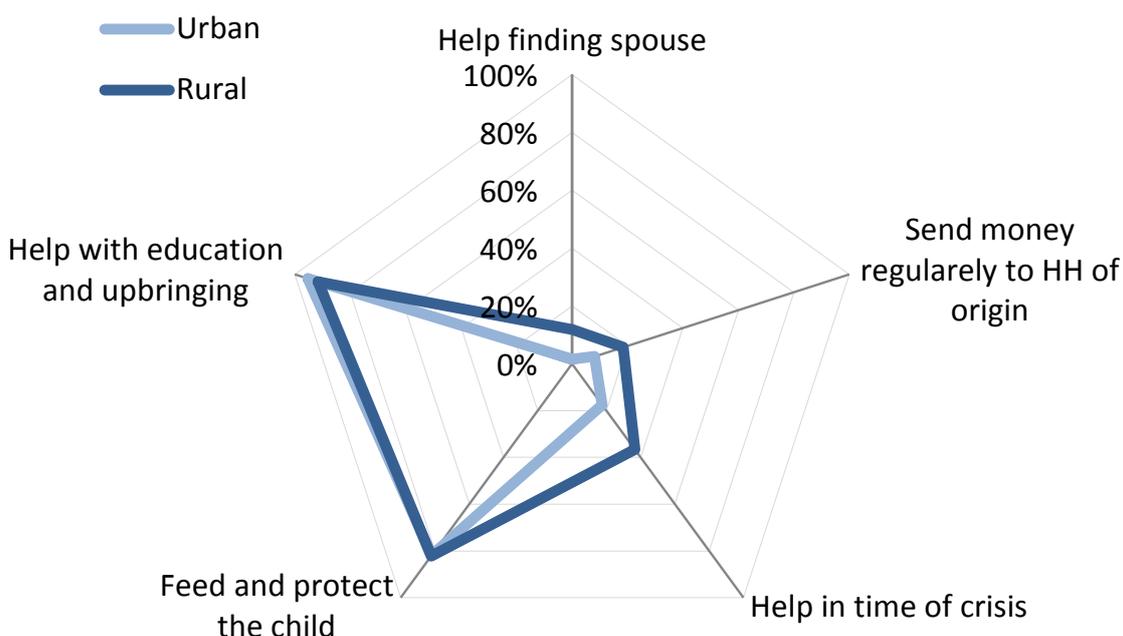
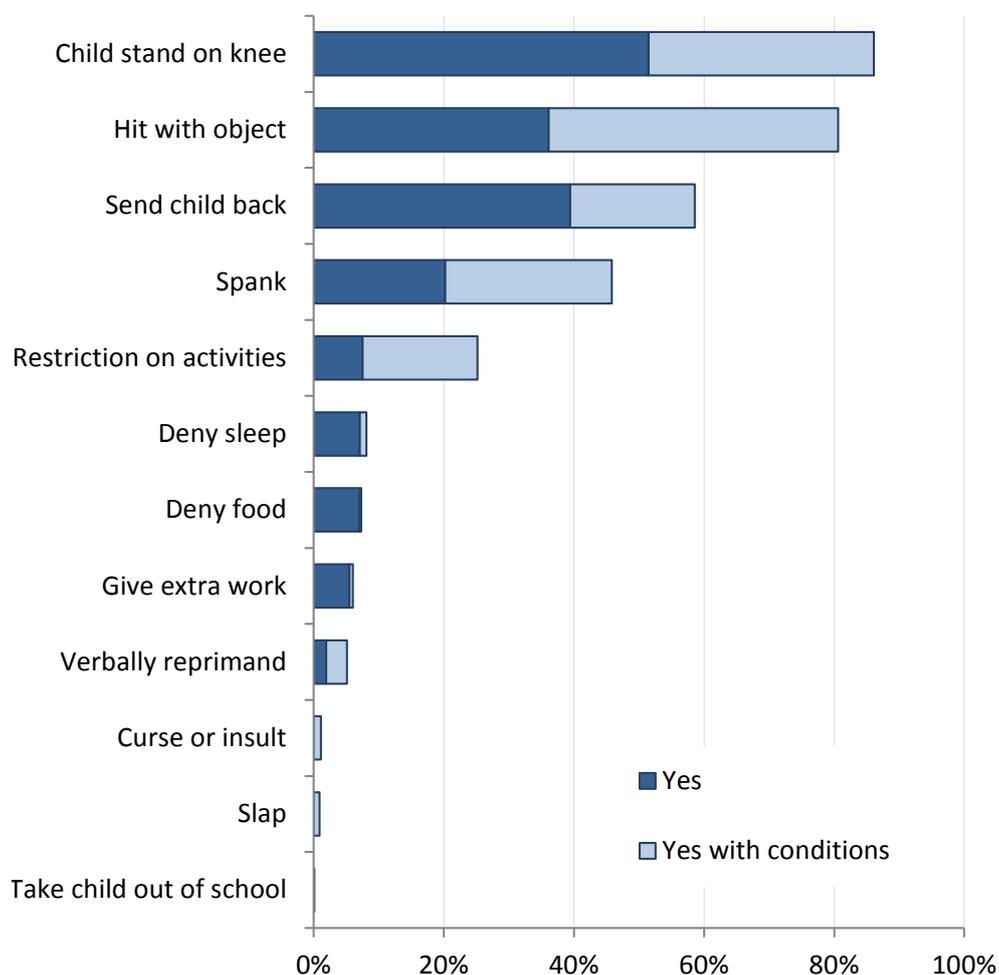


Figure 48 Acceptable punishment by members of the new household if child misbehaves (UnWn= 294 parents that would encourage children to leave to live elsewhere)



regarded more or less as servants, not to be mingling with other children of the house, this does not necessarily reflect opinions or care practices in all households.

In many of the earthquake-stricken areas we visited in Port-Au-Prince, for instance, neighbours had taken in children when parents died. Already burdened by their own children's schooling, new caretakers could not afford additional costs of schooling for new children. The differential treatment of children in the home with respect to schooling did not reflect a deep-seated intent to exploit, but rather, showed economic limitations and parents' commitments to provide their own children with an education. Asked if she would not send an orphaned child in her care to school, one woman exclaimed: "Of course! But I can't afford the cost, and I couldn't simply leave the boy in the streets alone".

This story was not unique. Many children who did help out in houses in these areas did not blame their caretakers for differential treatment, but were saddened by their destiny and by their inability to attend school. Many of the older children in this category tried to find work in order to put themselves to school, and as such, considered school expenses as their own responsibly.

This implies that motives in "receiving" households, also among "employers" whose use of children's work in the house should be regarded as child domestic work according to international standards, should not be taken for granted.

**Table 25 Number of times children under 18 have moved, by current area of residence and age**

Number of moves	Area		Age-groups			All
	Urban	Rural	5-9	10-14	15-14	
0	54%	70%	75%	58%	60%	64%
1	24%	21%	18%	25%	21%	22%
2 - 3	20%	8%	7%	15%	15%	12%
4 - 7	3%	1%	-	2%	4%	2%
Total	100%	100%	100%	100%	100%	100%
<i>UnWn</i>	631	981	551	650	411	1612

## Child movements

A high number of Haitian children have been moving from the place where they were born. Among all the children under 18 years of age, one third (36 percent) has moved at least once. 14 percent has moved more than once. As shown in Table 25, more children currently living in urban areas have moved than those living in rural areas. There might be at least two explanations for this; 1) Children tend to move from rural to urban households, or 2) Rural households move less. Most likely the situation in Haiti is a combination of the two.

Movements are related to age, but the relation is not as linear as one could expect. While 25 percent of the youngest children have moved at least once, this is the case for about 40 percent of children both in the age-group 10-14 and 15-17. In all age groups the children currently living in rural households have moved less than the children living in urban households (Figure 49).

In the survey interviews, children were asked about each move they had ever done. We do not know the status of the children on each given point in time, but we do know if they were moving together with other members of the household or not.

In the interviews with the children, 42 percent of the moves were reported to have taken place in the company of parents, another 15 percent with other household members, and the remaining 43 percent of the moves were done unaccompanied by household members.

Two third of the moves (69 percent) had taken place within the same department, and 43 percent within the same commune<sup>18</sup>. When the boys move without other household-members, they move mainly within the same commune, or they move out of the commune to a rural area either in the same department or in another department (Figure 50).

A large part of the girls moving without other household-members also move mainly within the same commune. However, the remaining of these girls mainly travel out of their department, and move into an urban area. Thus, while boys move relatively shorter distances within rural areas, girls move further away to urban settings. This brings attention, again, to the rural boys, an overlooked group in discourses on child domestic work in Haiti, whose work is in demand in rural areas (cf. Chapter 5).

<sup>18</sup>With the methodology used, we have not intended to include the children moving abroad.

Figure 49 Children that have moved at least once, by age and area of current residence

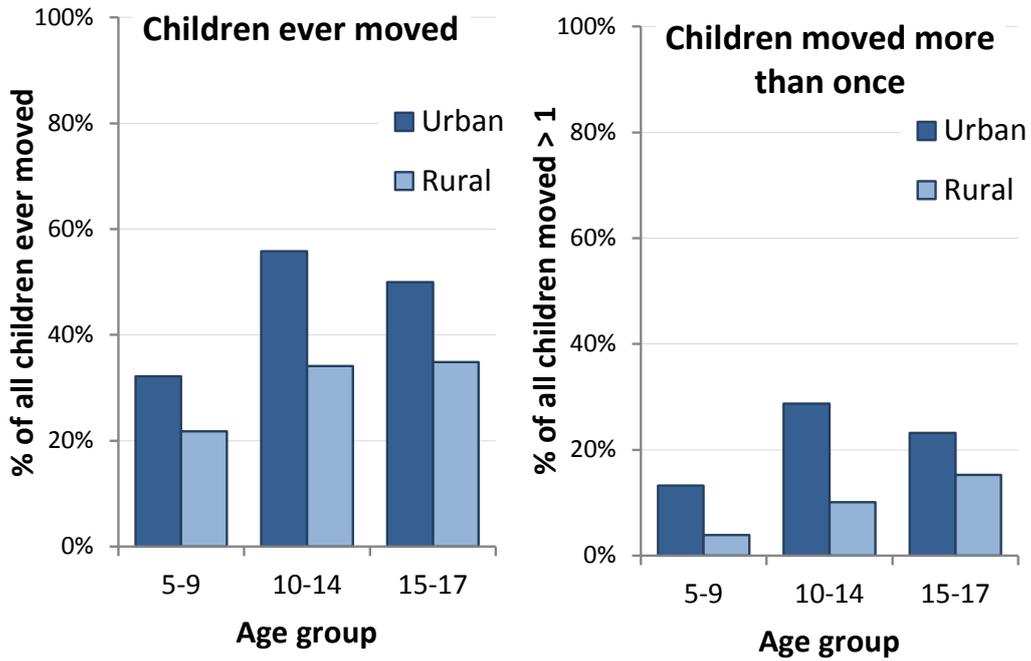
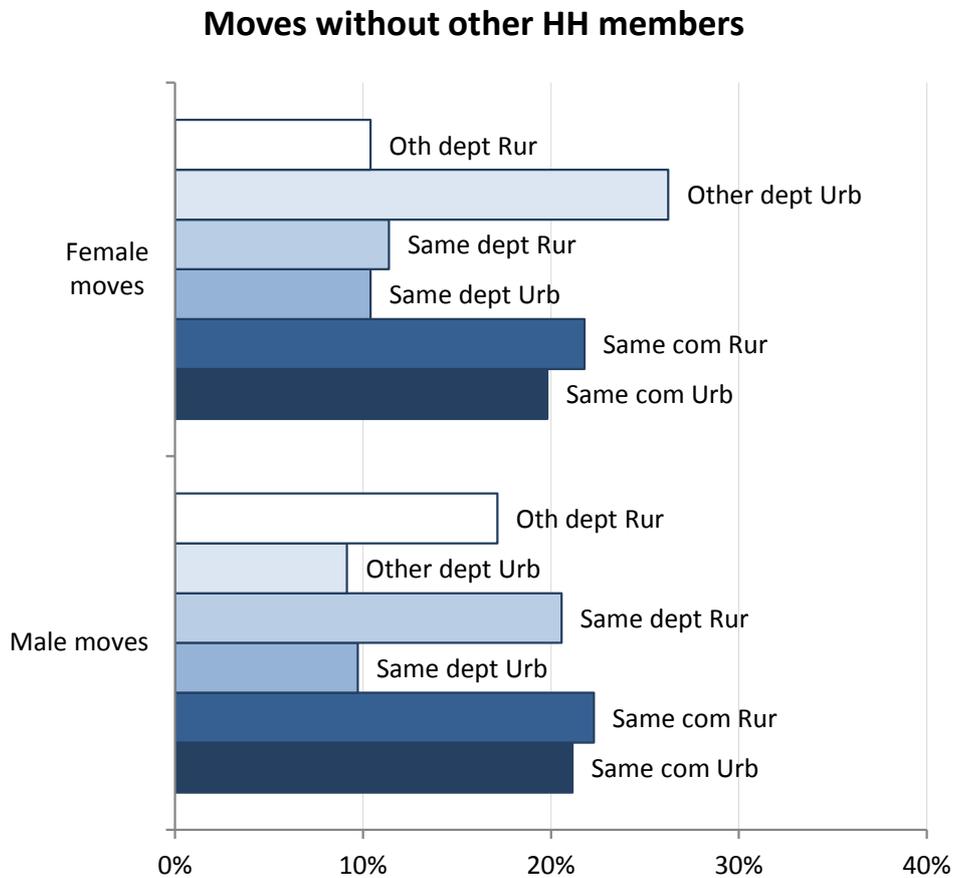


Figure 50 Destination among girls and boys in cases of their moves without other household members (UnWn=608 moves)



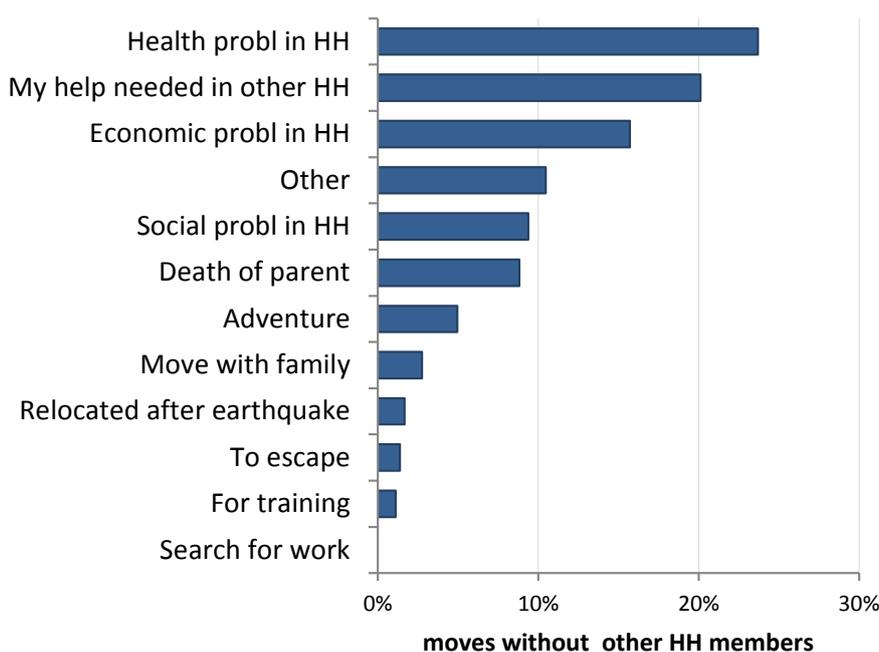
The reason that children provide for the moves that were done in the company of other household members was mainly, unsurprisingly, to follow their family members. Looking at the reasons for moves that the children had done unaccompanied by other family-members, results show that the main reason for moves were related to problems in the household of origin, either health problems, economic problems or social problems; or the main reason for the move was that the child was needed in another household (Figure 51). Note that respondents were to provide the “main reason”, but that these alternatives are not necessarily mutually exclusive. None of the children said that they moved in order to search for work. Very few children say that they have left their original homes to fulfil their own wishes, like obtaining work, schooling, for reasons of adventure or “to escape”.

These results support the image of child domestic work in Haiti as made up of informal relationships: children are not always “recruited” into arrangements that are recognised as “work” or “work for upkeep” by the people who benefit from children’s work, but many children still enter into working life this way. Also, the results strengthen the impression of poverty and family crisis as a main driver in child placements.

## Processes of recruitment and placement, and the issue of middlemen

As we have seen, children move between households often over relatively short distances. They most often move because of problems in their household of residence, or their work input is in need in the household they move to. They do not leave their parents for good in order never to return: Children leave for a period of time, return, and leave again.

Figure 51 Main reason for moving among children who have moved without other household members (UnWn=593 moves)



In some of children's moves a middleman is involved. A middleman is defined in this context as a person that is neither a member of the old household nor of the new one, and who assists in the moving process for a payment or for free. The role of middlemen may appear confusing. In the present survey we asked the household heads that have received children and that have sent children away about the use of middlemen. We also asked the children that had been moving, if they were assisted by a middleman. The term "middleman" can be translated into different terms in Creole. A *koutye* is a broker who procures services on someone else's behalf. One may go to a market place asking for a *koutye* to find a painter, a maid, and the same term is occasionally used in real estate. In the context of child domestic work, the term is used about the person who finds a child who can provide domestic work, and helps out in the transfer of the child from one household to another, for payment. In principle it is the receiving households that pay the *koutye*. In the receiving households, two percent said a *Kouyte* was used when the child arrived (Table 26). Among these two percent, most employers had paid between 100 and 500 Gourdes (USD 2-10), with one exception of 2500 Gourdes (USD 50).

However, other persons than *koutye* may be involved when children move, most often referred to as *Madam Sara* or *Vyewoi*. These terms were used when household heads were asked about children that had left the household. Thirty-eight percent of the household heads said that a person unrelated to the household had helped out with the move in a way or another. This indicates that the use of a third party is relatively frequent, but there are rarely money-transfers involved.

The children themselves reported that around ten percent of their moves were assisted by a *Kouyte*. Usually, it is the receiving household that makes the contact with the *Kouyte*. Sometimes the children know about this contact, other times not. Discrepancy in numbers is therefore difficult to interpret.

In 2001, we registered similar accounts of middlemen, *kouyte* included. As we did not obtain quantitative data on the use, we cannot state determine whether the use of middlemen is on the rise. During our qualitative interviews, it appeared that middlemen was an informal family affair: A relative with a social network searched for possibilities of placement on parents' behalf or put parents in touch with town dwellers in need of a child's domestic work – the latter often a relative too, only more distant. Moreover, the discussion of "trafficking" in Haiti, also in connection with the new law against trafficking (cf. Chapter 7), does not reflect the fact that the majority of child domestic work cases are informal and directly organised, facilitated either by parents, by relatives who look for assistance, and in the case of older children in rural areas, often initiated by children themselves. It should be recalled in this context, that only 17 percent of the children who live away from their parents in Haiti (26 percent) do not have any prior relation to their current household head, or put differently, the absolute majority of children who live away from parents – child domestic workers or not – live with kin.

**Table 26 Use of middlemen when children move between households**

	Creole term used	% used 'Middleman'	Travel initiated by middleman	UnWn
HH heads asked about children that have arrived to HH	<i>Kouyte</i>	2%	-	459 HH heads
HH heads asked about children that have left HH	<i>Kouyte / Madam Sara / Vyewoi</i>	38%	1 case	152 HH heads
Children asked about their own moves	<i>Koutye</i>	10%	-	1326 moves

## Conclusions

In assessments in previous chapters of the distribution of child domestic workers in urban and rural areas, we have seen that the proportion of children is relatively similar. However, it has also been shown that the proportion of boys in rural areas is higher than the proportion of boys in urban areas. Data presented on boys' and girls' patterns of movement in this chapter echo these findings, boys more often than girls moving shorter distance to or within the rural areas. Again, this reflects the difference in tasks undertaken by boys and girls: girls move to urban areas to take up domestic work in houses there whereas boys (also) take part in agricultural labour in rural areas.

If children's own reports of the use of middlemen better reflect the use of middlemen than the statements among the receiving/employing households (household heads) that pay for the services of middlemen (*kouyite*), it means that the use of a third party that receives payment for placing children in a work relationship is not uncommon. For the most part, however, parents, children and receiving/employing households arrange children's movements through informal networks and without compensation. This should be kept in mind when discussing child domestic work in terms of conscious processes of "recruitment". By the same token, distinctions drawn between different categories of children in earlier chapters, for instance on the basis of workload, age and education, are constructive for building up an understanding of child domestic work, but must not be understood categorically: These are not different children, but different situations that many children slip in and out of during their life course.

As pointed out in this chapter, households that contain child domestic workers score higher on the wealth index than households that have sent children away during the past five years. Generally speaking, child domestic work is a "solution" for households that are in need of helping hands, but also appears as a way to help out relatives who are in trouble and cannot provide proper care for their children at a certain point in time. With the unpredictability of rainfall and income, many people rely on these kinds of informal help networks: They know that in ten years' time, the ones in need of relief from upkeep of children may be themselves. This does feed children into the "market" of child domestic work.

In addition to informal risk management strategies in a context of poverty, children themselves in the slightly higher age categories (10 upward) often seek employment in order to pay for their own schooling. In this sense, the quest for education is contributing to the supply side of child domestic work.

Moreover, child domestic work in Haiti covers multiple needs and reflects many motivations: The need for relief of upkeep of children among parents, for work in receiving households, for investment in future security for receiving households (given that they too may need relief of child care at a later stage), and children's need and wish for an education and better lives. This stands as a contrast to economies in which child labour covers primarily one need, for instance in a strictly plantation based setting where children work the fields but not much else. In consequence, several methods must be employed to counter their negative effects.

## 7 Responses: Institutions, organisations and methods

Helen Spraos<sup>19</sup>

This chapter presents the analysis of institutions and actors in the sector that relates to child domestic work. It also discusses methodologies used by different organisations and actors. As discussed in the section on methodology in Chapter 2, a particular challenge in the interviews with organisational and institutional representatives was that there is no general agreement about the delineations and definitions of “child domestic work”, “child labour in domestic work”, or the often used concept of “child domesticity”. Consequently, in Appendix 4, we list some of the definitions of “child domesticity” that non-governmental organisations in this study provide when asked.<sup>20</sup>

We start by outlining the national legal framework, and viewpoints on the legal framework by representatives of the organisations that were interviewed.

### The national legal framework

The legal framework in Haiti for the protection of children, and laws on child labour in domestic work, is considered as insufficient by many stakeholders who participated in the interviews. The basis for child protection in Haitian law has been limited, but some progress is reported, particularly with regard to the harmonisation of national legislation with the commitments made by the Haitian government internationally. Among the laws that relate to the issue of child domestic work, the following should be mentioned:

- The Labour Code of 1961, amended in 1984, defines and prohibits forced labour in general (art. 4) and sets the minimum age for employment at 15 years for industrial, agricultural and commercial work and 14 for entry into apprenticeships (see e.g. ILO n.d.).<sup>21</sup> Until it was repealed by a law of June 3rd 2003 (see below), Chapter 9 established the conditions for the employment of children in domestic work. The minimum age at the time was 12 years and IBESR was to oversee and control that standards were respected. Today, facing a void concerning minimum age for domestic work in national

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<sup>19</sup> Fafo researchers have edited the original text submitted by Helen Spraos.

<sup>20</sup> NGOs not included in Annex 4 have not provided a precise definition. Although the NGOs agree on including practices of the worst forms of child labour in a definition of “child domesticity”, different organisations sometimes include additional criteria in “domesticity”, such as discrimination and abuse or the involvement of an intermediary. Definitions provided by NGOs do not discriminate according to children’s age, nor specify the workload, the time invested in work or the consequences of the child’s work for its living conditions implied in their understanding of child domesticity. Given that virtually all Haitian children perform household tasks, this is bound to cause confusion, a point that was made clear during our conversations.

<sup>21</sup> The law is also available at: [http://www.crijhaiti.com/fr/?page=loi\\_interdiction](http://www.crijhaiti.com/fr/?page=loi_interdiction).

legislation, it is the ILO Convention 138 which provides the legal standard (see below, and discussions in Chapter 2).

- The **Law of September 2001** prohibiting corporal punishment against children (see e.g. University of Toronto 2008: 12)
- The **Law of June 5th 2003** (*La 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*) on the prohibition and elimination of all forms of abuse, violence, ill-treatment or inhuman treatment against children (see Le Moniteur 2003). This text cancels chapter 9 of the Labour Code (see above). With respect to this, the University of Toronto points to the legal gap left by the new law:

Chapter 9 [of the older Labour Code] pertained to children's work ('des enfants en service') and included an Article allowing children to work as domestic employees as of age 12, which was highlighted as a concern by the UN Committee on the Rights of the Child (CRC Committee) in its 2003 Concluding Observations regarding Haiti. However, this new law does *not* stipulate a new minimum for child domestic workers, resulting in a legislative gap (University of Toronto 2008: 17, emphasis in original).

The law of 2003 provides that a child may be "given to a foster family in the context of a helping relationship and solidarity. It should enjoy the same privileges and the same rights as other children of the family. It must be treated as a member of the family" (Article 3). The text does not provide for penalties for those who do not comply with its provisions. However, it is under revision to correct this deficiency.

- The **Law on Trafficking in Persons, enacted June 2, 2014** (Le Moniteur 2014a),<sup>22</sup> which penalises all parties involved in "the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation" by imprisonment to life imprisonment. The law does not refer directly to child domestic work but employs the term "servitude" to mean the submission of a person to a state or condition of dependency to provide a service; unlawfully forced or coerced ("l'état de soumission ou la condition de dépendance d'une personne illicitement forcée ou contrainte par une personne de fournir un service").
- The **Law of 4 June 2014 on paternity, maternity and filiation**, which specifies that filiation creates moral and financial rights and obligations of the parents (Le Moniteur 2014b). This law, which establishes the obligation to provide for offspring, is seen as an intervention on the issue of child domestic work as it seeks to prevent child abandonment.

In addition, a considerable amount of new legal texts is underway. A Child Protection Code has been developed, adopted by the Government in August 2014, and awaiting a vote in Parliament. This text includes provisions on protection against labour exploitation and abusive conditions in child placements. The same law prohibits child abandonment. A framework law that reforms the functions of the IBESR and strengthens the functions of the IBESR was also adopted by the Government in August 2014. Moreover, the Labour Code is currently being revised and the process of a revision of the Penal Code has been initiated.

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<sup>22</sup>Law on the fight against human trafficking published in *Le Moniteur* 2 June 2014. Despite the fact that this law has been in preparation for several years and that the debates have included the active participation of many actors, participants were not well familiarised with its content and we were not been able to discuss in depth its relevance to the phenomenon of child domestic work.

However, the organisations we interviewed emphasised persisting weaknesses in the legal framework. The 2003 Act on the Prohibition of violence and abuse of children mentioned above is perceived as a particular problem. Despite the condemnation of discrimination, the text fails to specify the content of the relation of “solidarity” and, in the opinion of many of the interviewees, thus justifies the practice of entrusting a child to another and leaves open the door to abuse.<sup>23</sup> They also emphasised that lack of sanctions prevents prosecution in cases where the provisions are not met. In addition, despite the laws that already exist, and the frequent cases of abuse that are identified by most of the organisational actors in the field, the laws are rarely applied in practice (see also the discussion of the judicial system below).

It remains to be seen how the new law on trafficking will be employed. When the law was issued on the 2nd of June 2014, it had been in preparation for several years. Despite the fact that several institutions that participated in the interviews have led a plea for the introduction of the law, the text has undergone changes and the people we spoke with during the study did not know well the contents of the final law.<sup>24</sup> Nevertheless, the importance accredited to this initiative in some sectors, as a tool to fight against the exploitation of children in domestic work, may trigger lawsuits. For the US Embassy, for example, the adoption of this law provides a tool for the prosecution of cases that it has not been possible to bring before court so far. In the annual evaluation published by the US State Department (2014), Haiti, for the third consecutive year is on the watch list of countries deemed not to be in compliance with the minimum standards in the fight against trafficking in persons. Strong political pressure is likely to be put on the Haitian Government in the coming years for the implementation of this law, from the United States in particular. Non-compliance may have a negative impact on the cooperation between the two countries.<sup>25</sup>

At the same time, it should be noted that during our interviews, several members of civil society organisations, although satisfied with the adoption of an anti-trafficking law, expressed concerns about the very broad definitions of the provisions of the law. They were of the opinion that penalising all perceived “actors” in the same way, parents especially, neglects the socio-economic roots of phenomena of trafficking. They say it is unfair to penalise people who act as a result of extreme poverty, all the while the state has failed in its duty to ensure access to basic services. This, they held, can lead to problems in the implementation of the law.

## Actors

This section describes the mandates of the different actors committed to fighting child labour in domestic work and/or improving the lives of child domestic workers. Three categories of actors will be analysed: the State, international stakeholders and the Haitian civil society. This analysis will be followed by a conclusion on the coordination between these different authorities. Comments on the most widely-used strategies will be found in the section of this chapter entitled “Actors’ approaches to children’s domestic work”.

<sup>23</sup> See also United Nations (2009: 5) and ILO (2013a).

<sup>24</sup> We had to present the updated legal text to one interviewee, who has a representative of the Ministry that had been directly involved in the implementation of the law.

<sup>25</sup> Haiti is at risk of being downgraded to Category (Tier) 3. In such cases, “Governments of countries on Tier 3 may be subject to certain restrictions on bilateral assistance, whereby the U.S. government may withhold or withdraw non-humanitarian, non-trade-related foreign assistance. In addition, certain countries on Tier 3 may not receive funding for government employees’ participation in educational and cultural exchange programs” (US State Department 2014: 44).

## **State actors**

### **The policy of the Haitian government**

The priorities of the Haitian government are presented in the Haiti Strategic Development Plan (Gouvernement de la République d'Haïti 2013), operationalised in the Triennial Investment Framework 2014-2016. Among the five main defined priorities are access to education and basic social services (including universal education as a fundamental right, the generalisation of school canteens and social welfare), creating jobs (with a strong impetus on the development of the agricultural sector) and the promoting of the rule of law (with a strong emphasis on the decentralisation of services and local development). Overall, these actions are aimed at the whole population and may address the causes of child domestic work, thus contributing to curbing the sending of children into domestic work. Although it is a matter of promoting social inclusiveness, measures specifically targeted at child domestic workers are not identified. A series of social programs for poor families have nevertheless been introduced and are presented in the section “The government’s social programs (Ede Pep)”, included below.

Because of this, in spite of the scale of the phenomenon, there is no joint ministerial policy destined to fight child labour in domestic work or improve the living conditions of child domestic workers. This lack and absence of a national plan for its implementation is deplored by many actors and reflects, according to some, a lack of vision on the issue. The first steps towards a national strategy have been taken by the “Sectoral Table” (“Table Sectorielle”) on child domestic labour (see “Coordination Platforms” below). Although the desire to involve a wide range of partners to help define it is laudable, these intentions will not be sufficient to perform such a task in the absence of involvement from the State’s highest administrative levels.

Pending the implementation of a specific policy, we will provide a brief outline of the State actors directly involved in child protection or with a mandate related to the issue of child domestic workers.

### **The Ministry of Social Affairs and Labour (MAST)**

The Ministry of Social Affairs and Labour (MAST) holds the responsibility of defining and executing the government’s social policy while ensuring the safety of workers in both formal and informal sectors and by granting specific protection to families, women and children<sup>26</sup>. It plays a crucial role in fighting child labour in domestic work and should take leadership in this matter within the Executive branch of the government. The Ministry has set itself the goal of providing help to disadvantaged families, notably through the program against hunger and social exclusion. For the current fiscal year (2014-2015), it has a budget of HTG 3.6 billion (USD 80 million)<sup>27</sup>, equivalent to 2.9 percent of the state budget, of which 75 percent are investment fees in social programs.

The representative of MAST stresses the government’s commitment to upholding the rights of all people and the fact that slavery-like practices can no longer be tolerated. A wish to promote the issue of domestic child workers and child protection in general is indeed indicated by the recent progress with respect to the legal framework, particularly in the development of the Child Protection Code, the preparation of a list of hazardous work for children, the

<sup>26</sup> Article 1 of the Organic Law Decree of MAST, issued November 24th, 1983.

<sup>27</sup> Public finance bill 2014-2015 consulted on [http://www.mefhaiti.gouv.ht/Documents/PDF/PLF\\_2014-2015\\_29062014\\_bl.pdf](http://www.mefhaiti.gouv.ht/Documents/PDF/PLF_2014-2015_29062014_bl.pdf)

revision of the employment legislation and the law on responsible parenthood and filiation. Furthermore, the Ministry emphasises the need to address the causes of the phenomenon of child domestic work upstream and focuses on the establishment of a social welfare system and other government policies. These include the fight against extreme poverty and free access to primary school, programs designed to reduce social injustice and mitigate the vulnerability of the poorest among the population. The Ministry therefore plays an active role in the promotion of government social programs (see “Data Collection” below) in collaboration with the Minister of State for Human Rights and the Fight Against Extreme Poverty who shares this preventive approach to impermissible forms of child domestic work.<sup>28</sup>

The MAST Labour Directorate employs inspectors whose duty is to implement the employment legislation and ensure workers’ safety by inspecting workplaces. However, their responsibilities are limited to employees only (ILO 2014), which implies that they are not empowered to control the work of children in private homes. However, the Directorate has a Woman and Child Labour Department which, under Article 32 of the Organic Law of MAST, will ensure the application of legal provisions relating to living and working conditions of women and children. The Department coordinates the “Sectoral Table against domesticity” (see “Coordination platforms” below) and is responsible for raising awareness and training officials on child trafficking and labour. However, this department is not very active on other levels and few complaints have been received.<sup>29</sup> A grey area persists in terms of coordination on the issue of children’s domestic work between this office and IBESR (World Vision 2013).

#### **The Institute of Social Welfare and Research (IBESR)**

The main State actor responsible for the implementation of child protection policies and the daily management of child protection cases is the Institute of Social Welfare and Research (IBESR). The IBESR is a technical and administrative body attached to MAST but which enjoys in practice a broad autonomy. A framework law is in preparation in order to provide it with a structure better suited to its needs<sup>30</sup>. Indeed, IBESR is the institution that receives and organises the placement of vulnerable children who are identified by its staff or through its call centre known as “SOS Timoun”, referred by its partners or who come to its offices.

IBESR protection officers have many responsibilities in relation to all categories of vulnerable children. In addition to exercising control over children in households and taking over the management of cases of children requiring intervention reported in their area (including children in the worst forms of child labour, i.e. situations to be eliminated), they accompany the rehabilitation process of children returned to their parents or families, sometimes in association with partners. This requires an assessment of the family situation as well as the child’s best interests while ensuring monitoring, taking into account the necessity to refer the child to the services he or she needs. Moreover, agents take part in coordination meetings and sometimes engage in outreach activities in their areas, for instance radio shows or the organisation of meetings with community leaders.

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<sup>28</sup> Skype Conversation on 05.20.14.

<sup>29</sup> MAST could not provide figures on this matter.

<sup>30</sup> Some of its functions have become obsolete, such as ‘civilising the sublime act of procreation’ through the implementation of eugenic policies (art. 119 of the MAST Organic Law of 1983).

In 2013, IBESR received 50,832 calls through its two phone lines (511 and 133) open to the public. Through these lines, the public reports on information relating to cases of children in need on an anonymous basis (IBESR 2013)<sup>31</sup>. Also in 2013, the Institute received 243 cases of child domestic workers, including 175 girls and 68 boys<sup>32</sup>. According to a policy of family reintegration for separated children, IBESR reunited 27 children with their families during the same year (other cases of reintegration were carried out directly by partners). Each child receives the necessary immediate attention (food, medical care, etc.) and is directed after his assessment to a specialised centre. IBESR also cooperates with partner organisations in order to facilitate the child's return to his parents when this is possible, or to the extended family. Family reunification of this type includes the provision of a hygiene kit, a school kit and an income-generating activity for the family.

As an organisation attached to MAST, the financing of IBESR from the Public Treasury is received through its parent ministry. HTG 53 million (USD 1,175 million) were allocated for the fiscal year 2014-2015 (the equivalent of less than 1.5 percent of the total Ministry budget), out of which 80 percent is spent on salaries. No investment funds are granted. In addition, the Institute receives a sporadic income from other sources ranging from 15 to 18 million Gourdes<sup>33</sup>. Crucially, IBESR receives a large grant from UNICEF (HTG 43,354,068 for the period from August 2013 to December 2014) covering a number of salaries (call centre manager, social workers, protection agents and a psychologist) as well as specific activities (income-generating activities for foster families, the publication of statistical reports, WGTP department meetings) and administrative costs<sup>34</sup>. Thanks to this funding, IBESR has managed to open decentralised offices in nine departments (the Department of the "Ouest" is managed from the head office), enabling it to have a much stronger presence in all departments of the country.<sup>35</sup>

Despite these limitations, many of the interviewed interlocutors hailed the progress of IBESR in recent years. Its manager is particularly esteemed for her commitment and effectiveness. Nevertheless, according to one interviewee belonging to an international agency, the achievements of IBESR in the wake of the expansion since 2010 should be consolidated. Routines for social workers' assessments of concrete cases need to be improved, as do the handling of cases according to the different categories of vulnerability.

In order to help IBESR overcome these challenges, its partners, consisting of international intergovernmental and non-governmental organisations (such as UNICEF, IOM, Tdh-L, the Red Cross, AKSE, World Vision, IRC, Save the Children and Plan International) provide technical support. They offer training on topics such as the minimum standards of care, psychosocial issues, and on the sale and trafficking of children. They provide daily support in concrete cases, allowing social workers to apply the concepts learned during training in

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<sup>31</sup> An electronic address is also available ([enfantsvulnerables@gmail.com](mailto:enfantsvulnerables@gmail.com)) which helps activate the emergency cell.

<sup>32</sup> Figures provided by the Child Protection Service on the basis of quarterly reports. The data is processed according to the age of the child, preventing us from seeing the profile of these children. Pending the establishment of an improved data management system, the children are registered according to a single vulnerability. Therefore, some child domestic workers that were received for other reasons have probably not been registered and the true figure is likely higher.

<sup>33</sup> Interview with the Manager of IBESR, 05.29.14.

<sup>34</sup> IBESR Budget Institutional Capacity Consolidation (UNICEF financing August 2013-December 2014), revised 07.07.2014.

<sup>35</sup> By comparison, the IBESR had only 4 offices outside Port-au-Prince before the earthquake with only a limited range of activities (Premarital service, for instance). Today, there are between five and seven people working in these offices, including four officers and one coordinator.

their work. The relationship between the team of Tdh-L and the office employees of IBESR in the South is an example of a highly appreciated cooperation. In addition to consulting on specific cases, the two organisations undertake joint planning, allowing them to share the logistics, and they are currently working together on the implementation of a pilot project regarding the new structure of foster families. This initiative, described in more detail in the section on “Measures to place children with foster families” below, seeks to develop a sustainable alternative for the placement of children separated from their biological parents by ensuring that they are placed with pre-selected families, accredited and monitored according to clearly defined standards.

#### **The National Office of Migration (ONM)**

The National Office of Migration belongs to the State agencies under the supervision of MAST. It was created to ensure the reception and reintegration of returnees and deportees and also to deal with internal migration – even though this second aspect of its mission has not been developed so far due to a lack of funds. For this reason, the ONM have not produced figures on child migration, a topic closely related to the issue of child domestic work. A new director has been appointed and he has expressed interest in modernising the legal framework on migration (the current law dates back to 1953). At present, a restructuring of the services is underway and will be formalised by a new law. In this context, the creation of a unit dedicated to the sale and trafficking of persons (women and children being the main victims of both) is planned, which will allow the ONM to act on this issue. The ONM has opened a shelter for returnees in Croix des Bouquets. The people who are received in this shelter do not stay long and are usually not child domestic workers.

#### **The Ministry of Women’s Conditions and Rights (Le Ministère de la Condition Féminine et des Droits des Femmes, MCFDF)**

Although it should be concerned with young girls’ issues, the MCFDF has yet to make this topic a priority<sup>36</sup>. Interestingly, the Ministry has developed a draft legislative document on domestic work. Although it does not deal with child labour, it is possible that the issue of child labour and domestic child workers (the majority of which are girls, see Chapter 3), could be monitored in collaboration with MAST. As was clearly underlined by the representative of UN Women, many domestic work practices help maintain a cycle of poverty for women.

Furthermore, the network of offices set up by the MCFDF for the management of cases of violence against women (usually accessible through the decentralised offices of the Ministry in each department) would be able to welcome girl domestic workers (as well as boys, to a lesser extent) who have been subjected to violence in order to refer them to the appropriate service providers. However, with the exception of cases of sexual abuse, children’s cases were not made a priority by the Ministry due to a fear that the cost of these services would be too great and divert resources initially intended for women victims. However, the Ministry has suggested to share its experiences with actors that advocate the rights of children in domestic work and with the Concertation Table on violence against women, a coordination procedure that brings together various State representatives (MCFDF MJSP, MSPP, MAST), cooperation agencies and civil society members in order to harmonise the actions of all stakeholders. Its members

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<sup>36</sup>The MCFDF selected 6 of the 12 points of the Beijing Conference action program to work with, before addressing at a later date the other six, including the issue of young girls.

proceeded in developing a strategy and a work plan where roles and duties are defined in order to achieve the best coverage. They have also produced a directory of support services as well as documents to raise the awareness on the steps that need to be taken by women who seek help. In this context, a protocol between MCFDF, the MSPP and MJSP for granting medical certificates for victims of violence was developed – a model that could benefit children as well.

#### **The Ministry for Youth, Sports and Civic Action (MJSAC)**

The MJSAC seems to have neither the mandate nor the resources to get involved in the fight against child labour in general, and in particular, child labour in domestic work, unless it is through its school program of civic education. Overall, the target group of the Ministry are youth between the ages of 18 and 35 and the Ministry deals with children between 11 to 18 years only at the request of other Ministries. With no funding for activities other than on a per project basis, MJSAC must seek funds for its activities. Apart from the National School for Sports Talent, its main focus is on the professional training of young mothers.

#### **The Haiti National Police (PNH)**

The mission of the Haitian National Police (PNH) is to protect the lives and property of citizens. Its workforce is about 11,200 people,<sup>37</sup> including a small percentage of women. Although this figure increases gradually, it remains below the number generally regarded as needed to perform its duty throughout the country. The 2012-2016 five-year development plan of the PNH aims for, amongst other things, the strengthening of operational capacity and the professionalization of human resources.

All of the PNH's police officers are in the process of receiving training on child protection. This approach began through the Child Protection Unit of MINUSTAH in 2006 with the introduction of a short module for new promotions and for some existing officers. Since 2013, UNICEF has started a training course for some inspectors attached to the School of Police. With the assistance of a pedagogical instructor, the School of Police will be in charge of a preliminary training course for all police recruits as well as the on-going training of existing policemen.

Currently, each police precinct and sub-precinct include antennas of BPM – a body of PNH specialised in the protection of minors, as described below. These antennas are composed of regular police officers who have received training for the purpose of dealing with children's cases. In the Southeast, these focal points maintain tight contact with the BPM in Jacmel but there is no formal obligation for the other police officers to contact the BPM when dealing with a victim less than 18 years of age.

According to members of the Haitian civil society, police officers who have not been trained in the protection of children tend to share the contemptuous attitudes of the population towards child domestic workers and do not take their cases seriously<sup>38</sup>. According to these same interviewees, when its intervention is sought, the police does not always respond to calls and sometimes demands money for fuel. On the other hand, according to one of the interlocutors, when local authorities are involved in a case, police officers react more swiftly.

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<sup>37</sup><http://www.alterpresse.org/spip.php?article16597#.VFqdzvmG9fY>.

<sup>38</sup> A civil society member illustrated the tendency of disagreeing with the victim by quoting an instance when a police officer would have said that children in domestic labour are "all petty thieves".

### **The Brigade for the Protection of Minors (BPM)**

The BPM is a specialised body of the National Police of Haiti (PNH), which is set up under the “Direction Centrale de la Police Judiciaire” (DCPJ). In addition to working with children in conflict with the law, BPM is responsible for the protection of minors and investigations in cases of child victims. It conducts investigations of offenses whose victims are under-aged and sends the information to the relevant authorities to allow for prosecution. BPM also conducts social inquiries regarding the situation of under-aged children, assists children in danger and participates in outreach activities, often in cooperation with IBESR. Its workforce of about fifty police officers has received specialised training on children’s rights and the protection of under-aged children. Most of the police officers of the BPM’s are deployed in the metropolitan area but there are also departmental cells comprising one to three people. Civilian agents act as reinforcements when funding is available. They provide control over the four border points with the Dominican Republic and the international airport in Port-au-Prince in order to fight child trafficking and can get access to social circles where police officers in uniform are not welcome.

The Brigade is directly alerted by the public through calls to the 188 line (permanently open to receive information provided by victims and the public regarding abuses of children’s rights<sup>39</sup>), and through police stations where cases are referred by their state and civil society partners. Once a case is reported, the BPM has a response time of two to three hours in the capital, if there are no other simultaneous cases. On site, its officers conduct an investigation and if a violation has occurred, the case is referred to the public prosecutor. However, in certain instances (the example of a child working beyond his capacity was brought up) and according to the child’s best interests, BPM agents, always in relation with IBESR, may decide not to pursue the case but to talk with the concerned adults, warning them that the police will follow up on the case and bring them to justice if abuse continues.

Pending the establishment of a new data management system currently being developed (see “Data collection”), the classification of cases used by the BPM is based on the offence suffered by the victims according to its classification in the Criminal Code (rape, assault and abuse being the most common) and does not reflect the nature of the child’s vulnerability (for instance, child domestic workers have yet to be officially recognised as a category). Therefore, for any given year, the system is not able to identify how many child domestic workers were received by the Brigade. Nevertheless, according to verbally shared data<sup>40</sup>, 1808 cases of all kinds were received in 2013<sup>41</sup>, of which 555 were referred to the IBESR, 76 placed at the centre of Delmas, three dealt with by MAST, and 46 children were returned to their parents. Among the cases, 84 concerned ill-treatment, 43 were assaults and 73 were cases of runaway children. The Brigade conducted 100 investigations of child labour (US Department of Labor 2014) but we do not know the number of cases that involved child domestic workers. According to a senior member of the BPM, a significant percentage of the rape cases involved child domestic workers.

According to several participants in the study, particularly respondents belonging to the State and civil society, the BPM team is motivated and enjoys a good reputation for its will to

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<sup>39</sup>The telephone line received 5,423 calls in 2013 without anyone knowing how many of these involved cases of child domestic workers. The line was closed down for some time in 2014 due to payment problems.

<sup>40</sup>Interview with BPM Commissioner, 5.12.14.

<sup>41</sup>This is an increase since 2011 when 713 cases were reported and 364 sent to IBESR (World Vision 2013).

collaborate. Some agents of IBESR emphasised the good relationship they have with BPM and held that its officers are available at any time and participate in outreach activities alongside IBESR. Despite these strengths, the achievements of the BPM are fragile. The number of received cases is small given the size of children's rights violations in the country. Moreover, its status within the police is relatively low, as it is not a specialised body with a specific budget but simply a unit of the DCPJ. Although the salaries of members of the BPM are paid by the PNH, the organisation remains largely dependent on funding by UNICEF for its operating expenses, civilian staff salaries as well as an important part of its administrative costs (a very limited support to cover some of these costs was scheduled for the end of 2014 and a disengagement plan was to be developed at the time of our fieldwork). The lack of an operating budget, apart for certain projects, makes the BPM highly vulnerable. According to several of its members, the organisation has not enough resources to properly meet its mandate, especially in the provinces. BPM staff members do not always have an office, adequate equipment or access to transportation – despite the donation by UNICEF of a vehicle to each department<sup>42</sup>. According to an interviewee in an international organisation, the Brigade is not sufficiently valued by the PNH management, and a pleading with the hierarchy of the Police and the MJSP would be required in order to receive the proper recognition and a resource allocation that would match its mission.

In addition, the Brigade suffers from a lack of recognition and the public is probably not able to distinguish its actions from those of the PNH. While some participants agree that cases of abuse are more easily reported today, reluctance persists among some sectors of the population, due to the lack of confidence in the response that will be provided as well as fear of reprisals.<sup>43</sup>

According to interviewees, the experience of working with other members of the PNH is less positive than with the BPM. Police officers who are not associated with the BPM do not necessarily understand the sensitivity of children's cases.

### **The judicial system**

Despite the advances in new laws described above (see “The National Legal Framework”), progress is less evident in the application of these texts. A detailed study of the practice of the judicial system in Haiti concerning the rights to legal recourse by child domestic workers victims of crime is beyond the scope of this study and would need a lawyer's perspective. We shall limit ourselves to a description of the procedure, to some findings and an analysis of some barriers that prevent victims from turning to the justice system.

In the case of offenses against an under-aged child, the BPM, having conducted an investigation, sends the files to the local State prosecutor's office. From January to May 2014, for instance, the BPM forwarded 40 files to the Prosecutor of Port-au-Prince<sup>44</sup>; and in Jacmel, in 2013, 80 cases involving under-aged victims were forwarded. The Government Commissioner then decides whether it is appropriate to begin legal proceedings, and if necessary, refers the

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<sup>42</sup> In Jacmel, our meeting took place in a corridor due to the lack of space and in Les Cayes, the vehicle of BPM was broken down, awaiting repairs.

<sup>43</sup> During the qualitative data gathering in Cité Soleil, for instance, we witnessed as a rule of thumb the absence of such a thing as a “reporting culture”.

<sup>44</sup> [http://www.hNHPaiti.com/site/index.php?option=com\\_content&view=article&id=12993:haiti-societe-environ-212-mineurs-ont-recu-laide-de-la-bpm-au-cours-de-ces-5-premiers-mois&catid=8:societe&Itemid=14](http://www.hNHPaiti.com/site/index.php?option=com_content&view=article&id=12993:haiti-societe-environ-212-mineurs-ont-recu-laide-de-la-bpm-au-cours-de-ces-5-premiers-mois&catid=8:societe&Itemid=14).

case to an investigating judge, before presenting it to the Dean of the Court of First Instance (“Doyen du Tribunal de Première Instance”) for judgment. However, according to our interlocutors, few prosecutions against individuals responsible of ill-treatment and other abuses against children are initiated, much less brought to completion. No convictions for cases of trafficking have been reported.<sup>45</sup>

Those who participated in our interviews about the reasons why prosecutions are unsuccessful mentioned the following:

- A settlement agreement is sometimes found between the family of the victim and the aggressor. A community association provided an example of their involvement in a case of a girl domestic worker who had been raped. After having found the medical certificate and sent her case to the Prosecution Office, the perpetrator, who was arrested, paid HTG 7,500 (\$ 165) to the child’s parents in order for them to drop the case.
- The abusers and perpetrator are not apprehended.
- An occasionally difficult relationship between the police and the judicial system. In one of the departments visited, recurring problems seem to arise between BPM and the Prosecution Office (for example, an administrative refusal to comply with a request for a medical certificate because it is perceived as additional workload).
- As with the PNH, there is a tendency to disagree with the victim or to trivialise the case.<sup>46</sup>
- The process is slow.
- The cost, not only for lawyers but also for transport, is too high. It is interesting to note in this context the existence within the Prosecution Office of Port-au-Prince, of a legal assistance unit for women and children working with the support of the Community Violence Reduction section of MINUSTAH. However, by aiming to reduce the number of cases of prolonged preventive detention, the unit gives priority to inmates in other cases, resulting in a situation that could limit the access of child victims wishing to file a legal complaint<sup>47</sup>.

Given these facts, it is not surprising that most interlocutors do not trust the judicial system, which was also criticised for its corruption and influence peddling. NGOs complain that even when a case is brought to court, the accused is released. An employee of a state institution underlined that judges are of the opinion that a person who has been accused has already been sufficiently punished. We did not encounter one civil society organisation with a systematic support policy for child victims throughout the legal process. Most merely refer cases to the BPM or the Prosecution Office.

The negative experiences of the participants point to the importance of training the actors in the legal system of child protection. The School of Magistrates has developed a training program on juvenile justice. 95 members of the legal system were given training in 2013 and a follow-up was planned for 2014. In addition, J/TIP of the Department of State of the United States has a training program for employees in the penal system on the topic of the sale and trafficking of persons. However, a member of the BPM insisted on the need for the Justices in the Peace Courts to take part in these training courses as they represent the branch of justice the

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<sup>45</sup> US Department of State (2014).

<sup>46</sup> A police officer explained that “the judge had not seen the child the day he was beaten up”.

<sup>47</sup> The project is valued at \$ 800,000. Its sustainability depends on the success of a committee in charge of devising development strategies.

most accessible to the public<sup>48</sup>. The same person regretted the fact that the judges assigned to cases involving minors are not systematically the ones who receive training on juvenile justice. It is hoped that this problem will diminish the more these training programs are conducted.

It is important to note that in cases of disputes over working conditions, the procedure seems ambiguous because of grey areas in Haitian law (see the Section on Legal Framework). MAST inspectors have not issued intervention reports (ILO 2014).

#### **Local authorities**

According to a decree of December 3rd 1973, the mayor of each municipality is considered the legal representative of all minors whose parents are unknown. They are therefore potentially important in cases of child domestic workers who have lost contact with their biological families. The mayors have the power to issue birth certificates to these children, a document required for asserting their citizenship and rights. Yet, so far, there are few examples of the involvement of municipalities in cases involving child domestic workers,<sup>49</sup> probably in part because, outside of the big cities, they are institutions of limited resources.<sup>50</sup> In some cases, mayors have received basic training on children's rights (e.g. the current mayor of Grand Goave who has attended a workshop on child abuse organised by Tdh-L and the BPM). USAID has expressed that it will wait till after the elections to undertake training sessions on human rights for all mayors in the country.<sup>51</sup>

Several participants underlined the importance of CASEC and ASEC (members of the Administrative Councils or Communal Section Assemblies, the smallest units of the country's administrative structure) and other local officials. These are often people of influence in the community that should be a target for awareness-raising and training provided within the framework of child protection efforts. Many people are of the opinion that the proximity of elected officials to their community members entails that they are able to identify families with child domestic workers and families particularly vulnerable and likely to send children into domestic work arrangements<sup>52</sup>.

Under the new Child Protection Code, local officials are ascribed an important role. A parent who entrusts his child to a family member for a period of one to three months must notify either the council or a member of the closest local authority<sup>53</sup>. Given the lack of resources and administrative capacity at this level (for CASEC/ASEC in particular), it is questionable whether the concerned authorities are genuinely able to exercise this function in a systematic manner. Even with proper training, it is not clear whether elected officials can play such a role. Nevertheless, a closer cooperation between the IBESR (or other relevant actors) and representatives of local authorities seems important. One of the mayors we met complained about the fact that he was not made aware of the family reunifications (of children with their original families) taking place in his commune, the municipal administration thus unable to contribute to the monitoring of the family.

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<sup>48</sup> There is at least one Peace Court in each municipality and they probably deal with a lot of cases involving children that are not documented centrally. They sometimes play a conciliatory role and are the delegated authority of the Government Commissioner.

<sup>49</sup> The Mayor of Delmas has granted approximately 500 birth certificates to street children but the procedure has not been extended to child domestic workers.

<sup>50</sup> The Mayor of Delmas has a Social Affairs office which focuses on street children and which does not have the resources to carry out its activities. The Mayor of Grand Goave has a budget of 400,000 HTG, three quarters of which come from a State allowance supplemented by local taxes. This amount covers the operating costs and the salaries of 37 employees, with no social worker or a social affairs commissioner.

<sup>51</sup> Interview with US Embassy staff, 6.11.14. The mayors currently in office (i.e. 2014) are appointed by the Executive since the mandates of elected mayors have come to term with no subsequent elections to ensure their succession.

<sup>52</sup> Limyè Lavi starts its interventions in an area with a participatory mapping of vulnerable families.

<sup>53</sup> Article 394 of the draft bill of the Child Protection Code.

### **The Office for Protection of Citizens (OPC)**

The Office for Protection of Citizens (OPC) is an independent body funded through the budget of the Republic and mandated by the Haitian Constitution to protect people against all forms of abuse from the public administration and to contribute to the definition of the general policy for the protection of human rights. It is expected to pay particular attention to complaints made by persons belonging to vulnerable groups, such as children. It contains a Child Protection Department with five employees, including a representative office in Les Cayes and Cap Haïtien, intended to strengthen the protection mechanisms for children's rights. As such, the OPC can potentially forward an appeal at no cost for children who have encountered difficulties (or their representatives) to actors in the protection system. The organisation has decentralised offices to make access easier. The OPC is open to address issues of child domestic workers and has supposedly resolved some cases, the details of which were not made available to us.

## **International actors**

### **The system of the United Nations**

The United Nations Integrated Strategic Framework for Haiti 2013-2016 identifies two important priorities: the strengthening of the rule of law (and in particular the need to make the administration of justice more efficient) and child protection. It specifies in particular the establishment of a policy of protection against violence, abuse and exploitation of vulnerable groups (including children) and the availability of a national plan for the prevention and elimination of child labour. This commitment provides a framework for the involvement of United Nations agencies in efforts to end child labour in domestic work, and in particular the worst forms of child labour.

The issue of child domestic workers has been a long-term preoccupation for UNICEF, which has child protection as its specific mandate. Resources mobilised following the earthquake, combined with a greater level of coordination through the Child Protection Sub-Cluster (and since 2012 the Working Groups for Child Protection at central and departmental levels) and a will from state partners, has enabled the initiation of a more systematic work on protection. Advances in the legal framework for the protection of children against abuse and exploitation can largely be attributed to the collaboration between UNICEF and ILO on the one hand, and the government on the other. Through its financing, UNICEF has also enabled, for the first time, national coverage of social services dedicated to child protection. The agency has also contributed significantly to the strengthening of capacities and structures of the main actors in matters of protection by promoting care solutions as a function of the specific vulnerabilities of each child (IBESR and BPM in the first place, but also the bodies of the judicial system). This collaboration has made possible the establishment of mechanisms for monitoring children's homes and international adoptions, and in turn, has provided the foundation for the mobilisation of organisations on the issue of child domestic workers.

The following table provides a brief overview of the activities of the United Nations and its agencies that focus on child labour.

Table 27 United Nations priority actions relating to child protection and child domestic workers

Organisation	Program(s)/actions
<b>ILO</b>	<p><i>IPEC (International Programme on the Elimination of Child Labour)</i></p> <ul style="list-style-type: none"> <li>• Strengthening MAST's activities and accompanying the State in its definition of the list of hazardous child labour and the implementation of policies for the elimination of child labour</li> <li>• Awareness-raising on the international standards regarding child labour</li> <li>• Advocacy for the ratification of Convention no. 189 (domestic work)</li> <li>• Pilot project for the prevention of child labour</li> </ul>
<b>Protection Unit, MINUSTAH</b>	<ul style="list-style-type: none"> <li>• Support of the State in the promotion and protection of children's rights</li> <li>• Strengthening BPM's capacities</li> <li>• Advocating the framework on juvenile justice</li> <li>• Accompanying the Sectoral Table against domestic labour</li> </ul>
<b>OHCHR/Human Rights Section of the MINUSTAH</b>	<ul style="list-style-type: none"> <li>• Monitoring from 8 decentralised offices the human rights situation and monthly meetings with the protection actors</li> <li>• Accompanying the victims in their rights to complain (3 cases of child domestic workers were received between January and March 2013<sup>1</sup>)</li> <li>• Lead of cluster protection 2010-2014</li> </ul>
<b>UNDP</b>	<ul style="list-style-type: none"> <li>• Promoting the state of law</li> <li>• Reinforcement Plan of MJSP's capacities</li> <li>• Training of 8 judicial inspectors</li> </ul>
<b>UNHCR</b>	<ul style="list-style-type: none"> <li>• Prevention of statelessness through the granting of birth certificates</li> <li>• Institutional framework for the support of vulnerable groups (Cluster Protection)</li> </ul>
<b>UNICEF</b>	<ul style="list-style-type: none"> <li>• Advocacy in relation to the government in order to make child domestic workers a priority</li> <li>• Support to the ILO in its work with the government in defining the list of dangerous work for children and the establishment of a national policy to eliminate child labour</li> <li>• Partnership with MAST; financial and technical strengthening of IBESR and BPM</li> <li>• Strengthening the legal framework (Child Protection Code, etc.)</li> <li>• Elaboration and implementation of foster family systems</li> <li>• Setting minimum care standards for vulnerable children</li> <li>• Reinforcement of the data gathering system by child protection actors</li> </ul>
<b>UN Women</b>	<ul style="list-style-type: none"> <li>• Promoting women's and girls' rights</li> <li>• Reintegration and socio-economic support for victims of violence</li> </ul>

<sup>1</sup> OHCHR/MINUSTAH Human Rights Section, quarterly report January – March 2013.

It should also be noted in this context that the UN Special Rapporteur on Contemporary Forms of Slavery led a fact-finding visit in 2009 to investigate the human rights situation of *restavek* children (United Nations 2009). The report stated that “The Special Rapporteur considers the *restavek* system a contemporary form of slavery” (2009: 2). The rapporteur is concerned that *restavek* children are forced to work long hours under heavy workloads, that they are exploited economically in a way which also interferes with their education and is harmful for their development and health, and that abuses against *restavek* are widespread (2009: 2). The ambiguity and lack of agreement over the Creole notion of “*restavek*” makes it difficult to conclude on the legal consequences of this report on children's domestic work in Haiti more generally speaking.

### **Bilateral and multilateral international cooperation**

The US government's foreign policy attaches great importance to the fight against child trafficking. As a result, the country is among the most influential actors on the issue of child domestic workers, and it considers child domestic work as the sector that presents the most conspicuous manifestations of internal trafficking within Haiti. Therefore, in addition to strong diplomatic pressure, considerable funds have been made available through the US Department of State's Office to Monitor and Combat Trafficking in Persons (known as the J/TIP). Through this mechanism, the US government has invested more than \$ 4.4 million since 2009 through funding for the activities of, amongst others, the IOM, IRC and Free the Slaves. The amount available was increased after the earthquake in an effort to try to prevent an increase in trafficking, but funding has decreased steadily since 2013.

Today, USAID, the US cooperation agency, is the only international donor with a program that prioritises child protection. Its project, AKSE (valued at USD 6 million over a period of 18 months), was recently re-launched. It aims at strengthening the legal framework, public policies and national strategies for protection, as well as expanding access to services and care for vulnerable groups – including child domestic workers – in 42 of the country's municipalities. According to its manager, AKSE provides a bridge allowing USAID to implement a long-term strategy aiming to strengthen the protection system of the Haitian State.<sup>54</sup>

So far, the European Union has provided periodic funding for work promoting respect of fundamental rights, provided through several funding lines, including the European Instrument for Democracy and Human Rights, and open to the civil society. Motivated by significant progress in this domain, the European Union and its Member States have expressed an interest in exploring the possibility of supporting the protection steps taken by the Haitian State.

The French cooperation supports the government through various programs and initiatives, including the deployment of a technical advisor to the Ministry of Justice to support the strengthening of the School of Magistrates, the support for an adoption reform since 2010, and the provision of financial support in 2014 for the implementation of a formal arrangement of foster families and for capacity building in IBESR for this purpose (see separate section on this topic later in this chapter).

### **International NGOs**

The International Organization for Migration (IOM) is one of the most active actors of recent years regarding child labour in domestic work. It addresses the issue of child domestic workers, primarily through the lens of trafficking and the organisation has played a key role in the definition of the new law on this issue. It actively participated in the law's drafting process and advocated its adoption.

The organisation is particularly active in terms of family reunification: 1944 such reunions were carried out between 2005 and 2013, 1170 (60 percent) of which involved girls (see also the section on Family Reunification below). Following the earthquake, most of these children were identified in the IDP camps in the metropolitan area or were referred by IBESR. IOM was able to achieve national coverage by developing partnerships with several community associations carrying out activities in their respective sectors. In order to provide emergency

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<sup>54</sup><http://www.haitiinfoplus.com/index.php/actualites-d-ici-et-d-ailleurs/2360-hpp-akse-ouvre-des-nouveaux-bureaux-a-juvenat-petion-ville>.

shelter, the IOM works with the Foyer l'Escale and the Centre d'Action pour le Développement (CAD).

The IOM also participated in the work to strengthen the capacities of IBESR and the BPM. IOM has collaborated with UNICEF in developing a training manual on child trafficking in Haiti (OIM 2011) and has conducted numerous training sessions for state employees on issues such as the identification of trafficking victims, their listing, return and reintegration. Furthermore, the organisation has conducted awareness-raising campaigns in the communities of origin of children who have been reunited with their families, and among the populations of the displacement camps, on the risks of placing children as domestic workers.

We identified fifteen other international NGOs with a particular interest in child domestic work, most of which are represented in the Technical Committee of this study. Overall, international NGOs play different roles in the efforts to raise the issue of child domestic work<sup>55</sup>:

- **Funding and coaching programs** carried out by partners from the Haitian civil society to assist child domestic workers. Kindernothilfe, for example, funds educational activities undertaken by MVM, ONEF and MOCOSAD for child domestic workers in Port-au-Prince, and also helps them develop codes of conduct; Terre des Hommes Switzerland is one of the backers of FMS, and Free the Slaves and Church World Service fund several partners, including ASR (see “Coordination Platform” below).
- **Individual case management** through protection programs for different categories of vulnerable children and children in need, including child domestic workers (see “Individual care” below). This approach is used by Tdh-L and IRC who, once the child has been identified through community structures, performs an assessment and develops an action plan based on the child’s best interests. Some needs, e.g. medical care, are covered before cases appropriate for family reunification are completed and monitored. AVSI, on the other hand, has a psychosocial approach in work with child victims, as shown in their work in Cité Soleil and Martissant (metropolitan area). AVSI does not necessarily seek reunification but ensures schooling and performs a negotiation with the recipient family in order to ensure a better integration of the child domestic worker<sup>56</sup>.
- **Community capacity development** through the establishment of protection committees (Plan International, Beyond Borders, Free the Slaves, World Vision). See below on “Setting Up Community Structures for Child Protection”.
- **Mass awareness and direct help.** Restavek Freedom Foundation (see Bracket 1) provides various supports (school, medical, etc.) to 7-800 child domestic workers in the metropolitan area and specifically targets churches in order to raise awareness nationally on child domestic work.

However, it is interesting to note that, today, only two of these organisations address the issue of child domestic workers directly, namely Beyond Borders and Restavek Freedom Foundation<sup>57</sup> (see Brackets 1 and 2 below). Others act either as supporters of local organisations or

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<sup>55</sup>The following categories are not watertight. There is a degree of overlap between them, particularly between b) and c), where several organisations promote individual empowerment and the establishment of structures, but with an emphasis on one strategy or the other.

<sup>56</sup>AVSI sometimes pays for the education of a child if the recipient family agrees to let the child domestic worker attend school.

<sup>57</sup>Not to be mistaken with Restavek Freedom Alliance, an organisation for which we lack information but which offers shelter for former child domestic workers in Southern Haiti (see <https://www.rfahaiti.org/about/>).

accommodate children who have experienced violations, also child domestic workers (Tdh-L, AVSI). Save the children has prepared a project on “positive deviance” (dissemination of strategies of individuals in local communities whose constructive solutions are used as example), but to date, these remain without funding.

This situation highlights the fact that a significant portion of the activities of international organisations depends on donor funding, and that activities tend to be developed according to the available budgets. This became clear after the earthquake, when the number of international NGOs involved in protection and other issues increased sharply only to decrease following the termination of the humanitarian aid programs in 2011/12. With respect to family reunifications, it has been the available funding that has been the determining factor in the number of reunifications, rather than the number of cases in the population.<sup>58</sup>

On the other hand, Beyond Borders and Restavek Freedom are able to mobilise funds from the public and from foundations in the United States where their head offices are located. Due to fundraising campaigns, the concepts of “restavek” and Haitian “child slaves” are relatively familiar to a US audience<sup>59</sup>. Furthermore, it is important to note that there is a willingness on the part of most international NGOs to strengthen the State’s ability to ensure child protection, and many of them are partners of IBESR. In addition to Tdh-L, which works in teams with the staff of the office of IBESR in the department of the Sud, World Vision, for example, organises joint missions to address specific cases in their sectors and fund some outreach activities. AVSI on their part assists IBESR agents to ensure the coverage of Cité Soleil<sup>60</sup>. Several NGOs (including Tdh-L, IRC and Handicap International) collaborated alongside UNICEF and the IBESR in establishing foster family measures (see below on “Foster Family Measures”).

### **Haitian civil society**

For the past twenty years, a considerable amount of Haitian NGOs and community associations have been engaged in efforts relating to child domestic workers. We have identified more than forty but the list is not comprehensive. Their commitment reflects a degree of awareness within the Haitian society of the abusive conditions suffered by many child domestic workers but these organisations generally work separately from each other, on a very small scale and with limited resources. Occasionally, organisations work in the same areas without knowing about each other’s existence or activities (this is the case of some organisations involved in Carrefour Feuilles, for example) and there is some overlap in this regard (one NGO confessed that its beneficiaries are sometimes involved in several programs dealing with the same target groups).

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<sup>58</sup>IOM performed 267 reunifications in 2007 but only 47 in 2008, and 656 in 2011 and half (330) in 2012. According to one of its employees, the variation is due to the availability of funds. FZT has children awaiting reintegration but the funding to do so is unavailable.

<sup>59</sup>The influence of a former self-declared child domestic worker, Jean Robert Cadet, must be noted in this context. Cadet eventually migrated to the United States and published a book about his experiences. He is the head of the Jean Robert Cadet Restavek Organization, which has given itself the mission of awareness-raising and acts as an advocate internationally (see <http://www.jeanrcadet.org/mission.aspx>). The organisation did not respond to our request for additional information.

<sup>60</sup>IBESR agents were reluctant to visit Cité Soleil, but with the support of AVSI the recruitment and training of an agent from the area is planned, in order to address this problem.

These organisations address the issue of child domestic workers in various ways, ranging from awareness-raising (Fondation Maurice Sixto) to transitional housing (SOFALAM, Foyer l'Escale and CAD), prevention (Limyè Lavi), education (see Table 29) and family reintegration (Foundation Zanmi Timoun Combite for Peace and Development). Each strategy is discussed further in the section on the different approaches adopted.

Other organisations that do not target child domestic workers specifically (such as Fanm Deside, an NGO fighting violence against women in Southeast Haiti) may, however, engage in activities relating to this group of children through their community awareness-raising sessions and family reintegration programs. Among the human rights organisations, some have related interests but do not specifically address the issue of child domestic workers. GARR (Support Group for Refugees and Returnees), for example, focuses on cross-border migration and the issue of cross-border trafficking, and the National Human Rights Network (RNDDH) leads no specific actions on child domestic workers at the moment but receives reports on abuse of all kinds.

Many of the organisations interviewed have a clear vision of the steps they think should be taken in order to handle the issue of child domestic workers, but their approaches are not necessarily compatible. A major discrepancy can be identified between those, for instance, who believe that it is possible to ensure equal treatment between the children of the house and child domestic workers (while reporting abuses), and others who think that the children should be returned to their families to avoid exploitation and abuse.

Unsurprisingly, these organisations are largely dependent on external funding and the reduction of contributions from international funders makes them vulnerable. Most of these organisations have generally had little training and sustained support from international organisations; the latter that have rather created new structures through the establishment of Child Protection Committees (see the section below on “Implementation of Community Structures for Child Protection”). In addition, although they generally refer to IBESR or the BPM in cases of abuse, many Haitian civil society organisations lack clearly defined partnerships with state institutions (with some exceptions: the CAD has a partnership agreement with IBESR).

In this context of eagerness yet fragmentation and low efficiency, the Haitian civil society has not managed to make a great impact on the overall situation of child domestic workers. These observations led the Sistem Restavek Aba Network – a platform made up of Haitian organisations working on the topic of child domestic workers – to initiate an effort of coordination of interventions and systematisation of current practices (see section immediately below).

### **Coordination platforms**

In order to further the work relating to child domestic work and the protection of children's rights, attempts at consolidation have been made. Some attempts have succeeded on a local level, e.g. in promoting coordination of specific activities such as awareness-raising and management of individual cases. Identifying a real synergy on a strategic level, however, is difficult, and it seems to be challenging to establish a collective push to enable necessary changes. This reluctance certainly leads to a decrease in the impact of interventions. It is particularly striking that several of the organisations interviewed were not aware of each other, even when they are present in the same areas (some organisations active in Carrefour Feuilles are unknown to each other, for example). In some cases there is a tacit competition for the limited resources that exist.

The major networks and coordination workspaces that have been created are:

- **The Child Protection Working Group** (Le Groupe de Travail sur la Protection de l'Enfant, GTPE) is a platform for the exchange of national information created after the closure of the Child Protection Sub-Cluster, set up in the aftermath of the earthquake on January 12<sup>th</sup>, 2010. It is a technical coordination group responsible for defining strategic orientations, child prevention and protection policies, as well as handling data management, monitoring and evaluation, capacity development and resource mobilisation. Coordinated by IBESR with the help of a partner (in rotation), it is composed of the main concerned ministries, relevant international organisations, as well as national and international NGOs active in child protection. It meets on a monthly basis. Decentralised offices can be found in nine of the 10 departments (the exception being the West department, which remains a sizeable gap). A certain momentum can be observed in several departments (Southeast, Artibonite and Centre are worthy of mention) where regional actors are brought together, such as local authority representatives, juvenile magistrates and Civil Protection. At this level, the Group provides a space for dealing with some of the cases that are encountered and for establishing joint work plans. Although the GTPE has shown its value and worked on a number of issues such as adoption, child domestic work still remains to become one of its priorities. In the South Department, for example, the GTPE has several subcommittees (juveniles in conflict with the law, street children, inclusive education), but the one that should be dealing with child domestic workers is not operational.
- **The Sectoral Table on Child Domestic Workers** (La Table Sectorielle sur les Enfants Travailleurs Domestiques), chaired by MAST, was launched again in 2011 as an arena for dialogue, reflection and the sharing of information between the different actors involved in the issue. It is expected that this arena also serves to support the government in the preparation and implementation of action plans, joint projects and a law concerning domestic child workers. IOM, BPM, MINUSTAH, several NGOs and associations have been actively involved in these meetings. Regular meetings were held for a few years but have not been held since February 2014 (the data collection period for this chapter ended in September 2014). The Sectoral Table was able to prepare a first draft for a national strategy that has not yet been approved by the Minister of Social Affairs. Some participants say they appreciate the platform since it allows actors to communicate and thus act better when dealing with cases. Others expressed the view that the meetings did not yield sufficient concrete results. The absence of a steering committee has been identified as one of its weaknesses. A decentralisation of its activities has been suggested but has yet to become effective in the departments we visited. It is too early to ascertain whether this initiative has failed, but considering the momentum shown by the GTPE, which in theory deals with similar issues, its modus operandi should be reassessed. The Sectoral Table has the advantage of having assured that child domestic work is at the forefront of its concerns and its achievements should be acknowledged. With the involvement of some Ministers, the Sectoral Table could serve as an ad hoc Committee for the implementation of an action plan on child domestic work. If it fails its high-level commitment, however, it will probably be amalgamated with the GTPE and become one of its subcommittees.
- Under the new law on the subject, a **National Committee to Combat Human Trafficking** will soon be constituted and will provide a potential arena for acting on issues relating to the exploitation of child domestic workers. The Committee is to be responsible for defining the relevant public policies and ensuring the application of the law, for establishing procedures for

the identification of victims, for ensuring that the services necessary to assist trafficking victims are available (such as health, housing, legal assistance and reintegration) and for launching awareness-raising programs for the public. It is chaired by MAST, and also includes the MJSP, MCFDE, MICT, the MAEC, the MSPP, MENFP, IBESR, ONI, two representatives of human rights organisations and, as an observer, the OPC. It is supposed to be funded through the State treasury but may also receive grants. At the time of writing this institutional analysis, the Presidential Order for the appointment of the committee members had not yet been issued.

- A first **conference of the Directors-General of the child protection sector** is planned before the end of 2014. If the meetings become regular, and if child domestic work becomes part of their priorities, this forum could open communication channels and ensure a more direct involvement of other Ministries in the definition of joint strategies to combat child domestic work in Haiti. As such, it could provide an important tool for establishing a more coordinated and multi-sectoral approach.
- The **Sistem Restavek Aba Network (ASR)** was established in 2000 and at the time of our interview had 19 members<sup>61</sup>, all from organisations of the Haitian civil society, but with very different capacity levels. Together, they organise awareness-raising activities during the National Day Against Child Domestic Work (each year on November 17<sup>th</sup>), an initiative launched by the Network. In addition, in order to prevent families from sending children into domestic work, the network encourages the State to improve social policies in order to provide families with suitable living conditions. ASR receives occasional funding from some donors in the US. Based on agreements, its members receive training aimed at building capacities with respect to victim identification, the establishment of codes of conduct, project management, etc. External funding is sometimes distributed through the network.

In addition, ASR is actively engaged in promoting the Protocol developed by its members. This document<sup>62</sup>, launched in 2013, provides a framework for coordinated actions and its members believe it will eliminate the exploitation of child domestic workers in Haiti. The initiative was developed by the Network in order to ensure a real concerted effort instead of the dispersion witnessed so far. While it recognises the regulating role of IBESR, the Protocol calls for the development and implementation by the various stakeholders of a joint strategy throughout the protection chain, from the legal framework to the implementation of social safety nets and employment programs, including the identification of children, their care and social reintegration and access to quality education. Furthermore, it offers the opportunity of experience sharing in order to promote good practice and the establishment of a monitoring system and unique data collection.

The text of the Protocol was the subject of a large promotional campaign in all areas of the country in order to ensure that as many institutions as possible could validate its contents. In the West department alone, 50 organisations of all kinds signed the document, thus agreeing with its ideas. Towards the end of 2014, a second stage will be initiated, encouraging organisations to adhere to the Protocol and commit to its principles and implementing it. The Protocol will come into force once 15 signatures are collected.

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<sup>61</sup> These were OJFA, ACNVH, CEMEAH, Madegan, MSIPACS, LATI, SODIH, CECODE, AED, ICEDNO, Zanmi Timoun Foundation, CAD, LACEED, Solidarité pour la Bienfaisance, Limye Lavi Foundation, Salvation Army, Foyer Maurice Sixto, FEDDEH and FOPJ.

<sup>62</sup> "Protocole d'entente pour la prévention de la domesticité infantile et la réinsertion des enfants affectés".

## Bracket 1: Restavek Freedom Foundation

**Mission:** put an end to child slavery in Haiti

**Strategies:**

- i. *Supervision of children through:*
  - 7-800 child domestic workers and children at risk in the metropolitan area that are identified and monitored at home by 10 “councillors”. Through agreements with certain schools, their education is paid for, as well as transportation, books and uniforms. As needed, these children also receive additional contributions (shoes, glasses, medical exams, etc.) and the recipient families are encouraged to treat them properly.
  - A transitional home in Delmas accommodating around fifteen girls aged 11 to 19 subjected to serious abuse and who cannot return to their parents. Some of the girls have been sent by IBESR (another centre is being built in South Haiti). The girls receive psycho-social support, attend school and learn craft making.
- ii. *Awareness-raising and mobilisation:* The aim is to change the cultural norms and reach a mobilisation that will lead to a refusal of the “restavèk system” (seen as synonymous with child slavery). For this purpose, the Foundation specifically targets Protestant Churches as these structures can reach a significant part of the population. Amongst other activities, it organises:
  - **Songs for Freedom.** A singing contest on the theme of child domestic workers, with contests in each department before a large national finale.
  - A radio drama, **Zoukoutap**, which has reached its 78th episode, broadcasted on three stations and rebroadcasted several times a week.
  - **Justice for the restavèk!** A training of trainers for church leaders and community leaders (with the help of biblical message textbooks). All the country’s municipalities have been covered and 100,000 people are expected to attend before the end of 2014.

## Approaches to child domestic work among organisational actors in Haiti

Before analysing the most common strategies adopted by the various organisations engaged in activities relating to child domestic work, some general observations concerning the ongoing interventions should be mentioned. Firstly, the geographical coverage of interventions is imbalanced. As is often the case in Haiti, activities are concentrated in the metropolitan area.<sup>63</sup> This bias was apparent in humanitarian interventions following the earthquake which

<sup>63</sup> Of the 31 members of the Haitian civil society that we registered information on during the institutional study, 21 are located in West Haiti and the metropolitan area.

were more active in these areas and also followed the belief that child domestic workers lived essentially in urban areas. The lack of visibility of the organisations that *do* work in cities other than Port-au-Prince and its surroundings, and in rural areas, probably results in less funding, a tendency which in turn increases this imbalance.

Secondly, most interventions have not been formally evaluated (or the evaluation reports have not been made public). This prevents actors from learning from experiences in the field, which leads to a certain lack of efficiency. Rigorous assessments (whether internal or external) should be conducted, and results shared in order to reach a better understanding of what works and under what circumstances. ASR has proposed experiences be systematised. Such an exercise will depend on the quality of the assessments and the participants' willingness to expose themselves to outside opinions.

Thirdly, the activities are closely linked to funding. The end of a project or grant leads to the almost total cessation of interventions. This indicates that funding has a directly strategic role, but also raises questions regarding the sustainability of many of the actions undertaken.

### **Awareness-raising and promotion of children's rights**

Awareness-raising in many different forms is practiced by most of the organisations involved in projects relating to child domestic work. Awareness-raising campaigns take up a significant portion of resources allocated to projects on the issue. With no access to the documents concerning the projects for which the material was developed, we are unable to analyse the goals and achievements of the awareness-raising activities. Nevertheless, based on the material that is available, we will describe the range of communication channels used and give an overview of campaign efforts (see Table 26 below, which is far from comprehensive).

Awareness-raising activities are sometimes designed to sustain initiatives in support of interventions. In other instances, awareness-raising is seen as an end in itself, based on the assumption that information is the key to behavioural change.

A number of approaches and communication strategies can be grouped under "awareness-raising". The communication channels that are used are diverse, and the messages conveyed and the audiences sought reached vary. Examples of awareness-raising campaigns are:

- Campaigns aimed at preventing the sending of children into domestic work by warning families in areas of origin of the risks associated with the practice, also through testimonies of parents reunited with their children. Campaigns also promote parental responsibility and good practice in the education of children, as well as family planning (an important element in some of the organisations' strategies) in order to decrease the burden of children's upkeep, seen as a cause of the sending of children into domestic work by poor families
- Campaigns aimed at discouraging people from taking in children as domestic workers
- Activities preparing for the return of a child in a family and a community
- Campaigns encouraging better treatment of children in recipient families
- Campaigns promoting the reporting of cases of abuse
- Campaigns informing children about the kinds of treatment by adults they should not tolerate, and about how and where to seek help

Table 28 Examples of awareness-raising undertaken by different organisations on the issue of child domestic work

Organisation	Activity/technique	Target groups	Message1	Audience reached
<b>IBESR</b>	Involvement in the Carnival (parade, banners, handing out of T-shirts; media activities) Child Week (June)	Carnival audience	Promotion of children's rights Use of emergency numbers: 511/133	
<b>BPM/IBESR in the regions</b>	Interventions in local media Awareness-raising sessions	Area population Schools, various groups	Media activities	
<b>Fondation Maurice Sixto</b>	Viewing of "Ti Sentaniz"-causeries Video clips (music) You Tube Websites Flyers Carnival for children Souvenir bracelets	Schools Women's groups Churches	Haiti with no 'restavek'; A child is a person, protect-me, do not exploit me; Children must not tolerate the violation of their rights	Website (207,053 visitors <sup>2</sup> ) Students from over 60 schools Distribution of 1,000 flyers
<b>Beyond Borders</b>	Door-to-door visits Handing out leaflets Short movie	Particularly targeted neighbourhoods	Contact number to report cases of abuse	
<b>Restavek Freedom</b>	Zoukoutap (radio series) Songs for Freedom (contest) "Compassion and Courage" – conferences "Justice for the Restavek"-training	Contest audience in the 10 departments (youths) Churches and community leaders Churches and community leaders		100,000 listeners Over 50,000 people, spread out over the 10 departments 3,600 participants in the 10 departments 17,000 participants (target: 100,000 by the end of 2014) <sup>3</sup>
<b>IOM</b>	Comic books (Chimen Lakay)	Population in camps and other groups	12 biblical messages to fight the restavek system Stop the "restavek" system; a child's best protection is his family; if you think a child is in danger, call 188	
<b>IRC</b>	Stickers		Living with my family is my right as a child. Respect it!	
<b>ILO</b>	June 12th celebration (World Day Against Child Labour) Leaflets		Prevention and elimination of child labour	
<b>ASR</b>	National Day Against Child Labour in Domestic Work (media interventions, rallies, etc.)			

<sup>1</sup> Most of the messages are in Creole.

<sup>2</sup> 10.12.14.

<sup>3</sup> <https://restavekfreedom.org/estore/all?=&nccsm=21&nccscid=20&nccsct=Justice+Curriculum+Training&nccsPID=947>.

According to some interlocutors, awareness-raising has been effective, as people are more willing to report or intervene in cases of abuse. Others question the resources invested in mass awareness-raising, especially given the lack of funds for support activities for child victims. Indeed, the cost of awareness-raising activities varies greatly, ranging from community radio shows and door-to-door visits by volunteers (done at little cost) to large, expensive, events. Yet, many people would like to intensify outreach activities because they believe it to be one of the best ways to end abusive and exploitative forms of child domestic work.

It should be noted that the Creole word “restavek” is still employed in many public interventions, although many perceive it as a derogatory term for child domestic workers. Actors should agree on another phrase in order to circumvent this problem.

Unfortunately, despite significant efforts invested in awareness-raising activities, few evaluations have been conducted on the effectiveness of the strategies adopted (the radio drama “Zoukoutap” is an exception, and was undergoing evaluation at the time of the completion of this report). Experiences from public health show that it is insufficient to inform about or identify the barriers that prevent target groups from changing their behaviour (on a community level or on the level of socio-economic and political structures). It is important, therefore, to develop more explicit strategies that identify the underlying assumptions of awareness-raising campaigns, and to conduct rigorous evaluations of the impact of the different approaches used.

### **Preventing child labour and exploitation in domestic work**

After several years of awareness-raising in urban environments, Limyè Lavi made a strategic choice to refocus its work in order to address what it sees as the key factors in child domestic work: the lack of access to schools and economic problems of families in rural areas. The model entails the strengthening of rural communities, from which the majority of child domestic workers originate, according to Limyè Lavi. The organisation uses a model of popular education (*Edikasyon se yon konvesasyon*) on children’s rights, adapted to the Haitian context with the assistance of an anthropologist (*Edikasyon se yon konvesasyon* is also used by World Vision, Beyond Borders and SCF in the training of their protection committees). Its approach aims to empower the population to help itself and to develop action plans to deal with major needs. Parents who have sent their children into domestic work are asked to contact their children in order to see if it would be possible to get them to move back. In parallel, schools using accelerated curriculum for over-aged children are being set up. Other community activities are also launched, e.g. a savings and credit program to fund trade activities, the acquirement of agricultural inputs or the set-up of goat keeping. Profits from the program are partly used to pay for the education of the communities’ vulnerable children. Thus, parents who would be inclined to send their children into domestic work are helped to keep them at home while those who have already sent children into domestic work are educated with the aim of bring children back home.

This approach has the advantage of benefiting a greater number of people in local communities, reaching beyond the families that have reintegrated their children, thus aiming to prevent the sending of new children into domestic work. According to an external evaluation conducted early in 2014, after three years, 27% of child domestic workers initially identified (55 out of 205) have returned and the number of children becoming domestic workers has decreased<sup>64</sup>. However, these

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<sup>64</sup>Free the Slaves (2014).

initiatives are costly and do not yet cover all the families whose children have returned. Due to the precariousness of the life of farmers, there is a risk of children once again turning to domestic work.

It should be noted that AED (one of the members of ASR), in addition to offering non-formal education and recreational activities for child domestic workers in Solino (a popular district of Port-au-Prince), organises a credit savings group for about thirty families that house child domestic workers. The aim is to contribute to the improvement of the situation of these families<sup>65</sup>. According to the association, the idea behind this initiative is that abuses suffered by child domestic workers result from the very difficult living conditions in the milieus they move to. This approach entails that economic help is offered as a means to prevent the exploitation of children, and the relationship between assistance and improvement is formalised by participants signing an agreement detailing the importance of using the benefits derived from the economic activity for all the children under their care. If they fail to do so, families are expelled from the credit savings group. AED reported that this has happened at least once.

The Government Action Plan for the Reduction of Extreme Poverty aims to ease the burdens of poor families. Various programs target the most vulnerable households in rural areas, and could, in principle, contribute to changing the factors that underlie parents' decisions to send their children into domestic work in towns. However, and as noted previously, the duration and scope of programs are often limited, and aspects of their implementation have been criticised. Particular care should be taken to ensure that the most at-risk families do not fall through the cracks of the social safety net (by living too far from a PSUGO school, for example).

### **Implementing community structures for child protection**

Several non-government stakeholders make an effort in developing community structures for child protection that can play a role in prevention of recruitment to child domestic work, in the promotion of children's rights, and simultaneously, the identification and monitoring of individual cases of abuse. Through the training and mentoring of local child protection committees composed of a dozen volunteers, this strategy is implemented by Save the Children and other organisations in the south-eastern and western areas (Port-au-Prince and Leogane), by Plan Haiti in north-eastern areas, World Vision in Plateau Central and La Gonave, Beyond Borders in the metropolitan area, and Limyè Lavi in South East Haiti. Members of the committee receive training on the rights of children and on how to listen to children. Save the Children alone has created 68 committees and Beyond Borders around 50. World Vision and Save the Children also support the implementation of children's clubs that have nearly 14,000 and 6,200 child members respectively.

To the extent that these networks are able to operate independently, without the support from NGOs, they potentially offer a sustainable option for identifying and managing cases of child abuse, be it domestic work or other circumstances. Child protection committees have guidelines that refer cases to pre-identified institutions in their areas. However, it is important to follow up on whether committees continue to play their intended role, also after training and supervision ends. According to some respondents we spoke with, who had been closely involved in their monitoring, some of the groups have stopped working or have difficulty continuing their work. In the southeast areas, for example, the groups have lost contact with IBESR and do not use the listing tools made available to them. They continue to refer certain cases to the BPM without

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<sup>65</sup>This initiative is funded by CRS.

the documentation provided for this purpose. The departmental office of IBESR has considered reinvigorating these committees. Also, some cases of impermissible child domestic work and cases of abuse seem difficult for committee members to identify as they are hidden from public or neighbourhood view. There are many lessons to be learnt from these experiences and they should be assessed and shared in the wider network in order to improve the functioning of the committees.

Another example of the establishment of community structures is the initiative by Beyond Borders to create a network of former child domestic workers (see Bracket 2). About 160 persons participate in 11 groups in the metropolitan area. They take part in community education sessions and stimulate dialogue in order to overcome the stigma experienced by child domestic workers and participate in the struggle against the exploitation of child domestic workers.

### **Mitigation: Education, material assistance and social integration**

Given the situation of deprivation and lack of access to schools often experienced by child domestic workers, a number of organisations offer services to child domestic workers during their stays with the families that employ them, e.g. the supervision of children and provision of other services. Restavek Freedom, for example, covers the cost of education for over 700 children. There are also many community schools in the poor neighbourhoods of the large cities – only a portion of which we have been able to identify (see Table 29) – whose purpose is primary education (the first six years of compulsory basic schooling according to the amended version of the Constitution). They allow underprivileged students and child domestic workers more specifically to benefit from basic education. Local organisations such as Koz Pam in the metropolitan area and MBESH in the southern region of the country help identify child domestic workers and organise lessons in the afternoon, mainly attended by this category of children.<sup>66</sup> Instruction comes at a low or no cost. These schools rely on external funding (generally decreasing) or community donations, however, and sometimes have difficulty in covering costs, which occasionally results in shifts in the offer of instruction to other categories of children.

Some organisations (such as CAD, FOPJ, MBESH, OJFA and Limyè Lavi) use an accelerated curriculum, recognised by the MENFP and developed for older children, which allows students to reach the Certificate level (6th fundamental year) after three years of study. This method seems well suited to child domestic workers, who are often delayed in their education. The application of accelerated curricula should, however, be made subject of a special assessment. Several of the institutions that employ this method have received coaching from GHRAP, a Haitian NGO, for the implementation of the system.

In addition to formal education, these schools seek to adjust to the particular needs of the targeted children. Regulations are not as strictly enforced as in most schools: Pupils are accepted without a birth certificate, for example, and children are not turned down if they are not properly dressed, dirty or show up late for class because of personal circumstances. In many cases, a monitoring committee works with the caretakers or employers of children who are often absent from school or show signs of abuse (tiredness, injuries, etc.). When necessary, these committees make house calls. These initiatives are aimed at reminding families of their responsibilities and of how children should be treated. The Zanmi Timoun and Pam Koz Foundations develop timetables in cooperation with the families with whom child domestic workers live, in order to

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<sup>66</sup>The afternoons have been chosen because many children do domestic work in the mornings. Afternoon-classes also allow the use of rooms in schools that teach primarily during the morning-time.

## Bracket 2: The approach of Beyond Borders

Asserting that the phenomenon of child slavery in Haiti is the result of both socio-economic realities and attitudes towards children, Beyond Borders has two complementary programs, one rural and the other adapted to urban areas.

### *i. Child protection*

*Objective:* Contributing to the emergence of a movement for the rights of children in Haiti, with particular emphasis on the eradication of child slavery

*Intervention areas:* Metropolitan area (Delmas, Pétion-Ville, Martissant, Carrefour, La Saline, etc.)

*Target groups:* Associations and community leaders, civil servants, adults who have worked as child “slaves”

#### *Strategies:*

- Awareness-raising of the residents of popular neighbourhoods and community leaders using the **popular education** method ESK (*Edikasyon se yon Konvèsasyon*). Residents share their experiences and lead a dialogue about physical, sexual and psychological abuse and parental responsibility with a view to change the participants’ views on children’s rights
- Participants are then encouraged to form **child protection committees** in their areas (43 were created between 2010 and 2013). These committees, which are autonomous, engage in awareness-raising in their neighbourhoods by conducting door-to-door visits, handing out a contact telephone number, and forwarding cases of abuse encountered. 3,000 children’s rights activists have been trained in this manner
- Creation of survivor groups composed of former child domestic workers (about 160 people)
- Collaboration with the Sectoral Table, GTPE and other initiatives

*2014 Budget:* \$321,750

### *ii. Model Communities (in partnership with Limyè Lavi)*

*Objective:* Promoting sustainable means of living as well as access to education so that parents in rural areas are able to provide the basic needs for their children

*Intervention areas:* South-East (municipalities of Jacmel, Marigot, Baintet)

*Target groups:* Community leaders, parents of (present) child domestic workers, over-aged children

#### *Strategies:*

- Community Dialogues based on ESK, leading to the creation of KOMANTIM (Children supervision committees), 1,600 individuals trained
- The implementation of an accelerated curriculum for over-aged children, more at risk of being sent into child domestic work (146 children in 10 classes in 2012)
- Payment of a portion of the school fees for the poorest students, and a rental service for textbooks, otherwise too costly for parents
- Creation of seed banks and tools to improve yields of farmers
- Literacy and entrepreneurship programs for adults

*2014 Budget:* \$369,522

limit the child's working hours and ensure that he / she can study, sleep and enjoy recreational activities. FOPJ organises monthly meetings with families, offering trainings on children's rights.

Some organisations complement schooling with other services, such as hot meals, school kits, medical / dental care or recreational activities. In these cases, the children's living conditions are sought improved through the covering of their material needs. Occasionally, such services are intended not only for child domestic workers but also other children in their household. The aim of this is to reduce the stigmatisation of child domestic workers and encourage their protection by other children in the household. According to one interlocutor, this contributes to child domestic workers feeling more equal with other children. Based on the same idea, Foyer Maurice Sixto integrates other children of the household in extra-curricular activities, e.g. summer camps. Similarly aiming to improve the standing in and treatment of child domestic workers in their employment households, MVM provides a ration of dry food for child domestic workers to bring to their current household.

In cases of violence and abuse, the associations that run these schools seek help from the police to confront the person responsible for abuse. According to several participants, however, this happens only rarely. They believe that the treatment of children has improved over the years. It is not possible to verify these claims, and it remains unknown whether this observation is owed to the effectiveness of the awareness-raising programs that these families are included in, or the fact that the families in question know that the children are monitored regularly.

Despite efforts to ensure that all children receive a basic education, participants acknowledged that the first two cycles of primary education (from the first to the sixth year) are not sufficient for children to obtain a decent job or economic independence as grown-ups. Once children have obtained their Certificate of Primary Studies, the organisations that work with primary schooling try to refer students to other schools so that they can be admitted into public (state) high schools, or they negotiate deals of half-grants through the directors of some secondary schools. However, several interlocutors were of the opinion that technical training would be more appropriate for many older students. Some organisations offer professional training to children under their care, promoting the children's integration into the employment market (Foyer Maurice Sixto, FZT or OJFA, for example), either directly or in partnership with other institutions. According to the institution, several courses are available, e.g. plumbing, auto repair work, handicraft, computers, and sewing. Sometimes, these same organisations try to help children finding a job or an internship (Terre des Hommes Switzerland has recently launched a support service for the professional integration of young people from underprivileged backgrounds, helping them during the first phase towards getting a job). Considering the limited number of such places, however, the number of child domestic workers that are able to continue their training after the first six years of schooling is relatively small.

Furthermore, it is appropriate to question the relevance of these interventions in the coming years. In order to avoid counter-productive effects, e.g. an increase in child migration to urban centres and potential recruitment to child domestic work due to easier access to city schools, MBESH decided several years ago to reduce its support to schools in urban areas and focus on rural areas from which many child domestic workers originate. The risk of urban schooling alternatives contributing to rural depopulation and recruitment to child domestic work is real. Moreover, the more PSUGO comes into effect, the fewer children are excluded from the educational system, and offers of private schooling running parallel to the state system will become less pertinent. On the other hand, professional training activities, as well as the monitoring requiring the recipient/employment families to account for the treatment of children under their charge, remain important.

### **Bracket 3: Foyer Maurice Sixto (FMS)**

*Aim:* Offer child domestic workers access to schooling and psychological and emotional support, educate the employment / host families

*Target Groups:* Around 350 child domestic workers, aged between seven and eight years, 80-85% of which are girls; children of local neighbourhoods; employment / host families; biological families / families of origin

*Intervention Area:* Carrefour (metropolitan area)

*Programmatic Orientations:*

- i. Education: primary school from first to sixth year (for children aged 7 to 15) and literacy programs for children over 15. The children receive a warm meal and a glass of milk a day
- ii. Activities: sports activities, recreational outings, collective birthday and Christmas celebrations, etc.
- iii. Professional training, e.g. for work as a mechanic, electrician, in tourist industry/hotel, to give children a better perspective on future opportunities. Following the earthquake children were sent away from Carrefour for professional training. Starting in 2015, however, a new center with 3 workshops is to open. Since September 2014, the support services for integration into work helps young graduates integrate into the work market through training (job seeking), guidance in the establishment of microenterprises, assistance in finding internships, establishment of partnerships with business that can provide jobs or contracts, etc.
- iv. Awareness-raising of the employment/host families during monthly meetings on children's rights, and of the population in rural areas to discourage the sending of children into domestic work.

A support, monitoring and supervision committee conducts house visits and intervenes if a child is absent from school, but in general few cases of abuse have been reported among children attending the Foyer.

In cases of emergency, FMS has at its disposal a short-term foster home arrangement (enabling stays for up to one month).

*Funding:* Terre des Hommes Switzerland, Chaine de Bonheur, SOS Enfants Sans Frontières

Table 29 Some of the organisations offering schooling to child domestic workers

Name of the Institution	Location of the school(s)	School Curriculum	Age Group	Number of pupils	Extra activities with the students	Secondary/ professional	Comments
Foyer Maurice Sixto	Carrefour	1-6 primary years (Année Fondamentale, AF)	7 - 18+	350 (280-300 girls); 80-90% child domestic workers	Warm meal, glass of milk	Professional training	Meetings with the family Summer camps Dental clinic
CAD	Carrefour Feuilles	Accelerated	11-17+				GHRAP supervision
Limyè Lavi	Jacmel, Baintet	Accelerated		148 per year (444)			
Foyer L'escale	Pleine du Cul-de-Sac	1-5 AF		43	Accommodation, medical care		
LATI	La Saline						
MSIPACS	Carrefour Feuilles	Nursery school – 6 AF		20			
FZT	Ti Place Cazeau Gressier Savanette	1-6 AF Accelerated	10-18	360 (120 per school), the majority of which are child domestic workers		Professional training	GHRAP supervision
MBESH		21 centres from 1-4 AF; 10 centres, accelerated programs 1-6 AF	10-14 at the onset	2,500 (including circa 1.000 child domestic workers)	Books; school kit		School uniform must be provided by the family
OJFA	Carrefour Feuilles	1-9 AF Accelerated Programs in the afternoon	7-17	547 (including 387 girls) vulnerable children	Donation of uniforms, books and equipment; Warm meal	Professional training	

Name of the Institution	Location of the school(s)	School Curriculum	Age Group	Number of pupils	Extra activities with the students	Secondary/ professional	Comments
<b>FOPJ (Foyer Esperance)</b>	Carrefour Feuilles La Saline	Accelerated		250 (210 of which are child domestic workers), a majority of girls	Dance lessons, music, cooking, computing, etc. on Saturdays; Infirmary, hot meal.		Yearly contribution of 350 Gourdes, children are not sent back in cases of non-payment. Free t-shirt and books. CWS and MCC funding
<b>CECODE</b>	Cite Plus	Nursery school – 6 AF (Accelerated program)		84			GHRAP Supervision
<b>Koz Pam</b>	13 municipalities including 3 in Pétion-Ville, Delmas, Port-au-Prince et Carrefour, and one in Gressier	1-6 AF Accelerated Program for older children	7-15+ in groups according to the age group	Nearly 2,000 children with 60% girls, all child domestic workers or children in need	Recreational activities after studies and on Saturdays (dance, soccer, discussion sessions, etc.)	Children referred to high-schools; Tile-laying lessons in Philipeau	Action Aid funding cut off since the introduction of PSUGO
<b>New Academy Adam César Monplaisir</b>	Grand Goave	Nursery school until 4 AF (until 5 AF last year)		Capacity of 150, decreasing			0 to 500 Gourdes

## Individual care

Several international NGOs (IRC, Tdh-L, Save the Children) work with IBESR to assure the handling of individual child victims cases, in a manner established by the Protection Cluster created for all children in need of protection after the earthquake. Once a case for protection is identified by the community structures with which the organisations work (see “Setting Up Community Structures For Child Protection” above) or is reported by other organisations, the child’s needs (medical or psychological care, etc.) are evaluated. Monitoring is done either by using the resources available within the organisation, when they exist, or by referring to specialised institutions. Some organisations offer activities for the rehabilitation of children in their programs. SOFALAM offers macramé or cosmetology activities for girls who take part in their programs and at times an aid for school reintegration. The subsequent steps to be taken are determined according to a life plan, developed in accordance with the child’s best interests. This process often results in the child’s reinsertion in a family setting (developed in more detail below).

It is interesting to note that as IBESR’s capacity is increasing, the need for external institutions to engage in victim support decreases, hence the importance of their contribution in terms of training and supervision of state institutions.

## Family reunification

Depending on the policy of IBESR, children living away from family are often reinserted in the homes of their parents or extended kin. For a number of years, great efforts have been made to support such reintegration processes, particularly after the 2010 earthquake, when many resources were made available for family reunification. For instance, IOM, in collaboration with its partners, carried out a total of 894 reinsertions of child victims from trafficking, between January 2011 and December 2013.

In general, the return and reintegration of a child is a complex process and requires intensive resource mobilisation. The strategies used to conduct reinsertions vary. In most cases, the initiative is taken by the organisation that initially took charge of the child, often with the backing of the IBESR. The process incorporates a range of benefits for the family and the child, such as food kits, payment of school fees<sup>67</sup> and economic programs (stockbreeding, trading or other agricultural activities, for example). The amount supplied for income-generating activities varies, but can range from 5,000 to 20,000 Gourdes (\$ 110-450).

The IOM has set very clear guidelines for the direct assistance of victims. The child is first placed in a centre (usually the Foyer l’Escale and the “Centre d’Action pour le Développement”, CAD) where he/she receives medical attention, can attend school and sometimes receives psychosocial support while waiting to be reunited with family. The organisation undertakes a family research and a risk assessment in relation to the child’s return to his family of origin, and makes sure that the family is aware of the children’s rights and the importance of a family environment. The child’s return is accompanied by referrals to appropriate services (when they are available), and a hygiene kit, food and clothing. Moreover, the family receives training and assistance for income-generating activities (often trade or an agricultural activity) worth 20,000 HTG (\$ 450) to improve the family’s economic situation and prevent the child from

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<sup>67</sup> At least one institution offers education to two of the family’s other children in order to avoid them from being sent into child domestic work after the reunification process.

once again becoming a child domestic worker. Particular importance is given to monitoring of the situation during the first year after reinsertion. Cases are classified (as green, orange and red) and more regular attention is paid to the high risk cases.

Opinions vary greatly, however, about the effectiveness and benefit of reunification of children who have lived in situations of exploitation or abuse, with their original families. To a number of resource persons we spoke with, this approach represents a sustainable solution, considering the lack of viable alternatives. Several respondents referred to experiences that had shown that the return of a child is often a joyful occasion for the families because they had been unaware of the conditions in which their children had lived. These express the success of reunification cases and were not aware of children who have left their families anew.

Other resource personnel stressed, however, that success is not guaranteed when living conditions in the original family remain as difficult after reunification as when the child originally left. Some original families are reluctant to participate in reunification, even when they wish that their child could have stayed at home with them, as they are unable to meet the child's material needs. Several interlocutors tell about cases of children returning to domestic work in new families, following reunification. According to one interviewee, parents occasionally blame the child for the mistreatment they have experienced, arguing that it is caused by the child's bad behaviour. In other cases, children have difficulties adjusting to their native homes after having become accustomed to an urban lifestyle.

The support that original families receive is not always sufficient to secure the successful reintegration of the child. Families sometimes find it difficult to manage the resources that derive from an economic activity initiated in the reunification program. Furthermore, such activities do not necessarily become permanent (an available report states five cases of failure out of 18, and an additional nine cases as barely functioning). An evaluation for Limyè Lavi quotes a parent saying that:

“the school is paid for, true enough, but the children get up in the morning and you have nothing to offer them, you don't even have shoes for them to wear. They learn, but sometimes the teachers tell you that the child sleeps in school, and it's understandable. If the child goes to school on an empty stomach, it's normal”.

Once the school year is over, parents often do not have the funds to pay another year, which means that they are back where they started.

The assistance offered to families during a child's return process is also in risk of causing dependence, new economic motivations and the creation of an economic “market” for the return of children. On several occasions, parents have asked for money before accepting to have their child returned to the home. It is thus feared that these incentives and hopes of receiving donations may encourage the sending of children into domestic work. For this reason, many institutions prefer not to propose income-generating activities, despite the fact that other institutions consider economic support necessary for the success of the approach. Limyè Lavi and World Vision, on their part, prefer not to initiate reinsertions. Instead, they prefer parents to reach decisions themselves about whether to collect their child, after a period of reflection.

Follow-up is deemed essential to the success of family reunification. Yet monitoring is difficult in areas that are difficult to access, especially during the rainy season when the roads become impassable. Despite the importance of following up on the child's development, it rarely occurs following the first year after reunification, because of the lack of resources.

Generally, there are no data to show what happens after this period. Indeed, several participants mentioned the fact that short project cycles are not suited to family reunification processes. One year follow-up is too short to complete the process appropriately. Although IBESR often works alongside its partner organisations in their reinsertion activities, field agents of the IBESR lack the means of transport and thus cannot ensure correct follow-up procedures. For this reason, many participants suggested the involvement of CASEC and the ASEC (representatives of the smaller units of the local authorities) because their close relationships with local families allow them to monitor the situation of children who have been reunited with their original families.

Although it is considered the optimal solution by many, the costs of reintegration are high due to the complexity of cases and procedures. Often, processes of reunification fail. Moreover, in view of the fact that the demand for children's domestic work remains unchanged, it is likely that former employment families employ a new child following the loss of a domestic worker to family reunification.

In the absence of systematic data, it is impossible to identify the factors that lead to the success or failure of income-generating activities among original families that take part in reunification processes. The examples quoted above should be a reminder that this is an issue to be scrutinised in further detail. In more general terms too, initiatives that seek to strengthen the economic situation of the poor through income-generating activities often run into difficulties, and partnerships with specialised agencies in this field should be considered, rather than child protection organisations working independently and without tapping into existing knowledge and experiences.

Again, better documentation and evaluation of experiences is essential in order to understand under which conditions family reunifications work, longer-term. Given the importance for original families of obtaining the means to schooling and feeding their children, the creation of explicit links with governmental social programs seems essential and could avoid some of the pitfalls outlined above which compromise the success of family reunification. The involvement of local officials in the monitoring of children returned to their communities of origin would also be a crucial element, but raises questions about their capacity to handle this administrative process.

### **Emergency accommodation and alternative placement**

Providing emergency accommodation is among the biggest challenges in the development of strategies to meet the needs of child domestic workers that have experienced exploitation. While waiting for a more permanent solution, children who are the victims of serious abuse must be moved immediately to a place where they can stay short to medium term. Several key interlocutors mentioned the lack of infrastructure for emergency accommodation as one of the largest difficulties they have to deal with. Currently, the procedure for the metropolitan area is that IBESR calls upon CAD and Foyer l'Escale, as well as other authorised centre. The CAD, in Ganthier (with a capacity of 75 children) and the Foyer L'Escale at La Plaine du Cul-de-Sac (a centre specialising in the care of child domestic workers, with a capacity of 40 children) are working at full capacity and IBESR sometimes has difficulty in finding accommodation. Although designed as transitional centres, the children sometimes remain for a relatively long period of time (one year or more), in part

because the children want to finish their school year. Moreover, both institutions face severe financial difficulties. They would like IBESR, with which they have an agreement and which refers children to them, to help them cover their costs<sup>68</sup>. IBESR however, has no specific resources for this activity and itself experiences an unwanted dependency on external funding.

Several organisations have premises for children's shorter stays. This is the case for SO-FALAM that has 10 beds and FMS that holds six rooms. FMAS on the other hand occasionally resorts to hotel rooms if necessary. In the provinces, agents of the IBESR rely on placement in institutions as well as foster families (which are not necessarily authorised in formal terms). According to more than one participant, it is often particularly difficult to find places for older children and for those needing extra care, such as girls who are pregnant. The CAD does not accept children over 14 years, and l'Escale has set the age limit at 16 years for boys and 17 for girls.

In the longer term, most institutions aim for the reintegration children in their family of origin, preferably with parents or members of the extended family (see "Family Reunification" above). According to one informant, it is indeed possible locate family in the large majority of cases. When this is not feasible or goes against the child's interests, other solutions must be identified. One of MAST's priorities is to increase the State's capacity to provide complete care service for girls and boys that are separated from their families and cannot be returned to their families. This relates particularly but not exclusively to street children. The Ministry aims at reintegrating children through transition centres where children have access to education, professional training and psychosocial support, thus wishing to break the cycle of poverty and enable the children to become productive citizens. MAST currently has two centres in Delmas and three in Carrefour with a capacity of 160 and 350 children, respectively. Work is under way to more than double the capacity of these centres and the Ministry is seeking funding to build new transitional houses in Jacmel, Les Cayes and Cap Haïtien.

Furthermore, Restavek Freedom is running a home in Delmas for 15 girls who have suffered extreme violence and who have had to flee domestic work. The organisation is currently building another home in South Haiti for 16 or more children. The girls receive psychosocial support, go to school and learn handicrafts. One difficulty raised by informants in the organisation is to enable young adults who have suffered trauma and have little human capital to leading decent and independent lives. Follow-up of these children and juveniles outside of the context of the centres seems necessary in order to break the cycle of poverty that leads children into domestic work.

Other options of accommodation have been considered, such as independent homes for youth aged 14 years or more, a solution envisioned in the Child Protection Code that awaits approval from the appropriate authorities. This arrangement has been piloted by some NGOs with promising results but has not yet been implemented by the social services of the state. According to one interlocutor with extensive experience with family reunification, this kind of set-up can turn out to be of great value to some older children who are less easily reunited with their original families.

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<sup>68</sup> Another transitional centre in Fonds Parisien set up by World Vision has already had to close due to lack of funds.

## Measures to place children with foster families

In order to develop an alternative to the institutionalisation of vulnerable children, IBESR and UNICEF, with several other partners, have collaborated to develop an arrangement of foster families, formally approved, supported and monitored by MAST. This approach has the advantage of avoiding institutionalisation, an expensive strategy usually not in the child's best interest. A one-year pilot program (April 2014-March 2015) is being carried out by IBESR and Tdh-L, involving a hundred families in the South and the Goâve regions. The extension of the formal foster family arrangement to the whole country has been planned. A set of detailed tools has been developed in order to guide social workers in the identification of potential foster families and in the monitoring of the placement of vulnerable children with these families. The status as foster family requires a formal accreditation by the state. Placement with a formal foster family is intended for short-term as well as long-term stays. Also, some of the families that are taking part in the program have started a formal adoption process for the child entrusted in their care. The approach has yet to be evaluated but it has generated a great deal of interest for its potential to establish an appropriate environment for children, suitable for monitoring. A requirement for becoming a foster family is that the household has sufficient resources to care for children. Except in exceptional cases, formal foster families do not receive any financial assistance.

This new approach responds to a need for alternative care arrangements and has several advantages, including its sustainability. Similar arrangements are common in Europe and elsewhere. However, social and economic realities, and in particular, the existence of informal child-care practices, are likely to influence the implementation of this arrangement in Haiti. Several disadvantages must be taken into account. The arrangement entails a lengthy process of identification and monitoring of foster families, and is thus expensive. What is more, given that no payment is offered for the accommodation of foster children (even though it involves real costs for the foster family), families must have their own means in order to qualify. It will probably be difficult to identify many suitable households, and the cost per child will become high.

Furthermore, several of our interlocutors expressed concern over the fact that despite no payments being made by IBESR to the families, main motivations by foster families may, nevertheless, be of an economic nature. Most of the currently accredited families are active members of a church. Although their commitment may be motivated by wishes to contribute constructively, many churches work as vehicles for fund or charity-raising from abroad. In the event that the foster family measures attract people primarily motivated for economic reasons, there are reasons to doubt that the children will receive the proper care they need. There should be ample evidence of similar problems from residential centres currently out of favour.

According to the regulations already in place, foster families can apply for economic aid if they suffer a personal crisis, such as an unpredictable setback. It will be instructive to know how many people are looking to benefit from this assistance after a certain period.

Furthermore, several interviewees raised concerns over the weakness of evaluation capacity among IBESR staff, despite their training. For example, some agents had a favourable opinion of a child's situation because of preconceived ideas about the foster family, without having conducted a systematic evaluation. Moreover, without proper monitoring, there is a danger that foster family measures become a new mechanism and recruitment structure for the placement of children in domestic work – with a government seal of approval. Importantly, therefore, several of its explicit assumptions, such as the good will of families seeking to become part of the arrangement, should be assessed by an independent institution. The approach should be properly evaluated after a period of one year, and subsequently at regular intervals.

## Referral mechanisms

To meet the needs of child domestic workers who have become the victims of exploitation and abuse, the chain of protection must be tight and effective from the instant a case is reported until a long-term solution is identified. No institution is able to handle all the needs of these children (direct care, medical care, psychosocial and legal help, etc.), and hence, referrals to specialised services are essential. This requires locating care providers in each area of intervention, accessible both in terms of distance and cost. It is beyond the scope of the current study to document all the existing organisational links and the difficulties faced by individual organisations, as it would require an in-depth examination of the referrals in the different areas of the country. However, we summarise some aspects of the current situation and suggest some improvements.

In the absence of common standardised operational procedures, each institution tends to find the necessary support where it can, based on the services available in its area of intervention. In some cases, the procedures are well laid-out and formal protocols with appropriately skilled care providers have been established. World Vision, for instance, has established partnership agreements with both public and private institutions. Tdh-L has nurses that accompany the children to the health centres, sometimes providing financial assistance for the purchase of medication. IOM refers directly to two institutions funded by the organisation: CAD and Foyer l'Escale (the second specialises in the care of former child domestic workers). These two organisations, in addition to offering temporary accommodation for children, provide schooling and medical assistance, and when appropriate, refer the children to specialised medical centres such as GHESKIO.

With respect to health care, institutions usually find solutions to problems that arise, at least in Port-au-Prince. IBESR, for example, refers children who require treatment to the General Hospital (HUEH) and SOFALAM forwards children to APROSIFA (a clinic close to its premises), the MSF Hospital and HUEH. One international NGO, however, was not satisfied with the available services, especially regarding waiting time, and chose to use its own resources to provide quality care. In the provinces, referral centres vary according to the area.

For cases of sexual abuse too, referral systems vary from one region to the next. Tdh-L refers to MSF in the West and to l'Hôpital Immaculée of Cayes in the South. In Jacmel, on the other hand, despite the presence of the Haitian NGO Fanm Decide that provides support in cases of rape, one of the interviewees that we spoke with expressed that the referral of cases is done with difficulty. Another case we were told about illustrates some of the administrative problems faced by actors on the ground trying to make the referrals: In one of the visited areas, the hospital does not examine rape victims without a requisition from the Prosecutor's office. However, as an officer of the court refused to give the document, the case was obstructed.

The lack of housing for emergency accommodation, particularly in the provinces and for cases perceived as more complex (such as pregnant girls or older boys), has been reviewed above (see "Emergency accommodation and alternative placement"). There is also a general lack of psychosocial care providers. This failure is particularly dire when cases of serious abuse or trauma occur. The Foyer l'Escale mentioned the lack of access to the services of a psychologist as a hindrance preventing them from offering psychosocial activities for children. One participant explained that the inaccessibility of such services in rural areas makes the reintegration of

girls who have been raped, for example, particularly complex. An exception from the general lack of psychological competence is IBESR in South Haiti, where IBESR has a psychologist at their service, an example that should be followed elsewhere.

To ensure more systematic referrals, it is necessary to develop formal referrals networks, made official preferably through agreements on a ministerial level (as is the case for medical certificates for violence against women, delivered according to a binding protocol between the Ministry of Public Health, MCFDF and MJSP). In the absence of such accords, agreements signed with public and private service providers in each zone would prove essential, following the practice developed by World Vision.

### **Government social programs (Ede Pep)**

The social programs implemented by the government are not explicitly aimed at eliminating child labour in domestic work but are intended for several categories of vulnerable people. Known under the title of Ede Pep, these sets of social protection programs include, in particular:

- ***Universal, Free and Compulsory Education Program (PSUGO)*** aims at enabling 1.2 million children aged 6-12 to attend school without the basic costs (i.e. about half of the children in this age range in the country<sup>69</sup>). The program also involves a hot meal per day for the pupils. The initiative is not specifically aimed at child domestic workers but several schools that accept this category of children (see below) are part of the program, which includes a provision for the training of over-aged children (i.e. with school delays) or those that have remained outside of the educational system. However, there have been a number of difficulties with the implementation of the program including serious delays with the promised payments, which led to many classes shutting down last year. Qualitative interviews conducted as part of another phase of the current study also revealed that families with very limited resources (such as those living in the IDP camps in Port-au-Prince) are unable to find a subsidised place through PSUGO or are reluctant to come forward because they cannot afford to buy shoes and school supplies. Even with the school canteens, the contributions that are required from parents seem to be a deterrent for some families with numerous children. Many parents see these costs as disguised school fees.<sup>70</sup> In addition, the difficulties to pay costs for schooling after the 6<sup>th</sup> year remain a fundamental problem.
- ***Ti Manman Cheri***, a cash transfer program, targeting 100,000 mothers in order to enable them to keep their children in school. Women receive HTG 400, 600 or 800 per month (USD 9, 13.50 or 18) depending on whether they have one, two or three children in a school belonging to the Universal Free and Compulsory Education Program (PSUGO), for one year. According to the Minister of State for Human Rights & the

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<sup>69</sup> According to EMMUS-V (République d'Haïti 2013), 11.5 percent of the population is aged 5 to 9 years, while 12.3 percent is 10-14 years old (23.8 percent in total), nearly 2.5 million children aged between 5 to 14 years, with a total population of about 10.25 million in 2011.

<sup>70</sup> A farmer interviewed in Seguin as part of the qualitative research associated with this study raised this issue. He had to pay 10 HTG (USD 0.22) per day for each of his three children, which made up a considerable amount to be paid in cash each week and which exceeded his resources. This applies to many farmers, whose incomes are irregular.

Fight Against Extreme Poverty,<sup>71</sup> women use these transfers not for consumption but to start up commercial activities that allow them to rise from poverty. However, this aid does not reach all the families in need of support (400,000 according to the Minister)<sup>72</sup>. It remains to be seen to what extent the beneficiaries manage to sustain their children's schooling beyond the 12 months of the grant.

- ***Kore Peyizan*** seeks to increase the production capacity of the agricultural sector through the distribution of seeds, goats, fishing kits, fertilizer subsidies, etc. valued at 1,850 HTG (USD 41) per beneficiary. 100,000 people per year are expected to benefit from this program with a total budget of 508 million HTG (USD 11.29 million).
- ***Kore Fanmi*** is an initiative led by the World Bank and implemented by the Economic and Social Assistance Fund (FAES), a government agency for local development. Other organisations are also involved in the implementation of the program, e.g. UNICEF in the South-East. The aim of the program is to prevent separation of children and parents (and “child abandonment”) by promoting access to basic services. 15,000 vulnerable families have been identified through a survey in three towns of Plateau Central (Boucan Carré, Saut d’Eau and Thomasique). Three other towns in Southeast Haiti will follow (Grand Gosier, Thiotte, Anse-a-Pitre). Community workers help vulnerable families in identifying their needs and refer them to the relevant services<sup>73</sup>. In principle, and insofar as the referrals are successful, this is another means through which underprivileged families in the affected areas can find assistance that enable them to take care of their children, avoiding sending them into domestic work.

The targeting of these programs is to be done on a geographical basis, using a map based on a vulnerability index developed as part of Ede Pep. The 48 municipalities thus identified as the most disadvantaged (red level) and 70 of those at the orange level are to be prioritised.<sup>74</sup> Apart from the stated priorities of geographical zones, it is not made clear how beneficiaries are selected. No connections are made between these programs and IBESR's activities with respect to identification of vulnerable households, and decisions to develop connections of this kind have yet not been made.

Answering the many questions regarding the implementation of these initiatives is not possible within the scope of this report. However, considering that child domestic work to a large extent is related to parents' low incomes and lack of access to education in rural areas, these initiatives can contribute to limiting the sending of children for domestic work. The Minister of State for Human Rights and the Fight Against Extreme Poverty is convinced that this will be an effect in the medium term. Yet actors at all levels criticise these programs for their inability to reach those who need them most and the administrative barriers they encounter. However, if more concrete criteria for reaching the most vulnerable families are applied, it should be possible to target families as a precautionary measure, as well as families deciding to reintegrate a former child domestic worker, thus supporting family reunification processes by providing economic grants and guaranteeing access to school. The effectiveness of the targeting of families, and impacts achieved, should be monitored closely.

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<sup>71</sup> Contacted by phone May 20th 2014.

<sup>72</sup> Although only the most underprivileged households are taken into account, this figure still remains low given the total number of households in Haiti, which would have been about 2.3 million in 2011 if basing the calculation on EMMUS V that estimated the average household size to 4.4 persons and the population to 10,250,000.

<sup>73</sup> <http://www.worldbank.org/en/news/feature/2013/06/20/kore-fanmi-improving-social-coverage-for-15000-vulnerable-families-haiti>.

<sup>74</sup> The identification of municipalities on the vulnerability index can be found in Gouvernement de la République d’Haïti (2014).

## Data collection

Participants to our interviews held few data on the profiles of the child domestic workers that were involved in their organisations' various programs. The figures we were able to collect are presented in Table 30. The available figures show that the bulk of children in care are aged between 10 and 14 years. Furthermore, the programs reach a majority of girls, a trend confirmed by participants to our interviews. An exception is Tdh-L, where girls account for slightly less than half of the children in the programs.

State mechanisms for monitoring and data collection are weak and do not generate information on children's different, and often manifold vulnerabilities. Nevertheless, an initiative supported and funded by UNICEF is underway, aimed at improving data collection procedures. As part of this initiative, the tools used for the collection and management of data by IBESR and BPM have been analysed. At the time of the completion of our institutional study, IBESR and BPM were finalising this analysis, relating their definitions of different vulnerabilities in data collection to definitions used in the Criminal Code. This work is to be shared with IBESR's and BPM's partners in order to enable the harmonisation of data collection systems more broadly. The next step is to identify indicators and develop a new system of data management. Through the compiling of periodic and analytical data, the aim of this new system, once operational, is to facilitate the monitoring of cases received and actions undertaken, by both IBESR and BPM, and the actors in the child protection sector as a whole.

**Table 30 Child domestic workers involved in programs by a collection of interveners: Data on children's profiles**

IBESR, number of cases of child domestic workers received (2013) <sup>1</sup>									
Total	Gender								
	M			F					
243	68 (28%)			175 (72%)					
IOM, family reintegration (2005-2013)									
	<14	14-17	18-24	Unknown	All ages				
M	614 (32%)	132 (7%)	13 (1%)	15 (1%)	774 (40%)				
F	885 (45%)	228 (12%)	17 (1%)	40 (2%)	1170 (60%)				
Total	1499 (77%)	360 (18%)	30 (1%)	55 (3%)	1944 (100%)				
Restavek Freedom, direct aid beneficiaries (year not specified)									
Total	Gender		Age when entering the program						
	M	F	2-5 years-old	6-9 years-old	10-12 years-old	13-14 years-old	15-17 years-old	18 and over	
670 (100%)	262 (39%)	408 (61%)	3.3%	22%	37.3%	21.8%	12.7%	2.9%	
Tdh-L, child domestic workers received by the protection programme (April 2010 – Dec. 2012)									
Total	Gender		Age			Area		Schooled	
	M	F	<10 years-old	10-13	14+	Cayes	Grand Goave	Yes	No
50	26 (52%)	24 (48%)	16 (32%)	14 (28%)	20 (40%)	43 (86%)	7 (14%)	18 (36%)	32 (64%)
Identification criteria									
Ill-treatment/ abuse			Social		Psychological		Family-related		
33 (66%)			2 (4%)		1 (2%)		14 (28%)		

<sup>1</sup> Note that some of IBESR's cases have been referred to them by other organisations.

## Resources

### Funding

The considerable progress achieved in the area of child protection in recent years has been made possible by the funding mobilised after the earthquake in January 2010. With the return to a focus on development instead of disaster relief, much of this funding has been terminated. While financial resources thus become increasingly scarce, the demand for funding has increased with the efforts to reinforce protection structures, as seen, for instance, in the presence of IBESR and BPM in all 10 departments. Table 31 and Table 32 below summarise the funding for activities related to child domestic workers in recent years that we have identified.<sup>75</sup> At present, it should be noted that almost all of the funding for the sector comes from abroad, from the US in particular. Besides UNICEF<sup>76</sup>, the main donor is the J/TIP US State Department, which has invested more than USD 4.4 million in the fight against internal trafficking since 2009.<sup>77</sup> The IOM is the principal recipient, and has received a total of USD 2.042.000 since January 2009. By 2014, these funds have been reduced to USD 250.000 for the year.

The recent outreach work by IBESR, and to some extent by BPM, has largely been funded by UNICEF. This financial support has enabled IBESR to increase its protection coverage to the country's 10 departments but has led to a high dependency on UNICEF. Funding is at risk. The seriousness of the situation must be emphasised, as external support is difficult to sustain long-term, yet without it, child protection services will be obstructed. Currently, all non-state actors stress the responsibility of the Haitian State to allocate adequate funding for protection services.

Despite the financing from UNICEF, both IBESR and BPM convey deficiency of funding to carry out activities. IBESR agents are able to offer a follow-up on family reunification cases but unlike other organisations that carry out reunification, they are not able to offer economic support for the process or provide schooling for children (unless the children can be enrolled in the PSUGO program near their parents' home, which is not always the case).

UNICEF, having financed the activities of international NGOs in the aftermath of the earthquake, presently concentrates the majority its resources in technical support to all partners in addition to the technical and financial support in state structures. The aim is to sustain the advances in recent years and to institutionalise the decentralisation of child protection services in a sustainable manner. Given the general decline in external funding, some international NGOs, such as CRS, IRC and Save the Children, have been forced to end activities in child protection, or reduce their scale. Thus, many organisations are currently seeking funds to continue their activities. They are thus engaged in a tacit competition for funds that are becoming increasingly rare<sup>78</sup>. The situation is not the same for organisations that are able to

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<sup>75</sup> This remains a partial picture, as information on budgets and funding sources were not always made available during our interviews.

<sup>76</sup> UNICEF's main funders for the area of child protection 2010/2014 were "Fonds d'urgence", an emergency fund dedicated to humanitarian crises, as well as Natcom China, Natcom USA, Natcom France and Natcom Poland. In addition, the governments of Sweden and the Netherlands are important contributors.

<sup>77</sup> For this analysis we have considered internal trafficking as akin to child labour in domestic work. As we have noted elsewhere, the relationship between these two concepts remains to be clarified.

<sup>78</sup> For instance, the ASR system may face a conflict between its mission of dialogue and advocacy as well as the role it has taken of channelling individual funding. For example, only four of its members have benefited from funds made available by CWS for school reconstructions.

mobilise funds directly (such as Restavek Freedom or Beyond Borders), but the latter face a potential tension between a choice of strategies that appeal to donors, on the one hand, and those that meet the needs of the target populations, on the other.<sup>79</sup>

Most non-state actors operate on fixed-term projects (usually 12 to 36 months) that are not easily renewable. The end of a project or grant often causes a termination of interventions. Although the organisations seek to implement strategies that ensure some sustainability, new cases that need following-up are constantly arising and organisations rely on state actors to take over activities. In this context of funding deficiency, it is essential to ensure that the most efficient strategies are identified.

Haitian organisations are also hit by the financial crisis and have had to reduce their activities, particularly with regard to awareness-raising. Some organisations also let staff go. They often depend on external aid. At present, Foyer l'Escale, one of the two main centres that provide shelter to children referred by IBESR for emergency accommodation (and the only centre specialising in boys and girls in domestic work) is threatened with closure.<sup>80</sup> Its leaders are calling for economic support by the state to continue this service.

### **Material resources**

UNICEF has helped each IBESR and BPM departmental team become operational by putting a vehicle at their disposal.<sup>81</sup> However, means of transport are insufficient to ensure global coverage. Occasional lack of fuel and engine failure prevents personnel to conduct visits in the field, and it is difficult to meet transportation needs for all personnel with one vehicle. Occasionally, the PNH demands that BPM provides a vehicle for activities that are not part of the BPM's priorities. This constrains the effectiveness of BPM and IBESR, and hinders proper response in cases of emergency. In the medium term, therefore, the provision of one or more motorcycles to each office would be desirable in order to improve mobility and access to the children with whom they work.

Regarding workspace, IBESR has offices in the capitals of the departments. This is not always the case for BPM employees, who do not control their working conditions and depend on decision of the administrative Police. This is a relatively serious limitation when considering that BPM officers, as part of their ethical code of conduct, must ensure that their records are kept confidential.

According to the information we have collected during visits outside of Port-au-Prince, the employees of both IBESR and BPM lack working equipment. In one IBESR office, staff highlighted logistical problems such as power cuts that prevent data entry, a lack of letter files to protect the confidentiality of records and lack of fuel to monitor cases in local communities. These challenges should be relatively easy to meet even in contexts of budget scarcity. Without basic equipment, employees cannot perform their duties properly, which implies that resources for salaries do not produce positive effects.

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<sup>79</sup>These two logics may run parallel but this is not necessarily the case. The adopted fundraising strategies are therefore of interest, although this is not a major concern in the context of this report.

<sup>80</sup>After our interview we learned that IOM will be providing new limited funding for the Foyer l'Escale allowing it to remain open for a few months.

<sup>81</sup>One bus and some motorcycles have also been put at disposal of the central offices of IBESR and BPM.

## Human resources

In 2009, IBESR was present in only four departments. With the exception of the West, there are presently offices in every department. UNICEF is funding 15 social workers in the Western Department and from five to seven social workers in the remaining nine departments, including one coordinator and four protection agents.<sup>82</sup> Despite this expansion outside the capital over the last four years, there is still a serious lack of skilled staff to work with children in the relevant areas. According to a respondent who works in an international organisation, a minimum of one social worker in each of the country's municipalities would be required in order to offer acceptable coverage of services. Currently, the low number and concentration in the department capitals prevent social workers from reaching the population in the most remote areas. Furthermore, due to the uncertainty of funding, the employees in the decentralised offices have short-term contracts. This leaves their positions vulnerable and seems to work demotivation.

Several international organisations (UNICEF, IOM, IRC, Tdh-L, AVSI, MINUSTAH) have helped in the training of IBESR employees on topics such as a psychosocial approach, juvenile law, minimum standards of care, etc. In addition to this basic training, many of these organisations offer support in the staff's daily work. This strengthening process should be maintained in order to consolidate the practices among IBESR staff.

On the other hand, the salaries of the fifty or so agents assigned to BPM are covered by the PNH. However, virtually all operating costs, like expenses to cover missions, communication and transport are provided by UNICEF.<sup>83</sup> However, according to various interlocutors, the lack of staff and resources prevents BPM from being more effective. This can lead to high attrition rates either because staff are transferred to other duties or because they decide to find more advantageous positions with better terms and conditions. In order to make the most of the competence, experiences and training of staff, it is important to find the means to encourage staff to stay on in BPM.

Several representatives of the Haitian civil society (Foyer l'Escale, among others) expressed that assistance from psychologists is difficult to obtain because of the high cost. SOFALAM was able to hire one as part of its program funded by Tdh-L through a project of the fundraiser Swiss Solidarity (Chaîne du Bonheur). FMAS collaborates with a psychologist who offers his services voluntarily when needed.

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<sup>82</sup> IBESR's employees in the West are in charge of the national office that is based in Port-au-Prince. Supervising the other offices in the departments, this staff carries out many administrative and financial duties and do not to the same extent as in the other nine departments engage in specific protection cases. It is a paradox that the Western department does not have an office devoted to child protection, especially considering the particular vulnerabilities of street children and children affected by armed groups in this area, e.g. in Cité Soleil and Martissant.

<sup>83</sup> The PNH contributes with a small percentage to cover certain costs (four to six percent for some administrative costs and three to 50 percent for some salaries).

Table 31 Donors for current programs / programs in progress aiming at the protection of children and child domestic workers

Line/Project2	Project/Funded institution	Funded partners	Number of beneficiaries	Duration	Total project amount (USD)
UNICEF	IBESR			17 months: Aug. 13 – Dec. 14	\$963,424 (HTG 43,354,068)
	BPM			12 months in 2014	\$202,797 (HTG 5,492,700)
USAID	The Futures Group/AKSE	Maurice Sixto Foundation Awareness-raising on the issue of child and juvenile domestic work in schools and communities of Carrefour Feuilles et Pétiion-Ville		4 months: June – Sep. 2014	\$25,000
European Union	European Instrument for Democracy and Human Rights.	Combite pour la Paix et le développement Alternative for a community without child domestic workers	250 children 15 teachers 10 parents	12 months: 2014-15	\$95,000 (€75,000)
	Tdh-L	Protection and promotion of children's rights in the South department	215 children 7060 adults	24 months 1.1.14-12.31.15	\$424,300 (€333,172)
	Social and human development Investing in People	AVSI Valè timoun yo – Publid/ Private partnership for the protection of armed gangs of children and other cases of violence in Haiti	700+ victims of child abuse; 400 families of victims of child abuse; 2.400 students	36 months 11.1.13-10.31.16	
US Department of State, J/TIP	IOM	CAD Foyer L'Escale	150 child trafficking victims /restavek	9 months Sep. 13 – May 14	\$250,000

Line/Project2	Project/Funded institution	Funded partners	Number of beneficiaries	Duration	Total project amount (USD)
Swiss Solidarity (Chaîne du Bonheur)	Tdh-L	SOFALAM	Direct: 255 Indirect: 4410	24 months 1.1.14-12.31.15	\$448,025
	Tdh-L, <i>Rehabilitation of populations affected by the earthquake in the zone of Grand Goave</i>		16771	18 months jan 14-june 15	\$1,092,078
Foundations/dons	Terre des Hommes Switzerland	Foyer Maurice Sixto			\$80,000
	Beyond Borders			2014	\$321,750
Equitas Group		Limye Lavi		2014	\$369,522
	CWS	FOPJ			Unavailable
	CWS	ASR			\$100,000
	Limye Lavi Restavek Freedom Beyond Borders				Unavailable
	Bethany Christian Services Global	ASR		14 months 10.1.13-12.31.14	Unavailable
	Capacity building for organisations working against restavek <sup>3</sup>				
Partial TOTAL (Current protection projects/programmes targeting child domestic workers among other vulnerable groups)					\$4,371,896
<b>Partial TOTAL (Current projects/programs directly targeting child domestic workers)</b>					<b>\$1,241,272</b>

<sup>1</sup> Bold text in the tables indicates that the intervention is directly or predominantly aimed at the issue of child domestic workers. Sources to Table 31 and Table 32: project documentation provided as part of this study, <http://www.state.gov/j/tip/rls/other/2011/175102.htm>.

<sup>2</sup> [haingoaidmap.org](http://haingoaidmap.org)

Table 32 Donors for recent programs / projects aimed at the protection of children and child domestic workers

Donor	Project/ Funded institution	Funded partners	Number of beneficiaries	Duration	Total project amount (USD)
UNICEF	<b>IOM</b> Combating child trafficking in Haiti: reinforcement of the capacity of IBESR and BPM and providing return and reintegration assistance to 500 restavek children	CECODE CAD CASODI OPEE Horizon Vert ATM GRAHDEL Zanmi Timoun	500 children	15 months: Dec. 10 – Feb. 12	\$788,341
US Department of State, J/TIP	<b>IOM</b>	CAD		Jan. 09 – Jan. 10	\$315,000
		Foyer L'Escale		Dec. 11 – Nov. 12	\$250,000
				Dec. 11 – Dec. 12	\$750,000
				Jan. 13 – Sep. 13	\$477,000
IRC	Fighting Child Trafficking Channelled through Haitian Orphanages		50 victims of trafficking (restavek)	19 months 9.30.12-4.30.14	\$750,000
	Heartland Alliance	Information unavailable		Jan. 11 – Jul. 12	\$250,000
	International Association for Women Judges			Jan. 11 – Jan. 14	\$650,000
	<b>Anti-Slavery International/Free the Slaves</b> Freedom for Haiti's Children: community action to end slavery locally and nationally	Limye Lavi		Jan. 11 – Jan. 14	\$700,000
	Warmath Group, LLC			6 months	\$50,000
	Terre des Hommes Switzerland	<b>Foyer Maurice Sixto</b>			<b>\$108,000</b>

## Conclusions

The institutional study presented in this chapter describes the range of actors that have been mobilised on the issue of child domestic workers in Haiti. Efforts reflect a sincere willingness on the part of the State, the international community and the Haitian civil society to address social problems arising from child domestic work. It is a general characteristic, however, that initiatives have been conducted in isolation, and a variety of approaches have been employed without scrutiny of their effectiveness. The issue of child domestic work requires a multidisciplinary response (protection, education, justice, health care, etc.). A high-level government leadership on this issue is imperative in order to carry out necessary reforms, but this is largely absent. The various institutions working in this field must develop a common understanding of the challenges and work together to overcome them.

Based on this, the government, in consultation with a wide range of stakeholders, should develop a clear, multi-sectoral action plan on the subject, containing concrete goals. The action plan should define the roles to be played by the different sectors and institutions. Proper funding must be provided. If well managed, this process will ensure that all the relevant institutions set themselves common goals and agree on strategies to reach them. This will provide a solid foundation for cooperation and ensure a more uniform coverage of service provision and protection efforts. Once the document is in place, funding must be provided and regular monitoring carried out. In order to ensure sustainability, the basic costs should be provided by the State, but donors should be encouraged to support an ambitious program of elimination of child labour and promotion of the rights of child workers who are in a legal age for work by providing additional funds.

A solid legal framework on the issue of child domestic work has been lacking but is gradually being put in place. The new law on trafficking and the anticipated approval of the new Child Protection Code are milestones in this respect. However, a number of weaknesses and ambiguities still persist. A revision of the 2003 law on abuse in a manner that specifies adequate penalties must be a priority. In addition, it is important to clarify how certain aspects of international conventions signed by Haiti should be translated into Haitian law, particularly the minimum age at which children can take up domestic work. Also, a more detailed understanding of what can be considered acceptable work according to the age of the child and the number of hours worked is lacking. A greater public awareness of the diversity of situations faced by child domestic workers must be an aim, in order to help people distinguish between acceptable and unacceptable situations.

Ensuring the proper application of the law – and the strengthening of the institutional framework in order to make sure that the rights specified in legal instruments are respected – is a greater challenge. The judicial system suffers from chronic procedural and administrative failures. It is hoped that the on-going process of wider reforms of the system will improve its functioning. The training of judges (including Justices of the Peace) and the State prosecutor in children's rights and issues of child labour is absolutely necessary and should be accelerated. At the same time, by provision of legal assistance and support during the process, victims of abuse should be encouraged to demand reparation.

Furthermore, institutions currently responsible for the monitoring of – and compliance with – standards of child domestic work have low capacity. There remains a grey area in the distribution of responsibilities between MAST, IBESR and BPM relating to this issue, which should be clarified. Moreover, all these institutions lack the sufficient resources to be able to

perform the tasks they are expected to undertake throughout the country. At a minimum, they need adequate personnel, means of transportation and basic equipment to be able to cover all regions. UNICEF is currently supporting the salaries of IBESR's decentralised social workers as well as operational costs. The situation is similar for BPM, as the United Nations agency pays the civil workers and covers basic expenses. Until these costs are covered by funds from the Public Treasury, the valuable services provided by each of these organisations are at risk. In order to ensure their sustainability, therefore, it is of utmost importance that these costs be taken into account in the State budget.

At the same time, we must show great sensitivity in addressing the gap that exists between law and social reality. Given the widespread practice of placing children in families far from their original homes without, necessarily, the intention of exploitation (as described in preceding chapters), and the positive value of some child relocation practices, the contradictory or inappropriate use of law could serve to undermine rather than strengthen the rule of law. Criminalisation should be reserved for those who derive profits from the exploitation of children.

At present, mechanisms for data collection for the purpose of monitoring cases of child domestic work are weak. Few statistics are available. Thanks to UNICEF's funding, efforts are being made to improve the systems used by IBESR and BPM and should help improve this situation. Once in place, the data regarding the number of identified cases and the measures taken at each level of the child protection system should be made available to the public on a regular basis. This will be particularly helpful in monitoring a future national action plan to help fight against child labour in domestic work. Moreover, the approaches and methods employed by the actors that fight child labour in domestic work and that try to ensure the rights of young domestic above the legal minimum age, should be assessed in greater detail in order to identify the most effective approaches under various circumstances. Assessments of awareness-raising campaigns, family reunification programs and the foster family measures that are currently under implementation would be of particular interest.

As the living conditions and circumstances of child domestic workers vary considerably, assistance must be tailored to each case with the view of ensuring the child's best interests. Family reunification is not necessarily the best option for all children, for reasons discussed above. Family reunification is expensive, requires close monitoring and is not always successful, especially in the case of older children. An arrangement of formal foster care, foster families to be approved by the State, is currently also under development. This arrangement is currently piloted and will be extended to the entire country. Another measure that should be investigated is autonomous homes for children above 14 years. Moreover, as no method will be appropriate to meet the needs of *all* child domestic workers, it is important to emphasise supervision, monitoring and evaluation of individual cases. The close involvement of State social workers will be required, which brings to the fore the need for the proper financing of decentralised IBESR agents.

Several Haitian organisations have chosen to offer teaching adapted to the needs of child domestic workers. One can reasonably assume that these efforts have contributed to raising the level of basic education in this group of children. At the same time, it is important to keep in mind that many children leave their original families to obtain better schooling, which exposes them to risk of recruitment to domestic work. Thus, balancing out differences in educational opportunities between different geographical areas must remain a priority. At the same time, more emphasis should be put on quality vocational training that could contribute to developing competences valued in the market. Enabling youth of legal working age to secure

decent jobs is a prerequisite for breaking cycles of poverty. Whenever possible, completed vocational training should be accompanied by support in job-seeking or in the setting up of independent businesses.

In the longer term, strategies aimed at preventing children's early recruitment to domestic work will be crucial. Access to school, sorely lacking in rural areas for a very long time due to high costs and long distances, is gradually improving thanks to PSUGO. This will contribute to limiting the "supply" of children to domestic work. However, PSUGO does not yet cover all children and barriers persist that prevent the most underprivileged to benefit from it. The other government social programs could also contribute to improving socio-economic conditions of poor households, from which most child domestic workers originate. Inclusion in these programs would allow poor families to keep their children at home, but programs are generally sporadic and fail to reach all the families in need. With respect to these programs, is an urgent task to develop targeting criteria in order to identify vulnerable households that are in charge of children.

Grappling with the challenges raised by child domestic work in Haiti requires a process that involves actors from various backgrounds. A will to improve the conditions for children in domestic work, and to eliminate child labour in domestic work, is in place and a series of important steps have already been taken. If all key players work jointly and mobilise the resources at their disposal, the reality of children in difficult life situations could be transformed.

Based on these conclusions, the institutional study suggests the following recommendations:

**1:** The government, under the leadership of MAST, should develop a multi-sectoral national policy / action plan to address the issue of child domestic work based on a thorough understanding of its causes, manifestations and consequences.

**2:** In the work to develop a national action plan on child domestic work, the Sectoral Table on child domestic workers should be reactivated through the participation of high-level government institutions, civil society and international organisations. Once the plan is in place, the Sectoral Table can be turned into a steering committee to ensure the coordination and the monitoring of its implementation.

**3:** In order to monitor progress in relation to its action plan on child domestic work, the State should commit to the development of tools for data collection, for instance through its census framework, and provide funding for this purpose. IHSI is a possible partner in this context.

**4:** The government should commit to funding the bulk of the action plan through the Treasury, then invite donors to complement these investments.

**5:** The 2003 Act on the prohibition and elimination of all forms of abuse, violence, ill-treatment and inhuman treatment against children should be amended to include sanctions in cases of non-compliance.

**6:** In the revision process of the Labour Code, provisions guaranteeing the rights of domestic workers and child domestic workers above legal minimum age should be included. The minimum age for child domestic work should be clarified and the list of hazardous work should specify forms of work to be considered unacceptable. Furthermore, special measures of protection of young domestic workers of legal working age should be considered and measures to implement and enforce these provisions should be put in place.

**7:** MAST and other actors should initiate work on a communication plan aimed to provide clear and comprehensible information to a wide range of actors (including the media) on the definitions of the different categories of child domestic work according to legal standards,

including minimum age for youth employment, the number of work hours considered legal at different ages, hazardous work situations and situations similar to slavery (i.e. the worst forms of child labour not impermissible for all children).

**8:** Haiti should ratify ILO Convention number 189 on workers and domestic workers.

**9:** The State should bear the costs associated with the IBESR's departmental offices of social workers by integrating all social agents as public servants and incorporate costs into the Republic's budget. In order to secure proper coverage, the number of social workers in the municipalities should be increased.

**10:** The PNH should gradually take over the costs associated with the BPM's activities (including the salaries of civil servants) to ensure the sustainability of its services and ensure that staff has the necessary resources to meet its responsibilities (work environment, transportation, equipment).

**11:** The responsibilities for the inspection of domestic work, and in particular children's domestic work, must be clarified between MAST, IBESR and BPM. The relevant institutions must be provided with the appropriate mandate to allow control of circumstances in public and private spaces, including private homes.

**12:** The training of members of the judiciary on children's rights and child labour must be accelerated. Such training must include members of the Prosecutor's office and judges of all levels, also Justices of the peace.

**13:** The prosecution of cases of abuse and exploitation of child domestic workers must be facilitated by making legal assistance available to plaintiffs and providing support throughout the legal process.

**14:** PSUGO must be extended until it is available to all children that can benefit from free basic education. Its implementation must be evaluated to ensure that there are no hidden barriers during enrolment or during the school year that hinders access and completion among the poorest pupils.

**15:** Government social programs must be targeted to reach vulnerable households with dependent children, by developing identification criteria and appropriate referral and monitoring tools.

**16:** Access to free and relevant vocational training to child domestic workers of a legal working age must be promoted, along with post-training assistance in order to facilitate employment in decent working conditions and/or the establishment of independent businesses.

**17:** In the planning of awareness-raising campaigns, assumptions regarding the anticipated effects must be made explicit in order to enable subsequent evaluations of impact.

**18:** The formal foster care system must be evaluated one year after its implementation in the pilot departments, in order to ensure that the principles on which it is based are respected. This assessment should be repeated on a regular basis.

**19:** In order to assess its potential in the context of Haiti, IBESR should investigate the possibility of establishing autonomous homes for teenagers.

**20:** Protocols to ease referrals between MAST / IBESR on the one hand, and MSPP and MJSP on the other, should be developed. The value of these referral systems for children who have experienced violence and/or exploitation must be conveyed to the staff of these institutions through a training program.

# 8 Conclusions and recommendations

## Part 1

Michel Cayemittes

This report on the status of child domestic work in Haiti in 2014 is an analysis of the overall findings from the research project on Haitian child domestic workers. The main objective of this research is to establish a better understanding of factors contributing to children's domestic work in Haiti, as well mapping the existing institutional responses. The overall aim of this study is to enable policymakers to develop a common program, in line with socioeconomic realities, the institutional environment, and national and international legal frameworks.

Findings in this report are based on

- statistical data from a nation-wide household survey carried out in September 2014,
- findings from a qualitative fieldwork carried out in Haiti in September 2014,
- an institutional study that included fieldwork in Haiti, and
- a recent review of academic literature and policy-related works on child domestic work in Haiti.

First, it should be noted that all children in Haiti, regardless of whether they live with parents or not, are morally and socially obliged to perform some domestic chores. Nevertheless, a finding in this study is that children living with their parents generally do less domestic work than children who live with other relatives and non-relatives. The phenomenon of child domestic workers concerns all children under the age of 18 that do domestic work in the house of a third party (relatives or non-relatives) whether the children are paid or not. The present research defines “child domestic work” in terms of relative workload, educational performance and parent-child separation. According to this definition, both the absolute number and the percentage of child domestic workers in Haiti have increased during the last fifteen years. However, it should be noted that – according to international legislation – the category of “child domestic work” includes both permissible and non-permissible situations. Among the non-permissible “child labour in domestic work” defines age 15 as an absolute boundary – all work performed in the household of a third party qualifies as child domestic labour as long as the child is under the age of 15. The high workloads often are perceived as permissible for the children 15 years and older if the children are not performing work under conditions of “worst forms of child labour” or “similar to slavery”. Consequently – and based on the criteria of age and separation from the biological family – 80 percent of children below the age of 15 who live away from their parents can be considered as child domestic workers. However, if we analyse this category with the high workloads specified as permissible for the children 15 years and older, very few children fall in the category of non-permissible situations.

When we explore relations between domestic work and schooling, we note a variation for school attendance between child domestic workers living with a stranger and those living with relatives. In Haiti, twenty five percent (25%) of children 5-17 years of age live separated from their parents. Most of these children (21%) live together with relatives, while the remaining four percent live with non-relatives. Fewer of the children living with strangers are currently attending school, and they tend to have more domestic work than children living with parents or relatives. However, within each group of children there is a large variation in both school attendance and workload. The children who have considerable higher workloads and poorer educational performance are found among children who live with parents as well as those who live with a third party. However, an additional strain for child domestic workers in the bad end of this spectrum is the feeling of separateness from the employing family.

With regard to living and working conditions, and experiences of separateness, child domestic workers are vulnerable to exploitation. Differential treatment and exclusion from educational opportunities affect children's situation and their feelings of self-worth. Verbal reprimand from their employers is a source of denigration for child domestic workers, and they experience this as more denigrating than many forms of corporal punishment.

In general, the distribution of child domestic workers in urban and rural areas is relatively similar. The proportion of boys in rural areas is higher than the proportion of boys in urban areas because of their participation in agricultural work. The study points out that in general, boys tend to move to shorter distances than girls since girls are more likely to move to urban areas to take up housework.

The use of a third party that receives payment for placing children is not common. For the most part, the movement of children for domestic work happens through informal networks and without compensation.

Concerning wealth issues, households that have child domestic workers score higher on the wealth index than households that have sent children away during the past five year. The child domestic worker is typically a "solution" for households that are in need of help, and also, a way to help out relatives or persons who cannot provide proper care for their children. In other words, sending versus receiving children in arrangements of domestic work can be understood as an adaptation to difficult phases that parents and households go through.

With regard to poverty, children 10 years old and over often look for work in order to pay for their own schooling. In this sense, the quest for education is a contributing factor on the supply side of child domestic workers.

Representations of child domestic workers in rights-based literature and academic works have tended to fall into two categories: a stigmatising label of slavery and/or representations in terms of curtailments of children's freedoms that homogenise different practices of child relocation and work, on the one hand, and on the other, representations that portray child rearrangement solutions as results of rural poverty, high fertility, and parenting stress and weakening of the caretaking structures in the larger *lakou* residential units. The current research shows, however, that living conditions of child domestic workers in Haiti vary greatly. Furthermore, reasons for child domestic work in Haiti cover multiple needs and reflect many motivations: the need for relief of upkeep of children among parents, for labour in receiving households, for investment in future security for sending households and children's need and wish for an education and better lives. In consequence, several methods must be employed to counter the negative effects of children's labour.

In conclusion, when we compare the situations of children living with their original parents with those of child domestic workers, the study depicts a general picture of all children in Haiti living under difficult conditions. The actors in charge of child protection (state, national and international NGOs) need to give full attention to all categories of children, and differences between them. The policy approach must regulate the work of the children and protect children of legal age who already work. This policy must be known and understood in the population, so that people can know the consequences of mistreatment of children. Also, it is important that the actors responsible for inspection are given necessary authority, training and equipment to assure that the law is followed.

The study shows that behind the term “child domestic workers”, there are a number of different realities and definitions:

- There is a group that can be considered as “non-admissible cases” which includes children under 15 years old or above-15 year-olds in situations of worst forms of labour. The data from this study suggests that only a small minority of children among the child domestic workers can be classified in the “slavery” category. For the latter cases, policies need to be implemented to eliminate this form of child labour.
- Another group is to be considered as “eligible situations” that requires regulation and control. This applies to children over 15 years who perform hazardous work under acceptable conditions.
- Finally there is a group considered as “normal” cases of child placement based on family solidarity (according to Haitian tradition). In these cases of traditional and non-formal foster care, the treatment of the children “placed” and the biological children require control-visits by social agents.

In general terms, each situation requires a political solution, with adjustment to different realities. Based on the results of this study, the technical committee has developed a series of recommendations. The main objective of the research was to develop recommendations that are feasible and in line with the realities faced by child protection actors in Haiti. Moreover, these recommendations are the basis for the development and the implementation of a common road map between the different actors working on the issue of child domestic workers in Haiti.

## Part 2

Tone Sommerfelt

A general finding in the current study also pointed out by Michel Cayemittes (above) is the variation found in arrangements of child domestic work. This must inform the policy work that will follow from this research. Importantly, it should caution against the drawing of oversimplified parallels between child domestic work and the “worst forms of child labour”, as these concepts are defined in international legislation. The more detailed policy recommendations of members of the Technical Committee must thus be interpreted and sought implemented as responses to a wide range of situations. These include the conditions of children that relatively successfully combine domestic chores in homes different from their own with an education and decent human relationships with adults and other children. At the other end, it

encompasses the situations of children who suffer from exploitation and abuse. And responses must be adjusted to the diversity of cases in between. Put differently, initiatives to protect child domestic workers and eliminate child labour in domestic work should aim to reach beyond clear-cut portraits of child domestic workers as *either* victims *or* resourceful individuals. And they should recognise the positive potential that is inherent in this variation, which differs from the image drawn up by biased media accounts that blow out of proportion the extent of “child slavery” in Haiti and make the tasks at hand seem insurmountable.

At the same time, the rise in the number child domestic workers from 2001 to 2014 should draw attention. It seems a well justified speculation that this rise is partly connected with the rise in the number of boy domestic workers in urban areas (cf. Chapter 5). As narratives from parents and children in Chapter 5 and 6 give evidence to, older boys often initiate their own relocation and/or longer-distance migration. Many boys do so in pursuit of schooling. Thus, an unconditional emphasis on education in awareness-raising campaigns – and commercial marketing of educational opportunities – can contribute to increasing this migratory flow of boys to urban centres. Quality education and relevant vocational training in rural areas, for boys and girls, must therefore be a priority.

Another finding of the current study is the significant number of domestic workers living in rural areas. This must become an issue in the planning of future interventions, as current project activities aimed at child domestic workers are concentrated in the urban and semi-urban areas, and tend to respond to the needs of urban life rather than contributing to sustainable livelihoods in rural areas.

Even though child domestic workers are delayed in schooling compared to other children, the number of child domestic workers enrolled in school in 2014 was far higher than in 2001 (Sommerfelt, ed., 2002). On-going projects to provide free schooling contribute to further rising enrolment rates. This implies that initiatives to fight child labour in domestic work necessarily must focus on reducing workloads. Fetching water is one of the most common tasks of child domestic workers. Bringing water closer to homes, and building water pumps, could make an important difference in this context.

At the same time, in a broader child protection perspective, a finding in the current study is that many children who live away from their parents neither have heavy domestic workloads nor attend school. The question is what they do engage in that is not domestic work. Given the current political emphasis on vocational training, issues of child labour outside of the domestic setting, for instance in agriculture, in crafts and informal apprenticeships, in petty trade, transport and parts of the informal sector, deserves renewed attention.

As recommended in Chapter 7, the government should develop an action plan on child domestic work, and also, continue its work on developing data collection tools to monitor progress in this respect. With reference to these monitoring tools, and the identification of vulnerable children in social welfare programs, the four criteria that we have used in the current study to identify child domestic workers should serve as a guide. An aim of this “four criteria method” is to avoid the singling out of child relocation as a problem *per se*. As shown in this study, many arrangements involving informal fosterage do work as a safety net for children, and should not be discouraged altogether. Rather, in efforts to identify vulnerability, attention should be given to the combination of age, parent-child separation, lack of or delays in schooling, and higher workloads than average.

As shown in this report, feelings of being set apart from social life in the house are an important aspect of the vulnerability of child domestic workers. Children's opportunities of relation-making with other children, and of relation-maintenance with original family, are also important sources of self-worth. In terms of social network, many child domestic workers today, compared to in 2001, do stay in touch with one or both parents. They do so through the use of cell phones. This represents a marked contrast to findings in 2001, when many children did not have any opportunity to tell family members how they were treated in their new homes and in their employment households. Therefore, children should be encouraged to cultivate relationships with family and (former) caretakers outside of their current homes. By the same token, messages in awareness raising to employers of young child domestic workers (in permissible situations legally speaking) should reach beyond legal working hours and types of work, and also encompass the more subtle aspects of decent treatment and decent work.

# Appendices

## Annex 1 Participants and sites/persons met during qualitative fieldwork

No.	Date	Capacity or institution/organisation and place
1	12.09.14	2 resource persons, SOFALAM/Tdh-L, Carrefour Feuilles
2	12.09.14	Relocated girl/CDW, 15 years old, Carrefour Feuilles
3	12.09.14	Girl CDW, 15 years old, Carrefour Feuilles
4	12.09.14	Girl in centre (low workload), 12, Carrefour Feuilles
5	12.09.14	Girl CDW, 12 years, Carrefour Feuilles
6	12.09.14	Resource persons
7	13.09.14	Girl CDW, 14, Carrefour Feuilles/Sanatorium
8	13.09.14	Girl CDW, 9, Carrefour Feuilles/Sanatorium
9	13.09.14	Local community worker, Carrefour Feuilles/Sanatorium
10	14.09.14	1 caretaker/receiver/employer as well as sender/mother of origin, Philippeau, 1 relocated child (now 18 years old) 4 former relocated children (now returned)
11	14.09.14	Group discussions with two different households, with: 2 caretakers (mother and own children) + 2 relocated children (1 girl, 11, 1 boy, 10 years) + 1 boy aged 23 relocated since aged 10, Philippeau
12	14.09.14	Caretakers/parents and children + 2 relocated siblings (boy and girl), Philippeau
13	14.09.14	Caretakers/ parents and children + 1 relocated child, Philippeau
14	15.9.14	Resource person, international NGO
15	15.9.14	Policeman/team leader of camp police station, UNPOL
16	15.9.14	PNH
17	15.9.14	3/5 resource persons (camp committee secretary general + members)
18	15.9.14	2 relocated children: boy 10, girl 9 (slightly delayed in schooling, girl working) Caretakers/camp resident (T-shelter) residents, he committee member, she wife
19	15.9.14	Original father of adopted child – adopted to US (to a relative)
20	15.9.14	4 tent residents: no relocated child, but story of family fluidity/mobility
21	15.9.14	Resource personnel: 2 national employees of international NGO
22	16.9.14	Resource person
23	16.9.14	Resource person (NGO), Jacmel
24	17.9.14	Primary School Director, commune of Marigot

25	17.9.14	Group discussion with farmers: Farmers/residents + forest guard (Forestier) + man with children in garden + ASEC representative, Seguin
26	17.9.14	Mother of origin, also included conversation with her children
27	17.9.14	Group discussion: Community leader, Cassé Dent, elder man in household/ <i>lakou</i> Mother of origin of 3 relocated children (of which probably 2/1 girl CDW and 2 street children) in P-au-P, Cassé Dent 1 female caretaker of relocated child (of orphan taken in) Daughter in <i>lakou</i> who had earlier rented a room in Fermathe (for attending school)
28	17.9.14	Group discussion: Farmers (men) in market place, Seguin
29	18.9.14	Resource person, BPM, Sud-Est
30	18.9.14	Resource person, IBESR, Jacmel
31	18.9.14	Relocated boy, 17 years, delayed in schooling but delay started long before relocation arrangement (abandoned by mother). Worked to pay own schooling, other child (son of uncle/caretaker) too does the same
32	18.9.14	Boy: Case of child mobility, 6 residencies before aged 18 (4 after residence with grandmother)
33	19.9.14	Resource person, Grand Goave.
34	19.9.14	Priest/School principal, Grand Goave
35	19.9.14	Mother of origin of 3 CDWs, one returnee, from rural area 4-5 hours walk up in the mountains from Grand Goave
36	19.9.14	Mother and father of former relocated children plus 3 children, 7th Section Communale de Grand Goave (semi-urban)
37	20.9.14	2 resource persons, Cité Soleil
38	20.9.14	Boy former CDW, current street child, 11 years, Cité Soleil
39	20.9.14	Boy street child, aged 12, Cité Soleil
40	20.9.14	Camp residents: grandmother caretaker and grandson, Carrefour Feuilles, Kan Bò Mache, Savann Pistach
41	20.9.14	Camp residents: caretaker of 3 children and one of the children, Carrefour Feuilles, Kan Bò Mache, Savann Pistach
42	20.9.14	Camp residents: Caretaker and child, Carrefour Feuilles, Kan Bò Mache
43	20.9.14	Camp residents: great aunt and great nephew, Kan Bò Mache, Savann Pistach/ Carrefour Feuilles
44	20.9.14	Camp residents: two cousins, of which 1 girl CDW, Kan Bò Mache, Savann Pistach/ Carrefour Feuilles
45	20.9.14	Camp residents: mother and son, Kan Bò Mache, Savann Pistach/Carrefour Feuilles
46	20.9	CDW, girl aged 14, run-away from orphanage, Savann Pistach/Carrefour Feuilles (Non-camp)
47	20.9	Girl CDW, 14 years, Savann Pistach/Carrefour Feuilles (Non-camp)

## Annex 2 Participants interviewed for the institutional study

Name	Position	Institution	Date
<b>Interviews conducted in Port-au-Prince</b>			
Kristine Peduto Flore Rossi Geslet Bordes	Head of Child Protection Child Protection Officer Child Protection Officer	UNICEF	06/05/14
Mirella Papinutto	Protection Expert		12/09/14
Fanette Blanc	CCCM Protection Unit Project Manager		06/05/14
Ahmed Abdi Junior Joseph Lisa Aïd	CCCM Return Protection Officer Project Assistant, Counter-Trafficking / Protection Unit Team Leader, Project Return, Protection	IOM	15/09/14
Alain Onziga	In charge of Child Protection Unit	MINUSTAH, Protection Unit	08/05/14
Islande Georges Cadet	Coordinator for protection	Tdh-L	06/05/14
Gertrude Séjour	General Coordinator	FMAS	08/05/14
Siméon Biguener	Head of Psychosocial Support Programme Protection Programme Manager	AVSI	08/05/14
Claude Yao Bouaka Sabrina Cajoly Michel-Ange Bontemps	Coordinator Project Officer National Staff, Section of Human Rights	United Public Policy and Capacity Building High Commissioner for Human Right / MINUSTAH	08/05/14
Emmanuelle Anglade Nadine Paul Shinaïda Thomas Gardy StPaulin	Director of Programmes "Encadreur d'enfants" "Encadreur d'enfants" Coordonnateur Ministériel National	Restavek Freedom Foundation	09/05/14
Rony Bazil Antoine Inspecteur Rodrigue	Chief Commissioner Inspector	BPM	12/05/14
David Marcelin Frantz Ambroise	Coordinator of child protection program, West Senior Officer, Child Protection, West	Save the Children	13/05/14
Jo-Ann Garnier Myriam Valme Joseph	Executive Director Director of Operations	Enpak	13/05/14
Soufiane Adjani Myriam Elvariste	Representative Protection officer	UNHCR	13/05/14
Florence Bijou	Program coordinator for children's health and welfare	CRS	14/05/14
Wenes Jeanty Jivenel Napoleon Jean Claude St Just	Executive Director Project Manager Assistant	Foyer Maurice Sixto	14/05/14
Guillaume Julbert Jeannia Dupoux Solomon Jean	Vice President Member President	ASR	14/05/14
			17/06/14

Name	Position	Institution	Date
Hervé Volcy	Deputy Director, Social protection		15/05/14
Arielle Jeanty Villedrouin	Director	IBESR	29/05/14
Junior Perreno Pierrot Joseph	Focal point for domesticity Childhood protection agent		23/09/14
Elsa Bourget	Child protection and international adoption	Embassy of France	15/05/14
Jean-Claude Muenda Kabisayi	Representative	UN Women	15/05/14
Julien Magnat	Coordinator	ILO	15/05/14
Eugène Junior Guillaume Tobias Metzner	Child protection officer Child protection officer	IRC	16/05/14 27/05/14
Joseph Mike Lysias	Responsible for Communication and Advocacy	Service Jésuite aux Migrants	16/05/14
Adelson Loregeat	Technical Director and Research Director	National Office for Migration (ONM)	16/05/14
Marline Mondesir	President	CAD	19/05/14
Jean Maxo Lafleur	Director of Social Affairs	Mayor's office, Delmas	23/05/14
Anelle Anténor Menise Jules	"Directrice Pédagogique" Accountant	Foyer l'Escale	27/05/14
Napoléon Carlo	Secretary General	Coordination Syndicale Haïtienne Confederation of Workers in the Public and Private Sector	27/05/14
Jean Bonald Golinsky Fatal	Secretary General		27/05/14
Gladys Guerrier Archange Floraine Décembre	Programme director Head of Program Unit in the Northeast	Plan Haïti	27/05/14
Carl Henri Petit Frère	Protection advisor		27/05/14
Aaron Jackson	Political Officer	United States Embassy	27/05/14
Camille Gallie	Director of Unit for Advocacy and Participation	World Vision	28/05/14
Fritznel Pierre	Executive Director	Konbit pour la Paix et le Développement	28/05/14
Eurol Abdom	Coordinator	MSIPACS	29/05/14
Alix Jean	Director	AED	29/05/14
Fedner Pierre		LACEED	29/05/14
David Bouanchaud Manuela Riccio Rapaël Brigandi	Officer of programs for governance Policy advisor Officer of political affairs	Delegation of the European Union to the Republic of Haiti	30/05/14
Pierre Esperance	Director	RNDDH	02/06/14
Guylande Mesadieu Stephora Bien-Aimé	Coordinator Moderator	Foundation Zanmi Timoun	02/06/14

Name	Position	Institution	Date
Maggy Mathurin	Coordinator	GHRAP	05/06/14
Rony Janvier	Program Officer	Church World Service	05/06/14
Norah Jean-François	« Juge Conseillère à la Défense Sociale »	MJSP	06/06/14
Pierre Dominique	Coordinator	ATM	06/06/14
Nadine François	Coordinator	OJFA	10/06/14
Jean Robert Myriam Lesperance	Members, Carrefour Feuilles	KOZ PAM	10/06/14
Kristina Leszczak Melissa Rosser	Political officer Office chief, Governing Justly & Democratically	US Embassy / USAID	11/06/14
Carl Anderson	Deputy office chief, Governing Justly & Democratically		
Sandy François	Director of the Promotion and Defence of Women's Rights	MCFDF	11/06/14
Smith Maximé	Country Director	Free the Slaves	11/06/14
Stevens Aimable	Advisor to the 'Direction Générale'	MJSAC	13/06/14
Alinx Jean-Baptiste Kerstin Zippel Pierre Hugues Augustin	Director Assistant Director Program Coordinator	Kindernothilfe	16/06/14
Sintyl Wilson Dorisca Evens	Director Delegate	CECODE	17/06/14
Guyto Desrosiers	Coordinator, Child Protection Program	Beyond Borders	18/06/14
Dr. Rikerdy Frédéric	Member of 'Cabinet du Ministre'	MAST	18/06/14
Esther Pierre Darline Guillaume Lovely Douyon	Coordinator Accountant Primary responsible Foyer Esperance	FOPJ (FLSC)	20/06/14
Ronald Valmé Guerline Boute	Director Nurse, member of the administration/coordination	MVM	20/06/14
Ronald Ridoré	Responsible for crafts, field workers, admin.		
Josée Louismé	Coordinator of the Unit for Research and Systemic Surveys	OPC	20/06/14
<b>Interviews conducted in Jacmel</b>			
Guerda Constant Marc-Orel Lindor Johnny St Louis	Coordinator Coordinator of Model-community-project	Fondasyon Limyè Lavi	21/05/14
Pasteur Elie Arius	Regional coordinator	Restavek Freedom Foundation	22/05/14
Belane Orelus Jamessy	Department director	MAST	22/05/14
Moïse Clery	Protection agent, Assistant to the director	IBESR	22/05/14
Greguy Régis	Director, Southeast		18/09/14
Marie-Ange Noel	Coordinator	Fanm Deside	22/05/14
Marjorie Ladouceur	Agent 4	BPM	18/09/14
<b>Interviews conducted in Cayes / Grand Goave</b>			

<b>Name</b>	<b>Position</b>	<b>Institution</b>	<b>Date</b>
Marie Paule Célus	Social worker	Tdh-L, Les Cayes	03/06/14
Fiedr Edwidge	Social worker		
Victor Yvenel	Social worker		
Alexandre Luc	Protection agent		
Lacossade Bertin Junior	Project Manager / Protection		
André Enel	Coordinator for the South	IBESR	04/06/14
Pastor Luders Erase	Pastor, 1st Baptist Church, Les Cayes	Mission Evangélique	04/06/14
Francois Rose Mirléne	Pastor, Head of Kids Club	Babtiste du Sud	
Beausejour Bony	PAPE Program Director	d'Haïti	
Willy Dorcha	PAPE/IRD facilitator		
Jackson Myril	Mayor	Municipal Administration of Grand Goave	04/06/14
Jean Hugues Francois	Deputy Head Protection Project, Région Les Palmes	Tdh-L, Région Goâvienne	19/09/14
<b>Interviews conducted in Gonaïves</b>			
Dr. Kathryn Adams	Director	Lidè	12/06/14
Kerlouche Joachim	Human Rights Admin Assistant	MINUSTAH Droits de l'Homme	12/06/14
Cindedais Jean	Regional coordinator, Gonaïves	IBESR	12/06/14
Raphaël Lacès Marie-Lucie	Protection agent, Artibonite		
Adidze Jean	Protection agent, Artibonite		
Yolette Jean		BPM, PNH	12/06/14
<b>People contacted by telephone</b>			
Anouk Ewald	Education specialist	IDB	09/05/14
Sandra Berberi	Acting Head of Cooperation	Canadian Embassy	14/05/14
Rosanne Auguste	“Ministre délégué chargé des Droits de l'Homme et de la Lutte Contre la Pauvreté Extrême »	Government of Haiti	20/05/14

## Annex 3 Interview guide used during institutional study

### Guide d'entretien avec les Responsables/Points Focaux Protection de l'Enfant *Analyse Institutionnelle* Etude Fafo sur les Enfants Travailleurs Domestiques en Haïti, 2014

#### Introduction et consentement éclairé

- La consultante se présente
- Présentation de l'analyse institutionnelle
  - un volet d'une plus large étude commandité par l'Etat haïtien et un consortium coordonné par UNICEF – inclus également une enquête quantitative et recherche qualitative
  - l'ensemble va contribuer au développement d'un cadre d'intervention stratégique
- L'entretien est censé être un dialogue afin de comprendre votre approche – n'est pas une évaluation mais un diagnostic des interventions dans le secteur
- On souhaite faire ressortir tous les points de vue – votre participation est importante – pas de bonnes ou de mauvaises réponses – des opinions divergentes font avancer la réflexion et seront reflétées dans le rapport
- Vous n'êtes pas obligé de répondre à une question si vous ne voulez pas
- Les résultats seront présentés sous forme d'un rapport et une base de données – l'essentiel sera rendu public
- Or, parce qu'il est important d'avoir un dialogue franc et ouvert je m'engage à respecter la confidentialité dans la mesure que vous me le demandez (à savoir : votre opinion ne sera pas attribué directement à vous, à moins que vous soyez d'accord)
- Pour assurer la précision je souhaiterais enregistrer nos discussions – êtes-vous d'accord ?
- Est-ce que tout cela est clair ? Avez-vous des questions ? Etes-vous d'accord de procéder ?

#### **Précisions sur la fiche technique (si les informations ont été envoyées au préalable), sinon reprise des questions**

Données chiffrées par tranches d'âge / sexe / type d'assistance / suivi individuel de court, moyen et long terme. Les enfants sont-ils considérés différemment selon qu'ils sont ou non en âge légal de travailler? (il sera important de dissocier dans les bénéficiaires les tranches d'âge moins / plus de 15 ans et plus de 18).

#### **Dialogue autour de certains points spécifiques aux interventions de l'institution concernée**

##### **Questions semi-directives**

- Quel est votre **mandat** en ce qui concerne la problématique des enfants travailleurs domestiques (« en domesticité »)?
- Pour votre organisation, quel est le terme le plus approprié pour parler de ces enfants? Pourquoi ? (*définition*).
- Avez-vous une idée de l'**envergure** du problème des enfants travailleurs domestiques? [Si oui] Sur quoi vous vous basez?
  - Est-ce que vous pensez que la situation est en train d'évoluer ? Comment ?

- Est-ce qu'on peut dire que le nombre d'enfants qui sont recrutés est en train d'augmenter ou de diminuer ? Pourquoi ?
- Est-ce que ce sont toujours les mêmes groupes d'enfants qui sont recrutés qu'avant, ou est-ce que le profile est en train de changer ?
- En votre expérience, quelles sont les **caractéristiques** des conditions subies par ces enfants ?
- Pourquoi, selon vous, est-ce que la pratique d'enfants travailleurs domestiques (« en domesticité ») existe en Haïti ? (**causes**)
- Quelles **actions/interventions** menez-vous en faveur des enfants travailleurs domestiques ?
  - Quels sont les changements précis que vous cherchez à atteindre ? (objectifs)
  - Pourquoi avez-vous choisi ces stratégies ?
  - Avez-vous mené un diagnostic avant de commencer votre intervention ? [*Si oui*]  
Qu'est-ce que vous avez trouvé ? [*demandez une copie du rapport*]
  - A votre avis, votre approche est-elle spécifique à vous/innovateur ?
- Sur quelle base choisissez-vous les enfants qui participent à votre programme ? (**ciblage**)
- Envers qui est-ce que vous avez l'habitude d'assurer les référencements (ONGs, des départements des ministères, des églises, la police, avocat, justice, etc... ) ?
- Comment essayez-vous d'assurer la **pérennité** de vos interventions ?
- Avez-vous des systèmes de **suivi-évaluation** en place ?
  - Avez-vous mené des évaluations de votre travail ? [*Si oui, quand, comment et avec quels résultats - demandez s'il serait possible de partager les résultats*]
  - Avez-vous d'autres données disponibles (ligne de base, données de suivi, etc.) ? [*Si oui, demandez à partager*]
- Quelles sont les **leçons** que vous pensez avoir apprises à travers vos interventions dans le domaine ou les **bonnes pratiques** que vous pensez devraient être généralisées ?
- Quelles sont les plus grandes **contraintes**/obstacles qui rendent le but d'éliminer l'exploitation des enfants en domesticité / enfants travailleurs domestiques difficile ?
  - La conjoncture est-elle favorable à l'éradication du phénomène ? Pourquoi ?
- Selon vous, qu'est-ce qui devrait être fait par d'autres acteurs afin que l'on puisse avancer envers l'objectif de mettre fin à l'exploitation des enfants travailleurs domestiques ? (**solutions**)
- Avec quels acteurs avez-vous pu travailler efficacement dans vos efforts ? (**collaboration inter-institutionnelle**)
  - Qui sont vos partenaires ? [*spécifier la forme de collaboration : financement, plaidoyer, formation, etc.*] Participez-vous dans des réseaux/ plateformes concernant la problématique des enfants en domesticité / enfants travailleurs domestiques ? D'après vous, sont-ils efficaces ? Qu'avez-vous pu obtenir ?
  - Avez-vous rencontré des difficultés à collaborer avec certaines institutions qui ont un rôle important à jouer ? Lesquelles ? Qu'est-ce qui s'est passé ?
- Faites-vous des activités de **plaidoyer** ?
  - [*Si oui*] Quels sont les changements que vous visez ? Auprès de qui ?
  - Quels moyens utilisez-vous pour faire passer vos messages ?
- De manière générale, que pensez-vous devrait être fait afin de mettre fin à l'exploitation des enfants en domesticité / enfants travailleurs domestiques, et par qui ? (**propositions pour des interventions stratégiques**)

## Conclusion

- Est-ce qu'il y a quelque chose d'autre que vous voudriez ajouter au sujet des enfants travailleurs domestiques qui n'a pas encore été mentionné?
- Avez-vous des questions pour moi?
- Rappeler les points de suivi à l'entretien
- (*Le cas échéant*) fixer une visite de terrain
- Demander des copies de documents pertinents (rapports d'évaluation, brochures, etc.)
- Remerciements

## Annex 4 Some definitions used by NGOs in Haiti

Ces organisations sont citées pour avoir fourni une définition par écrit:

Institution/ critère	Protocole ASR	Table sectorielle	Restavek Freedom	World Vision	FMAS	FTS	CWS
Définition	Aux termes de l'article 3 alinéas a et c du Protocole [de Parlermel], la domesticité est considérée comme relevant de la «traite des personnes». L'enfant en domesticité connaît une situation d'exploitation et est exposé aux pires formes de travail, y compris des travaux dangereux ; il évolue aussi dans un environnement de maltraitance compromettant son intégrité physique, psychologique, sociale et morale.	Tout enfant (âgé de moins de 18 ans) qui a été séparé de ses parents biologiques pour aller vivre dans une famille d'accueil, y compris de la famille proche, où il/elle est victime d'exploitation et de discrimination.	Tout enfant de moins de 18 ans, qui ne vit pas avec ses parents biologiques. La principale raison de sa présence est d'effectuer les travaux domestiques de la famille, subit des abus et des maltraitements de toute nature, et est considéré(e) comme inférieur(e) et souffre de discrimination.	La situation d'enfants remplissant le rôle de domestique, accomplissant des tâches ménagères dans un foyer qui n'est pas celui de ses parents, sans être rémunérés.	Un enfant qui a été confié par sa mère (le plus souvent) ou les deux parents à un individu qui est à la recherche d'enfant pour le placer comme Restavek dans une famille en échange d'une commission de la demaundersse qui a besoin du Restavek. Ce garçon ou cette fille une fois arrive à la maison d'accueil subit tous les mauvais traitements que le colon infligeait à son esclave.	Toute personne en dessous de dix-huit ans qui sont en servitude domestique. Elle est séparée de sa famille biologique pour être exploitée par une autre famille dans la réalisation des travaux domestiques.	Des enfants qui ne vivent pas avec leurs familles biologiques et qui font du travail domestique dans la maison ou ils habitent.
Age	Enfant	<18	<18	Enfant	Enfant	<18	Enfant
Vivant en dehors du foyer parental	Enfant	✓	✓	✓	✓	✓	✓
Mode de recrutement	Implicite	✓	✓	✓	Intermédiaire reçoit une commission	✓	✓
Effectue du travail domestique	Enfant	✓	✓	✓	✓	✓	✓
Exploitation par le travail ; travail non-payé ; travaux dangereux	✓	✓	✓	✓	Implicite	✓	✓
Mauvais traitement	✓	✓	✓	✓	✓	✓	✓
Discrimination	✓	✓	✓	✓	✓	✓	✓

## Annex 5 Terms of reference

### Termes de référence pour « une analyse de situation de l'enfance en domesticité en Haïti ».

BIT, UNICEF, OIM, IRC et Terre des hommes  
en collaboration avec l'Etat haïtien

Si de nombreux auteurs se sont intéressés très tôt<sup>84</sup> à la problématique du placement familial et des enfants travailleurs domestiques en Haïti, la première véritable tentative de quantifier le phénomène de l'enfance en domesticité<sup>85</sup> date de 1984 lorsqu'une conférence fut organisée à Port au Prince sur le sujet. Les premières estimations<sup>86</sup> firent alors état de 120,000 « restaveks » (signifiant littéralement « une personne qui vit avec quelqu'un d'autre » dérivé de l'expression française « rester avec ») soit environ 11% de la population des enfants âgés de 6 à 15 ans. En 1999, l'UNICEF<sup>87</sup> – reprenant des données publiées en 1990<sup>88</sup> – estime le nombre d'enfants travailleurs domestiques en Haïti à 250,000 soit environ 20% des enfants âgés de 7 à 10 ans. En 2002, dans une recherche conduite par la FAFO<sup>89</sup>, trois critères objectifs sont retenus comme constitutif du travail des enfants travailleurs domestiques : une séparation des enfants de leurs parents, une charge de travail élevée pour l'enfant et un manque ou un retard dans la scolarité. En utilisant ces critères, l'étude estime à 173,000 le nombre d'enfants travailleurs domestiques soit 8,2% de la population infantile âgée de 5 à 17 ans. Par la suite, d'autres études telle que celle conduite par l'USAID et la Pan American Development Foundation<sup>90</sup> avancent le chiffre de 225,000 enfants travailleurs domestiques et ce uniquement dans les zones urbaines. Enfin, suite au séisme de 2010, le nombre des enfants en domesticité aurait considérablement augmenté au point que l'on puisse parler de 400,000 enfants<sup>91</sup>.

Alors que le phénomène des « restaveks » continue de cristalliser attention et émotion internationales<sup>92</sup>, les disparités existantes entre les chiffres avancés – que ceux-ci soient issus d'une analyse objective ou qu'ils relèvent d'estimations pour le moins hasardeuses – témoignent

<sup>84</sup> On peut par exemple citer Melville Herskovits qui a conduit des recherches dès les années 1930 et qui s'interrogeait déjà sur les conséquences possibles du placement d'enfant « jusqu'à quel point ces relations offrent des moyens pour l'exploitation des enfants... On ne peut pas le dire, bien qu'on entende des histoires d'abus et d'exploitation surtout à Port au Prince ».

<sup>85</sup> Par « enfance en domesticité » on entend tout « travaux domestiques accomplis par des enfants n'ayant pas l'âge minimum légal ou par des enfants ayant l'âge minimum légal mais ayant moins de 18 ans, dans des conditions proches de l'esclavage, dangereuses ou relevant de l'exploitation » - voir aussi annexe sur les concepts de base.

<sup>86</sup> « La domesticité juvénile est-elle une conséquence du sous-développement ou le produit de la mentalité d'un peuple? » Eddy Clesca, Colloque sur l'enfance en domesticité, Port au Prince, 1984.

<sup>87</sup> UNICEF Innocenti Digest « Les enfants domestiques », 1999.

<sup>88</sup> « L'interprétation des données statistiques relatives à l'enfance en domesticité recueillies à partir des résultats d'un échantillon tiré du recensement de 1982. » R. Dorélien, Atelier de travail sur l'enfance en domesticité. Port-au-Prince, IBESR & IHSI, 1990.

<sup>89</sup> « Les fondements de la pratique de la domesticité en Haïti » FAFO pour le Ministère des Affaires Sociales et du Travail avec le soutien de l'UNICEF, du BIT, du PNUD et de Save the Children, 2002.

<sup>90</sup> « Lost Childhoods in Haiti » USAID & PADF, 2009.

<sup>91</sup> *Courier International* « Le calvaire silencieux des Restaveks », entretien avec Gertrude Séjour, directrice de la fondation Maurice A. Sixto, février 2011.

<sup>92</sup> Voir à cet égard, les nombreux reportages consacrés à cette question. On peut notamment citer : « The Brutal Life of Haiti's Child Slaves » (BBC, 2009) ou encore « Haïti, qui sont ces enfants esclaves ? » (TF1, 2012).

d'une part que ce phénomène demeure encore aujourd'hui difficilement quantifiable et illustrent d'autre part toute la complexité d'un fait social recouvrant une variété de situations.

Le placement familial fait partie de l'environnement social et culturel des enfants en Haïti et façonne ainsi d'une certaine manière, la perception et l'organisation du travail des enfants domestiques.

Au-delà du lieu d'habitation de l'enfant, le terme « restavek » renvoie aux types de tâches incombant à l'enfant. En effet, un « restavek » effectue un travail étroitement lié à l'économie de la famille : travaux domestiques (porter l'eau, laver, ranger, etc.) mais aussi, tout un ensemble d'activités « extérieures » telles que le petit commerce informel. Selon l'étude conduite par la FAFO<sup>93</sup>, le terme « restavek » comporte aujourd'hui une forte connotation négative. Il évoque le statut inférieur de l'enfant et au-delà est employé de façon dénigrante, comme une offense.

Contrairement à des phénomènes similaires dans d'autres régions du monde, le travail des enfants domestiques en Haïti n'est pas – dans la grande majorité des cas<sup>94</sup> – rémunéré, ce travail étant le plus souvent perçu comme une compensation aux frais d'entretien incombant à la famille réceptrice de l'enfant. Traditionnellement, le recrutement d'un enfant comme domestique se fait par contacts informels. Les enfants partent soit parce que la famille d'origine recherche une famille d'accueil potentielle, soit parce que cette dernière exprime « une demande d'enfant » directement ou par l'intermédiaire d'un tiers. Le recrutement via cet intermédiaire, appelé « Koutye »<sup>95</sup>, semble être un phénomène récent. *« Il semble que ce type d'intermédiaire soit maintenant impliqué dans le recrutement d'enfants-domestiques. Un koutye qui recrute ainsi un enfant-domestique est rémunéré par la famille d'accueil. Le paiement de l'intermédiaire est dans ce cas effectué par la famille d'accueil seulement. Il y a toujours un intermédiaire dans un recrutement, mais celui-ci peut être un ami ou un parent de la famille d'origine. Les koutyes sont souvent des femmes »*<sup>96</sup>.

De manière générale, les enfants travailleurs domestiques se déplacent et sont répartis sur l'ensemble du territoire haïtien. Cependant, sans doute en raison de la densité de la population, le département de l'Ouest comprenant l'agglomération de Port au Prince « accueille » la plus forte proportion des enfants domestiques<sup>97</sup>. On compte en général davantage de filles que de garçons. Enfin, une majorité des enfants viennent des zones rurales<sup>98</sup>.

Les caractéristiques de ces mouvements – leur logique et leur rationalité – d'enfants domestiques restent encore méconnues en Haïti malgré l'abondante littérature sur le sujet. En effet, le phénomène de l'enfance en domesticité n'a pas été abordé sous l'angle de la mobilité des enfants. *« La mobilité des enfants désigne les déplacements d'enfants entre différents espaces géographiques et sociaux, ainsi que les expériences vécues par ces enfants au cours de leurs mouvements et séjours en divers lieux de leur parcours. Un enfant mobile est un enfant qui, ayant quitté son lieu de vie habituel, vit des transformations de son identité et de ses conditions d'existence. Cette définition ne se limite pas à la notion géographique de déplacement. Elle embrasse toute la période durant laquelle l'enfant vit hors de son milieu d'origine mais continue de l'identifier comme son milieu d'appartenance. Elle s'applique quels que soient l'âge de l'enfant, son sexe, les*

<sup>93</sup> « Les fondements de la pratique de la domesticité en Haïti », *op. cit.*

<sup>94</sup> « Les fondements de la pratique de la domesticité en Haïti », *op. cit.*

<sup>95</sup> « Courtier » qui sert d'intermédiaire entre les deux parties lors du placement d'un enfant domestique.

<sup>96</sup> « Les fondements de la pratique de la domesticité en Haïti », *op. cit.*

<sup>97</sup> « Lost Childhoods in Haiti » *op. cit.*

<sup>98</sup> « Lost Childhoods in Haiti » *op. cit.*

*raisons de son déplacement, son itinéraire, la manière dont il se déplace, ses conditions d'existence, les effets qu'entraîne sa «mobilité», etc. »<sup>99</sup>.*

Le concept de mobilité permet alors de mieux refléter la diversité des pratiques et des situations rencontrées par les enfants. En effet, s'il n'est pas contestable que la mobilité participe à l'accroissement de la vulnérabilité des enfants<sup>100</sup>, elle peut aussi être synonyme d'opportunités<sup>101</sup>.

## Objectif général

L'UNICEF, le BIT, l'OIM, l'IRC et la fondation Terre des hommes Lausanne ont décidé de conduire une analyse conjointe de situation pour parvenir à une meilleure compréhension qualitative et quantitative du phénomène de l'enfance en domesticité en Haïti d'une part et des réponses institutionnelles existantes d'autre part afin de développer un positionnement institutionnel et programmatique commun en phase avec les réalités sociologiques haïtiennes et les standards internationaux.

Un comité technique composé de représentants des agences susnommées et de représentants du gouvernement haïtien (Ministère des Affaires Sociales et du Travail et Institut du Bien Etre Social et de Recherche) sera mis en place pour la conduite de cette analyse de situation.

## Objectifs spécifiques

1. Effectuer une revue documentaire exhaustive des rapports et recherches sur l'enfance en domesticité en Haïti ;
2. Conduire une analyse institutionnelle<sup>102</sup> relative à la problématique du travail des enfants et à l'enfance en domesticité en Haïti. Il s'agira notamment :
  - a. d'identifier et de cartographier les organisations/institutions (services de l'Etat, ONG, partenaires sociaux ou organisations communautaires) actives dans le domaine de la protection des enfants travailleurs domestiques en Haïti,
  - b. d'analyser la méthodologie utilisée et de déterminer le type de services (prévention, prise en charge immédiate, réunification familiale, réinsertion, etc.) et les mécanismes de référence proposés par ces différentes organisations/institutions,
  - c. d'évaluer les ressources financières et humaines disponibles pour la protection des enfants travailleurs domestiques.
3. Cartographier et documenter les flux migratoires impliquant des enfants à destination des communautés « employeuses » d'enfants domestiques. Il s'agira notamment :
  - a. identifier les principales zones d'origine et de destination des enfants travailleurs domestiques ;
  - b. analyser les différents mécanismes de recrutement des enfants travailleurs domestiques, d'établir une typologie du profil des employeurs et des recruteurs, des

<sup>99</sup> « *Quelle protection pour les enfants concernés par la mobilité en Afrique de l'Ouest ?* » Rapport régional de synthèse, UNICEF, BIT, OIM, Terre des hommes, Save the Children Suède, Plan International & MAEJT, 2011.

<sup>100</sup> *Les liens entre mouvement des enfants et travail, exploitation, maltraitance, abus et déscolarisation ont largement été documentés en Haïti.*

<sup>101</sup> Voir à cet égard l'histoire de Fabienne dans « *Les fondements de la pratique de la domesticité en Haïti* », *op.cit.*, page 52.

<sup>102</sup> *Le BIT conduit parallèlement une analyse du cadre légal haïtien relatif au travail forcé et au travail domestique des enfants. Cette analyse sera intégrée à l'analyse institutionnelle.*

- conditions de travail et de la nature des tâches effectuées par ces enfants ainsi que de l'effet que celles-ci peuvent avoir sur leur développement ;
- c. proposer, sur la base d'une méthodologie claire<sup>103</sup>, une estimation du nombre d'enfants travailleurs domestiques en Haïti.
4. Documenter les « expériences de vie » (conditions de vie, raisons du départ, situation d'abus et de violence, raisons/modalités/conditions du départ de l'enfant de la famille réceptrice, expérience post-domesticité, etc.) des enfants en situation de domesticité dans les zones d'origine et de destination et, lorsque pertinent, le long des flux migratoires. Il s'agira notamment :
    - a. de mieux comprendre les facteurs et les caractéristiques favorisant ou non le placement des enfants travailleurs domestiques (situation socio-économique des familles, désir de mobilité sociale, etc.) d'une part et d'autre part de mieux comprendre les facteurs favorisant ou non l'exploitation de l'enfant ;
    - b. de mieux comprendre les perceptions des parents et des employeurs au regard de l'éducation, de la scolarisation et du travail des enfants.
  5. Proposer un cadre stratégique d'intervention pour le développement et la mise en œuvre de programmes et projets couvrant une partie/l'ensemble de l'espace de la mobilité des enfants en domesticité en Haïti. Il s'agira entre autres :
    - a. d'identifier de potentiels partenaires locaux (ONG, associations, organisations communautaires, etc.) et les possibles synergies existantes dans les zones d'origine, le long de la trajectoire des enfants et dans les zones de destination ;
    - b. d'identifier de possibles stratégies visant à retirer et réinsérer les enfants en situation de travail des enfants dans le travail domestique et à protéger les enfants travailleurs domestiques ayant l'âge légal de travailler<sup>104</sup> ;
  6. Participer au processus de validation de l'étude (notamment à travers la facilitation/participation d'ateliers impliquant notamment des représentants du gouvernement, des ONG, des syndicats, etc.) et au développement « d'une feuille de route » nationale relative à l'enfance en domesticité en Haïti.

<sup>103</sup> Voir à cet égard « Les fondements de la pratique de la domesticité en Haïti » FAFO pour le Ministère des Affaires Sociales et du Travail avec le soutien de l'UNICEF, du BIT, du PNUD et de Save the Children, 2002.

<sup>104</sup> Bien que le concept « d'accompagnement protecteur des enfants » demeure une notion en construction, il pourrait s'avérer adéquat d'y faire référence dans le cadre du développement de stratégies d'intervention. Le terme associe deux actions distinctes mais complémentaires : accompagner et protéger. Accompagner pour protéger, protéger en accompagnant. Les dispositifs de l'accompagnement protecteur doivent tout d'abord prendre en compte les quatre principes directeurs de la convention relative aux Droits des enfants : non-discrimination (art. 2) ; intérêt supérieur de l'enfant (art. 3) ; droit à la vie, à la survie et au développement (art. 6) ; participation (art. 12). Ils doivent être proactifs et réactifs, incluant la prévention des mobilités précoces, criminelles ou dangereuses, la mise en place de mécanismes de protection des enfants en mobilité ainsi que la mise en place d'alternatives durables. Ces dispositifs doivent obligatoirement intégrer, les familles et les autres acteurs communautaires, à travers le renforcement soutenu de leurs capacités pour que les acteurs impliqués directement ou indirectement dans la mobilité des enfants (familles, intermédiaires, tuteurs, employeurs, etc.) deviennent des acteurs de la solution. Des mécanismes d'articulation devraient être mis en place entre les mécanismes communautaires et les mesures ou services institutionnels de protection des enfants. Enfin, ces dispositifs doivent intégrer les enfants à travers le renforcement de leurs capacités et le soutien accru aux collectifs et aux mouvements d'enfants et de jeunes, afin que les enfants deviennent acteurs de leur propre protection et de celle de leurs pairs.

## **Tâches du consultant / prestataire**

Diriger tous les aspects logistiques, administratifs et financiers de l'enquête sous la supervision de et avec l'approbation du Comité technique.

Étudier l'information existante en matière de politique, des protections juridiques en vigueur, et des données statistiques qui pourraient être utiles pour fournir des connaissances de base et aider à diriger l'analyse de la situation.

Étudier les informations existantes à l'égard des services sociaux pertinents à la protection des enfants travailleurs domestiques

Identifier les lieux où les enfants sont exposés au travail domestique en Haïti pour la recherche

Conduire des discussions et des consultations avec des informateurs clés et les institutions compétentes au fait des détails du travail domestique des enfants et recueillir les informations requises. Il s'agit par exemple, des institutions gouvernementales, des syndicats, des ONG, des groupes religieux, des organisations caritatives, des administrateurs et des officiels, etc.

Mener des discussions approfondies avec des informateurs clés ayant des connaissances sur le travail domestique des enfants. Ils fourniront des informations sur la localisation spécifique des enfants

Mener des entrevues et des conversations avec les enfants qui travaillent et leurs familles, les enseignants, les employeurs, les fonctionnaires et les autorités locales, les responsables des centres de culte afin de comprendre le travail domestique des enfants et son impact

Proposer des stratégies et interventions pour l'élimination des situations de travail des enfants dans le travail domestique et la protection des jeunes travailleurs domestiques en âge légal de travailler, en Haïti

Identifier les principaux problèmes, cartographier les organisations et programmes pertinents et évaluer l'efficacité et l'efficacité des services sociaux fournis ainsi que les lacunes potentielles et les mesures appropriées de recours et des solutions alternatives.

## **Résultats escomptés**

Rapport d'étude finalisé incluant une série de recommandations destinées aux organismes étatiques, aux organisations internationales et aux organisations non gouvernementales.

## **Qualifications**

Le consultant (ou les consultants) doit :

- Posséder au moins un diplôme universitaire de niveau maîtrise en droit, sciences politiques ou sciences sociales ;
- Avoir une bonne connaissance des problématiques relatives au travail domestique des enfants en particulier et de la protection de l'enfance en général ;
- Avoir une excellente capacité d'analyse, de synthèse et d'écriture ;
- Avoir une expérience avérée dans le domaine de la recherche, particulièrement de l'analyse quantitative et de la collecte de données ;
- Maîtriser parfaitement le français, la connaissance du créole étant désirée
- Avoir une bonne connaissance du contexte haïtien.

## **Durée estimée de la consultation**

22 semaines

## Annexe : définitions

<b>Enfant</b>	<b>Toute personne de moins de 18 ans.</b>
Travail des enfants	Travaux effectués par des enfants n'ayant pas atteint l'âge minimum légal. La loi fixe des âges différents selon le type d'activité (par exemple, travail normal à temps plein, travail léger, travail dangereux ou potentiellement nocif pour la santé).
Pires formes de travail des enfants	Expression définie dans la convention n°182 de l'OIT (Article 3), qui comprend: <ul style="list-style-type: none"> <li>• toutes les formes d'esclavage ou pratiques analogues, telles que la vente et la traite des enfants, la servitude pour dettes et le servage ainsi que le travail forcé ou obligatoire, y compris le recrutement forcé ou obligatoire des enfants en vue de leur utilisation dans des conflits armés ;</li> <li>• l'utilisation, le recrutement ou l'offre d'un enfant à des fins de prostitution, de production de matériel pornographique ou de spectacles pornographiques ;</li> <li>• l'utilisation, le recrutement ou l'offre d'un enfant aux fins d'activités illicites, notamment pour la production et le trafic de stupéfiants, tels que les définissent les conventions internationales pertinentes ;</li> <li>• les travaux qui, par leur nature ou les conditions dans lesquelles ils s'exercent, sont susceptibles de nuire à la santé, à la sécurité ou à la moralité de l'enfant.</li> </ul>
Travaux légers	Travaux autorisés aux enfants âgés d'au moins 12 ou 13 ans. La loi peut autoriser l'emploi de ces enfants à des travaux légers à condition que ces derniers ne soient pas susceptibles de porter préjudice à leur santé, à leur développement, à leur assiduité scolaire, à leur participation à des programmes de formation professionnelle ou « à leur aptitude à bénéficier de l'instruction reçue ». A des fins statistiques, les travaux légers ont été définis comme tout travail n'excédant pas 14 heures par semaine.
Travail domestique	Le travail effectué au sein de ou pour un ou plusieurs ménages (C.189 Art. 1(a))
Travailleur domestique	Désigne toute personne de genre féminin ou masculin exécutant un travail domestique dans le cadre d'une relation de travail (Le travail effectué par des membres de la famille au sein de leur propre ménage est exclu) (C.189 Art 1(b))
Travail des enfants dans le travail domestique	Travaux domestiques accomplis par des enfants n'ayant pas l'âge minimum légal ou par des enfants ayant l'âge minimum légal mais ayant moins de 18 ans, dans des conditions proches de l'esclavage, dangereuses ou relevant de l'exploitation, c'est-à-dire des travaux assimilables à une forme de «travail des enfants», et donc à éliminer au sens des traités internationaux.
Travail domestique des enfants	Référence générale au travail effectué par des enfants, c.-à-d. personnes de moins de 18 ans, dans le secteur du travail domestique. Comprend tant des situations des non autorisées (travail des enfants dans le travail domestique) comme des situations autorisées (emploi des jeunes).
Enfants travailleurs domestiques	Référence générale aux enfants accomplissant du travail domestique tant dans le cadre des situations non autorisées (travail des enfants dans le travail domestique) comme dans le cadre de situations autorisées (emploi des jeunes).

## Annex 6 Recommendations of the Technical Committee

### Comprendre le placement familial et le travail domestique des enfants en Haïti

#### Recommandations du Comité Technique

Les données et analyses générées par cette étude devraient permettre aux acteurs nationaux et internationaux, que ce soit sur le terrain ou au niveau politique, de développer des interventions adaptées aux réalités socio-économiques du pays et son environnement juridique et institutionnel ainsi que les normes et standards internationaux. Les résultats de cette étude peuvent constituer un outil pour les autorités gouvernementales et les organisations intervenant dans les différents secteurs (éducation, travail, social, médical, ...) dans le cadre de développement de stratégies et de politiques efficaces en vue d'encadrer le placement d'enfants d'une part et de prévenir et lutter contre l'exploitation des enfants travailleurs domestiques en Haïti d'autre part.

Pour la mise en œuvre de programmes adaptés à la réalité du contexte haïtien, il est important d'aborder la question du travail domestique de façon multidimensionnelle. Si certaines formes sont criminelles (exploitation, traite), certaines situations prennent la forme de placement familial ou de placement dans des formes traditionnelles à des fins d'apprentissage ou d'éducation. Ces deux dernières catégories peuvent également se décliner dans des situations des plus acceptables aux plus attentatoires aux droits de l'enfant.

On peut comprendre la difficulté à prendre en compte la complexité et la variété des situations, mais il est de la responsabilité des acteurs de faire l'effort d'analyse nécessaire afin de proposer des solutions adaptées à la situation individuelle et aux besoins de chaque enfant, en vue d'obtenir des résultats durables.

Deux approches de protection peuvent être envisagées : une protection plus « informelle », au niveau familial et communautaire, comprenant les enfants, adultes et la communauté impliqués dans le placement de l'enfant - et une protection plus institutionnelle, placée sous l'autorité de l'Etat avec le soutien des ONG, des organisations internationales, et des acteurs de la société civile.

Les recommandations formulées dans ce document par le Comité Technique ne sont pas exhaustives et reflètent les divers points de vue au moment de la prise de connaissance des principaux résultats de cette étude. Elles pourront faire l'objet d'une relecture et de modifications, notamment dans le cadre de la mise en œuvre d'une stratégie commune d'intervention.

De façon générale, les recommandations soulignent la nécessité d'agir avec discernement, en accord avec les enfants et leurs familles, et selon l'intérêt supérieur de l'enfant pour : • détecter et éviter les placements forcés et la traite des enfants, • prendre en charge les enfants victimes d'exploitation ou de traite • offrir des alternatives aux familles et aux enfants qui ne souhaitent pas être placés, • renforcer la préparation et l'accompagnement d'un placement lorsque celui-ci est dans l'intérêt de l'enfant • éviter que les enfants placés ne tombent dans la traite ou les pires

formes de travail, • soutenir les enfants placés dans la recherche de meilleures opportunités, • favoriser, lorsque cela est possible et dans l'intérêt de l'enfant, le retour en famille biologique.

La mise en œuvre de ces recommandations doit se faire à travers des actions concrètes, à planifier et à mener de manière conjointe avec les différents acteurs concernés (enfants, familles et communautés ; acteurs étatiques et non étatiques ; organisations nationales, régionales et internationales). Dans un tel contexte, ce document de synthèse se veut un outil permettant de guider les actions de plaidoyer et la mobilisation en faveur des enfants haïtiens concernés par le placement et le travail domestique et présentant des besoins de protection.

## **RECOMMANDATIONS RELATIVES AU CADRE LEGAL/POLITIQUES PUBLIQUES**

### **Recommandations relatives aux Politiques publiques**

- Intégrer la question du placement et du travail domestique d'enfants dans une politique globale de l'enfant et éventuellement dans de nouvelles dispositions du Code du Travail. Par ailleurs, il a été rappelé que le Code de l'Enfant (en attente de vote au parlement) inclut des mesures relatives à ce sujet.
- Mettre en place des politiques publiques et des programmes intégrés incluant : l'accès à l'éducation formelle, la lutte contre les violences faites à tous les enfants, le développement des capacités et moyens de subsistance des familles.
- Plaidoyer pour une politique publique de l'enfance qui inclut l'éducation des enfants, la santé, la violence intra-familial et la pauvreté
- Etablir un plan d'action définissant des étapes et des priorités notamment en termes géographiques.
- Relier la question du travail domestique des enfants à une stratégie plus globale relative à la problématique séparation des enfants de leurs familles biologiques, et incluant la situation des enfants en institutions, l'adoption et le dispositif de familles d'accueil formelles.
- Intégrer l'analyse du placement comme un risque de protection, mais également une stratégie d'adaptation des communautés dans les plans de préparation à l'urgence (s'agissant de chocs climatiques, économiques, politiques)

### **Cadre légal**

- Prendre des mesures pour une adoption rapide du Code de Protection de l'Enfant.- (MAST, Ministère de la Justice, Parlement)
- Concevoir et développer des programmes/activités de sensibilisation et d'information sur les lois nationales existantes et les normes internationales de protection de l'enfance - (IBESR, BPM, PNH, MAST, Ministère de la Justice, Ministère de l'Education Nationale)
- Mettre en place des activités/projets de renforcement des capacités des institutions de protection de l'enfance aux niveaux central et local - (IBESR, BPM, PNH, MAST, Ministère de la Justice, Ministère de l'Education Nationale);
- Mettre en place un mécanisme de coordination et un protocole d'intervention et de suivi en matière de protection de l'enfance - (IBESR, BPM, PNH, MAST, Ministère de la Justice, Ministère de l'Education Nationale, Ministère de la Santé)

- Eclaircir les concepts : « travail domestique », « restavek », « enfants placés » et en assurer une utilisation cohérente et appropriée dans les législations et politiques publiques (MAST, Ministère de la Justice);
- Prendre les mesures administratives et réglementaires nécessaires afin d'assurer l'application de la loi sur le placement d'enfants en Haïti - (MAST, IBESR, Ministère de la Justice);
- Mettre en place des mécanismes multisectoriels de réponses aux formes les plus extrêmes de violences faites aux enfants et assurer la vulgarisation et la mise en œuvre des conventions 182 et 136 de l'OIT - (MAST, Ministère de la Justice, PNH, BPM, Ministère de la santé, Ministère de l'Éducation);
- Doter les organes de collectivités locales (ASEC, CASEC) de compétences en matière de protection de l'enfance particulièrement dans la prévention du travail domestique des enfants, l'identification, le référencement et le suivi des enfants à risque.

#### **Concernant la Convention 182 de l'OIT sur les pires formes de travail des enfants (1999) :**

- Appuyer la publication et la vulgarisation de la liste des pires formes de travail des enfants
- Appuyer le développement des directives pour la prévention, le suivi des cas des enfants victimes.
- Plaidoyer auprès des services compétents de l'État et de la Société civile pour la mise en œuvre des directives administratives issues de la Convention.

#### **Concernant la Convention 189 de l'OIT sur les travailleuses et travailleurs domestiques 16 juin 2011 :**

- Appuyer le plaidoyer du BIT et des organisations de la société civile pour une ratification par l'Assemblée nationale

#### **Concernant le Code du Travail (1961) et le Décret du 24 février 1984 actualisant le Code du travail du 12 septembre 1961 :**

- Participer aux travaux de refonte du Code du Travail sur les dispositions de la protection des enfants au côté du BIT

#### **Concernant la loi relative à l'interdiction et à l'élimination de toute forme d'abus, de violence, de mauvais traitements ou traitement inhumains contre les enfants (2003) :**

- Mettre en œuvre les dispositions administratives pour l'application de la loi
- Accompagner la révision actuelle sur la mise en œuvre de dispositifs de sanctions

#### **Concernant le Projet d'« Arrêté établissant les formes dangereuses et interdites de travail des enfants » développé par le MAST en 2013 – non encore validé :**

- Plaidoyer pour assurer la validation de la liste des formes de travail des enfants identifiées et sa mise en application des règles applicables au travail des enfants.

## **Concernant le Comité National Tripartite pour la prévention et l'élimination du travail des enfants (Mis en place en 2013 par le MAST) :**

- Réactiver le comité national tripartite et assurer que son action contribue à la mise en application
- Développer une stratégie pour réguler et contrôler le travail autorisé pour enfants de plus de 15 ans
- Développer des mécanismes pour que les jeunes exercent une activité professionnelle respectueuse de leur développement et des standards du droit du travail adaptés (accompagnement des enfants en âge de travailler avec une valorisation des emplois de service à la personne par exemple)
- Favoriser, lorsque cela est possible des passerelles avec des opportunités d'éducation/formation professionnelle

## **RECOMMANDATIONS RELATIVE A L'ACCES AUX SERVICES**

### **Recommandations générales**

- Mettre en place des programmes sociaux tenant compte de la situation des ménages vulnérables avec enfants à leur charge, encadrés par des critères d'identification, de référencement, et des outils de suivi adaptés à cette fin.

### **Recommandations à l'attention du Ministère d'Education Nationale et de la formation professionnelle**

- Concevoir et mettre en œuvre une politique inclusive pour favoriser l'accès à une éducation de qualité à tous les enfants notamment les enfants placés ou considérés comme travailleurs domestiques.
- Augmenter de manière progressive l'offre du service public de l'éducation : formation des professeurs, conditions matérielles/disponibilité géographique (proximité)/disponibilité et responsabilisation des professeurs
- Améliorer la mise en œuvre du programme accéléré d'éducation en y intégrant un programme de formation professionnelle structuré.
- Sensibiliser les enseignants à repérer et à dénoncer les situations de danger de l'enfant (en appui avec les inspecteurs scolaires)

### **Recommandations à l'attention du Ministère de la Santé Publique et de la Population**

- Améliorer l'accès aux soins de santé pour l'ensemble des enfants et notamment pour les enfants placés et travailleurs domestiques incluant des services de santé primaire de proximité, y compris des services d'accompagnement psycho-social.
- Assurer la formation continue des agents de santé et des enseignants en matière de détection et signalement de mauvais traitements / situations d'exploitation, dans le respect des règles de déontologie applicables.

## **Recommandations à l'attention de l'Institut du Bien-Etre Social et de la Recherche**

- Etablir un partenariat avec les universités pour intégrer des étudiants finissant en Psychologie, Travail social, Education dans les travaux/programmes de l'IBESR en matière de prise en charge des enfants victimes d'abus/violences physiques afin d'assurer l'intégration d'approches pluridisciplinaires dans les activités de l'IBESR.
- Renforcer la formation des agents de protection de l'enfant dans l'identification et la prise en charge des enfants travailleurs domestiques.
- Intégrer dans le processus de délivrance des certificats pré-nuptiaux aux couples par l'IBESR un volet partage d'informations sur la question du placement des enfants, le travail domestique des enfants, les mécanismes de soutien existants et la loi applicable, mais également sur la question du traitement des enfants en général.
- Lier le travail de réponse aux situations de placement aux processus en cours en matière de mise en place d'un dispositif de familles d'accueil.

## **Recommandations à l'attention du Ministère des Affaires Sociales et du Travail**

- Continuer l'identification des familles les plus vulnérables, en partenariat avec l'IBESR, notamment l'identification des familles susceptibles de placer un de leurs enfants, ou les familles recevant un enfant et en situation de vulnérabilité.
- Référer ces familles aux programmes sociaux existants.
- Renforcer les capacités des familles à développer des activités génératrices/rendre autonomes de revenu au niveau communautaire.
- Mettre en place un dispositif permettant au MAST de faire une évaluation qualitative et quantitative sur tous les programmes sociaux planifiés et exécutés sur le territoire national.

## **Recommandations à l'attention du MAST, des organisations patronales et des travailleurs**

- Développer une stratégie pour réguler et contrôler le travail autorisé pour enfants de plus de 15 ans.
- Développer des mécanismes pour que les jeunes exercent une activité professionnelle respectueuse de leur développement et des standards du droit du travail adaptés (accompagnement des enfants en âge de travailler avec une valorisation des emplois de service à la personne par exemple).
- Mise en place d'un contrat de travail spécifique, encadré par une réglementation spéciale et des mécanismes de contrôle pour les mineurs en âge de travailler.
- Favoriser, lorsque cela est possible, des passerelles avec des opportunités d'éducation/formation professionnelle.

## **Recommandations à l'attention du Ministère de la Justice**

- Prendre des mesures en vue d'assurer la mise en œuvre des dispositions juridiques relatives à la répression toutes les formes d'exploitation des enfants.

- Faciliter la poursuite en justice en cas de violence ou d'exploitation d'enfants travailleurs domestiques en mettant une assistance légale à disposition du plaignant. Ceci pourrait nécessiter un financement pour l'OPC ou une organisation de la société civile afin qu'il soit en mesure d'accompagner le plaignant tout au long de la procédure.
- Accélérer la formation des membres de l'appareil judiciaire sur les droits des enfants et le travail des enfants, y compris les membres du Parquet ainsi que les juges à tous les niveaux, y compris les juges de paix.
- Créer et/ou renforcer l'accès aux services judiciaires adaptés aux enfants, notamment par le renforcement du dispositif des juges et commissaires pour enfants.

### **Recommandations à l'attention des ONG**

- Assurer une coordination des programmes mis en œuvre par les ONG avec les axes prioritaires d'intervention des institutions de référence (ministère) selon le domaine afin d'assurer un renforcement mutuel des systèmes de protection.
- Informer toutes les ONG qui travaillent auprès des communautés, des procédures (procédures standardisées) de protection de l'enfant.
- Etablir des canaux de communication formels et continus entre l'IBESR et les ONG.

### **Pour les ONG travaillant sur la question du travail domestique des enfants :**

- Favoriser les approches communautaires et soutenir les services existants.
- Intégrer une analyse des contextes familiaux d'origine et d'accueil des enfants dans l'analyse des situations de placement et de traitement des enfants au sein de celles-ci.
- Assurer l'intégration des programmes développés dans un système de référencement plus général afin de renforcer ce dernier et permettre d'élargir les services disponibles.

### **Recommandations à l'attention des bailleurs**

- Aborder la question du travail domestique des enfants d'un point de vue multidimensionnel basé sur les vulnérabilités.
- Envisager des modèles de programmation qui permettent de répondre à la palette de situations la plus large possible (des situations de placement acceptable mais mettant en lumière des lacunes dans l'accès aux services, jusqu'aux cas d'exploitation, de traite).
- Assurer que les projets de protection de l'enfant intègrent également des services ciblant spécifiquement les parents, notamment en termes de protection sociale en vue d'obtenir un cadre familial plus protecteur et permettant l'épanouissement des enfants dans ce cadre.
- Favoriser les projets d'accès aux services comme mesure préventive en protection de l'enfance dans les approches communautaires.
- Favoriser les projets intégrant la protection sociale et l'amélioration aux services de protection de l'enfance, éducation, santé mentale et support économique.

## RECOMMANDATIONS RELATIVES A L'IDENTIFICATION ET LA PRISE EN CHARGE DES ENFANTS

### Recommandations générales

A tous les acteurs de la protection:

- Renforcer les mécanismes et procédures permettant de détecter les enfants victimes de traite et d'exploitation et établir la distinction entre la traite et d'autres formes de placement.
- Se doter d'outils d'analyse harmonisés permettant de donner une réponse adéquate à la problématique d'un enfant placé : harmoniser les outils d'intervention et de gestion des cas (individuelle ou collective) pour aboutir à une cohérence d'action dans les mêmes zones d'intervention, adopter une procédure commune de détermination de l'Intérêt Supérieur de l'Enfant (ISE) qui tienne compte des raisons qui ont poussé l'enfant à changer d'environnement ainsi que des perspectives qui s'offrent à lui, mettre en place les activités sur cette procédure de détermination de l'intérêt supérieur de l'enfant.
- Renforcer et améliorer la prévention de la traite et de l'exploitation et grâce au développement de dispositifs d'accompagnement protecteurs des enfants.
- Concevoir avec l'enfant placé des solutions durables adaptées à son âge et à sa situation, qui ne se limitent pas au retour en famille ou au rapatriement.
- Améliorer l'accès des enfants, des familles et des communautés aux services de prévention, de détection, de signalement, de référencement et de suivi des enfants victimes ou à risques de violence et d'abus.
- S'assurer que les actions de protection de l'enfant soient bien réparties sur le territoire avec un accent particulier sur les zones rurales.
- Inclure dans les programmes les aspects de genre, d'âge et de position géographique mis en relief par l'étude.

### Recommandations relatives à l'identification des enfants à risque ou victime d'exploitation dans le travail domestique

- Evaluer la situation de l'enfant en fonction de son âge: entre 15 et 17 ans, analyser les conditions de travail/service (pour détecter les situations de travaux dangereux ou de pratiques analogues à l'esclavage) et analyser les opportunités d'éducation ou de formations professionnelles. Pour les enfants entre 5 et 14 ans vivant en dehors de leur famille biologique : analyser l'accès à la scolarisation (prise en charge par la famille biologique ou la famille d'accueil et le temps passer à faire des tâches domestiques (+ ou - de 14h par semaine) en comparant le traitement de cet enfant avec les enfants biologiques.

Pour définir dans quelles situations se trouve l'enfant (placement « familial », travailleur domestique victime d'exploitation, enfant victime de traite) :

- Faire une enquête (avec l'enfant, sa famille, le ménage « d'accueil », le voisinage) sur : - sa trajectoire de vie (d'où vient l'enfant ? que lui est-il arrivé ? quelles causes et motivations peuvent expliquer son placement ?) - Vit-il intégré dans un milieu protecteur ou est-il sans attache en raison de son placement ? - Quel est l'impact de ce placement sur le bien-être de l'enfant, ses droits, son développement, son intégration/ socialisation ?

- Analyser et comprendre le poids des contraintes structurelles pesant sur le milieu d'appartenance de l'enfant. Développer une analyse des facteurs qui ont contribué à déstabiliser l'enfant et/ou son environnement, expliquant le départ/placement/trafic de l'enfant.
- Analyser le milieu de vie habituel pour le comparer avec le milieu de placement de l'enfant et envisager des solutions réalistes, adaptées et durables.
- Faire l'inventaire pour établir si le placement de l'enfant lui est partiellement ou globalement préjudiciable, ou favorable en termes de recherche d'opportunité? Les risques liés au placement sont-ils équivalents, supérieurs ou inférieurs aux risques de rester dans le lieu d'origine ?

### **Recommandations relatives à la prise en charge**

- Travailler selon une approche tenant compte des besoins psychosociaux en instaurant un dialogue avec les enfants, leur famille, leur communauté sur les éléments psychologiques et sociaux de leurs relations afin d'aider l'enfant à s'épanouir.
- Mettre en œuvre des dispositifs et de réseau de protection au niveau communautaire et institutionnel garantissant la réduction de la vulnérabilité des enfants en situation de placement. Selon la détermination l'intérêt supérieur de l'enfant, les acteurs de protection de l'enfant peuvent décider de maintenir les enfants dans leur milieu de placement ou décider de leur retrait immédiat ou progressif, leur référencement auprès de services spécialisés, leur réintégration en famille ou dans un environnement protecteur plus approprié.
- Mettre en œuvre un dialogue social constant visant à construire une base consensuelle et solide entre les acteurs concernés sur la situation des enfants places ou travailleurs domestiques (familles, enfants, leaders communautaires, les CASEC/ASEC mais également avec les écoles, églises et l'ensemble des acteurs institutionnels). Sur cette base peut se développer une plus grande participation des enfants, des familles et des communautés dans la conception et la mise en œuvre des réponses de protection.

Au niveau des familles :

- Mettre en œuvre des activités sur l'équité familiale.
- Sensibiliser les familles sur l'interdiction de la violence intra familiale.
- Appuyer les familles dans la gestion de l'économie domestique (AGR).
- Développer les services sociaux de base et mettre en place des mécanismes facilitant l'accès des ménages et des enfants les plus vulnérables à ces services. Assurer la diffusion des informations relatives aux services et programmes de soutien aux familles les plus vulnérables.
- Mise en œuvre de mesures préventives dans certaines communautés pour retarder l'âge des départs et réduire le placement précoce.
- Mettre en œuvre des médiations familiales ou des actions directes pour aider des enfants en détresse.

## **RECOMMANDATIONS RELATIVES AUX ACTIVITES DE SENSIBILISATION**

### **Recommandations relatives à la structure des messages**

Inclure les éléments suivants dans les messages de sensibilisation :

- a. Age : Age minimum d'accès à l'emploi.
- b. Charge de travail : Nombre d'heures – travail de nuit – espace – développement de l'enfant – niveau de dangerosité des travaux.
- c. Accès aux services : Education de qualité– Santé- Loisir – acte de naissance – encadrement psychologique.
- d. Traitements : messages de sensibilisation contre les mauvais traitements sur les enfants en général.
- e. Droit à l'emploi décent : Les normes autour de l'emploi décent des enfants en âge de travailler – accès à la formation professionnelle.
- f. Valorisation du travail domestique : Respect – l'estime – importance des domestiques dans les familles et nécessité de s'assurer que les personnes menant ces tâches aient l'âge requis étant donné le niveau de responsabilité (accès aux effets personnels, soins des enfants etc.).
- g. Cibler les groupes cibles suivants pour les activités de sensibilisation : - Familles biologiques - Familles élargies - Familles tierces – Enfants – groupes communautaires et organisations de la société Civile – leaders religieux et communautaires – institutions locales – CASEC/ASEC.
- h. Utiliser les Canaux de vulgarisation suivants : Médias de masse/radios - Groupes Communautaires - Groupes religieux - Ecoles - Réseaux Sociaux.
- i. Promouvoir les pratiques visant à prévenir des risques (information au leader communautaire quand un enfant est placé, maintien du contact de l'enfant placé avec sa famille biologique).
- j. Promouvoir et assurer de manière effective le principe de la participation des enfants en tant qu'acteurs de leur protection et de celle des autres enfants.

## **RECOMMANDATIONS RELATIVES AUX QUESTIONS TRANSVERSALES**

### **Recommandations relatives au suivi et évaluation**

- Suivi institutionnel par le comité technique pour s'assurer que les programmes des partenaires prennent en compte les résultats de l'étude / encourager les acteurs à faire des évaluations / partager les expériences entre acteurs.
- Envisager une nouvelle étude à terme en vue d'évaluer l'adaptation des stratégies et des politiques publiques ainsi que leur impact.
- Encourager l'IHSI et l'IHE à collecter les informations sur la présence d'enfants non biologiques dans les familles (combien, âge, relation) ainsi que sur leur occupation (travail domestique, placement)

### **Recommandations relatives au renforcement des capacités**

- Encourager tous les acteurs du comité technique à partager les résultats de l'étude et à former leurs personnels sur la question de l'enfance en domesticité et du placement familial.
- Former les acteurs clés des communautés sur la question de l'enfance en domesticité et du placement familial.

### **Recommandations relatives à la coordination**

- Travailler sur une coordination stratégique et opérationnelle sur la question du travail domestique des enfants et plus généralement sur la problématique du placement des enfants.

### **Recommandations relatives aux ressources humaines/budgétaires**

- Prendre des mesures afin de renforcer/allouer des ressources financières et humaines supplémentaires aux acteurs institutionnels impliqués dans la problématique du travail domestique des enfants et du placement familial.

### **Recommandations relatives aux données, suivi et contrôle**

- S'assurer que des données fiables sur le placement d'enfant et le traitement des enfants placés soient collectées au niveau national et local.
- S'assurer qu'il y ait un partage effectif des données entre l'ensemble des acteurs travaillant sur la protection de l'enfant.

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# Child Fosterage and Child Domestic Work in Haiti in 2014: Analytical report

This report is an analysis of the overall findings from the research project on Haitian child domestic workers. The main objective of the research is to establish a better understanding of child domestic work phenomena in Haiti, as well as mapping the existing institutional responses. Findings in this report are based on statistical data from a nation-wide household survey carried out in September 2014. The report also draws on insights from a qualitative fieldwork carried out in Haiti in 2014, and an institutional study that included fieldwork in Haiti from May to September 2014. In addition, we have reviewed recent academic literature and policy-related works on child domestic workers in Haiti.

The research was initiated by UNICEF, the Haitian Ministère des Affaires Sociales et du Travail (MAST), the Institut du Bien-Etre Social et de Recherches (IBESR), ILO, IOM, the IRC and the Terre des Hommes Lausanne Foundation. It was carried out with the support of 28 Haitian organisations that have served in a reference group for the research project.



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