

## Compilation of 6 research papers - Contributing Factors (Causes)

We aim to describe how arrangements of child domesticity come about and how they are organised. Internationally, more attention has traditionally been accorded children's labour in industry and manufacture than their labour in household settings. During the past decades, however, child domestic labour has become recognised and referred to as a form of child labour.

Though children are accorded protection in earlier legal documents, the juridical protection of children in domesticity did not come into force till some 20 years ago. In 1984, Haiti adopted a Labour Law (Code du Travail), which prohibits the placement in a family of children under the age of 12 years for domestic work (article 341).<sup>4</sup> It further specifies that children above 12 years, working in domestic service, are entitled to decent lodging, clothes, sufficient and healthy nutrition, and that they must be enrolled in school or to professional training (cf. Joanis 1996: 12; Ngom 1999: 23). It states that children shall not work during the hours that the school to which they are enrolled give classes, during Sunday afternoons or on public holidays, or during night. The children are furthermore entitled to 10 hours of uninterrupted rest daily. Finally, from the age of 15, children in domestic service should be regarded as paid domestic servants, and shall be given a salary equivalent to salaries paid other [adult] servants (article 345, 346, 347, 350 in the Haitian Labour Law, cf. Joanis 1996: 12). However, even though Haitian law thus attributes legal rights to children, they are seldom enforced (Joanis 1996: 12).

The PHR program identified various groups in Haiti vulnerable to or victims of trafficking, torture, or organized violence and conducted a number of assessments to quantify and better understand their needs and available services.

Victims of torture and organized violence: Although by 2007, fewer acts of State-perpetrated torture and violence were documented than in previous decades, organized violence for purposes of PHR referred both to State and non-State actors. These acts are “committed for the purpose of controlling or intimidating individuals or groups through the use of violence or the credible threat of violence.

Victims of trafficking in persons: This group consisted primarily of trafficked children, most often to the Dominican Republic for forced labor, *restavèk*, and women, often associated with the sex trade, although men were also being trafficked for labor to the DR.

*Restavèk* Children: Victims of a form of trafficking in Haiti, an estimated 250,000 Haitian children have been internally trafficked into domestic servitude, in a practice known as *restavèk*.

Street Kids: Although often victims of violence and trafficking, and always vulnerable to these abuses, fully addressing street kids was beyond the scope of the PHR program. However, the program planned to partner with several organizations working with street children, such as Centre d'Action pour le Développement (CAD), TIMKATEC, Foyers Lakay, and others, to support prevention and care of at-risk youth and victims.

Rape Victims: The program design acknowledged the importance of gender-based violence, which was recognized in Haiti as a form of organized violence against women. This group became an increasing focus of the program in Year 3 and postearthquake.

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- An astonishingly high 32% of the 3,188 children surveyed were living away from their homes of origin.
- In urban areas, an estimated 225,000 children are restavèks, and two-thirds are girls; however, services appear to be more available to boys than girls.
- Thirty percent of all survey households had restavèk children present, 16% of all children surveyed were placed as restavèk, and 22% of all children were treated as restavèk servants.
- Port-au-Prince and Saint-Marc had higher percentages of households with restavèk children, with more than one-third reporting servant children in their homes, and the Port-au-Prince neighborhood of Cité Soleil had the highest percentage—an amazing 44 percent—of restavèk children.
- Children are moving from very poor homes to less poor households—with a vast majority having kinship ties.
- An important new finding is that a significant minority of households with restavèk children has sent its own children into restavèk placement.
- Recruitment of restavèk children can no longer be viewed solely as a rural to urban phenomenon—a significant new development in the reporting on restavèk placement in Port-au-Prince is that the largest single recruitment source is other urban households in the Port-au-Prince metropolitan area.
- Families living in the southern peninsula communities of Les Cayes, Jacmel, Jérémie and Léogane are the most important suppliers of restavèk children to Port-au-Prince.

Other categories of victims also addressed in the report included street children, rape victims, victims of cross-border trafficking, and those recruited by gangs, providing useful insights on the day-to-day life of these children, the particular problems they confront, and how the PHR program could effectively address these needs.

Some key recommendations for service provision derived from the data were that:

1. The sector should assign high priority to social services that target child domesticity and sexual assault of minors.
2. Unschooled children are the largest group of children at risk, and should be assigned high priority for program assistance to prevent child victimization.
3. The sector should promote systematic collaboration among
  - (i) women's organizations,
  - (ii) medical institutions,
  - (iii) public social service providers, and
  - (iv) specialized HIV/AIDS services in order to ensure more effective referral of rape victims and those with a heightened risk of HIV/AIDS infection.
4. Sector funding should expand support for direct physical accompaniment and ongoing follow-up of victims, including the use of trained volunteers as a strategy for increasing the number of victims served, especially rape victims and other “hidden” victims, and to diminish the impact of psychological trauma and social stigma in response to sensitive crimes.

Representations of child domestic work in Haiti seem to fall into two camps. On the one hand, a rights-based media discourse tends to homogenize different practices under a stigmatizing 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

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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 emphasized.

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. xiii According to the latter definition based on relative workload, education and parent-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 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 (with a "third party"). 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). 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

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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 wellbeing 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 (*kouyte*), 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.

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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.

The country's economic conditions put children in a precarious situation. It is customary for a Haitian child, usually around the age of six, to begin serving adults within his/her household and contributing to the family's livelihood. Haiti's Labor Code sets the minimum age for work in industrial, agricultural, or commercial enterprises at age 15. Children age 15 to 18 must obtain work authorization from the Ministry of Labor to be employed. Children are prohibited from night work in industrial jobs and from work that is likely to harm their health, safety, or morals. The US State Department's 2011 Trafficking in Persons (TIP) report states that Haitian children are trafficked both internally and externally to the neighboring Dominican Republic. Haitian children trafficked to the Dominican Republic work in domestic service, begging rings, and prostitution. Children in Haiti also work on farms where they may be exposed to pesticides, sharp tools, harsh conditions, and long hours. Children on the streets perform activities such as washing cars, vending, or begging; they are exposed to a variety of hazards, such as severe weather conditions, car accidents, and vulnerability to gangsters. Children on the street are also exploited in prostitution. Anecdotal evidence suggests that the 2010 earthquake, which resulted in thousands of displaced individuals, has likely increased the number of both *restavèks*—unpaid child domestic servants living and working away from home— and street children. Quantitative research on child labor in Haiti is very limited. An estimated 21 percent of Haitian children work, but the number of children who work in urban child labor is unknown. While child labor in domestic service has been widely studied, little previous research has focused on other types of urban child labor. A review of the *restavèk* literature indicates that there is some overlap between the two issues. In Amnesty International's report on sexual violence against girls, one case mentions a girl who works as a domestic servant for room and board without pay. In order to pay for school, the girl sells goods on the street. Another Amnesty International document mentions that *restavèks* sometimes sell goods in the market as part of their service to host families. The UN Special Rapporteur on Contemporary Forms of Slavery reports that recruiters are playing a more significant role in the *restavèk* phenomenon, recruiting children to work as domestic servants and also "outside the home in markets." Other documents indicate that many street children are former *restavèks*. The International Organization for Migration reports that when older domestic servants become unmanageable, they are turned out onto the streets where they work as servants, sex workers, or petty criminals. The 2012 US Department of State TIP report notes that many street children are former *restavèks* who were either dismissed or ran away. Some documents have addressed the issue of street children more directly. A 2011 Committee of Experts on the Application of Conventions and

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Recommendations Individual Direct Request indicates that the number of children on the streets is growing and that there is not a comprehensive system to address this challenge or provide services for these children. The document also notes that “these children are used in the perpetration of offences and that some of them have disappeared.” Smucker and colleagues’ study of childhood in Haiti discusses, among other topics, the issue of children working on the streets. Since this is a household-based study, children who also live on the streets are excluded. Children on the streets are found working as petty traders, pickpockets, car cleaners, and porters, and are considered vulnerable to recruitment into gangs and prostitution. The study focuses on experiences relating to crime, violence, and knowledge of and access to services and does not detail the working conditions of these children. Other documents mention sex work among children. NGOs reported increased rates of sex work among girls in the aftermath of the earthquake. Even before the earthquake, there were many reports of sexual abuse of children by aid workers and peacekeepers, in exchange for money or goods. It is clear from this review of the literature that child labor in urban areas is a serious issue in Haiti; however, there is a lack of research focused specifically on these children and their working conditions.

Child Domestic Labor in Haiti According to the International Labour Organization (ILO), child domestic labor refers to situations where children are engaged to perform domestic tasks in the home of an exploitative third party or employer. When such exploitation is extreme and includes trafficking, slavery or practices similar to slavery, or work that—by its nature or the circumstances in which it is carried out—is hazardous and likely to harm the health, safety or morals of children, then it constitutes a worst form of child labor. Children in Haiti are exploited in the worst forms of child labor, most commonly in domestic service. Often described simply as the ‘restavèk’ system, the phenomenon is far more complex than this single term suggests. Smucker and Murray define restavèks as unpaid child servants living and working away from home, but note that the restavèks’ fieldwork revealed significant variation in the arrangements and treatment conditions of the children who live or work away from their biological parents. Restavèks are mostly found in middle-to-lower-middle class households; they are also prevalent in the poorest slums of Port-au-Prince. A survey conducted by the Pan-American Development Foundation (PADF) and the U.S. Agency for International Development (USAID) found that Cite Soleil, the largest slum of Port-au-Prince, had the highest percentage of restavèks. While 16 percent all Haitian children surveyed were found to be restavèks, 40 percent of all children in Cité Soleil surveyed were found to be restavèks. The lack of public services, such as electricity and water, in poor neighborhoods where families lacked employment created a high demand for free child labor. Yet, with the lack of employment, these families could not afford to send these children to school. For receiving families who were not employed, many restavèks were not sent to school because of their long work hours and their low social status. Kinship plays a large factor in the recruitment of restavèks. According to a 2009 study by Francois, Smucker, and Tardieu, only 22 percent of restavèks had no kinship ties to the head of household where they resided. For the remaining 78 percent, family obligations and ties, to close and distant relatives, were evident as children were transferred from lower-income to higher-income

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families. These obligations occurred even among households that were just a little poorer than the sending households. For the poorer families, this represents an opportunity for their children to have a proper education and health care in urban areas, which they cannot receive in the rural areas where they currently live. The UN Special Rapporteur on contemporary forms of slavery, Gulnara Shahinian, argued in her 2009 report that the direct placements of children from one family to another has been taken over by the existence of recruiters. These recruiters, for their own financial gain, recruit children from rural areas to work either with urban families as *restavèks* or outside the home in markets. In many cases, the recruiters are paid by the host family to find a *restavèk*. Since the rural families are sending their children with a recruiter to be placed with a family of strangers, many stakeholders label this phenomenon as trafficking. While living with strangers, the *restavèks* often lose complete contact with their biological families. Another difference is that due to demographic changes, wealthy families have paid workers to carry out the domestic chores. The domestic workers themselves now have *restavèks* in their own homes to take care of their home and children. A third change noted in Francois, Smucker, and Tardieu's 2009 study is the intraurban movement of children within the metropolitan area of Port-au Prince for *restavèk* placement. In their research, they found that communes within Port-au Prince were the second most important suppliers of *restavèks* for Port-au-Prince. For example, for Cité Soleil, neighboring communes supplied the same percentage of *restavèks* as the communes from the Sud department. This is a change from the earlier practice of rural families sending their children to be *restavèks* in urban households. Whether these children were sent to family members or to strangers, they rarely enjoyed the benefits that their parents had wanted for them. Some children escape from their new home; they then either live in the streets or are picked up by authorities who refer them to the Institut du bien-être social et de recherches—Haitian Social Welfare Institute (IBESR). The children stay at centers, such as the Centre d'action pour le développement—Center for Action and Development (CAD) and Foyer L'Escale in Port-au-Prince, until they are reunited with their biological families. The U.S. Department of State 2012 Trafficking in Persons Report also mentions the role of recruiters in arranging for *restavèks* to live with families in other cities and towns with the hopes of going to school. The report details the types of abuse these children suffer, such as physical, sexual, and psychological. When they become too difficult to control, they are dismissed and thrown out on the streets. These dismissed children, the *restavèks* displaced by 2010 earthquake as well as those who run away, make up a significant amount of the population of street children. The latter children might be subjected to street crime or sex trafficking by criminal gangs. Little reliable information is yet available about the effect of the 2010 earthquake on the *restavèk* situation. There are, however, sufficient indications to suggest that there have been changes, some of them short-term, others possibly longer term. One example might be the increased vulnerability of children separated from their families or caregivers, often surviving alone in the crowded and often violent tent cities. Another could be the patterns of post-earthquake population displacement and its effect on the movements of *restavèks*. For the families struggling in the wake of a natural catastrophe, *restavèks* tend to be the first to go. They are the ones most at risk to be turned out onto the streets or trafficked.



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