



Children facing the Haitian reality

What can be done to fight against
family separation and abandonment?



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EXECUTIVE SUMMARY

The 2010 earthquake caused enormous damages with a frightening human toll. The Haitian children were severely impacted, with notably hundreds of thousands of orphans. The catastrophe deteriorated an already precarious childhood situation, causing more and more child separations and trafficking. At the same time, it generated an additional financial contribution and an increasing attention focused on the issue of child protection in the country.

Secours Islamique France worked in Haiti with the vulnerable families displaced by the disaster, with children homes and for family reunification. On the basis of its practice and of an investigation held in 18 children homes and with the vulnerable families in the 15 displaced camps and the poor neighbourhoods of Tabarre, crossing the views of different types of actors working in the childhood sector, the organization asked about the profound causes of families' separation in Haiti, about the consequences on the children vulnerability and about the actions that may be achieved to provide an answer and best protect children.

The apprehension of the socio-economic context, the social organization and the cultural practices in Haiti unveils an extreme complex reality to which the families are confronted and on which depends the children protection. The country suffers from chronic poverty with exacerbate inequalities between the city and the countryside, and a very hard access to an educational system that is in its majority private and too expensive for most families. The Haitian family structure is characterized by a predominant maternal single parenthood and a high number of children because the concept of contraception is uncommon. Children's rights are largely unknown while their work is still tolerated, and the legal framework of childhood protection comprises some gaps and is insufficiently applied. Many factors explain the circumstances that lead a family to separate itself from one or more of its children, often against its will or in the illusion that this separation will give the child better life conditions. These intentional and frequent family separations—one in five children do not live with their biological parents – are part of social, economic and cultural dynamics, and place the children in a very vulnerable situation. They entail many aspects:

- › **Children working as household staff or restavek children** – they represent one in ten Haitian children. This exploitation, coming from an initial system of mutual assistance progressively perverted, is the source of the most vulnerable category of Haitian children. A 15 years old restavek child is, in average, 4cm shorter and 20 kilos lighter than another Haitian child.
- › **Children placed in children homes**, of whom 80% at least, still have one parent alive. These structures, 91% of them functioning beyond any legal framework, are a heterogeneous group: they can offer efficient support to children and register these children with Haitian authorities, or extremely precarious life conditions, to the point of child trafficking and illegal adoption.
- › **Homeless children**, a phenomenon closely linked to family separation, and is still increasing with 3,380 children in the streets of Port au Prince in 2011. There is no satisfying response to this issue..
- › **Children victims of trafficking and slavery in destination to the Dominican Republic**, most of them come from families that are vulnerable, poor, unstable and abused by smugglers. The annual number of victims ranks Haiti at the world second class in trafficking and slavery.

The fight against family separation, by its extent and complexity is an enormous challenge. **Several actors in Haiti**, led by governmental institutions and the Haitian civil society, supported by international organizations such as NGOs, notably since the earthquake, work together for better childhood protection. However, they are still confronted to many obstacles: they form a heterogeneous group and suffer from the chronic lack of financial resources, since only 3.1% of the state's budget is allocated to social protection (90 Million USD). They cannot rely on a solid legal framework and they clash over the socio-economic context and the new outbreak of illegal practices and trafficking since the earthquake.

For all these actors, **maintaining the child within his family remains their ultimate objective**, but there is still a long way to go in Haiti to make this solution the best one for the child's welfare. It is also necessary to take into consideration the current reality and work to gradually improve these children's life conditions.

When a child is identified as separated from his family, **the reunification** is considered as the first solution. The year following the earthquake, 8,780 separated children were registered, and almost 3,000 of them met their families again. But, it is a complex process at the practical, economic and affective level, which demands to mediate and follow up more or less, depending on the situation that generated this separation in the first place. If the family is theoretically the most adapted entity to give the child the necessary protection and affection to his development, the reunification is not always possible and other medium to long-term solutions must be considered, by priorities. The child can be placed in his enlarged family, if it is considered capable of giving him the necessary protection and affection. He can also be placed **within a host family**, according to a system being institutionalized and head up by the Institute of Social Welfare and Research (ISWR). He finally can be entrusted to **national or international adoption**, subsidiary solution, as a last resort. **The placement in institution** must be considered only a short-term or transitory solution waiting for a longer-term child placement solution.

To better protect children and fight against family separation, changes must occur at many levels: institutions, families, communities, Haitian authorities, aid and international adoption actors. Of course, evaluating the Haitian context proves that the real improvement of the children's situation and the respect of their rights depend on developing basic infrastructures and access to essential services, particularly, access to education to give people more autonomy and an opportunity to climb up the social ladder (giving priority to the most vulnerable children and to those in rural areas). A long and hard work must be undertaken to reinforce the families' economic capacities (Revenue Generating Activities, microcredit, etc.), to renovate the legal system and set up academic trainings in the psychosocial field and trainings in psychology. But in parallel, prior activities and good practices must be already established for a more immediate improvement and to respond to the urgent needs in childhood protection: **the childhood protection actors must go beyond the condemnation to this or that system (domestic work, orphanages, etc.) and can adopt a constructive approach in fighting against abuses and violations, and in reinforcing the existing protection levers.**

SUMMARY OF RECOMMENDATIONS

1 Supporting the key actors of childhood protection

- › Reinforce **the economic support and accompaniment of the families** concerned by family reunification with a long-term follow up, and strengthen their educational and pedagogic capacities.
- › Strengthen **the public institutions in charge of childhood protection** via technical and financial support (ISWR, Citizens' Protection Office, and Juvenile Delinquency Division): while continuing their decentralization by providing long-term training to the staff in the psychosocial and legal fields.
- › **Continue to reinforce the device of children homes' control**: reinforcing accreditation criteria, standardizing the procedures of placement, of granting of benefits as well as of control, establishing a reporting procedure for doubtful practices.
- › **Reinforce protection mechanisms inside the children homes** by better administrative and psychological follow up, by maintaining the relationship between the child, his parents and his community, a better preparation of the child when he is leaving and a better professional training of the staff.
- › The ISWR's Support of the development of **an institutionalized system of children placements in host families**.
- › **Stimulate the Haitian Community Based Organizations (CBO) and reinforce the existing ones, in addition to the Haitian charities defending Human rights**, via technical (training) and financial back up.

2 Raising awareness and educational actions

- Preventing separated children abuses and exploitation requires **long-term actions** of raising awareness, targeting in priority, the most vulnerable populations (poorer families and rural populations)
- › **Inform the population about the existence of a free emergency number for mistreated children (188) and the existence of different protection institutions**
 - › **Raise awareness among local actors about the consequences and the risks of separation** (families, representatives of local state authorities, religious leaders, providers of basic services, and other proximity partners), through proximity meetings, the use of local media, and the support of CBOs and public figures
 - › Target in particular : **the families of abandoned children** to raise their awareness about the life conditions of the children placed in homes or restavek children, and about the risks of exploitation and trafficking; **the families receiving children as domestics** to make them aware of children's rights, legal sanctions in case of mistreatment and violation of children's rights, the right to education or alternatives to bad treatment
 - › **Integrate courses about children's rights** in the school curriculum and universities' curricula linked to the professions of childhood protection
 - › **Educate about health** (at school, in the programs addressed to the youth) and develop family planning at the communal level and through the ISWR

3 Reinforcing the legal framework and the legal system

- › **Establish a legislative framework** to really allow the children's protection and punish people responsible for abuses and violations through: an adoption law, Children's and/or Family Code, a new law/decreree about children's homes; reinforcing the legal framework prohibiting children's trafficking and slavery and the criminal law about violations of children's rights; ratifying the lacking international instruments of childhood protection
- › **Make sure of the effective law proceedings of abuse and violation cases**, by giving juridical advices to justice professionals , financial support, and by establishing a follow up of justice decisions and their implementation

4 Collecting data and having access to legal documentation

- › **Improve collecting data and statistics** about separated children, especially the restavek, in order to better understand the separation phenomenon and better prioritize and target actions
- › **Improve access to legal documentation** through increasing the record office's means and better information of the individuals about their rights

5 Recommendations about coordination and partnership

- › **Reinforce stakeholders' means and coordination in the establishment of immediate actions of protection**: reinforce existing and multi-field work groups by assuring the representation of all the actors and by making them real instances of decision making and establishing concrete actions; create a work group to establish a database about separated and vulnerable children and assure the pooling of all the available data, inform and train all actors about the host families' system, once institutionalized
- › Establish this **coordination at the department's level**, between the regional offices of the Haitian instances, the Civil Society and the local communities
- › **Ensure coordination between the ISWR and its different partners** (CPO, MPS, MINUSTAH, NGO, IO and the Haitian Civil Society), especially for the procedures knowledge and standardization, a regular communication to particularly report potential abuses; adopt a bilateral framework with its Dominican counterpart, to fight against children's slavery and trafficking from Haiti to the Dominican Republic
- › **Harmonize the NGOs' actions in the field of childhood protection** by prolonging the program of families' identification and reunification, as well as pooling resources and abilities
- › **Develop projects in partnership between international actors and the local civil society**

REVIEW OF THE KEY TERMS USED IN THE FIELD OF CHILDHOOD PROTECTION IN HAITI

Adoption: A solemn act pronounced by a court, created between a heterosexual couple or a single person and a child who isn't biologically theirs. It is a similar relationship to that resulting from blood filiation. This act is considered as a protection measure based on the supreme interest of the child, by providing him with a permanent family environment for his growth that is respectful of his fundamental rights.

Simple adoption is an act through which the adopted child benefits, within his adoptive family, from filiation rights such as the last name and inheritance devolution, while maintaining his attachment to his biological family. It doesn't end the parent-child relationship existing before the adoption, but creates a new kinship relation between the child and his adoptive parent(s), holder of the parental authority on the child¹. On the contrary, **plenary adoption** results in terminating the filiation relationship between the child and his biological family.

Day nursery: a public or private structure receiving and taking in temporary charge of children aged between 0 to 6 years old separated or definitely deprived from their families. It is duly registered and doted of a functioning authorization².

Child: In accordance to the 16.2 article of the Haitian Constitution, "Majority age is eighteen (18) years old". The 392 article of the Civil Code confirms this provision by defining a minor as any person, male or female, who is not 18 years old yet (according to the definition of the international convention on children rights).

Unaccompanied child: unaccompanied children are children separated from their parents or other relatives, and who are not taken in charge by any adult to whom the law or customs give the responsibility to take care of them.³

Separated children: the children separated from their families are separated from their two parents (father and mother) or from the person initially responsible, by law or custom, to satisfy their needs; they are not necessarily separated from their other relatives. Some "separated children" may be accompanied by other adult relatives⁴.

Restavek Child: A Restavek is a child given by his family to an affluent family, hoping that the latter would provide him food, clothes, a shelter, an access to education and care, in exchange of domestic work⁵.

Vulnerable child: a vulnerable child is a child with bigger probability than his local peers to get negative results, which means a child with bigger probability to be exposed to the following risks: mortality, morbidity, limited access to health services, malnutrition, abandonment, school dropout, and exploitation by adults. Various factors are likely to make a child vulnerable, among which: lack of affective care, absence of appropriate family and social framing, economic and political environment, loss of a parent or the poverty of the tutor family. So, vulnerable children constitute a group difficult to define⁶.

Children homes: A generic term designating any social public or private institution, officially authorized to take care of children in difficult situation, without family support, so particularly vulnerable (children from indigent families, children with special needs, street children, children in conflict with the law, minor mothers, Restavek children, displaced children, children separated or definitely deprived from their families and orphans). Every Children Home, whatever its vocation is, must be duly registered by the authorities and doted of a functioning authorization⁷.

Orphan: an orphan is a child aged between 0 and 18 years old whose mother or father or both are dead.

Orphanage: a public or private structure receiving and taking in charge children from the age of 7 to 18 years old separated or deprived from their families, displaced by their biological family or by a decision of relevant services (children in danger in their families, vulnerable families, lost children, abandoned children, orphans, etc.). This kind of establishment must be duly registered and doted of a functioning authorization⁸.

OVC (Orphans and vulnerable Children): This concept is generally applied to the orphans and other children groups who are more exposed than their peers to risks, and is usually used for children vulnerable to HIV/AIDS.

Protection: the concept of "protection" is related to all the activities aiming at ensuring the entire respect of a person's rights - a child, in this case - as they are announced in the relevant instruments of human rights and international human law. There are essentially three complementary measures to help unaccompanied or separated children:

- › Direct measures aiming at preventing or stopping systematic and specific abuses and/or reducing their immediate effects;
- › Corrective measure intending to allow the children to live with dignity again, through the readjustment, the reinstatement of rights and separation;
- › General measures meaning to create and/or consolidate an environment - political, institutional, legal, social, cultural and economic - favourable to the full respect of a person's rights⁹.

Family reunification/regrouping: a process consisting to bring a child together with his family or with the person who was taking care of him previously, to assure or restore the long-term¹⁰

LIST OF ABBREVIATIONS

ACAT : ACAAT: Citizen Action for the Abolition of Torture

IGA: Income Generating Activities

IMA: International Medical Aid

ILO: International Labor Organization

MPS: Minors Protection Squad

CRC: Convention on the Rights of the Child

ICRC: The International Committee of the Red-Cross

IMMUS IV: Investigation about Mortality, Morbidity, and Services Use

IMMUS 2005-2006 realized by the Haitian Ministry of Public Health and Population.

SGRR: Supporting Group to Repatriates and Refugees

ISWR: Institute of Social Welfare and Research

HIC: Haitian Institute of Childhood

HISC: Haitian Institute of Statistics and Computing

IRC: International Relief Committee

MSAL: Ministry of Social Affairs and Labor

MJPS: Ministry of Justice and Public Security

MINUSTAH: United Nations Stabilization Mission in Haiti

MPHP: Ministry of Public Health and Population

CBO: Community Based Organization

OHCHR: Office of the High Commissioner for Human Rights

IO: International Organization

IOM: International Organization for Migration

NGO: Non Governmental Organization

CPO: Citizen Protection Office

PADF: Pan American Development Foundation

WFP: World Food Program

LDC: Less Developed Countries

JSFN: Jeannot Succès Frontier Network

JC: Juvenile Court

UNICEF: United Nations Children's Fund

USAID: United States Agency for International Development

¹ ISWR, Application measures of the 125 and 126 articles of November 4th, 1982 Decree: The adoption's administrative procedure, November 2012. ² Ibid. ³ ICIR, Inter-agency Guiding Principles on Unaccompanied and Separated Children, July 2004. ⁴ Ibid. ⁵ Human Rights Council, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences - Gulnara Shahinian - Mission to Haiti, A/HRC/12/21/Add.1, September 4th 2009. ⁶ World Bank, OVC's toolbox <http://info.worldbank.org/etools/docs/library/210670/toolkitr/howknow/definitions.htm> ⁷ ISWR, Application measures of the 125 and 126 articles of the November 4th 1982 Decree: Adoption's administrative procedure, November 2012 ⁸ Ibid. ⁹ ICIR, Inter-agency Guiding Principles on Unaccompanied and Separated Children, July 2004 ¹⁰ Ibid.



INTRODUCTION

If the 2010's earthquake that caused hundreds of thousands of orphans, its consequences came to worsen an already precarious situation, engendering more and more children separation and trafficking, while generating a supplementary financial contribution and a growing attention towards the phenomenon. In Haiti, 1 child out of 5 doesn't live with his biological parents, 1 out of 10 is placed as a domestic. The country is rated at the second place in the world for scourges such as children trafficking and slavery.

Maintaining the child in his family remains the ultimate objective but we are far from finding the best solution for the child's welfare in Haiti. The teams of Secours Islamique France experienced it daily while working with vulnerable families that are displaced by the catastrophe, ether with homeless children for family reunification.

On the basis of its practice and of the points of view of different actors working in the domain of childhood protection, our organization wanted to investigate the profound causes of family separation in Haiti, the real consequences on children's vulnerability and on the actions that can be established to bring a response and a better protection to the children. This report is based on the expertise of our teams who worked closely with children, Haitian families and homeless children, on two investigations: the first one included 18 homeless children, and the second one, vulnerable families in 15 displaced camps and in the poor neighbourhoods of Tabarre. The authors also had a series of interviews with experts and key actors of childhood protection in order to cross the points of view: Haitian civil society organizations, public institutions, United Nations agencies, international humanitarian and Human rights' NGOs.

We were interested, in the first part, in evaluating the situation of the children in Haiti, trying to describe the socioeconomic context, the social organization and the cultural practices affecting the children's vulnerability. The second part examines the different actions achieved by the main actors in the field of childhood protection: what progress, what obstacles? We wanted to identify the good practices and understand how to take in good consideration of the situation to improve the children's life conditions. We also tried to point out the acute deficiencies or gaps needing prior efforts.

The third part reported on the perspectives and solutions in the short, middle and long term which can be taken to durably improve the Haitian children's life conditions and to give them access to their rights. It emphasizes the necessity to support the key actors in childhood protection, first and foremost of which is the Haitian civil society's organizations; and the importance of education together with raising awareness to prevent abuses and exploitation. It points out at the priority axes to improve awareness of the phenomenon of separation, facilitate the access to legal documentation, and reinforce the legal framework and the judiciary system. At last, it insists on the necessity to better ameliorate the coordination and the partnership between the actors: Haitian authorities, including particularly childhood protection institutions, Haitian community based organizations or defending human rights, multilateral international organizations, NGOs, etc.



1ST PART

THE SITUATION OF CHILDREN IN HAITI: A complex reality in terms of socioeconomic context, social organization and cultural practices

The Haitian government admits that “the situation of the Haitian young children depends on some historical, sociological and economic factors which represent so many obstacles to the respect of the child’s most elementary rights such as the right to an identity, a family, etc.” The apprehension of a chronic poverty, the phenomenon of inequality between cities and country sides, the difficulty to benefit from education and the complex Haitian family structure, where the mothers usually find themselves alone and responsible for raising their children. It enables to understand the circumstances which may lead a family to be separated from its child, usually against its will. The different aspects of family separation, whether we talk about children placed in children homes, domestic children, street children or children victims of slavery, is a part of social, economic and cultural dynamics that put the child in a very vulnerable situation.

1 The influence of the haitian context on children and family separation

1.1 The socioeconomic context, a factor of family separation and children's vulnerability

Haiti had suffered many years ago from several political shocks (coup d'Etat, the government's overturn in 2008 following the "hunger riots"), which, together with a series of natural catastrophes, have profoundly undermined the country's socioeconomic context and put the childhood protection's issues at stake. It is in this context that the earthquake of January 12th, 2010 happened. This earthquake left the country deeply bruised with almost 250 thousand deaths and one and a half million homeless. It has further highlighted the deep structural problems facing the Haitian children, and forcing the families to be separated from their children.

CHRONIC POVERTY, SEPARATION AND LIFE CONDITIONS OF CHILDREN

► Exacerbated poverty by demographic explosion

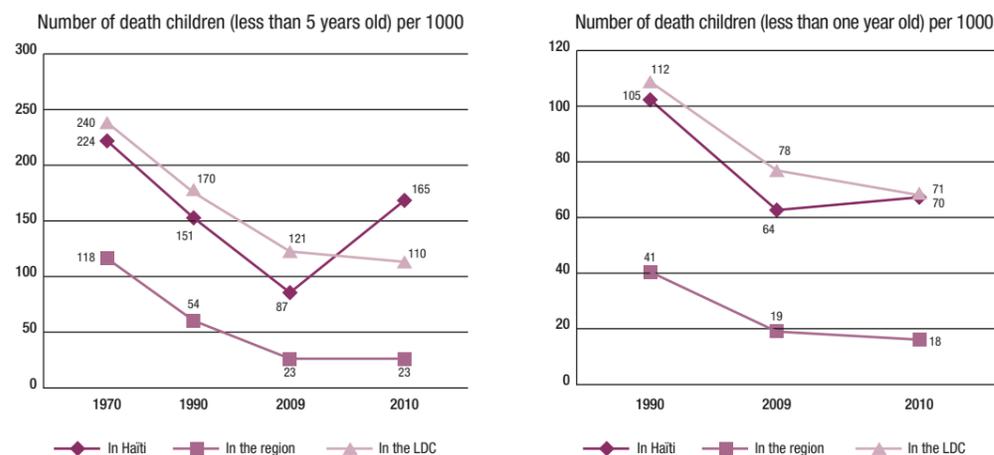
Haiti is, at the same time, one of the most densely populated countries with more than 360 inhabitants per km², and the poorest country in The Caribbean region. 55% of the Haitian population lives under the line of extreme poverty: 1.25 USD per person and per day¹², and 71% under the line of general poverty: 2 USD per person per day; and its very low index of human development places it among the poorer countries in the world (158th out of 179th), with very strong social inequalities. If the periods of economic and production's decline, notably related to political and social troubles, and successive natural catastrophes, are the major causes of this poverty, the high demographic growth (1.7 from 1990 to 2010, 1.1 from 2010 to 2030¹⁴) and the female fertility rate (4 children per woman) are aggravating factors.

Demographically speaking, Haiti is an extremely young society: out of the 10 million inhabitants of the country, 42% at least are under the age of 18 (4.26 million) and 12% at least are under the age of 5 (1.24 million). If this very young population represents an important potential for the country's development, it constitutes for the time being, a considerable economic burden for the Haitian population on which the youth are meant to depend. The demographic dependence ratio¹⁵, even if it had regularly decreased since 20 years, it is still relatively high in Haiti in comparison with other countries of the region, since in 2011, 100 active people had at their charge 67 people (against 82% in 1980, 71% en 2007), and remains one of the strongest in Latin America.

► Immediate consequences of poverty on children

Adults with insufficient economic capacities take in charge young population and children, the latter are placed in a situation of particularly critical situation: high rate of mortality, chronic malnutrition, low access to the basic social services, and low access to education.

Figure 1. Mortality of children under the age of five¹⁶ and infantile mortality¹⁷ (under the age of 1) in Haiti, in comparison with the region of Americas/Caribbean, and the LDC Number of dead children (under the age of 5) out of 1000.



Source: UNICEF, the children's situation in the world, 2011 and 2012 reports

¹¹ Ministry of Education and Vocational Training, The National Strategy for Action on Education for All, 2007. ¹² Ministry of Planning and Internal Cooperation, Inequality and Poverty in Haiti, March 2006. ¹³ The Human Development Index (HDI) is a composite statistical index created by the UNDP in 1990 to assess the level of human development of the world, by synthesizing indicators of life expectancy, educational attainment and income. ¹⁴ For comparison, this same rate oscillates between 0.5 and 0.6 in France. ¹⁵ According to OECD, the ratio of demographic dependency is a function of the population's age structure. It is the ratio of the number of individuals assumed to "depend" on others for their daily life – youth under the age of 15 and elderly above the age of 65 – and the number of individuals capable of taking on this charge, aged from 15 to 64. ¹⁶ Probability of death, since the day of birth to the exact day of the 5th birthday, for 1000 alive babies. ¹⁷ Probability of death, since the day of birth to the exact day of the 1st birthday, for 1000 alive babies.

Malnutrition, chronic and acute diseases¹⁸ like diarrhoea, respiratory infections, etc. are the principal causes of children's death. This high mortality rate can be explained by a low access to water and wastewater, food and care. In 2010, almost half the children (49%) under the age of 5 were suffering from diarrhoea¹⁹ linked to malnutrition, it has already been an extremely worrying issue before the earthquake, since, according to UNICEF, almost the third of less than five years old children were suffering from chronic malnutrition and more than half of all deaths of children less than five years old were caused by malnutrition. Even if the situation remains that serious, with more or less one child out of four suffering from chronic malnutrition, the efforts of international solidarity actors, following January 12th 2010, seem to have borne fruit: according to an investigation²⁰ published by the Haitian Ministry of Health and supported by UNICEF and World Food Program (WFP), chronic malnutrition amongst children under the age of five, acute malnutrition and underweight had all decreased between 2006 and 2012.



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Profile of a vulnerable family from Port-au-Prince displaced camps

Results of a diagnosis investigation achieved by SIF in April 2011 in 15 IDP camps in Port-au-Prince

Secours Islamique France, present on the field, only few days after January 2010 earthquake, observed the problems facing these camps' population every day, and children's life conditions. In April 2011, a diagnosis investigation preceding the application of a program of fighting against family separation was achieved in 15 displaced camps in Port-au-Prince, to identify the most vulnerable families. Different criteria allowed the evaluation of the family's economic level and the solidity of the family structure.

► **The economic level of the family:** economic activity, level of monthly income, debts, access to habitation, access to basic social services, access to food, and situation of food safety or unsafe places.

► **The family structure:** single-parent family, separated parents, orphans who lost one or both parents, adversarial family relation, family socially isolated, the parent's health and educational level, number of children in comparison with the parents' income.

At the end of this study, 196 families were identified as being too vulnerable, on the basis of the following criteria: single-parent families, with two or three children in average, indebted families with no source of income, families without any access to basic services (health, education) due to lack of financial resources and who could not send their children to school during the last academic year.

► The earthquake of January 12th 2010: aggravating effects on children's poverty and vulnerability

The day after the catastrophe, 50 000 children lost their two parents, 380 000 lost at least one of them; hundreds of thousands of children were separated from their parents in the general panic. The separated children found themselves in extremely vulnerable conditions, deprived from their family, and very often from water, food and care, when they were in a big need of them. Generally, 2010 earthquake aggravated the already precarious situation of the Haitians. If the emergency aid provided by the several NGOs after the earthquake helped to respond to its victims' immediate needs (food, water, wastewater, tents), hundreds of thousands people still live in displaced camps, often in extreme poverty conditions, unemployment increased sharply, and several services and infrastructures must be rebuilt, etc.

In numbers, Haitian economy seems recovering, with a slight augmentation in GDP and an expected increase in 2012²¹. However, Haitian families with weak financial means, even before the earthquake, are struggling to recover. With an unemployment rate reaching two-thirds of the population, so many families are now unable to satisfy the needs (health, education) of their children, who bear the brunt of the economic context's aggravation. **The gaps are growing and the inequalities are getting stronger. Sometimes, some families find themselves forced to send their children to work or to be separated from them.**

¹⁸ Chronic malnutrition is characterized by a delay in the child's development, especially in his growth. Acute malnutrition includes moderate and severe malnutrition and is characterized by a net weight insufficiency in comparison with the size: moderate malnutrition is defined by a weight/size index oscillating between 70 and 80% of the normal ratio; severe malnutrition is defined by a weight/size index inferior to 70% of the normal ratio. Source: UNICEF. ¹⁹ UNICEF, The children's situation in the world, 2012. ²⁰ SMART investigation – English acronym for standardized follow up and evaluation of aid's phases and transition – is an improved method based on the two most fundamental indicators of public health to evaluate the gravity of human crisis: the nutritional status of children under the age of five and the population's mortality rate. Ministry of Public Health and Population. National Investigation on nutrition using SMART methodology, March 2012. ²¹ <http://www.banque mondiale.org/fr/country/haiti/overview>

DEEP INEQUALITIES BETWEEN URBAN AND RURAL AREAS CAUSING MASSIVE RURAL EXODUS

In Haiti, inequalities between rich and poor people are deep and emphasize other gaps between men and women, social categories, and especially between urban and rural areas.

Deepened income inequalities

80% of the population has only 32% of the income while the rich 20% gets 68% of it. The poor 40% have access up to 5.9% only of the total income, while the rich 2% possesses 26% of the total income. The Gini²² coefficient (index of income concentration) is up to 0.65, one of the highest in the world²³.

The big majority (74%) of poor people in the world live in rural areas where agriculture is the main activity and where basic services are almost inexistent. Poverty in rural areas affects about 88% of the population and extreme poverty 67%²⁴ of it. In 2006, the income per inhabitant of rural population is about the third of the urban population's income. The metropolitan area absorbs 31% of income in comparison with 17% for the total population²⁵.

These contrasts can notably be justified by the rural population's dependence on income from agricultural production. Through the years, agriculture in Haiti has been severely impacted by the acute degradation of environment, whether caused by human behaviour, massive deforestation of the country, or by natural catastrophes.

Unequal access to basic social services

The differences between life conditions in rural and urban areas are particularly obvious when it comes to access to basic social services and infrastructures for water supply, wastewater, health care and education.

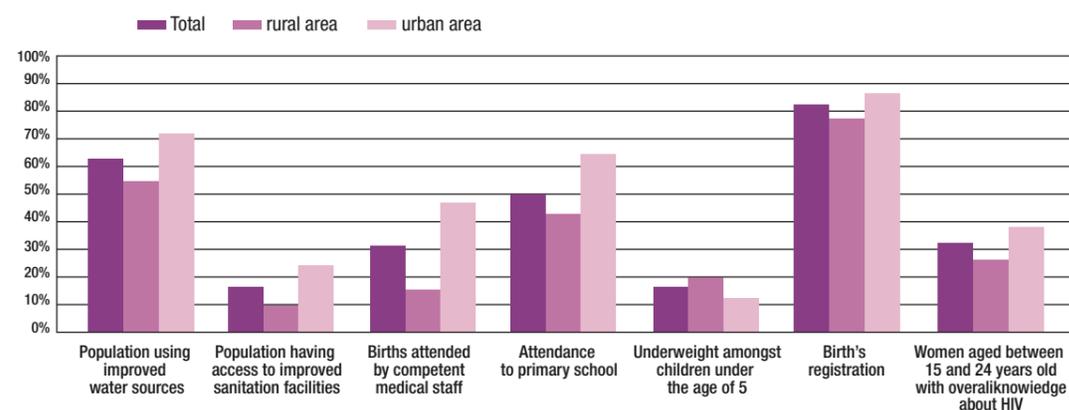


Regarding health, statistics show a difficult access to health care for rural population (only 8% of women are less than 5km far from a hospital in rural areas against 67% in urban area²⁶, 48% of rural population against 67% of urban population live less than 5km far from a health institution²⁷), and also disparities in terms of quality and level of care: rural people have essentially access to clinics providing primary health care. This lack of access to health, combined with a bad quality of water and bad health conditions in rural area, influence the population's health, especially children: disparities in children's mortality rate (in 2003, 95.9% in rural area against only 15.9% in urban areas²⁸), weight insufficiency for children under the age of five (20% in rural area against 12% in urban area).

Inequality of access to services also is manifested in inequality among females with a fertility rate. This difference comes to the surface among women living in rural areas more than it does for women in urban area (5 children per women against 2.8), and a marked difference in what concerns the level of awareness of HIV Aids.

From this low availability of services, arises a different budget repartition in families of rural and urban areas, especially with bigger partition for food in rural area (55.6% of expenses against 32.8% in metropolitan area, and 41% in urban area).

Figure 2. Inequalities in access to basic social services and others between urban and rural areas



Source: UNICEF, the children's situation in the world, 2012 report – IMMUS IV investigation, 2006 (for school attendance rate)

Consequences: growing urbanization and excessive inequalities are reinforced by the earthquake

The unequal access to basic social services explains the shifting of rural areas to urban ones. This shifting, is the result of the rural world's pauperization, led the rural population to massively migrate toward cities, and encouraged rural families to send their children there, hoping to get a better life for them.

Data about internal and international migrations of Haitian people, even if dating from 2003, reveal the attraction of Haitian population for the capital: in 2003, 80% of internal migrations that had the metropolitan as its destination in the area of Port-au-Prince²⁹. Rural exodus represents the majority of internal migrations (in 2003, 49% of internal migrants who moved from rural areas toward urban areas), but internal urban migrations are also numerous, (43% of internal migrations) and form a source of growth in Port-au-Prince. Finally, urban population continues to grow. Urban percentage that went from 40% in 2003 to 46.9% in 2009, and would target a little more than half the total population, which means 50.3% in 2013, to reach 70% in 2050, according to the estimations³⁰.

These dynamics of rural exodus, which existed for long years, were disrupted by the seism of January 2010 that created a double phenomenon: while some people in rural zones came in a rush to the capital to have access to humanitarian aid (food distribution, access to drinking water, etc.), some inhabitants of Port-au-Prince decided to go back to their rural zone, to look for housing. This urban exodus was created as a new pressure on the available services in rural areas which are already extremely fragile.

A LIMITED ACCESS TO EDUCATION AND DENIED RIGHT TO EDUCATION IN FAVOR OF CHILD LABOR

Some numbers about access to education for vulnerable populations in Port-au-Prince

Results of the diagnosis' investigation achieved by SIF in April 2011, in 15 displaced camps in Port-au-Prince and 17 neighborhoods in the town of Tabarre- continuation

During its diagnosis investigation achieved beforehand the establishment of a program to fight against family separation, SIF observed a very low access to education, in the camps and in the vulnerable neighborhoods:

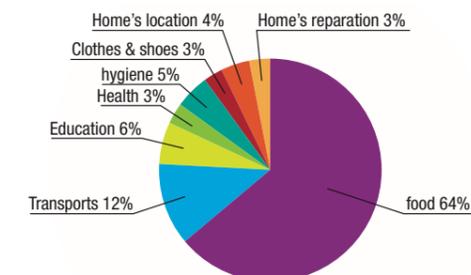
- In displaced camps, 80% issued from very vulnerable families don't go to school.
- In 17 neighborhoods of the town of Tabarre, identified as vulnerable and linked with the Town Hall, the majority of children don't go to school.

Education³¹ in Haiti is characterized by:

A mainly private education: when public sector receives 20% of pupils at 9% of schools, private sector receives 80% of pupils at 91% of schools³². Private schools do not receive any subsidies and are mostly financed by schooling expenses.

High costs of school services; this can be explained, notably, by the essentially private characteristic of the schooling offer, and also by the lack of governmental investments in the public sector³³. In 2007, the Ministry of Education³⁴ evaluates the annual average costs per pupil for pre-schooling at 3000 HTG (almost 70 USD), when the Gross National Revenue per inhabitant is 669 USD. Education costs for primary school (1600 HTG, about 38 USD) and secondary school (3070 HTG, about 73 USD) are also exorbitant in comparison to the average budget of Haitian people. In many cases, parents simply don't have enough financial means to send their children to school. This difficulty is more utter in rural areas where the majority of poor people are living, and where only 57% families declare being financially able to send their children to school (against 37% in metropolitan areas and 73% in other urban areas). Diagnosis investigation achieved by SIF in the town of Tabarre gives an idea about the budget distribution in Haiti, and about the very small part dedicated to education (6%, which means 11€ per month for a monthly budget of about 180€).

Figure 3. The expenses' repartition for a vulnerable family in Port-au-Prince



Source: SIF's diagnosis investigation in the town of Tabarre, February 2012

Unequal distribution and coverage of schooling offer between geographic zones and between rural and urban areas. First, because private education is essentially dependent on families' financing and the implementation of private schools is guided by financial profitability more than by any concern for geographic equity. Then, because public education, far from restoring the balance, doesn't exist in some communal sections and is very low in rural areas, things that the Ministry of Education explains by budget limitations and homes dispersion in rural areas: the low school workforce in some localities doesn't need the construction of a school. That's why some rural zones are totally deprived from schools and that education proximity in rural areas is too weak, with a high number of institutions located at more than 15 km³⁷.

²⁹ Haitian Institute of Statistics and Computing (HISC), Big Socio-Demographic Lessons Issued from the 4th GCPH, February 2009. ³⁰ HISC/CELADE/ UNFPA/ Population Projections, May 2008. ³¹ The Haitian educational system is presently divided on three levels: preschooling, elementary and secondary school. Elementary level is also divided on three "cycles". The cycle covers the first three years of the elementary system, the second one lasts from the fourth to the sixth year, and at last, the third cycle lasts from the seventh to the ninth year of elementary school. ³² http://www.unicef.org/haiti/french/children_8837.htm ³³ The budget allocated to Education of Youth and Professional Training has been growing in 2012, but remains insufficient in comparison with the width of the task (19.3 Billion HTG, part of 16%). ³⁴ Ministry of Education and Professional Training. The National Strategy of Action for Education for All, 2007. ³⁵ In 2003, primary school, only, are easily accessible in rural areas (94.7% at less than 5km), while secondary schools are usually too far: 1st cycle secondary school, at more than 15 km for 26% of rural people and 2nd secondary schools, at more than 15 km for 40% of rural people. (HISC), Investigation on Life Conditions in Haiti, 2003. ³⁶ Ministry of Education and Professional training, The National Strategy for the Action for Education for All, 2007. ³⁷ Data collected from IMMUS III investigation, published in 2011. Unfortunately these data hadn't been updated by IMMUS IV, published in 2007.

²² The Gini coefficient is a measure of the degree of inequality of income distribution in a given society, developed by the Italian statistician Corrado Gini: the coefficient varies from 0 to 1, with 0 indicating perfect equality and 1 total inequality. The highest coefficients in the world revolve around 0.6. ²³ UNDP, Report on Human Development in Haiti, 2011. ²⁴ Ibid. ²⁵ Ministry of Planning and Intern Cooperation, Inequalities and Poverty in Haiti, March 2006. ²⁶ Ibid. ²⁷ HIC: Investigation on Mortality, Morbidity and Use of Services, IMMUS-IV, Haiti, 2005-2006. ²⁸ HISC: 4th General Census of Population and Habitation, 2003.

Extremely low schooling and alphabetization rates³⁸, with important abandonment rate and disparities in urban and rural areas

In Haiti, the youth's **alphabetization rate** (from 15 to 24 years old) is 72% (74% for men and 70% for women), proving again a big difference between Haiti and the rest of the region (the alphabetization rate is 97%), and a similarity with LDC (70.5% of alphabetization rate).

The **rate of school of attendance**³⁹ is one of the lowest in the world, since only one out of two children attends primary school (52% boys and 48% girls), and one child out of five attends secondary school (18% men and 21% women).



The lack of equity in schooling offer is one of the most reasons mentioned by the parents to explain why they decided to send their children to live with another family in a city or to place them in children homes.

1.2 Complex parental relations and family organization that are detrimental to children

Child separations cannot be apprehended without a good understanding of the Haitian family organization, of the cultural perception of childhood status and the condition.

APPREHENDING THE HAITIAN FAMILY STRUCTURE: PREDOMINANCE OF SINGLE-PARENTING

Prevalence of de facto unions is promoting the accumulation of unions and single-parenting

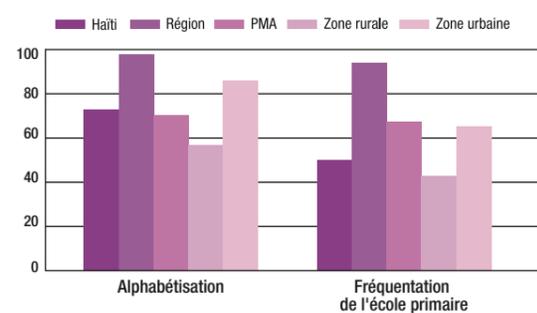
In Haiti, the family structure doesn't correspond to the traditional image imposed by occidental culture, that is to say a father, or a mother and one or many children. First of all, because there are different types of union, other than marriage, closely linked to the Haitian culture. Then, because female single-parenting is particularly high, and finally, because the principle of multiple and/or successive unions is largely admitted and practiced.

Civil marriage, if it's the only union officially regulated by law (institutionalized by Napoleon's Civil Code, still in force in the country), it remains relatively restricted (almost 18% of the population) and essentially concerns rich families.

The **rate of school abandonment** reveals the families' incapacity to finance their children's studies in the long term: among the students registered in primary school and admitted in first year, only 16.6% of them will reach the fifth year, and less than 2% of the children will end their secondary school⁴⁰.

If few recent numbers are available about disparities between geographic zones, an investigation published by the Ministry of Public Health and Population (MPHP) in 2007⁴¹ revealed the notable variations according to the residency's environment, whether it is about the alphabetization's rate (57% in rural zone against 85% in urban zone), or the rate of primary school attendance (42% in rural areas and 65% in urban ones).

Figure 4. Level of Education (alphabetization and school attendance rate) in Haiti, compared to the rest of the region and to LDCs



Source : UNICEF, the situation of children in the world, report of 2012 – IMMUS IV investigation, 2006.

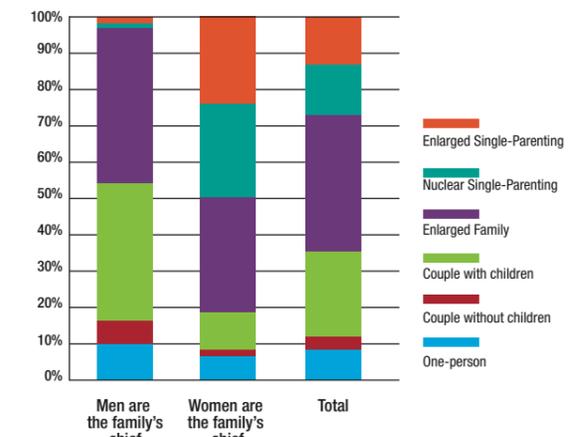
Predominant single parenting and the concept of enlarged family

In Haiti, the society is primarily patriarchal: the man is the head of the family, when the latter is traditionally composed of the couple and the children. Yet, almost 4 out of ten families are managed by a woman. The study of families' distribution according to gender shows that the family structure changes according to the sex of who is responsible for the family: men are heads of nuclear families (couple with children) or enlarged families (nucleus and relatives or non-relatives people), whilst women are in most cases at the head of nuclear single-parented (mother with children) or enlarged families (mother with children and relatives or non-relatives people)⁴⁴.

More than 60% of the Haitian families managed by women are single-parented. Consequently, more than the half (55%) of Haitian children under the age of 18 don't live with their two parents: one out of three children (29%) lives with his mother only, whether his father is alive (24%) or dead (5%), while 6% live with their father only, and 20% don't live with anyone of the two parents. Too often, these single-parent families comprise many children issued from different fathers, who abandon them so as not to be in charge of the financial needs of the family, or even other children entrusted to them (relatives, godchildren, nephews and nieces, etc.)⁴⁵.

Enlarged families are predominant in Haiti. The concept of enlarged families is quite wide: kinship relations aren't exclusively defined by blood, but can also be created (sharing a home, choosing a godfather or a godmother, etc.).

Figure 5. Distribution of families by gender, according to the family's type



Source : The Haitian Institute of Statistics and Computing (HISC), Investigation about employment and informal economy (IEIE), July 2010.

Evolution of law to protect single-parent families: law about the responsible kinship

The Haitian Civil Code (published in 1825) takes into account only rights, duties and obligations of the members of families formed by marriage. All the protections are, above all, provided for families qualified as legitimate: the duty of financial charge, common ownership of property, equal share of common property. The lack of legislation about the status of couple in free unions (plaçage and vivavek) deprives unmarried women and natural children from any protection and any respect of their rights, and denies the reality of Haitian families.

To fill in this legal gap that remains extremely harmful to single-parent families, a draft bill about responsible kinship and children parentage was tabled in Parliament in 2009, voted by the Lower House in May 2010 and the Senate in last April. By treating fathers as offenders, this law aims at making them aware of their responsibilities, and fighting against the extreme precariousness faced by single-parent families, in the absence of any financial support of the father(s). If it is proved that a man is the real biological father of a child, he can be condemned to pay a food allowance to the mother.

If this law is a positive progress for single-parent families, its effective application will for sure face some difficulties: an abandoned woman will have to launch a juridical démarche against her spouse (which can be difficult, taking into consideration the pressure the latter can exert); justice must then, find the man and prove, thanks to a paternity test, that he is the real biological father of the child, an expensive test rarely practiced in Haiti. This law represents, in spite of everything, a juridical basis on which actors can rely on to raise the population's awareness.

Some interviews of SIF's Haitian staff illustrate how diverse and difficult the personal situations of Haitian people are: single parents with children in charge, in most cases, children in charge other than biological children, not from the same father, biological children living with the mother, etc. Cases of men being single-parents are extremely rare: if the mother can't take care of the child, it is usually another female relative (grand-mother, aunt, etc) who will take care of the child rather than his father.



³⁸ UNICEF, The children's situation in the world, 2012. ³⁹ Number of children attending primary or secondary school, who have reached the official age to go to primary school, expressed in percentage of the total number of children who have reached the age to go to primary school. UNICEF, the children's situation in the world, 2012. ⁴⁰ http://www.unicef.org/haiti/french/children_8837.htm ⁴¹ HIC, Investigation on Mortality, Morbidity and Use of Services, IMMUS IV, Haiti, 2005-2006. ⁴² Ibid. ⁴³ Ibid.

⁴⁴ Haitian Institute of Statistics and Computing (HISC), Investigation on Employment and Informal Economy (IEIE), July 2010. ⁴⁵ HIC, Investigation on Mortality, Morbidity and Use of Services, IMMUS-IV, 2005-2006.

HIGH FERTILITY AND UNCOMMON CONTRACEPTION

› In Haiti, fertility remains high, in despite of a net tendency to decrease since the beginning of the 80s, with an average of **4 children per woman**. The differentiation is obvious between environments of residency, with a fertility reaching 5 children per woman in rural areas, and 2.8 only in urban areas. Almost one female teenager out of five started her fertile life since the age of 17 years old⁴⁶.

› The rate of using contraception is still limited, **since one out of three women** (32%) uses a contraception way, which is the lowest rate in all the region of “Caribbean region”⁴⁷. Many years ago, **different international actors have deployed lots of efforts for family planning**. Even if the teenagers’ fertility rate starts to decrease, a lot of work has to be done.

› **Action about family planning and preventing early pregnancies are still insufficient**. Yet, there would be too much to win if it is developed, and it can contribute in preventing the family separation phenomenon. It is obvious that, in context of chronic poverty, a woman who finds herself at the head of a family with several children, will face big difficulties to respond to the most elementary needs of her children and would be forced to leave them. **The development of more responsible behaviours and the decrease of female fertility are part of the response that should be brought to the family separation problem.**

THE CHILD’S PLACE IS BADLY DEFINED BETWEEN IGNORING THE CHILDREN RIGHTS AND THE ABSENCE OF LEGAL EXISTENCE

“A child is registered immediately after his birth and since that he has the right to a name, the right to acquire a nationality and, if possible, the right to know his parents and to be raised by them”

International Convention on the Rights of the Child (ICRC), article 7§1.

› Denial of children’s rights linked with registration difficulties in the Civil Registry

› If children’s registration is neatly progressing in Haiti, **one child out of five isn’t always declared**, according to UNICEF, which explains the combination of several factors: a difficult access to the Civil Registry services, excessive expenses claimed by some Civil Registry officers, the population’s ignorance of administrative procedures, especially of the voluntary recognition of a natural child, etc.⁴⁸

Host centres are also confronted to many difficulties to obtain a birth certificate of children gathered without identity papers (street children, domestic children). The procedure is long, complicated and expensive (1500 HTG per child). In 2012, out of the 30 000 orphans taken in the census of the Institute of Social Welfare and Research (ISWR, Department of Ministry of Social Affairs in charge of childhood protection), only 16900 were documented and so legally identified⁴⁹.

› SIF’s investigations in the town of Tabarre (in 2011) and in 18 children homes of Port-au-Prince (in October 2012) confirm the gaps about registration, since 30% of children coming from vulnerable neighbourhoods of Tabarre and 26% of placed children aren’t registered when the investigation was carried out.

› However, the registration of a child’s birth in the Civil Registry is **essential to recognize his rights** and so, his protection: it doesn’t constitute a source of socio-demographic data allowing institutions of childhood protection to know about the child’s existence only, but it also confers a nationality to him, the right to be protected by the state when the family’s protection is lacking, the right to inheritance, etc. It allows a child to get a better access to his rights, such as the right to education (some schools refuse undeclared children to the Registry Office). A non-declared child is a vulnerable child because he is more exposed to abuses, trafficking and exploitation.

› **The non-declaration in the Registry Office is extremely problematic for separated or unaccompanied children**, in particular for children placed by their parents as domestics, called “restavek” children: those children, usually entrusted in a very young age to another family, don’t know their last name or don’t remember anymore where they come from; the lack of registration makes the process of looking for the real family or the unification extremely difficult. According to CAAT, a Haitian association of defense of human rights, 80% of domestic children do not have a birth certificate.

› The child sometimes considered as a potential source of revenue for the family

In Haiti, **children labour is widely practiced**, since at least, one (between 5 and 14 years old) out of five children works. Haitian people consider work as a basis to build the adult future, but also as a means to assure his parents’ future. In rural areas, the poverty of means of production demands a heavy workforce for agricultural work and children usually have to participate in it to allow the family to satisfy its needs. When parents aren’t able anymore to take care of their children, even when those are working, they can find themselves forced to place them in a third family, within the viewpoint of “work for care”.

› A limited awareness of children rights within family and society

Some years ago, several efforts were deployed by Haitian institutions and children protection NGOs to promote awareness of children rights and ICRC. However, it emerges from all national or international, governmental or non-governmental actors of childhood protection, that there is a lot to do concerning raising awareness about children rights. Above the sporadic activities achieved here and there, raising awareness of the Haitian society would demand a global national society to facilitate the access to information since a very early age, and a better coordination of activities between the actors.

The phenomenon of single-parenting, the high number of children per woman, the lack of knowledge of children rights, are many factors that, cumulated to chronic poverty and the lack of access to basic social services, place families in very precarious situation and can force mothers to separate from their children.

Knowledge of children rights in SIF investigations

› Investigation carried out with the managers of 18 children homes of Port-au-Prince, in October 2012: the most recognizable right is the right to education (72%), followed by the right to nutrition (56%), the right to housing and health (39%), and the right to entertainment (28%). Only one children’s home talked about the right to family (5%), while no one talked about the right to opinion and freedom of expression.

› Investigation with local groups of SIF in October 2012: the most recognizable right is the right to education, followed by the right to nutrition, health, entertainment, housing, opinion and to family.

The right to opinion and family are little known to the questioned populations.

1.3 An insufficient legal framework for childhood protection in spite of the recent progress



CHILDHOOD PROTECTION: AN AMBIGUOUS LEGISLATION, UNKNOWN AND NON-RESPECTED

Theoretically, Haiti has some legal instruments to fight against violence on children. If some observers consider that this device would be enough to fight effectively against child abuses⁵⁰, its lack of precision, its ignorance and its non-application by the legal device make it relatively useless.

› International instruments of childhood protection ratified by Haiti

A part of the Convention on Rights of the child (ICRC)⁵¹, several international instruments of children rights protection, linked to children labour⁵², adoption⁵³, or the fight against trafficking and slavery⁵⁴, were ratified by the Haitian State. However, some key texts must also be ratified, such as the additional Protocol of the United Nations Convention against organized transnational criminality aiming at preventing, suppressing and punishing people’s slavery, especially women and children, or even the optional Protocol of the convention on children rights, concerning child trafficking, prostitution or pornography. Moreover, concrete implantation in intern law of different rights issued from those texts is long in coming, and several incoherencies may exist between international and national legislation (as for the fact that penal responsibility is fixed on 16 years old by the Haitian Penal Code, while even the ICRC sets the age of majority at 18 years old).

⁴⁶ Ibid. ⁴⁷ UNICEF, The children’s situation in the world, 2012. ⁴⁸ SGR, Rights & Democracy, Diagnosis of systems of Registration in the Civil Registry and of National Identification in Haiti, November 2007. ⁴⁹ ISWR, Directory of children homes in Haiti, 2012.

⁵⁰ <http://minustah.org/?p=35871> ⁵¹ Convention on the rights of the child (ICRC) ratified by decree in December 23rd 1994. ⁵² Convention on the minimum age of employment (Convention 138 of ILO), ratified by decree in May 14th 2007; Convention on the prohibition of the worst forms of children labor (Convention 182 of ILO) ratified by decree in May 14th 2007. ⁵³ May 29th 1993 Hague Convention on protecting children and cooperating about international adoption ratified in June 2012. ⁵⁴ Inter-American Convention on International Trafficking in Minors, ratified by the decree of November 26th 2003; the United Nations Convention on Organized Transnational Criminality and its three additional protocols, ratified by the decree of March 12th 2009.



► Haitian Legislation

The legislative framework existing in Haiti is far from affording any satisfying protection on which actors of childhood protection can lean, and it is also slightly applied.

► **Concerning children homes:** the decree of December 22nd, 1971 governing social works and the decree of December 3rd, 1973, governing the status of minors in children homes, which predict the functioning of these structures and their obligations vis-à-vis the children and the state, are globally unknown and unapplied, whether by the concerned structures or by the governmental institutions in charge of childhood protection. However, we observe a net progress in the application of this legislation since 2012, with the closure by the ISWR (Institute of Social Welfare and Research) of several structures which don't respect the legal dispositions, and the publication of a directory listing 725 children homes.

► **About children labour:** the law of May 7th, 2003, concerning the prohibition and elimination of any form of abuse, violence, bad treatment or inhuman treatment against children, repealed the 9th chapter of the Labor Code recognizing children domestic work and prohibiting abuses and violence of any kind against children, and their exploitation. If the Ministry of Social Affairs (MSA) is designed as competent to take the judicial authority in case of any abuse reporting, law doesn't mention any sanction to suppress abuses and violence against children.

► **About education:** article 32-1 of the constitution declaring that school is compulsory and education is free isn't applied, so as the decree of December 8th 1960 forcing fathers and mothers or any other adult responsible for a minor to send him to school and can sanction them of imprisonment when the child is found on the streets.

► **About adoption:** the decree of April 4th 1974 about adoption of minors is far from satisfying the criteria of children rights' respect imposed by The 1993 Hague Convention about adoption lately ratified by Haiti.

► Generally, the Haitian Penal Code didn't predict any specific sanctions related to children exploitation (sexual exploitation, slavery, trafficking, etc.)

► Legislative slowness: legal texts are written but not yet voted

If the legislative dynamics was considerably slowed by the earthquake and the extents of the damages it caused, we observe a positive renewal during 2012. Governmental instances supported by the actors of international solidarity, are working on the preparation of different texts (Family Code, Children Code, Law about Adoption) which would reinforce childhood protection in the isle. The establishment of adequate legal tools is one of the first steps in assuring the efficiency of the undertaken actions aiming at protecting the most vulnerable.

This context is translated by a growing incapacity of families to take in charge its children and is inextricably related to the phenomenon of family separation. Families live in the illusion that placing their child in institution or within another family will afford them better life conditions.

2 Separated children, children deprived from family protection

We have seen in the first section of this report how the Haitian context led families to separate from their children. So this is how in Haiti, one out of five children (20%) doesn't live with his biological parents⁵⁵, even if they are still alive (14.5%): the quasi-majority of separated children has at least one parent alive. What are the modalities of this separation and how do they impact children's life conditions? This is what we will examine in this second section.

2.1 Causes of Separation

In some cases, separation is unintentional: as a result of a low life expectancy (62 years) and a relatively high gross mortality rate⁵⁶ (a rate of 9 per 1000 in 2010), the number of orphans continues to increase, rising from 380 000 in 2007 to 440 000 in 2009⁵⁷. The 2010 earthquake came to accentuate this reality, because since the day following the catastrophe, 50 000 children have lost their two parents, and 380 000 children have lost one parent.

The day after the earthquake, apart from orphans, hundreds of thousands of children found themselves accidentally separated from their parents in the general panic.

However, separation is still intentional in most of cases:

► **The lack of financial means** to satisfy a child's needs leads to separation. This cause is usually correlated to socio-family difficulties and a single-parented family structure. Social burden, independently of any financial difficulties, leads to the rejection and separation of the child from his biological home. It can concern children born out of wedlock, or parents' rejection or health problems.

► Parents believe that a placed child will have better access to education.

► More rarely, the child's health – for example when the child is carrying pathology or a handicap difficult to take in charge – can also be source of intentional separation.

► Last reason, subject to controversy: **profit**, when the parents benefit from whatever financial resource issued from separation (if they get a pay for giving their child as domestic or for adoption).

Before the earthquake, the number of orphans and abandoned children was already reaching alarming levels. The problem of children placed as domestics or in children homes, children's sale and trafficking, illegal adoptions, etc. were already a reality. According to UNICEF, 40% of separated children after the earthquake were already separated from their families before it. With the chaos following the earthquake, the situation had become more worrying. Children deprived from their families find themselves in different situations of precariousness and vulnerability which make the satisfaction of their needs and the realization of their rights difficult at different degrees. Behind the terms of "placement", "adoption", "orphanage", "day nurseries", there are usually situations of trafficking and slavery, to which Haitian vulnerable children are the most exposed. **The number of Haitian victims of slavery and trafficking ranks the country in the second world position, in what concerns this issue⁵⁹.**



⁵⁵ HIC, Investigation on Mortality, Morbidity and Use of Services, IMMUS IV, Haiti, 2005-2006. ⁵⁶ Number of deaths, per year, per 1000 inhabitants. ⁵⁷ Estimation, for 2009, of the number of children (aged from 0 to 17 years old) whose parent, or both parents, are dead, whatever the cause of death is. UNICEF. The children's situation in the world, 2011. ⁵⁸ Interview of SIF with UNICEF in Port-au-Prince, October 2012. ⁵⁹ After Ukraine, according to IOM.

2.2 Children placed in a third family: from an initial system of mutual assistance to the phenomenon of domestic children, the “restaveks”

A child has the right “to be protected from financial exploitation and not to be compelled to any work with risks or susceptible to compromise its education or to harm his health or his physical, mental, spiritual, moral or social development”

ICRC, article 32§1



Despite the fuzziness over this phenomenon, all the actors of childhood protection in Haiti agree to say that domestic children, commonly called “restaveks”, form the most vulnerable category of Haitian population. Originally designed as a solidarity system, the system of placement in third families has progressively deteriorated, until it became a form of modern slavery.

A DENOUNCED BUT STILL OPAQUE PHENOMENON

► The extent and important characteristics of the phenomenon

The estimated number of restavek children varied from 150 000 to 500 000. When the international development organisations globally consider that a child out of ten (225 000 children) fits in this category, Haitian government recently evaluated the number of domestic children at 173 000, without any real explanation of the origin of this number⁶⁰. The difficulty to obtain exact or coherent statistics comes first from the fact that it is, in general, badly considered to have a restavek child at his home, so that families are very often reluctant to recognize it. Then, because the actors don't always rely on the same definition of restavek children: when NGOs and international organizations consider that any child effectively placed in a family other than his biological one to accomplish a work, must be considered as a restavek child, Haitian authorities tend not to take into account children working within enlarged families⁶¹.

Above these differences, some guiding lights come from the different studies about the subject⁶²:

- The proportion of restavek girls is higher than boys: two out of three restavek children would be girls.
- Restaveks are proportionally more numerous in urban areas than in rural and metropolitan ones: Port-au-Prince and Saint-Marc (in the Aritbonite) are two cities which concentrate the most restavek children; in Cité-Soleil, a poor neighbourhood of the capital, almost one out of two children (44%) is restavek. Families living in Jacmel, Les Cayes, Jérémie and Léogane are the biggest “providers” of restavek children.
- If the majority of restaveks were born in rural zones, the restavek phenomenon isn't simply issued from a rural/urban dynamic: in Port-au-Prince, other urban families form the most important source of recruitment.
- Only one out of five restaveks doesn't have any kinship (or filiation) relationship with the family employing him⁶³.

► Life conditions of Restavek children

Collected studies and testimonies show that the children's situation is too often more difficult in the family exploiting them as domestics than in their biological family.

- Most of the domestic tasks (bring water, do the shopping, clean up, etc.) is entrusted to them and their labour day lasts in average 10 to 14 hours. Domestic tasks inside the house are too often entrusted to little girls, and work outside of it to little boys.
- It occurs that restavek children, even if responsible of making family's meals, could be improperly fed or fed with leftovers only. Restavek children are so malnourished, so that, in average, one 15 years-old restavek is 4cm shorter and 20 kilos lighter than another Haitian child.⁶⁴
- Most of Restavek children don't have access to education, or only in restricted conditions (night classes).
- Some children can be victims of bad treatment, be beaten or even victims of sexual abuses.
- Children do not have access to medical care

According to the testimonies collected by SIF in Haiti, it seems that biological families are often completely unaware of the life conditions of their children when they are placed as domestics. Yet, according to statistics, parents would maintain a relation with their child in most of cases.⁶⁵

► Placement within a family, a juxtaposition of different situations

Different types of dispositions can lead a child to live with a family other than his own. The treatment of children can considerably vary from a family to another, beyond the label attributed to the child.

- Children placed as “lodger” in another family (enlarged or not): the biological family affords a financial compensation for taking care of the child and paying his schooling expenses. This system remains, even if its extent is decreasing along with the years. It doesn't prevent from exploiting the concerned children, since the majority of children placed as “boarders” would be in fact treated as restaveks, even if they don't have that label⁶⁶.

► Children placed in another family to work for it, whether the initiative is coming from the biological family (because the parents weren't/aren't capable of taking care of their child anymore, and/or hoping that he would have a better access to services including education), or from another family who looks for a child as a workforce. Recruitment is achieved through informal contacts; parents usually use family ties (at the large extent of enlarged family), friendships or people they vaguely know, to identify a host family⁶⁷.

► The child is recruited through an intermediary, sometimes remunerated, often on the demand of families looking for domestics, or of an additional source of revenues (begging, agricultural work, a small street job as a shoeblack, etc.). These intermediaries, called Koutye in Creole, can be people benefiting from a certain social status in the zone (pastor, voodoo priest, etc.). Little information is available about this system of intermediaries.

If a placement in other families does not systematically imply children exploitation and domesticity, the barrier between placed children and exploited children, can be very thin and difficult to determine. Above the placement label (schooling, reception in enlarged family, etc.), it is the treatment the placed child receives that can characterize a situation of exploitation.

- The child, entrusted with domestic tasks but is treated the same way as the family's biological children, can particularly go to day school.
- The child is entrusted with housework tasks and forced to live in other life conditions than the family's biological children: harder tasks, no access to education, no access even to the same food, etc.
- The child is exploited as a source of income: above domestic tasks, he works, usually in the street, to bring a salary to the host family. Money collected by restavek children isn't usually given to them, neither to their biological family. Using a child in domesticity is then related to the most serious form of trafficking⁶⁸.
- The child is victim of inhuman and degrading treatments and sexual abuses within the host family.

Definition criteria of a restavek child, according to SIF

A restavek child is a child who lives far from his biological family; accomplishes unpaid work, at the expense of his education; and is treated differently from the biological children of the family and doesn't have access to normal schooling (he doesn't go to school or can only benefit from night classes).

⁶⁰ Periodic Universal Examination. National report presented in accordance with 15 (a) paragraph of the annex to resolution 5/1 of the Human Rights Council, A/HRC/WG.6/12/HTV/1, July 19th 2011. ⁶¹ The last Haitian investigation on population which identified 3% of the Haitian children as restavek, was only based on children living with foreign families: in other terms, a nephew or niece placed as domestics aren't part of restavek category for the Haitian government. HIC, Investigation on Mortality, Morbidity and Use of Services, IMMUS IV, Haiti, 2005-2006. ⁶² Some data are extracted from IMMUS IV investigation. The latest study is the one achieved by PADF and USAID, published in 2009. Pan American Development Foundation, USAID/Haiti Mission, Lost Childhood in Haiti. Quantifying child trafficking, Restavek and victims of violence, November 2009. ⁶³ Ibid.

⁶⁴ http://www ilo.org/global/about-the-ilo/newsroom/features/WCMS_187879/lang-en/index.htm ⁶⁵ In 2002, more than 80% of children received some news of their parents last year, 70% received their visits. FAFO, the basics of practicing children's domesticity in Haiti, December 2012. ⁶⁶ Pan American Development Foundation, USAID/Haiti Mission, Lost Childhood in Haiti. Quantifying child trafficking, Restavek and victims of violence, November 2009. ⁶⁷ FAFO, the basics of practicing children's domesticity in Haiti, December 2012. ⁶⁸ USAID/Haiti Mission, Glenn R. Smucker & Gerald F. Murray, The uses of children: a study of trafficking in Haitian Children, December 2004.

A TRADITIONAL AND INFORMAL MUTUAL ASSISTANCE SYSTEM OF RESTAVEK CHILDREN: REACTION OF ADAPTATION TO A DIFFICULT SITUATION

Globally, Haitian population and Government recognize that several placements engender abuses. However, contrarily to all the international community, they refuse, in their majority, to consider that a “labour-for-schooling” agreement is in itself abusive⁶⁹. Why?

► The phenomenon's origin: interfamily solidarity placement

► Culturally, children placement in Haiti is a wide practice. In 2004, it was estimated that, out of 2.2 million Haitian children, more than 650 000 were placed in a third family: generally, one out of five children was living far from his biological parents, and one out of five Haitian families was receiving a placed child⁷⁰. It is very common that children live within what we call an enlarged family (the child lives with relatives as his uncle, aunt, cousin, etc.).

► Children's placement finds its origin in a system of mutual assistance, usually interfamily, essentially between poor rural families and rich urban families, which consists of sending children to live with richer relatives or relations living in cities and capable of affording them better life conditions (especially a better education). This is how it is the Haitian legislation recognizes it, in application of which “a child can be entrusted to a host family within the framework of a relation of assistance and solidarity.”⁷¹ Interrogated host families usually hide behind the will to afford a better situation to the restavek child.

► The Haitian society usually shows some tolerance towards children labour, including work within the enlarged family. If the child is sent to his uncle or aunt living in the city to get supposedly better life conditions, it is normal to entrust him with housework tasks, which means domestic work. For Haitian authorities, “it is inconceivable to automatically consider the situation of a child living with relatives, other than his biological parents, as a modern form of slavery”⁷². Yet, statistic studies about the phenomenon of children placed in domesticity in Haiti proved that this family relationship didn't protect children at all from exploitation and bad treatment, on the contrary, it helps in hiding a situation too often almost similar to a restavek⁷³.

► A system perverted in an adaptive reaction to a difficult situation

If the predominance of enlarged families and tolerance of child labour are necessary to understand the restavek issue, they can't be sufficient to explain its extent, neither to justify the initial system of mutual assistance failure. The deep and empiric analysis of children's situation in Haiti show that the placement in domesticity and children exploitation by host families is conceived as an adaptive reaction to a difficult financial and social situation: for the parents, placement can be seen as solution to extremely precarious life conditions, for host families it can be seen as a means to respond to the need of workforce they can't afford in another way, for daily tasks becoming harder by poverty (chores of bringing water, for example).

More than a historical or cultural heritage, it is first the socio-economic context deterioration, especially since the earthquake of 2012, and the growing inequalities between urban and rural areas which are at the origin of this perversion⁷⁴.

PERSPECTIVES OF MENTALITIES' EVOLUTION

► Toward a slow and progressive questioning of the phenomenon

If there is still a difference between the international community which radically bans any form of child labour and the Haitian population, yet we can observe recent progress in taking this issue into consideration, especially since the earthquake which highlighted a situation that existed for many decades. Raising host families' awareness, raising the Haitian population's awareness about children rights, the positive influence linked to the Haitian diaspora coming back, is starting to bear its fruits, with progressive awareness of the phenomenon seriousness and the violation of children rights issued from it:

► A governmental awareness, with the abrogation of the old 9th chapter of the Labor Code, regarding children domestic work, the ratification of IOL's Conventions n°182 about the worst forms of child labour⁷⁵ and n°138 about the minimum age of employment⁷⁶, and the establishment of a joint ministerial workgroup about restavek children.

► Awareness raised in host families, because they are more and more numerous to authorize restavek children to go to school even for few hours. The different campaigns of raising awareness organized by actors of childhood protection seem to start bearing their fruits. Collecting supplementary data (about the evolution of the tasks entrusted to restavek children, the proportion girls/boys, the rate of restavek children school attendance, etc.) is necessary to really improve mentalities.

► Problems observed in managing the phenomenon of children placed in domesticity

Despite the recognition of the problem's extent, several obstacles are still opposing the fight for its disappearance, related to the lack of means of the Haitian institutions in one hand, to the insufficiency and non-application of the existing laws, in the other one.

► Legislation is insufficient and unapplied. Insufficient, because there is no sanction provided against intermediaries, or even against families treating badly domestic children. Unapplied first because few judicial authorities know about the existence of legislation about domestic children protection; and then, because if they know about it, they don't have the means to apply it

► There isn't any mechanism of application or any directives that can enable the application of the legislation, and very little institutional interaction in treating the files. Each one treats the cases daily and on his own. ISWR, even if competent in the matter, it rarely intervenes for lack of its ability to identify children in domesticity and for lack of sufficient financial and human resources.

► A lot of raising awareness work has to be done, particularly in rural areas within the biological families who declare, in most of cases, that they ignore the treatment conditions of their child after his placement in domesticity. Although mentalities are evolving in host families, outreach must carry on, especially to show them that a child can be educated and punished without having to use violence.



⁶⁹ Ibid. ⁷⁰ Ibid. ⁷¹ Law of May 13th 2003 related to the prohibition and elimination of all forms of abuses, violence, bad treatment, or inhuman treatment against children, Article 3. ⁷² Human Rights Council, A/ HRC/19/19/Add. 1, Report of the Workgroup about the Universal Periodic Examination – Haiti, Additional, Observations on conclusions and/or recommendations, expressed engagements or responses of the Examined State, February 29th, 2012. ⁷³ Pan American Development Foundation, USAID/Haiti Mission, Lost Childhood in Haiti. Quantifying child trafficking, Restavek and victims of violence, November 2009. ⁷⁴ « The practice of children domesticity isn't a colonial heritage, but it enters in the framework of the XX Century cities/countrysides relations ». IOL – IPEC, Studies' synthesis: Basics of children domesticity in Haiti. Children's domestic work and Domestic children's work in Haiti, 2012. ⁷⁵ The Convention n° 182 is applicable on every person under the age of 18 and demands the application of “immediate and efficient measures aiming at assuring the prohibition and elimination of the worst forms of child labor, and very urgently”. ⁷⁶ The Convention n° 138 force the states which ratified it to commit to continuing a national policy aiming at assuring the effective abolition of child labor and at progressively raising the minimum age to accede to employment or to work, to a level allowing teenagers to reach the most complete physical and mental development.

2.3 Placement in children homes: greater risks or lesser harm for children?

When some separated children are entrusted in domesticity, others find themselves in the street, some others received by children homes, whether they are directly placed by their parents or relatives, or entrusted to them by a third structure. Placement in children homes is quite common in Haiti: ISWR reports that **more than 30 000 children are placed in 725 homes** (which means about forty children per institution); most of these homes are located in the West Department where the capital is located⁷⁷. Out of 725 children homes, **more than 91% work out of the legal and regulation framework**, without any authorization from ISWR, in conditions of coverage that are still undetermined.

80% of the children placed in children homes would still have at least one of their parents. Why this situation? Does the fact that these children have been admitted in the institution guarantee them better life conditions, the satisfaction of their essential needs and the respect of their rights? If the placement in children home can seem a lesser harm compared to placement in domesticity or to street life, life conditions there can be extreme: the question is **to know if the existence of these homes must be considered as an opportunity**, or on the contrary as problem, **an obstacle to childhood protection** in Haiti.



The description of placement in children homes and the analysis of childhood protection inside these institutions, included in this report arise from the results of this investigation.

PROFILE OF CHILDREN AND CAUSES OF PLACEMENT

› In children homes in Haiti, a big proportion of children still have at least one of their parents alive. According to the investigation achieved by SIF, only 20% of children placed in children homes lost their father or mother, which means that 80% of them have at least one parent alive.

› 1 out of ten children is placed by a relative. 1 out of four children is entrusted by an intermediary (family's neighbours, religious community, people of the neighbourhood, Minors' Protection Squad, ISWR, etc.). 1 out of ten children was separated from his family after the earthquake and is still waiting to be reunified with them.

› **40% of the children coming from Port-au-Prince, against 60% coming from rural areas** (from all the country's regions and several big towns: Haitian-Cap, the Cayes, Gonaïves, etc.).

› Beyond the centre specialized in receiving handicapped children, only 6 children of other structures are handicapped, only 2 would be infected with HIV/AIDS in Haiti. Giving the important number of handicapped children and children living with HIV/AIDS in Haiti, these numbers lead to ask questions about what happened to these children, who are surely all victims of abandonment and family separation, and even more.

The high number of children placed by their family and still having at least one alive parent, testifies again families' precariousness, forced to separate from their children to face the impossibility to respond to their needs and in the hope of better life conditions in children homes. It is a hope that proves to be illusory.

In October 2012, in its will to present a survey of childhood situation in Haiti, SIF has submitted a **questionnaire to children homes** with which the organization has worked, since the earthquake of 2010. The objective was to determine these structures' perception about the children's situation in Haiti, to apprehend the profile of placed children, their situation once placed and to see the follow-up status. The sample's characteristics are as following:

- › 18 children homes in Port-au-Prince amongst which a host centre for handicapped children, another one for street children, two day nurseries (practicing adoption). Out of these 18, 12 are accredited by ISWR.
- › All these children homes are related to a religious community.
- › Only three of the interrogated structures were created after the earthquake; all the others observed a net augmentation of the number of placement demands.

⁷⁷ ISWR, Inventory of children homes in Haiti, 2012.

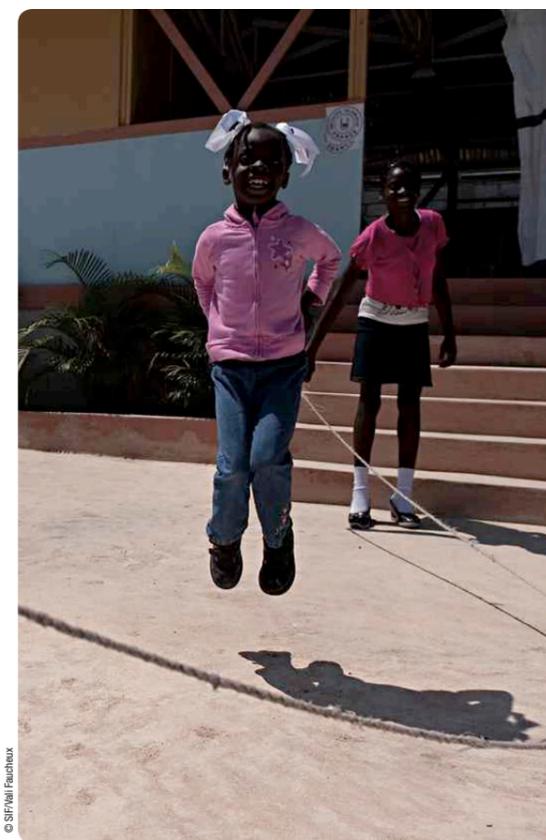
AN INSUFFICIENT COVERAGE FOR A GOOD DEVELOPMENT OF THE CHILD

› A satisfaction of basic needs which has to be improved

› SIF investigation on Port-au-Prince children homes shows that, for these structures' managers, the priorities of childhood protection are: housing, alimentation, education. These basic needs are in the quasi-totality of cases fully satisfied, since the children of host centres benefit from 2 to 3 meals per day, have a bed for each one of them, a roof above their heads, and since 100% of children of investigated structures go to school.

› Most of the children homes dedicate some time to games and entertainment for children, of one to two hours per day. In fact, entertainment possibilities are revealed to be relatively restricted: football, skip rope, etc.

› Above the needs identified by the investigated structures' managers, children have other fundamental needs unrecognized and so rarely satisfied, such as access to health, to wastewater and hygiene which is sometimes unsatisfying, or even affective support or psychological coaching. The numbers on the matter seem to be deceptive: 50% of children homes have a psychiatrist, 2 out of three of them have punctual medical staff, 4 out of five have a social worker. The qualitative part of the investigation shows that, yet, de facto, **the psychological follow-up of children and psychosocial activities are rare.**



› An almost broken link with the outside

› The relationship with parents is rarely maintained, in a satisfying way, when the child is placed: if most of the children homes authorize the parents to visit their children, the number of visits is extremely low (once in three months, in most cases), without any particular reasons for this reality. Out of the 18 interrogated structures, only one authorizes children to spend weekends or holidays with their families, if the latter wants to.

› The link with the community is almost non-existent: the significant majority of children homes (14 out of 18) have a school allowing children's education to a certain level. The unique link with the community is assured by the church, on Sundays.

The investigations achieved by the SIF come globally to consolidate the results reported by a study of the Citizen Protection's Office (CPO) published in the beginning of 2012⁷⁸, highlighting some weaknesses: **the studied institutions provide an assistance in the domain of nutrition and schooling, and so participate in satisfying the basic needs, but the impact remains restricted in terms of the child development (persistence of symptoms of social or physical dysfunction) and know about difficulties related to the weakness of intervention means (lack of nutrition, many children). Yet, the CPO notes a considerable gap between the situation of children placed in institution and of children living in the streets or in camps, and street children, the first benefiting from a set of services "making their lives less hard".**

SOURCE OF POTENTIAL TRAFFICKING EXACERBATED BY THE EARTHQUAKE

In Haiti, the opening of a children home doesn't always satisfy the only will to help children in distress. Many of them use children to attract donations from international organizations; others constitute children reserve for international adoption. The opening of an orphanage can then be a real source of income.

› Before the earthquake, actors of childhood protection were already worrying about the existence of day nurseries and orphanages only aiming at realizing some profit from international adoption and about the risk of traffic through these uncontrolled structures.

› The earthquake engendered an immediate multiplication of the number of children homes, some of them created in the legal objective to assist thousands of children who became orphans or temporary separated from their families, others only to profit from assistance and exploit children. The examples of children illegally adopted, or recuperated at the border with the Dominican Republic were largely documented and commented by media during the year after the earthquake. "Some pseudo-orphanages would constitute a cover for criminal organizations that profit from the fact that people are homeless and starving. And with the earthquake impact, they clearly see the opportunity to benefit from the situation⁷⁹". (Frantz Thermilus, Chief of The national judicial police of Haiti).

⁷⁸ Citizen's Protection Office, A Study about the establishment of a planning of childhood protection in Haiti, Final Report, January 2010.

⁷⁹ <http://www.nytimes.com/2010/02/07/world/americas/07trafficking.html>

2.4 The risk of illegal adoption in the absence of a clear and protective procedure

For several years, Haiti has become one of the most attractive countries for international adoption. In 2009, the country was the first “source” of adopted children for France⁸⁰. Until November 2012, the system of adoption in Haiti was regulated by the legislation insufficiently protective of children rights, which opened the door to characterized abuses up to children exploitation and traffic under the cover of adoption. All those drifts reached their paroxysm during the chaos that followed the earthquake of January 2010.

According to the Committee on the Rights of the Child, “after the earthquake, 2 400 Haitian children were adopted at the international level, which is the double of what was done in Haiti in 2006 and 6% of the total international adoptions in the world.” A big number of those adoptions was done out of the legal framework and several testimonies reported cases of children traffic through institutions, despite the measures taken by the government to fight against this issue.⁸¹

Generally, few precautions were taken to assure every child’s identity, his adaptability, his parent’s agreement and to check the impossibility of his coming back to his biological family. Haitian authorities that didn’t want to close the country for international adoption, it is finally the host countries, including France, who suspended adoptions since May 2010, waiting for a standardized situation and the adoption of a new law⁸².

2.5 The issue of street children, a collateral damage of family separation

FACING THE PHENOMENON EXTENT...

For thousands of Haitian children, the streets of Haitian cities are their living environment: according to the traditionally established distinction, children who work in the streets come back home (or to host family) at night, while street children are homeless and forced to sleep outside. According to a census achieved by IMA (International Medical Aid) in 2011, there would be 3380 street children in Port-au-Prince (amongst which 22% who became street children after the earthquake, 89% are boys and 11% are girls), which means an increase of 55% since 2006⁸³.

... FACING THE MULTIPLE CAUSES AND THE EXTREME VULNERABILITY OF STREET CHILDREN

The causes provoking this phenomenon are multiple, related again to the country’s economic, social and political context and to family separation: children newly orphaned, children abandoned by their parents, children in domesticity escaping unbearable life conditions, increase the number of street children, joined by those who voluntarily escaped violence or their family’s poverty. In Port-au-Prince, one out of two street children are issued from West Department (which means the one located in the capital), one out of three is issued from Port-au-Prince⁸⁴. A big number of street children are so issued from rural areas and enter in the rural exodus dynamic, looking for better life conditions in the Metropolitan area. Children are so exposed to misery, hunger, sickness, stigmatization, and total social exclusion, without any access to the basic needs necessary to profit from their rights. Precariousness can force them to adopt deviant and dangerous behaviours, from theft to begging and delinquency, sometimes in organized bands, passing via drug addiction. On the whole, street children are too much vulnerable to exploitation and traffic (sexual exploitation, children slave traffic, etc.).

... WHAT RESPONSE?

Haitian government recognizes that the issue of street children, principally in Port-au-Prince, is very worrying and worsened after the earthquake of January 12th, 2010. Several projects were recently elaborated to respond to this issue, notably the establishment of different host centres for street children. The lack of resources dedicated to this problematic minimizes the scope and effects of these measures⁸⁵. In addition to the immediate protection measures, the state must also examine this issue’s causes and reasons forcing children to escape a situation.



2.6 Trafficking and slavery of Haitian children in the Dominican Republic

Above intern trafficking, represented by restavek phenomenon, there are also networks of slavery and trafficking children towards the Dominican Republic. Wrongdoers recruit children from diverse towns of the region and pass them to the other side of borders to make them work, often in the streets (selling things, shoeblack, etc.), or worse, in organized begging or prostitution networks. Passers approach vulnerable families, promise them a better life for their children on the other side of the border, then leave the parents in total ignorance of their progeny future. There are many causes of trafficking and slavery, and they generally verify the causes of family separation already explained, in the forefront of which poverty, difficult access to schooling, dissolution of the family cell, causes to which is added an attraction toward the Dominican Republic, largely whipped up by smugglers.



LACK OF A CLEAR ESTIMATION OF THE CONCERNED NUMBER OF CHILDREN

Trafficking and slavery being an illegal and underground phenomena, there is no clear estimation about the number of children who are affected. Some numbers, provided especially by the Jano Sikse Frontier Network (JSFN), a network of human rights’ defenders supported, among others, by the Supporting Group for Repatriates and Refugees (SARR), show an aggravation of the situation in 2010. Once again, the chaos provoked by the earthquake created a favourable ground to children’s slavery and trafficking, whether they are unaccompanied and kidnapped children, or children voluntarily entrusted by families, which became extremely vulnerable after the earthquake and easily influenced by the misleading picture drawn by the smugglers.

› In 2010, 24615 children who travel illegally were identified at the borders and the airport, according to the protection cluster⁸⁶.

› In what concerns the Haitian border for the North zone only, the JSFN listed 7599 cases of children trafficking in 2010 against 950 in 2009⁸⁷. These numbers would have to decrease again in 2011, with 664 children victims of trafficking. Giving the opacity of slavery and the restricted resources of JSFN, those numbers are certainly below reality. It comes from the different testimonies collected by SIF from organizations of childhood protection that thousands of Haitian children are yearly victims of trans-borders trafficking and slavery and that tens of thousands of them work in the Dominican Republic.

A RESPONSE WHICH REMAINS INSUFFICIENT FACING THE EXTENT OF RISKS RAN BY HAITIAN CHILDREN

The lack of anti-trafficking legislation, lack of cooperation with the Dominican Republic, low application of law and lack of control at the borders allow smugglers to operate without any sanction. When children are found, it is rare to start an investigation, and rarer to launch judicial procedures, whether in Haiti or in the other side of the borders. However, the trial held in the Dominican Republic in June 2012 marks a historical turn-point in the fight against slavery in Haiti: for the first time, smugglers have been condemned in the Dominican Republic for children slavery (15 years of imprisonment), after the Dominican authorities discovered several Haitian children abused in homes in poor neighbourhoods of Saint Domingue.

If some surveillance programs of children slavery are developed⁸⁸, the phenomenon and the extent of its causes require global actions which tackle the core of the issue, within a national policy of childhood protection.

⁸⁰ International Social Service, Haiti – Accelerated procedures of international adoptions following a natural catastrophe... What lessons to learn?, August 2010. ⁸¹ Human Rights Council, Report of the independent Expert about the situation of human rights in Haiti, Michel Forst, A/HRC/20/35, April 23rd 2012. ⁸² International Social Service, Haiti – Accelerated procedures of international adoptions following a natural catastrophe... What lessons to learn?, August 2010. ⁸³ Under Protection’s Cluster, IMA, Census of street children and youth of Port-au-Prince, 2011. ⁸⁴ Ibid. ⁸⁵ Universal Periodic Examination, National report presented in accordance with 15 (a) paragraph of the annex to resolution 5/1 of the Human Rights Council, A/HRC/6/12/HTI/1, July 19th 2011.

⁸⁶ <http://haiti.cridiac.org/XML/ire/doc90974/doc90974-contenido.pdf> ⁸⁷ Equal Times / News at Work, Special Report on Haiti, Samuel Grumiau, The Dominican dream turned nightmare for Haitian migrants, 2012. ⁸⁸ MINUSTAH, OHCHR, Half-yearly report about the situation of Human Rights in Haiti, January-June 2012, October 2012.



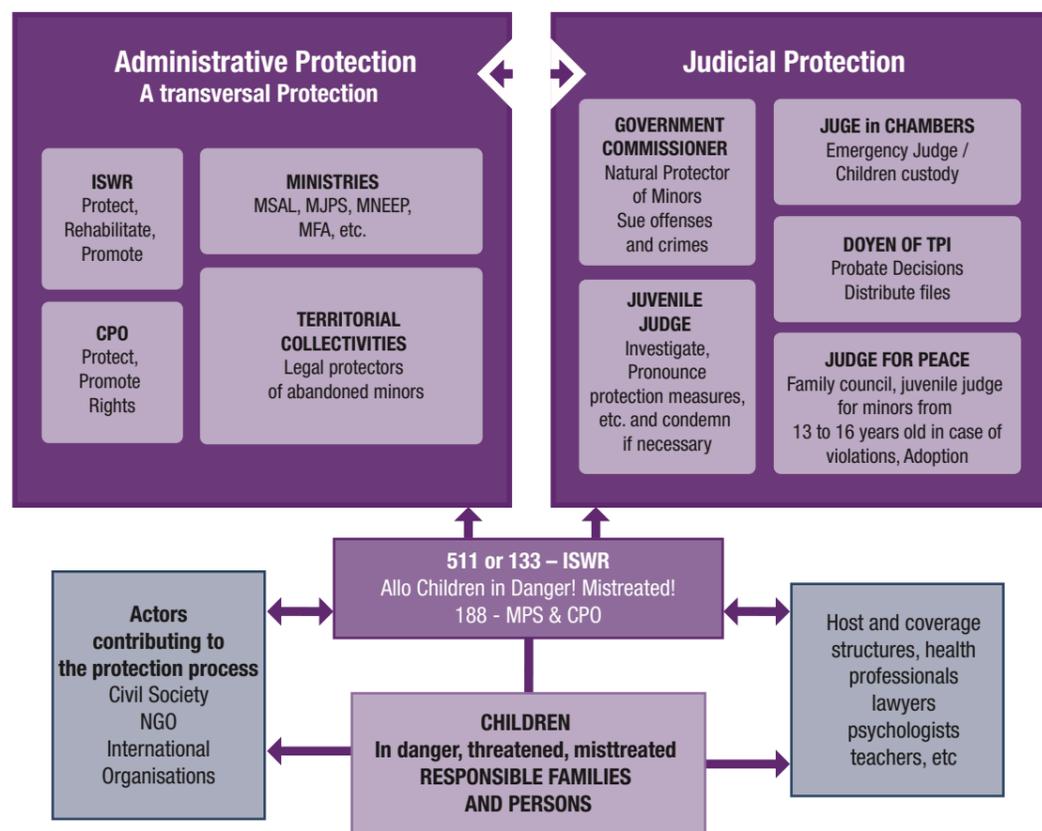
SECOND PART

ESTABLISH A PROTECTIVE ENVIRONMENT FOR THE SEPERATED CHILD: A long and hard process to relocate the child inside his family

A set of actors is acting on the field of child protection and face numerous difficulties. Governmental institutions are weakened by the economic situation and the consequences of the earthquake and are insufficiently present in the regions. The NGOs, who played a fundamental role to palliate to the impossibility of the Haitian state to ensure the immediate protection of the children following the post-earthquake collapse, struggle to inscribe their actions on the long term. The Haitian human rights protection associations and the communitarian organizations, which are key actors to the context recognition, abuse identification and constitute the best possible link with the population, lack the means and are insufficiently integrated in the global coordination. For the majority of these actors, the placement of the child inside his family remains the ultimate objective, but in the actual context, this solution does not necessarily guarantee an improvement of the child's well being: we must then act on different levels to bring immediate protection as well as to act deeply on the long term.

1 The capacity of stakeholders to guarantee the protection of separated children and prevent family separations

Figure 6. Organization of childhood protection in Haiti



Source : inspired from the schema presented by the ISWR, International adoption and child's protection in Haiti, IIN-OEA's Managing council's 87th ordinary meeting, Costa Rica, 27-28 September 2012.



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1.1 Fragility of the childhood protection governmental institutions', intensified by the earthquake

The tragic economic situation of the country partly explains the weakness of the governmental institutions of childhood protection, which suffer from a chronic lack of material, logistics or human means. In 2012, only 3.1% of the budget was dedicated to the social protection (approximately 90 million USD). Adding to it the recurrence of the natural disasters that tend to weaken the whole Haitian institutions, a lack of political will to give real autonomous means to child protection structures and the lack of coordination between the implicated institutions. Those are the different barriers that can obstruct the adoption of an effective child protection national policy.

THE ROLE OF THE MAIN CHILD PROTECTION INSTITUTIONAL ACTORS: ISWR, MPS, CPO

In the absence of a child protection national policy, if every actor's prerogatives are theoretically defined, the practice sometimes exposes some confusion of roles, even an overlap of responsibilities.

L'ISWR (Institute of Social Welfare and Research), the central institution

If the ISWR is the key institution regarding child protection, the weakness of means of the institute and its lack of autonomy are two significant barriers to a proper functioning and in correlation, an efficient child protection.

ISWR is a technical and administrative organism of the Ministry of Social Affairs and Labour (MSAL), having "for goal to respond to the multiple and various social problems of the poor layers of the Haitian population in general". Specifically, the institute is in particular responsible for the control and accreditation of the children's houses (nurseries, orphanages, reception centres of homeless children or restaveks), the control of the adoption procedure, families' reunifications, etc...

In spite of an increase in 2012, its budget remains very low and does not enable to face all the issues related to child protection. In term of human resources, the institute has specialized personnel in social intervention of 300 people (of which 200 contractors, among them 100 were financed by UNICEF in 2012). It has theoretically an antenna in each area, but the staff is insufficient, with a low availability and unknown to the population.

L'OPC (Citizen's Protection Office), independent institution of the protection of human rights

The Citizen Protection Office is an independent institution, created by the constitution of 1987, in order to protect every individual against any form of public administration abuse.

The adoption of the organic law of the July 20th, 2012 gave it the status of the unique national institution of promotion and protection of the human rights of the country. The protector receives complaints on the functioning of the public services and participates in each activity aimed at the respect, protection and promotion of the human rights. The office has three great powers: the power of investigation and full jurisdiction, the power of recommendation and the power to propose reforms. The Unit of Child Right Protection (UPDE) has recently organised a decentralization plan in order to be represented and offer services throughout the country. The services proposed are free of charge.

The MPS (Minor's Protection Squad), the «armed wing» of the ISWR

MPS is a specialised unit of the PNH (National Police of Haiti). This unit has jurisdiction on the whole Haitian territory and is dedicated to the prevention of children abuses, and particularly to: prevent juvenile delinquency, ensure the management of police investigations in the cases of children victims and in conflict with the law, investigate on the infringement that the victims are minor, such as sexual assault, mistreatment and exploitation. It has also the mandate to assist children in danger and victims of other types of violence and ensure the protection of their physical and psychological integrity. Since the 2010 earthquake and the development of human trafficking, the BPM (MPS) has reinforced its presence in airports and border posts to limit the trafficking.

Juvenile courts, created by law but nonexistent in reality

While the Haitian legislation⁸⁹ states the establishment of five juvenile courts throughout the country, only one court has been established so far, at Port-au-Prince. Its sole objective is to identify crimes and offences of minors under 16 competent on the whole territory pending the creation of other courts). The juvenile judge has no prerogative to protect children victims of mistreatment inflicted and sanction abuse. Moreover, despite international aid support, this court, faced with structural difficulties linked to the nature of the Haitian judiciary system, is dysfunctional⁹⁰ and many Haitian magistrates lack training on children's rights.

⁸⁹ The law of September 7th 1961 about « minors facing penal law and special courts for children ». ⁹⁰ Alternative Report of the Rights for the Child Committee, Haitian Coalition for the Defense of the Rights to the Child (HCDRC), February 1st 2002. ⁹¹ Only 4% of local citizens turn to the elected to solve a local problem: Pan American Development Foundation, USAID/Haiti Mission, Lost Childhood in Haiti, Quantifying child trafficking. Restaveks and victims of violence, November 2009.

► Role of Local Authorities

Theoretically, there are in rural zones as well as in cities, local instances of governance that should provide basics services to the local population. In reality, these instances only have little means. The citizens hardly ever rely on local counsellors when dealing with children's rights⁹¹ violation. The city administration should be responsible for ensuring reception conditions, accommodation and treatment of separated and abandoned children.

PERSISTANT WEAKNESSES OF THE INSTITUTIONAL FRAMEWORK OF PROTECTION

► Weakness of the national coverage

► **Child protection structures are needed in every Haitian region to fight against family separation, since the majority of children who were separated from their families live in rural areas.** The ISWR, BPM and OPC need strong regional relays, to identify the child right violations receive accusations, carry on the investigations and control potential trafficking. Despite having been launched in January 2010, today they are not robust enough and still globally unknown to the local population.

► This concentration of child protection institutions is symptomatic of the global one regarding the public services in the metropolitan area, which contributes to drain resources, investments and explains the inequalities in the infrastructures and basic services between urban and rural areas.

The collapse of infrastructures following the earthquake temporarily prevented the State from assuring an immediate protection of the children and from providing urgent assistance. In these circumstances, international solidarity organizations, UN agencies and NGOs, all have a fundamental role to play to ensure that children, first the most vulnerable, benefit from an adequate protection.



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► A coordination being (re)built after the earthquake but still difficult in the absence of national policy of childhood protection

The state's capacity has been significantly affected by the January 2010 earthquake with the destruction of governmental structures and public service buildings and the loss of many lives. The already fragile social protection sector has been severely hit by the catastrophe. The coordination which rebuilds itself is done in practice but still lacks institutionalization.

► In practice, the main childhood protection institutions are brought together to cooperate in the field. The ISWR is currently working on a directive to clarify the relationships with all the partners, other governmental institutions, international organisations, NGO, local relays, etc. It is a priority for the Haitian government to adopt a national policy for the childhood protection (under discussion over several years).

► The establishment of Work Groups for Vulnerable Children (WGEV) or on the Restavek Children, coordinated by the UNICEF and ISWR promotes theoretically an exchange and coordination framework of the actions and helps avoid duplication of activities on different zones. However, despite the efforts made and the database that the ISWR started to form on the separated children, we still lack solid data shared amongst all the actors on this problematic.

► The existing dysfunctions and barriers in terms of coordination are even more pronounced outside the metropolitan area.

1.2 Massively present international aid, shaped by the earthquake

A LANDSCAPE PROTECTION OF CHILDHOOD SHAPED BY THE 2010 EARTHQUAKE

► Role of the United Nations Agencies and the International Organisations

► **L'UNICEF** was already involved in Haiti before the earthquake and was involved in the protection of vulnerable children, mainly through advocacy with the Haitian government. Since the earthquake, UNICEF has more funds available enabling them to provide a financial support (financing 75% of the ISWR budget in 2011, and 50% in 2012) and technical support (trainings) to childhood protection institutions (ISWR, MSAL, MPS, CPO) in Haiti. In partnership with public, private and community organisations, UNICEF offers a support to accompany and reinsert the different groups of vulnerable children, amongst which street children, separated children and working children.

► **The MINUSTAH** comprises a Unit of Children Protection since its creation in 2004, whose essential mission is to assure the dimension of rights and children protection is taken into consideration by the Mission. In 2006, following a request from the United Nations, the MINUSTAH set up, a follow up and reporting mechanism for serious violations against children affected by armed violence⁹². The MINUSTAH is also particularly involved in the field of juvenile justice, in close collaboration with ISWR and CPO and works very closely with MPS (field work, training of a hundred of police agents by the MINUSTAH, etc.). All these activities are realized in coordination with the UNICEF. The Protection Unit is not located in Port-au-Prince, but a work is achieved in the field in coordination with the focal points of childhood protection of the MINUSTAH (military and soldiers)..

► **The IMO** is present in Haiti since 1994, first, for the set up of a program of migrations' management with the Haitian State, then, to respond to the emergencies caused by the successive natural catastrophes. After the earthquake, the IMO intervened in providing essential services (shelters, water and wastewater, protection, etc.) and in searching a sustainable solution to the displacement crisis. Concerning childhood protection, the IMO is a key actor in the fight against human slavery and trafficking.

► The role of NGOs

If some NGOs were already involved in Haiti and active in the domain of childhood protection in 2010, the unprecedented catastrophe caused by the earthquake triggered a wave of new actors. In 2011, 32 NGOs and 46 community associations worked on childhood protection.

Their role in childhood protection and fighting against family separation, whether in the emergency that followed the earthquake (provisioning of water and food, distribution of hygiene kits, temporary shelters, etc.), or in the current circumstances of transition from emergency to development, is fundamental. They work in partnership with international organizations and the Haitian institutions, in three key areas⁹³:

► Preventing and assisting separated and unaccompanied children: with the establishment of IDTR post-earthquake program (Identification, Documentation, Tracing, Family Research - and Reunification); if this program was interrupted, it was prolonged by the establishment of a database of separated children, lodged by ISWR and should be shared by all the childhood protection actors.

► Reinforcing the governmental and public authorities' response capacities in childhood protection in situations of emergency, and for the establishment of long-term systems of childhood protection: trainings, coordination, thinking about separated children placement, etc.

► Promoting of communal mechanisms in order to provide a psycho-social support to protect children from violence, slavery, abuses and exploitation.

While the multiplication of present actors helped to respond to the earthquake's challenge to childhood protection, this massive presence can be criticized at several levels:

► NGOs have given a lot but they also reinforced some kind of wait-and-see attitudes, that already existed before the earthquake.

► Haiti is sometimes qualified as "project's laboratory", which seems particularly true after the earthquake: hundreds of projects were developed in the short-term, usually through an occasional donor, but without any strategic vision in the long term and without any real impact's study.

► 3 ans après le séisme, les ONG commencent à partir, face à la diminution des financements bailleurs, alors même que les besoins en termes de protection de l'enfance et de lutte contre la séparation familiale restent énormes et nécessitent des investissements sur le long terme.

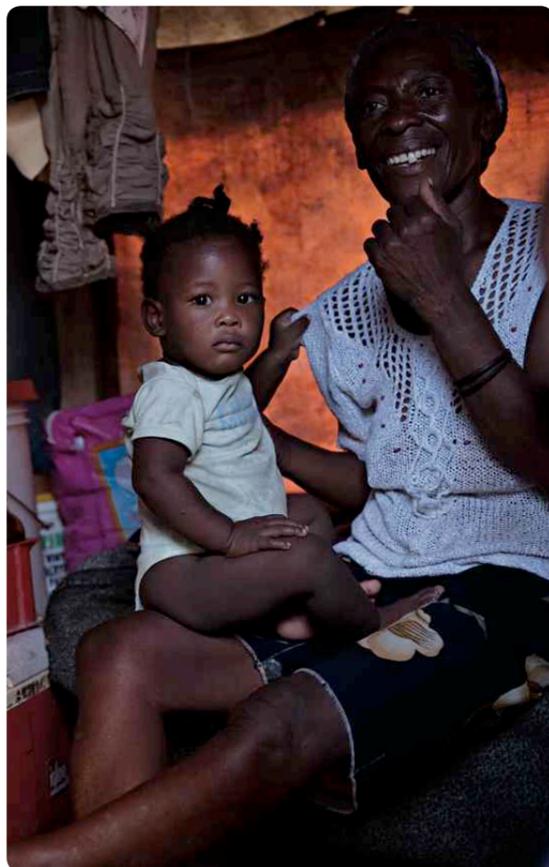
► Contrairement à la stratégie globale prônée par la communauté internationale au lendemain du séisme, certaines ONG commencent à travailler sur la protection de l'enfance en dehors des structures étatiques, en renforçant directement les structures communautaires. La création d'une dynamique à double vitesse (avec et sans les institutions gouvernementales) pourrait nuire fortement aux efforts de coordination entre acteurs faits dès le lendemain du séisme et s'avérer fort préjudiciable à la protection de l'enfance.

⁹² Haiti, being lately out of countries in situation of armed conflicts, the Security Council's Reporting isn't the same anymore. ⁹³ These domains of action were part of the priorities of the under cluster Protection. Two years after the seism, they still constitute a legitimate framework of intervention for the NGOs.

A SUPERFICIAL COORDINATION BETWEEN THE DIFFERENT ACTORS

Immediately after the earthquake, the Clusters' system⁹⁴ was established. The subcluster of childhood protection coordinated by the UNICEF, alone at first and then with the MSAL, has become the central coordination point of the actors working in childhood protection. In 2010, more than 130 organizations (UN agencies, National Institutions, National NGOs, International NGOs and Donors) participated in the Cluster of childhood protection. Today, the subcluster does not exist anymore but has been replaced by a working group on separated children, lately renamed working group on vulnerable children.

Although Haitian charities were invited to participate in Clusters organised after the earthquake, many of them regretted having some difficulties in participating in these meetings (several held in English or in the United Nations Logistic Base, whose security barriers have, more than once, prevented local actors from taking part to the meetings). Today, the civil society is invited to participate in working groups on vulnerable and restavek children. **In reality, it seems that few connexions exist between UNO and NGOs on the one hand, and the civil society, on the other hand:** the civil society is complaining that funding for childhood is almost exclusively allocated to the reinforcement of governmental structures.



1.3 The involvement of community in childhood protection, through civil society, mechanisms of communal protection and local media

Support from the local population depends on the involvement of the community in local projects. The NGOs' objective is to support the community and civil society to allow them to face the issues at stake posed by childhood protection and family separation.

HUMAN RIGHTS ORGANISATIONS AND COMMUNITY BASED ORGANIZATIONS: KEY PARTNERS IN CHILDHOOD PROTECTION

► Associations for the Defense of Human Rights

Several Haitian organisations for the defense of Human Rights regularly take the floor to denounce human rights violations, exercise vigilance on children rights violations, and propose some actions' tracks for the government in the objective of ameliorating the situation. If some networks are generalists (RNDDH, National Network of Human Rights Defense), others are specialized in some subjects, whether in Restavek children (Aba System Restavek Network), regarding refugees and stateless (SGRR), or in slavery and trafficking of children at the Haitian border (Jeannot Success Network), etc.

All these Haitian organisations are a vital source of necessary knowledge to understand the highly complex context of childhood protection in Haiti.

► Community Based Organizations

Community Based Organizations (CBOs) are numerous in Haiti. Usually formed besides notable and influent people, they represent the best link possible with the local population for: mediation in case of conflict, identification of children victims of abuses, raising awareness about the rights of the child, following-up the reunifications, etc. In Haiti, NGOs and international organizations work in regular partnership with CBOs to gradually involve them in childhood protection and violence prevention. CBOs are the most likely structures to identify children rights' violation cases and vulnerable families: therefore, ISWR is now working with many of them to establish a system of referencing and framing.

"Tout ti mounn se ti mounn an suspann viole droit yo" Raising the community's awareness about the rights of the child

In order to strengthen the impact and sustainability of the local population's awareness about the rights of the child, SIF went through 17 CBOs that already have enough experience in the domain: after the signature of a partnership convention, CBOs benefited from 3 days training on childhood protection and half-day training on project's management. A budget was allocated to each one for the organization of two days campaigns to raise the families' awareness about the rights of the child and preventing violations. In all, 34 outreach sessions raised awareness among more than 3000 people (about 2000 adults and 1000 children), through varied activities: door-to-door, cultural and games' activities (theater, dance), workshops of exchange and debates, mini-conferences, etc. This kind of awareness allows the creation of a space of dialogue and consultation about the problems of childhood protection in the community, and it also constitutes a vector of parental and citizen responsibility: "at the beginning, parents found it difficult to admit that children had rights. Awareness made them realize the role and place of children inside their homes and the errors made", as reports an SIF's partner CBO.



THE REINFORCEMENT BY NGOS OF THE COMMUNITY'S MECHANISMS OF CHILDHOOD PROTECTION

A community mechanism of childhood protection can be defined as a network or group of people living in the community who aim to protect children, whether it is a native mechanism or a mechanism supported by an external actor, with formal or informal⁹⁵ structure and functioning⁹⁵.

► Child Friendly Spaces, transitory hosting structures...

Child Friendly Spaces (CFS), according to the terminology used by UNICEF⁹⁶, can be defined as "places designed and operated in a participatory manner, where children affected by natural disasters or armed conflict can be provided with a safe environment, where integrated programming including play, recreation, education, health, and psychosocial support can be delivered and/or information about services/supports provided".⁹⁷

It is roughly short or middle-term intervention programmes which can be prolonged by other communal mechanisms of protection. In Haiti, after the 2010 earthquake, 450 CFS were created, allowing more than 120 000 children to receive psychological support and to be protected from acute risks of violence, sexual abuses and exploitation, following the catastrophe. These CFS based on existing structures and local capacities, are a real gateway into the community, and can be extended by the constitution of dialogue groups, parents' committees or even protection committees, essentially constituted by parents.

► ... To protection committees or other action cells

CFS can be led to evaluate in order to meet more widely community needs, especially these of parents and children. Other institutions or structures existing in the community (gyms or entertainment clubs, informal parents meetings, etc.), can also be supported by NGOs, through technical and financial assistance, to give them the opportunity to act in childhood protection as (formal or informal) protection committees, and at the end, become autonomous. The community fabric being very rich in Haiti, a lot of international development organisations which invest in the reinforcement of the existing structures in order to improve childhood protection, or which have created new structures but still rely on the community and volunteering. These reinforced structures which are referred to with different names (protection childhood protection, communal social centre, etc.) will act at different levels of childhood protection, aiming at:

- Facilitating the identification of vulnerable children, in danger, or already victims of abuse.
- Accompanying these children and eventually their families, by the development of psychosocial activities and a follow up by social workers.
- Organizing outreach and training sessions for parents, to make them realize their responsibilities and strengthen their capacity to protect their children from the different incurred risks.
- Suggesting diverse entertainment activities, informing about the rights of the child and having fun at the same time.

⁹⁴ During a humanitarian catastrophe, the United Nations use the Clusters' system, grouping UNO agencies and other international organizations, NGOs and national actors, around a sector or service provided during a humanitarian crisis (WASH, Habitation, food security, etc.).

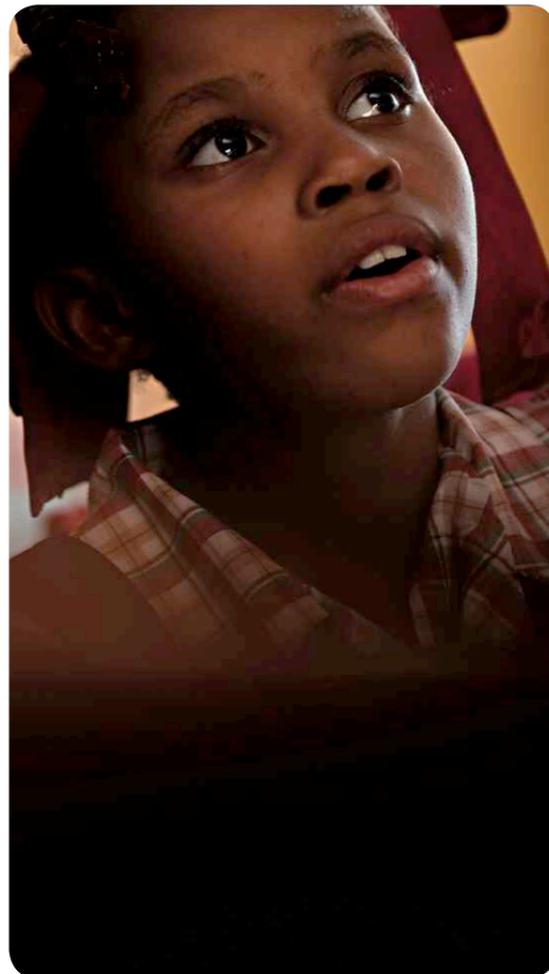
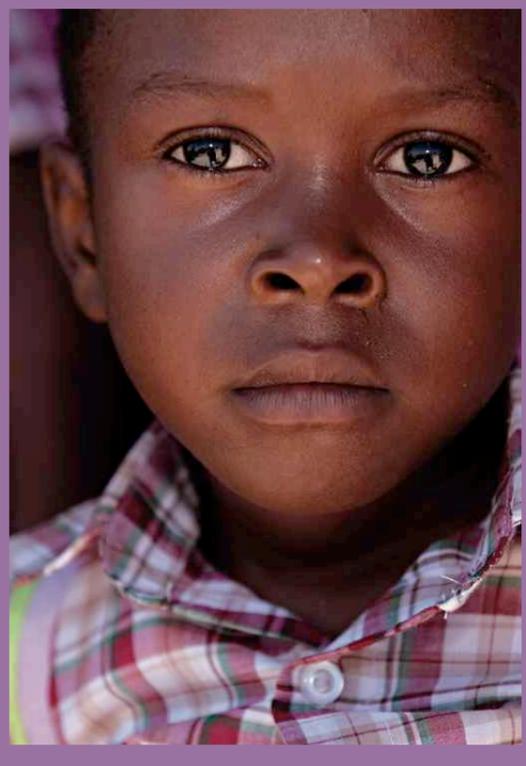
⁹⁵ Definition of Save the Children ⁹⁶ Sometimes differently called by NGOs, like "Terre des Hommes" which is talking about Communal Entertainment Center. ⁹⁷ UNICEF, Practical Guide for developing of Child Friendly Spaces.

USING LOCAL MEDIA TO SENSITIZE THE COMMUNITY

Radio is the most accessible media and so the most commonly used in Haiti, since 6 out of 10 families have a radio⁹⁸ device. It reaches out to people, in urban and rural areas, and represents the most appropriate media to convey messages, taking into consideration the low level of alphabetization in the country, and is commonly used by international development organisations, amongst which SIF, to raise awareness of the rights and protection of children.

SIF media sensitization

As others, SIF staked on different media in the objective of raising awareness of the biggest number of Haitian people, whatever their age or social category is, about the rights and protection of children. In June 2012, during the national week of the child, three radio programs were realized with the Haitian media Scoop fm (107.7) for the "Article 19" program, in addition to three TV programs for INDEX program of Télé Eclair. These programs, broadcasted at peak listening times and axed about society debates, permitted first, to tackle the rights and protection of children, the development of children and vulnerability in Haiti. If the impact is difficult to quantitatively and qualitatively evaluate, thousands of auditors were potentially sensitized by Scoop fm program which broadcasts, at the same time, in Port-au-Prince and in the departments, or by television (even if this media is still lowly widespread).



DIFFICULTIES, OBSTACLES: ORGANIZATIONAL WEAKNESS AND NEED OF TRAININGS ABOUT HUMAN RIGHTS

In addition to the fact that the civil society and communal structures aren't globally enough involved in community networks and global coordination of humanitarian assistance, the organizations of international solidarity show collaboration, sometimes practically difficult.

During its partnership with 17 CBO, the SIF observed the difficulties encountered by these communal structures in managing childhood protection projects: training problems, lack of knowledge about the rights of the child, management and logistic organization problems, difficulties in presenting action plans and coherent budgets, difficulties in managing the budget. If it is necessary to work with local partners to better understand how the Haitian system works, its strengths and weaknesses, and improve childhood protection, **such partnership requires an accomplished initial training about the rights of the child and the existing mechanisms of legal protection and afforded to the population** (to allow a better referencing of the observed cases of violation), in addition to proximity follow up, weekly if possible.

⁹⁸ 78% of families living in urban areas and 50% in rural areas. HIC, Investigation of Mortality, Morbidity and Use of Services, IMMUS-IV, Haiti, 2005-2006.

2 The different solutions of placing separated children

When dealing with a child who has been separated from his family, the challenge that lies ahead is to find the best placement option. When choosing a child's placement, one should take into account the need to fulfil his immediate needs, but also the need to address the causes of their separation with their biological family. It is up to the parents to ensure the necessary life conditions to the child's development, but if they are not capable of doing it, the state is legally responsible for providing assistance and contribution (ICRC, article 27). The state's "replacement" protection can take different forms: such as "placing in a family, the "kafala" of Islamic law, adoption, or when needed, placement in an appropriate children establishment (ICRC, article 20)

2.1 Reunification: replace the child within his family, which is the most able entity to protect the child

The Haitian government, the national and international actors of childhood protection, amongst which the SIF, insist on the necessity to replace the child in his family. The ICRC recognizes that **the family as the most able natural entity to protect the child** and afford him the favourable conditions to a healthy development. The child has the right to care, to security and education respecting his being and his individuality; the supreme interest of the child must be the prior consideration of his parents (ICRC, article 3). The member States must respect the responsibility conveyed to the supreme chief and to the parents to educate their children and see in their blossoming (ICRC, article 5) and take all the appropriate measures to help them fulfill their obligations.

THE PROCEDURE OF REUNIFICATION

The reunification or family regrouping is "the process consisting of reunifying a child with his family or with the person who was previously taking care of him, in order to assure, or restore its long-term coverage⁹⁹". Family reunification is ranked as prior in case of humanitarian catastrophe. In Haiti, it took all its meaning after the earthquake, to allow children to found their families again and as soon as possible. The ISWR is the governmental institution being able to proceed to reunifications and it has established an official procedure that all the actors, including NGOs willing to proceed to reunifications, must respect, a procedure modeled on the ICRC's guiding principles related to unaccompanied or separated¹⁰⁰ children.

Work of identification, documentation and family research

Identification is the process aiming at identifying and locating the children who were separated from their family or from another person meant to take care of them.

Documentation includes registering and constituting files. Registration in the compilation of essential personal data which are collected, at the same time, to establish the child's identity for protection purposes, and to facilitate the restoration of family links. The constitution of files is the process consisting on registering other information in order to respond the particular needs of the child (including research needs) and to make plans for his future: the child's life conditions (placement kinds, etc.), separation history, the child's opinions and aspirations (about placement, ideas about his future, etc.). It is the rest of the registration process and not an independent step from it.

Family research is the totality of the processes used to identify the child's parents or other relatives, or to find again the children whose parents don't have any news about them.

In the aftermath of the earthquake, an IDTR program (Identification, Documentation, Tracing, Family Research - and Reunification) was established by the Haitian government in relation with several international development organisations: information campaigns for the general public, emergency phone number, the creation of an inter-agency database about separated children (supplied by seven organizations and the ISWR). At the end of 2010, **8780 children separated from their families were registered** and more than 2770 found their families again, with the support of the UNICEF and the network of family research and reunification¹⁰¹.

⁹⁹ The Red-Cross International Committee (ICRC). The Central Agency's Department of Research and Protection Activities. The Inter-agencies' Guiding principles related to UNACCOMPANIED CHILDREN or CHILDREN SEPERATED FROM THEIR FAMILY. July 2004. ¹⁰⁰ Ibid. ¹⁰¹ The numbers are given by the Protection's Cluster in Haiti at the end of 2010.

Several children separated because of the earthquake could already find their families, but the central database about separated children remains a fundamental entity for children separated from the families apart from the natural catastrophe, whether they have been voluntarily placed somewhere else by their families or they have been victims of trafficking. This database is still used and is currently hosted and run by the ISWR who wishes to extend its use to childhood protection organizations and other state institutions. 13 440 children living in 336 of the 725 children homes have been identified and registered by the ISWR on the database¹⁰².

Actions de réunification du SIF

Dans le cadre de son projet «Lutte contre les séparations familiales», le SIF a participé au regroupement familial de 104 enfants placés en institution.

Préalablement aux réunifications, une médiation a été faite auprès des familles ainsi qu'une évaluation de leur stabilité socio-économique pour vérifier leur capacité à recevoir l'enfant.

Ces enfants ont pu regagner leur cellule familiale suite :

- › aux activités de sensibilisation menées auprès des responsables de maisons d'enfants et au travail de préparation du départ de l'enfant de l'institution ;
- › à l'appui économique donné aux familles par un accompagnement dans la mise en place d'une activité génératrice de revenus.

S'il était prévu initialement que 107 enfants réintègrent leur foyer, l'évaluation des familles de trois enfants a montré qu'elles n'étaient pas prêtes à réintégrer leurs enfants et que les conditions de vie des enfants seraient meilleures dans les centres d'accueil ou ils avaient été placés que dans leur famille, au moins de façon temporaire.



› Verification and Reunification

› Verification: it is the process of validation of relations between the child and his relatives, and of the confirmation of the shared will to be reunited. Once the family is identified, the relations validity and the will of the child and his relative to be reunified must be confirmed for each child.

› Verification will serve to determine if the parents want to take the child at their charge, but also to see if they have the necessary means to take care of the child. If the family was separated from the child because of disempowerment or lack of financial resources, actions of family mediation, motivation and accountability would be necessary. Parents are particularly made aware of the risks of separation and informed of their children's life conditions once separated. This mediation work can be more or less long, depending on the situation and on the potential family difficulties preceding the separation. According to the ISWR, while some families ask for an immediate reunification after they discover how the separated child is treated, others want to live with the child but declare the inability to do it, and others can simply not want the reunification. This period can be psychologically too difficult for the parents as well as for the child. **It is very important to prepare the reunification by discussing future, expected changes, probable difficulties, and by presenting the eventual supports than can be provided to the family to face those difficulties.**

After the earthquake of January 12th, most reunifications aimed at reuniting families with children separated because of the catastrophe, and so unintentionally separated: in this case, reunions are warm, mediation much lighter, and procedures much faster. In 2010, 2770 children found their families again thanks to IDTR program. Towards the end of 2010 - beginning of 2011, procedures had to be revised, because the cases submitted to the ISWR weren't only cases of children separated because of the catastrophe, but also cases of intentionally separated ones. The reunification procedures achieved in 2011 were conducted in two steps, depending on the separation is intentional or unintentional, the first case requiring more structural actions, especially regarding mediation: before replacing the child definitively with his biological family, all the realities conditioning his coverage must be taken into account, in addition to that the reunification shouldn't impact his school year, etc. The ISWR realized 567 reunifications in 2011, which means 4 times fewer than in 2010. In October 2012, about one hundred children were reunified by the ISWR, 500 reunifications were scheduled before the end of the year, especially because of the delay accused by the ISWR in receiving an external financing¹⁰³.

› The follow-up system

The follow-up system includes a range of activities deployed for children and their families, in a reintegration objective. It is about the reinforcement of the family's ability to protect its child, via a financial reinforcement and the potential development of income-generating activities (IGA), the integration of the child in his family and community, and the development of education. Every situation is carefully examined in order to determine the nature, the intensity and duration of the needed support. The provided support's nature must take into consideration the entire multiplicity of the child's rights and needs. The ISWR follow-up lasts six months in average (with a visit to the family every two months), but it is longer for families which have benefited from the establishment of IGA.

› The child's integration in his family and community

The ICIR recommends making the follow-up actions pass, whenever possible, through local systems of childhood protection or communal structures, insisting on the communities' responsibilities toward childhood protection. Bolstered by this principle, organizations than aim to protect children in Haiti systematically contact the community at the reunification's time, in order to be sure of the integration of the child and his family in the community: contact with the CASEC (Boards of Directors of the Communal Sections) and the ASEC (Administration of the Communal Sections), in addition to the community's influent people (pastors, voodoo priests, school instructors, magistrates, etc.); sometimes, the organization of a training session and the establishment of a follow-up committee which will maintain a regular link with the family; the child's integration in the communal clubs. It is also essential to be sure that every reunified child will have access to education and a place at school.

› The economic reinforcement through the development of income-generating revenues

The question of the capacity of a family to take its child in charge financially has become a central point in the reunification and follow-up process. We observe that, beyond a simple subvention granted to the parents upstream of the family regrouping and a financial reinforcement (distribution of some basic goods, such as a blanket, a pair of shoes¹⁰⁴, hygiene kits, scholar kits, etc.), it is preferable to really reinforce the family's economic situation, to help it develop an income-generating activity thanks to a basic subvention and a training also. The implementation of an IGA will allow the family to develop its financial means and save some money to satisfy the child's needs, etc.

If, during the reunification procedure, there are still some doubts about the family's capacity to take care of their child, family regrouping will be delayed while waiting for sufficient reinforcement of the parent(s), who can pass through economic reinforcement and also an involvement and support of the local community.

SIF actions for families' reinforcement

The main part of the SIF's project of fight against family separation consists of **strengthening the families' capacities in the long-term**, promoting the coming back of the children in their family cells, and also to allow the families to develop a turnover in order to stabilize the reintegrated children and prevent future abandonments. The families' reinforcement passes through a technical and financial support. Every family is followed-up during one year.

› **Technical support:** Families are firstly evaluated on their socioeconomic turnover, their storage capacity, their experience and competence, to detect their strengths and weaknesses and consider specific reinforcement or accompanying. In addition to a system of follow up through home visits (three times a month), all the families benefited from several sessions of training animated by national instructors, about the management of small economic activities and family economy (orientation and accompaniment of inexperienced families in the chosen domain of activity, assistance in a fast market study, in budget management), plus sensitization sessions about abandonment and family separation.

The IGA instructors' team was itself trained on: personal fiancé; family separation in Haiti, economic aspects, the notion of family, action plans in the framework of supporting a vulnerable family; different kinds of financing, microfinance/microloan; the families' follow-up (management of IGA, children's coverage). This preparation and reevaluation work have led to the establishment of subvention typologies (goods, and cash essentially) and IGA typologies (selling foodstuffs, cosmetic products, clothes, etc.).

› **Financial support:** Distribution of hygiene kits, blankets, anti-mosquito nets, school kits.

Within the framework of follow-up, an impact study was realized in June 2012: SIF observed an increase of the families monthly income and savings, a decrease of indebtedness; expenses and priorities evaluated a little, which is translated by a strong will to favor savings; benefits allowed some families to pay their children's schooling in another way than through loans, and in a long-term. However, accommodation remains a major problem for the families, which even after an increase of their standard of living can't afford an accommodation outside the camps, which constitutes a risk concerning their socioeconomic stability and the good development of their children.

¹⁰² ISWR, Inventory of children homes in Haiti, 2012. ¹⁰³ Details and data issued from the interview between SIF and Pierre Diem, the General Coordinator of the ISWR.

¹⁰⁴ The Haitian government considers that reinforcing the family's capacity to protect and take its child in charge, "essential for their blossoming and development", can be translated by providing the children with basic goods, especially a pair of shoes, some clothes and blanket. HIC, Investigation on Mortality, Morbidity and Use of Services, IMMUS-IV, Haiti, 2005-2006.

► Potential obstacles to reunification in Haiti

If the family is, theoretically, the most able entity to provide the child with the necessary protection and affection to his development, reunification is a long and difficult process, practically as well as affectively. It is even longer and harder in a context of economic and psychological trauma established by the 2010 earthquake.

► Generally, Haitians, traumatized by the earthquake and accustomed to receive assistance from international solidarity, find it difficult to throw themselves in the future and formulate pertinent life projects, especially economic projects which will allow them to get rid of poverty, to be autonomous and stabilize their children's life conditions.

► The implementation of IGA can be a real challenge when families are still living in displaced camps, when they don't have any storage capacity, no economic means, and can be forced to be displaced. In the town of Tabarre where SIF worked, 32 displaced sites were brutally closed from 2010 to 2012: this mobility of

families involve, for the continuation of an IGA project, a new identification procedure and the recovery of essential data (storage capacity, acceptance in the new displaced community) before launching the economic activity.

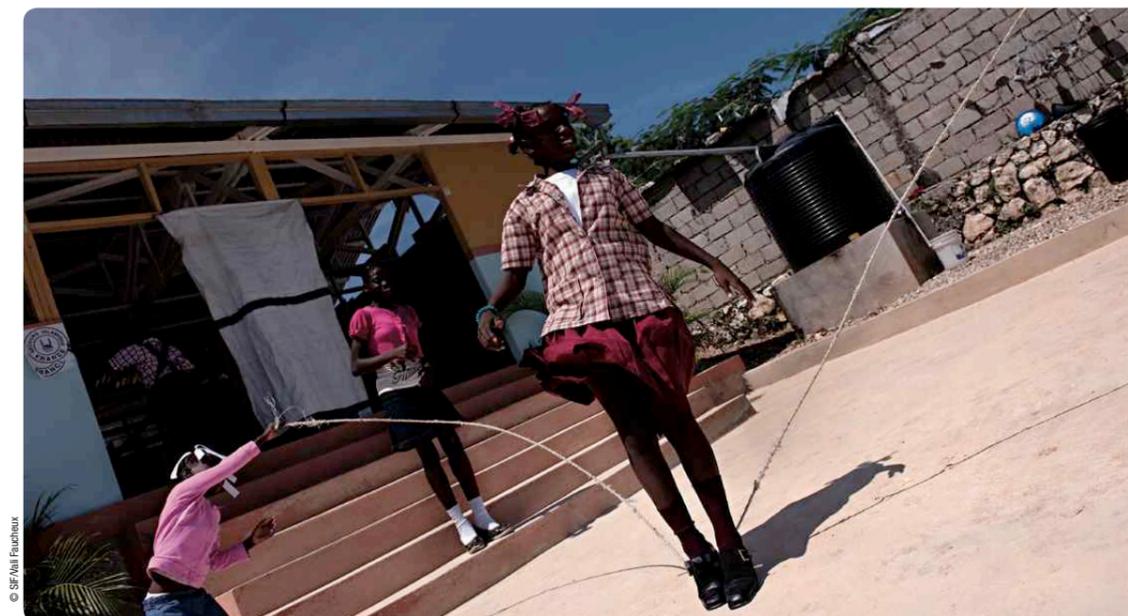
► Organizations of childhood protection can sometimes be confronted to some parents who refuse to take their responsibility toward the child (especially in case of an adversarial family situation). So, raising awareness of the parents and the reinforcement of the parental capacities are real challenges.

► While according to the guiding principles of reunification enacted by the ICIR, no measure susceptible of being harmful to the eventual reunification, such as children adoption or displacement, can be decided before the reunification procedure is launched, the chaos which followed the earthquake of January 12th gave rise to several abuses, untimely placement and displacement of children out of any procedure of family regrouping..

The reunification's procedure follow up must allow verifying that family regrouping serves the best the supreme interest of the child. If it is established that, at the end of this procedure, children can't be reunified with their families within a reasonable deadline (whether the parents are dead or incapable of taking them in charge), other long-term solutions must be found. The child may be placed in his enlarged family, if this latter is considered capable of giving him the necessary protection and affection, in a host family, or entrusted to (national or international) adoption. Placement in institutions should be considered as short term solution only, as a transitory solution while waiting for longer-term placement solution for the child. In Haiti, in difficult cases where the child's placement doesn't seem as an obvious solution, taken into account his supreme interest, the ISWR aims at establishing a committee formed by a multidisciplinary team linked with adoption, responsible for determining what the best solution is.



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2.2 The system of host family, an alternative in construction to placement on children homes

In case of urgent family separation, placing children in host families instead of placing them in institutions is highly encouraged¹⁰⁵. After the earthquake, childhood protection structures must have found fast responses to assure the protection of tens of thousands of orphans or unaccompanied children. Some of them were entrusted to transit centres, while others were immediately placed in their enlarged family. Two NGOs, "Terre des Hommes" Switzerland (Tdh) and International Rescue Committee (IRC), developed a formalized system of host families, in response to a legitimate question: when a child is separated/unaccompanied and his family hasn't been identified, which solution will guarantee the best the respect of his supreme interest? It is the confidence problem toward children homes, the total absence of control on these structures in this period, the cleavage between the institutionalized children and their usual environment and community, which forced the NGOs to think about an alternative system. These two NGOs, present since many years in the country and key actors in childhood protection, have each developed its own network of host families, whether with the assistance of a local partner which has already identified potential host families (IRC) or in relation to families already involved in local projects of childhood protection (Tdh). The placement has been achieved for short term every time, while waiting for the identification of the child and his family, always in a voluntary basis.

This experimented system which followed the 2010 earthquake, presents some non-negligible advantages for children:

► Children are placed in chosen families, controlled and followed by NGOs which ensure the child's good life conditions (thing that contrasts with the opacity sometimes surrounding life in children homes).

► Placing a child within a family guarantees him an affective follow up, which is more difficult in institutions.

► It allows avoiding the separation of the child from his own community.

► Institutionalized placement in a third family is the controlled pair of a cultural practice widely spread and accepted.

These advantages drove the NGOs to plead with the ISWR to an institutional establishment of a system of host families, coordinated between the different actors and at the level of several departments. The first refusal opposed by the institute, because of the fear of a potential failure and the exploitation of placed children, proves the necessity of an extremely rigorous supervision, control and surveillance of this system. It is with this objective that a workgroup was created in spring of 2012 around the ISWR, a workgroup from which will come out a list of criteria for the selection of families and a description of placement and follow-up modalities (with a clear distinction between short and long-term placement devices, when it is obvious that reunifying the child with his parents or enlarged family doesn't serve his supreme interest), under the ISWR's control and final validation. This system is ambitious and seems to respond to an identified need in Haiti. Yet, some placement modalities must be determined, especially the question of the establishment or not of a remuneration or an IGA for host families. A pilot device, headed by the ISWR, should come to existence in 2013 in 5 Haitian departments, in partnership with several NGOs. **But, two fundamental questions are still raised: the first one about this new device's control solidity and the second about its financing, for the moment still in random since the ISWR doesn't dispose of the necessary resources.**

¹⁰⁵ International Committee of the Red-Cross (ICRC). Department of the central Agency of research and protection activities, 'the inter-agencies' Guiding principles related to UNACCOMPANIED CHILDREN or SEPERATED FROM THEIR FAMILY, July 2004.

2.3 The placement in children homes, a transitory and last resort solution

The role of Haitian institutions and organizations present in the country is to do whatever possible to prevent separating children from their families, and to prevent placing separated or unaccompanied children in orphanages and residential centres. The child's institutional protection is only considered as a last resort, and when possible, as a transitory measure. If host institutions aren't the solution that can "magically and radically change the child's situation in Haiti", their coaching is "an option to consider at all levels, politico-legal, structuro-administrative, financial"¹⁰⁶

The earthquake has, at the same time, provoked a renewal of child trafficking by ill intentioned structures and has damaged high quality children homes: after a first intermediate intervention to respond to the basic needs of children place in accredited homes, the emergency was about reinforcing the general control of children homes and the follow-up of placed children. In spite of the recent progress, some gaps should be filled and some obstacles removed to avoid any risks of abuses, exploitation and trafficking of children placed in institutions.

SIF support to children homes after the seism

Only few days after the seism, SIF decided to help vulnerable children first, by globally supporting 26 children homes validated by the French Embassy. The Project responds to all the prior identified needs, by providing them with drinking water, educating children and coaches about hygiene, remediating the sites, building and renovating toilets and dormitories, providing food and school support. More than 2800 children (1400 institutionalized children and 1400 other in semi-boarding school) were directly concerned by this project.



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PROGRESS

► A more and more effective control of children's host structures

After the earthquake and sometimes the proven suspicions of children trafficking through children homes, day nurseries or orphanages, the ISWR carried out a census of the existing structures. This database¹⁰⁷ identifies 725 children homes, whose two thirds have been evaluated. It ensures a beginning of protection and guarantees the recognition of the registered children. This improvement was greeted by the international actors for defence of human rights, such as the United Nations' independent expert about the situation of Human Rights in Haiti¹⁰⁸.

The ISWR has also developed a list of criteria to evaluate children homes and give them or not an accreditation, a functioning license valid for two years: the home's conditions, children conditions and treatment, available services, staff. Today, the accreditation costs 15 000 HTG, a high sum which can only be paid by children homes financially viable and having of a bank account. A classification was established according to these criteria (a classification by colour-code - green, yellow and red - depending on the quality). Out of the 434 evaluated children homes, 67 were accredited, which means one out of 6 only, 107 were qualified as good and are being accredited. The control closes the structures which don't respect the legal dispositions (25 homes closed) and to control the risks of misappropriation to commercial or trafficking objectives. The objective declared by the ISWR is to codify its relations with children homes and to decrease their number.

Figure 7. Accreditation and evaluation of children homes (CH) in Haiti

Total of CH	Evaluated CH	Non evaluated CH	Accredited CH (green)	Accredited day nurseries	Orphanages/ Host Homes	Good quality CH	CH Yellow	CH Reds	Closed CH
725	434	291	67	35	32	107	208	119	25

Source : ISWR, directory of children homes in Haiti, 2012.

► A progressive amelioration of the administrative follow up of children

All the host centres interrogated in the framework of the SIF's investigation control the identity of the placed child and the person placing him/her, whether this person is a relative or not. Generally, the structure requires the child's birth certificate, the depositor's identity card, and eventually a vaccination certificate. If a child is found, without identity papers, the person entrusting him to the centre must obtain an authorization from the police. Some children homes use a follow up file implemented by SIF, and which includes personal information of the child and ensures the child's evolution, at the medical, psychological or even school levels. The issues at stake of this children's follow up are still too important: on the one hand, they are about ensuring that the file is still used (and correctly used) after the NGO's intervention, and on the other hand, they are about generalizing the use of such file to the entire children homes.

► The improvement of the conditions of children's psychosocial coaching

The children's psychosocial coaching inside the children homes has been non-existent for a long time, and isn't included in the ISWR evaluated criteria for accreditation. Today, if the way to go is still long, children homes are slowly starting to establish specifically dedicated staff to this coaching (only one out of two children home among those interrogated by SIF) and some childhood protection organizations developed trainings in the matter for the coaching staff.

The SIF psychosocial training in children homes

42 trainers issued from 21 children homes were formed, during three workshops, about the psychosocial accompanying, around the following themes: abilities to acquire to become an efficient contributor, importance of self realization and development; theory of attachment, characteristics of traumatizing situation; signs and symptoms of distress among children in difficult situation, differences in manifestations according to development levels; disturbances and difficulties in school learning; how to help children in difficult situations. This training, realized in the premises provided by the town hall of Tabarre, was complemented by two workshops about children protection and rights, from which 20 managers and coaches of children homes have benefited. The evaluation achieved subsequently to these trainings shows a better coaching and reveals that 80% of the children homes are progressively integrating activities of psychosocial accompanying in taking children in charge. In addition to this psychosocial support, scholar kits, pedagogical books and sport kits were distributed to children in orphanages.

If the children homes census achieved by the ISWR and the establishment of an administrative follow up for children represent major progress in childhood protection in Haiti, there is still a lot to do and the ISWR as well as international solidarity actors are yet facing some major difficulties.

¹⁰⁶ Citizen Protection Office, the study about the establishment of a childhood protection's plan in Haiti, Final Report, January 2012.

¹⁰⁷ ISWR, Inventory of children homes in Haiti, 2012. ¹⁰⁸ Human Rights Council, Report of the independent Expert about the situation of human rights in Haiti, Michel Forst, A/HRC/20/35, April 23rd 2012.

OBSTACLES AND LIMITS

► Sustainable difficulties in the control of the children homes

► While the number on undeclared structures has decreased and the ISWR starts to implement a certain control over this hazy, the problematic of controlling children homes continues to be raised, with the daily apparition of new structures, the maintenance of structures affording to children extreme precarious life conditions and even the maintenance of structures working as a cover for children trafficking. During its field investigations, SIF has also found many children homes which have never been visited by the ISWR, or reported a description to the ISWR of a structure apparently non-conform, left unanswered.

► Among the 14 children homes accredited by the ISWR investigated by SIF, very few declare immediately reporting the placement of a new child to ISWR, while the others report it "later", every year or at every accreditation renewal (every two years), or don't report it at all. **Registration in the ISWR is necessary to avoid children trafficking and illegal adoptions.** Shortly after the earthquake, some NGOs like Terre des Hommes, Save the Children or IRC benefited from the ISWR visits to control the structures in order to achieve a documentation work about placed children.

► This ignorance of reporting's necessity by children homes goes usually along with a more general ignorance of the ISWR's role, simply explained by the lack of a concrete link between the governmental institute and children homes: 11 centres only declared being visited by a member of the ISWR, at extremely varied frequencies, from a monthly visit (very rare) to once every six months, even every year or every two years, for the accreditation renewal. In consequence, one structure out of two has a vague idea about the ISWR's role toward it.

► Actors of international solidarity observed, during the last months, some decrease in the number of children homes' closures, which can be explained by different factors: a structure's closure can result from a very long process, and can only be realized in fine unless by the Ministry of Justice; this procedure can be hindered, especially if the threatened centre's director is an influential person; the ISWR is still lacking financial and human resources allowing it to proceed investigations and closure's procedures..

► A still unsatisfying protection about some children's points

Despite the realized progress, the obstacles facing childhood protection in children homes in Haiti are numerous:

► The majority of children homes don't always provide children with satisfying life conditions (medical and psychosocial coverage, hygiene, entertainment, etc.).

► **The link with the community isn't maintained, and more seriously, is sometimes totally broken with the family.** However, maintaining the family links is fundamental for their psychosocial, intellectual, physical and spiritual development of children. There are many children placed in homes but aren't registered in the Civil Registry.

► Children homes' managers don't see their structures as a transitory place, while waiting for the child's reintegration in his family. **No one considers family regrouping as one of his essential objectives.** The SIF investigation showed that some think that their structures afford the children better life conditions than in their own families. All the managers are aiming at enlarging and increasing their hosting capacity, even if it means receiving children from other regions who found themselves far from their biological place and then are more vulnerable.

► No specific support for children in situation of high vulnerability or with specific needs (handicapped children or children affected by HIV Aids or other diseases) has been established.

► Taking into account the trauma caused by family separation, by the earthquake, sometimes cumulated to an experience of street life, children's psychological coaching remains insufficient.

► Problems related to the international assistance provided to children homes

International development organisations immediately intervened after the earthquake to provide emergency assistance to some children homes in the island (by generally choosing to exclusively help the ones accredited by the ISWR or otherwise recognized and legitimate). However, they are faced with many difficulties:

► The structures are accustomed to assistance and the pernicious effect of assistance which encourage some ill intentioned people to open a structure just to take advantage from it.

► The risk of creating a magnet effect: increase of children placement by their parents who think that children homes afford better life conditions than the family.

► The coordination between actors that should be improved.

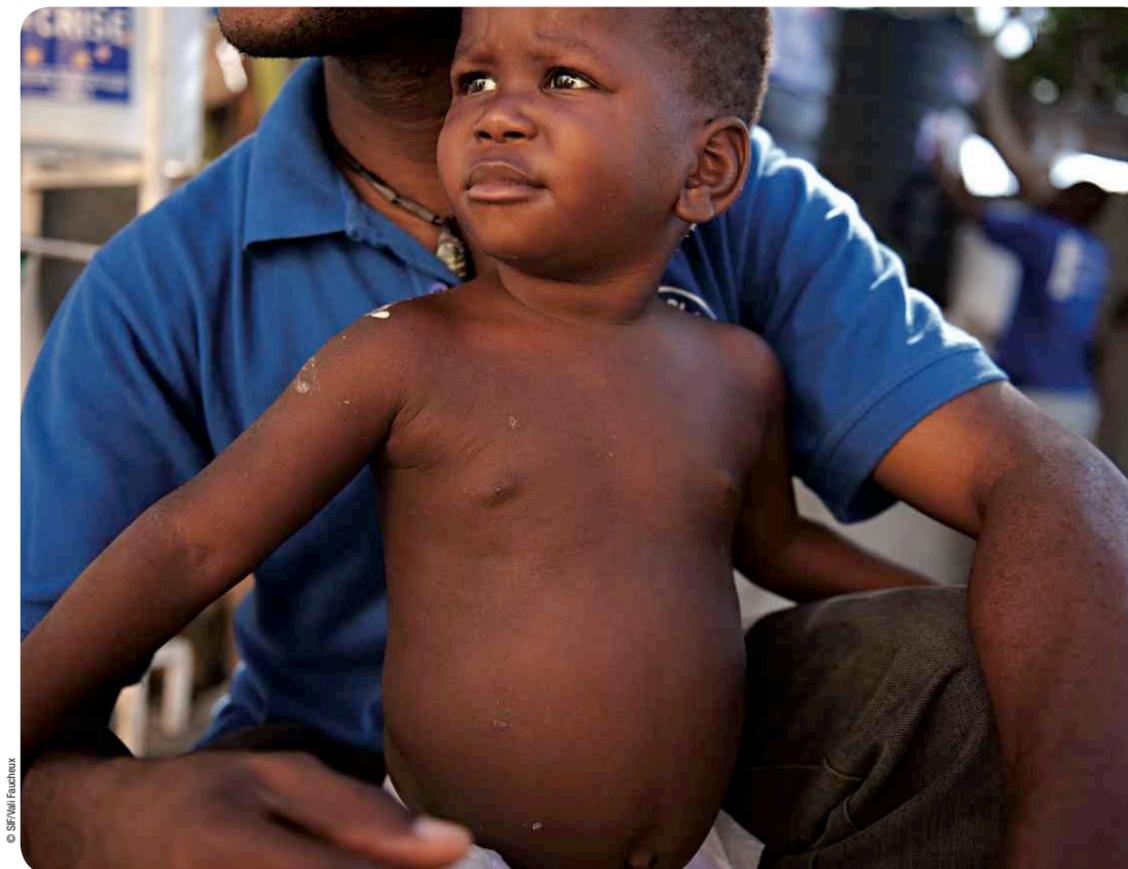
2.4 Adoption, a subsidiary solution which must go over the Haitian legal framework reinforcement

International adoption is certainly a potential response to a Haitian child's vulnerable situation. But it can't be considered differently from the ultimate solution, in application of the principle of subsidiary raised to the rank of the fundamental principle of adoption by The Hague Convention of 1993. This is especially true in the context of total chaos that followed the natural catastrophe. "Adoption is an act which must be meticulously framed by all the necessary guarantees and mustn't be considered as a humanitarian gesture¹⁰⁹", writes Michel Forst, United Nations Independent Expert about the situation of human rights in Haiti.

Haiti ratified The Hague international convention on adoption in June 2012, getting over a new step toward protecting children dedicated to adoption. Given the seniority of the Haitian texts governing adoption (1974 and 1983 Decrees), their gaps in terms of childhood protection and their mismatching with international standards of adoption¹¹⁰, the ISWR worked on the drafting of a new adoption law, submitted to the Senate on November 20th 2012, with the assistance of the UNICEF, The Hague Convention and other childhood protection actors.

While waiting for the adoption of this new law, the ISWR published in November 2012 application measures of the decree of November 4th 1983, which establish a new adoption procedure. The latter respond in part to the different criticisms formulated by the childhood protection actors, especially by respecting the fundamental principle of the child's supreme interest and the subsidiary by limiting the role of day nurseries.

However, these administrative measures were only taken while waiting for a law and don't have, for the time being, the juridical power which allows the establishment of this new procedure legitimacy. Some issues have been left unsolved, especially the one about maintaining or not the simple adoption for international adoptions, or the implementation of a systematic plenary adoption (an adoption which interrupts the filiation link between the child and his biological family). The new law should be awaited for to appreciate the reality of new measures which penalize illegal adoptions. The question about knowing if the ISWR will really have the means to ensure the role entrusted to it by law, would finally be asked. The new adoption procedure and the reinforcement of the control applied by the ISWR are militating again to increase the funds dedicated to this institute.



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¹⁰⁹ Human Rights Council, Report of the independent Expert about the situation of human rights in Haiti, Michel Forst, A/HRC/20/35, April 23rd 2012. ¹¹⁰ Two principal instruments set the rules and frame the initiatives in this domain: the International Convention on the Rights of the Child of 1989 and The Hague Convention of 1993 on childhood protection and cooperation in terms of international adoption (CtA-H-93). The CtA-H-93 relies on the ICRC to set obligations and establish a system of cooperation between original and host countries. It is conceived to assure an ethic and transparent process, thanks to uniform guarantees and procedures, allowing the respect of the rights of the child, of the adoptive and biological parents in the framework of international adoption procedures.

PERSPECTIVES AND RECOMMANDATIONS

Betting on Haitian actors and awareness raising campaigns



Of course, an evaluation of the Haitian context shows that a real improvement of children's situation and the respect of their rights depend on developing basic infrastructures and ensuring access to basic services, especially regarding access to education in order to autonomy and social ascension (in priority, for the most vulnerable children living in rural areas). A real effort must be done in the long run to reinforce the families' economic capacities (Income Generating Activities, microcredit, etc.), renovate the legal system and develop university trainings in the field of psychology and psychosocial studies.

But alongside these actions, priority actions and good practices must be developed to achieve quick improvements and respond to the urgent needs of childhood protection: beyond the condemnation of a specific system (domesticity, orphanages, etc.), childhood protection stakeholders can adopt a constructive approach of fighting against abuses and violations, and of strengthening existing protection gears.

Key actions can be pursued, reinforced or implemented to support the key actors of childhood protection, prevent abuses by raising awareness and education, improve understanding of family separation and access to legal documentation and also reinforce the legal framework and system and improve coordination and partnership. The following recommendations are therefore addressed to the Haitian authorities and institutions (Institute of Social Welfare and Research, Citizen Protection Office, Minors Protection Squad), but also actors of local civil society, Haitian parliamentarians) and finally, international actors (NGOs and intergovernmental international Organizations, backers...).

1 Supporting key childhood protection stakeholders

Reinforce economic assistance and support to families concerned by family reunification

ISWR, NGO, IO, backers

- Emphasise families' long-term follow up (necessary to ensure the budget's good management and use, from 1 to 2 years, depending on the baseline).
- Reinforce family educative and pedagogic capacities, through sessions of raising awareness about children's rights and alphabetization.
- Facilitate children's schooling by distributing scholar material and uniforms to the poorest social categories, to fight against the excessive cost of education.

Reinforce public institutions in charge of childhood protection, through technical and financial support (ISWR, CPO, MPS)

ISWR, CPO, MPS with the support of NGOs, IO

- Pursue the decentralization of childhood protection institutions to allow coverage of the entire territory.

NGO, IO

- Increase the budget allocated to social affairs and to the ISWR Haitian authorities.
- Reinforce the ISWR and the MPS through: psychosocial and legal training (training about the rights of the child) and training in staff's management. Ensure the follow up of the training's impact.

Keep on strengthening the control device of children homes headed by the ISWR

The ISWR, with the support of IO, NGOs and CBO

- Standardize placement and coverage procedures in children homes and reinforce control procedures (evaluation with imposed regular visits, accreditation, and closure).
- Implement a clear reporting procedure in case of identification of doubtful practices by other childhood protection actors (NGOs, CBO, IO).
- Insert the development of psychosocial activities and the presence of psychologist amongst the accreditation criteria.
- Ensure the recognition by every children homes of criteria and obligations to fulfill, especially the obligation to keep a register of all the take-in children and to report about every child newly take in to the ISWR in the next 48 hours.

Reinforce the protection mechanisms inside children homes

Children homes, with the support of ISWR and NGOs

- Verify the children's birth certificate and establish a deep administrative follow up with a specific follow up file for every child..

Children homes

- Ensure the psychological follow up and coaching of the placed child.
- Declare the newly placed children in the 48 hours following their placement.

Children homes, CBO

- Encourage the maintenance of the link between the child and his parents and community: authorize the children to go to school outside the centre, to go to sport clubs or to communal entertainment centres, etc.

Children homes

- Prepare the child to his departure: training to a profession, orientation toward another structure, etc.

ISWR and NGOs

- Guarantee the staff's professional training: psychosocial training and about the basic principles of protection, medical training (especially to tackle questions of sexual education).

ISWR, with the support of NGOs, IO

- Support the development of an institutional system of placing children in host families, by the ISWR and making sure that all the childhood protection organizations will take part in it.

NGOs, IO, ISWR, backers

- Stimulate the development of Haitian Community Based Organizations (CBO) and strengthening the existing ones, and the Haitian associations of human rights defense, sources of vital knowledge about the context's understanding and the best possible link with the local population, through technical and financial support: training the existing structures about the rights of the child, and about childhood protection structures toward which can observed cases of abuse can be oriented?

2 Outreach and education actions

Prevention on separated children abuses & exploitation requires long-term awareness activities, targeting, in priority, the most vulnerable inhabitants (the poorest families, rural families)..

ISWR, CPO, MPS,
local collectivities, NGO, IO

- ▶ **Inform the population about the existence of a free emergency number for abused children (188), about the different existing protection institutes,** and about the help that everyone can provide and the way to access it.

ISWR, CPO, NGO, IO,
local collectivities, CBO

- ▶ **Raise awareness among local actors on separation risks and consequences** (families, representatives of the local authorities, religious leaders, providers of basic services and other proximity partners)
 - Neighbourhood meetings in communities: participative approach, using interactive tools (images, films, cartoons), games.
 - Using media: communication spots, TV and radio programs, creation and diffusion of popular entertainment about children's rights.
 - Supporting the CBOs and influential people, whom must themselves carry messages.

Haitian authorities,
NGOs and IO

- ▶ **Raise families awareness , especially regarding:**
 - The consequences of institutionalization, the life conditions of children placed in children homes and the alternatives to support..
 - The life conditions of children entrusted to other families, the risks of exploitation and abuses.
 - The need to maintain a link with the placed children.

By targeting in priority the most important geographic zones from which restavek children and children placed in institutions are issued.

- ▶ **Raise awareness among families hosting children in domesticity on:**

- The rights of the child and the legal sanctions in case of mistreatment and children rights' violation.
- The right to education and the necessity for children to go to school.
- The necessity to reduce work charges to prevent mistreatment.
- The physical and psychological consequences of mistreating children.
- Alternatives to physical punishment when educating and sanctioning a child.

- ▶ **Integrate courses about the rights of the child in:**

- the school curriculum
- the curricula of several universities linked with childhood protection professions (law school, medical school, university of social sciences, , Police Academy).

The Haitian Government,
ISWR, CBO

- ▶ **Education on health and family planning**

- Integrate notions of sexual education and reproductive health in the scholar curriculum and intensify programs of information, education and communication addressed to young people.
- Use the ISWR's premarital section for family planning.
- Reposition family planning at the community level.

NGOs, IO, CBO,
Haitian associations,
local collectivities

- ▶ **Relying on an educative toolkit: "I am committed, together we build",** elaborated by the Supporting Group of Repatriates and Refugees (SGRR) and other Haitian organizations, **to make Haitian people aware of the rights of the child and promote citizenship.**

3 Reinforcement of the legal framework and judiciary system

Haitian authorities,
Haitian parliamentarians

- ▶ **Organize a legal framework that is strong enough to protect children & punish people responsible for committing abuses and violations.**

- The final adoption and implementation of the adoption law , of a Code of children and/or a Family Code; the reinforcement and/or modification of the 1971's law decree about children homes; application of the law about responsible paternity, voted in 2012.
- Strengthening the legislation about children work and the legal framework prohibiting children trafficking and slavery.
- Reinforcing penal law, to sanction any violation of the rights of the child and any trafficking committed by an adult.
- Ratification of the additional Protocol of the United Nations convention against transnational organized criminality aiming at preventing, suppressing and sanctioning human trafficking in particularly trafficking of women and children, and of the facultative Protocol to the convention related to the rights of the child, concerning child trafficking, child prostitution and pornography.

Haitian associations,
NGO, IO, backers

- ▶ **Make sure of the effective legal proceedings in case of abuses and violation**

- Juridical consulting for justice professionals and financial support to sue violations, create an exemplary jurisprudence and legal precedents which show the intolerance in the matter and will have a dissuasive effect.
- Follow up of the justice decisions and their implementation.

4 Data collecting and access to legal documentation

ISWR, NGO, IO,
backers

- ▶ **Improve data and statistics' collection about separated children to better understand the phenomenon of separation and living conditions of separated children**

- Detailed database (separation's types, causes, genre, evaluation of situations of vulnerability with eventually underwent violence and life conditions before and after separation) about separated children, coordinated by the ISWR, supplied and known by all actors of protection.
- Thorough researches about restavek children (typologies of biological and host families, the phenomenon's geographic repartition, genre's influence, etc.), street children (family situation, causes of living in the streets, exposition to violence and to sexual exploitation, etc.), and children victims of slavery in the Dominican Republic: to increase knowledge of the causes and act in priority in zones where the phenomena is the most important.
- Financing this database and the necessary research to supply it.

- ▶ **Improve access to legal documentation, through a means' increase and better information**

Haitian authorities

- Endow the Ministry of Justice with a sufficient budget to allow the Civil Registry Office to function as public services and not as private dispensaries forced to invoice the legal certificates.

Local media,
local collectivities, CBO, IO

- Inform the individuals, through media, school, etc. about: documents directly obtainable from the different services without the help of a lawyer; legal tariffs and free certificates; the legal deadline to declare new births (2 years and a month after the delivery).

5 Recommendations about coordination and partnership

Haitian institutions,
NGOs, IO, CBO,
Haitian associations,
local collectivities

▶ Reinforce the actors' means and coordination in the establishment of immediate protection actions to respond to serious abuses and situations of obvious rights' violation:

- Reinforce the existing and multi-sectorial workgroups (workgroups about vulnerable and restavek children), by ensuring the representation of actors in their entirety (state actors, international organizations, civil society, communal structures).
- Make from these workgroups real instances of decision making and of establishment of concrete actions..
- Establish a workgroup to create a database about separated children, supplied and known by childhood protection actors (NGO, IO, MPS, CPO, local authorities, judiciary instances, CBO).
- Share the different data coming from childhood protection actors about separated and vulnerable children, to supply the general database coordinated by the ISWR and to allow a more exhaustive analysis of the separation phenomena.
- Once the system of host families institutionalized, inform and train other childhood protection actors on this system.
- Establish this coordination at the level of departments, between the regional offices and the Haitian instances, the civil society and local authorities.

▶ Look after the coordination, in particular, between the ISWR and its different partners:

- Adopt legal texts institutionalizing the relations between the ISWR and its different partners, Haitian institutions (CPO, MPS), MINUSTAH, NGO, IO and the Haitian Civil Society: seen on the recognition and the good implementation of the different existing procedures (reunification, children homes' control); create new procedures to reinforce reporting in case of children rights' violation.
- Implement regular and reliable channels of communication: the ISWR must be able to recognize all the childhood protection actors and be reactive, especially in case of reporting potential abuse or violation of the children's rights.
- Adopt a bilateral framework to fight against children slavery and trafficking from Haiti to the Dominican Republic, with the CONANI (the National Council of Childhood and Youth, the Dominican Republic).

▶ Harmonize NGOs' actions in the domain of childhood protection

- Prolong the IDTR program (Identification, Documentation, Tracing, and Reunification) established after the seism and establish new similar town programs.
- Pool the resources and competences (organize workshops, share statistics and databases about vulnerable children, etc.).

▶ Develop projects in partnership with international actors and the local civil society: Encourage NGO funding for local initiatives and projects supported by Haitian human rights organisations.

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