

## HAITI

International Instrument	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)	Entry Into Force
UN Convention on the Rights of the Child	26 Jan 1990	8 Jun 1995	
UN Optional Protocol on the Sale of Children, Child prostitution and Child Pornography	15 Aug 2002	9 Sep 2014	
Protocol to Prevent, Suppress and Punish Trafficking in Persons	13 Dec 2000	19 Apr 2011	
UN Optional Protocol on the Involvement of Children in Armed Conflict	15 Aug 2002		
UN Convention for the Protection of All Persons from Enforced Disappearance	6 Feb 2007		
Hague Convention on International Child Abduction			

In Haiti, there are 7 laws that refer directly or indirectly to missing children:

1. Penal Code of 1985 (Amended 2009);
2. The Constitution of the Republic of Haiti of 1987 (amended 2012);
3. Labor Code of 1984;
4. Prohibiting Corporal Punishment Against Children of 2001 (amended 2017);
5. Act on the Prohibition and the Elimination of All Forms of Abuse, Violence, Ill Treatment or Inhuman Treatment Against Children of 2003;
6. Law on Kidnapping, Abduction and taking of a hostage of 2009 (amended 2017); and
7. Anti-Trafficking Law of 2014.

A draft of a new Penal Code was passed by the Haitian Senate and presented to the Vice-President of the Grand-Corp in October 2018.<sup>1</sup> Research was unable to determine whether the new Penal Code has been enacted.

### General Child Protection

Haiti, the poorest country in the western hemisphere,<sup>2</sup> struggles with many child protection issues. These issues stem in large part from the two major natural disasters Haiti has experienced over the

<sup>1</sup> Conseil Supérieur du Pouvoir Judiciaire, *Justice : la proposition du nouveau Code pénal haïtien soumis au bureau du Sénat de la République*, Oct. 4, 2018, at <http://www.cspj.ht/index.php/publications/cspj-par-la-presse/599-justice-la-proposition-du-nouveau-code-penal-haitien-soumis-au-bureau-du-senat-de-la-republique> (on file with the International Centre for Missing & Exploited Children).

<sup>2</sup> World Bank, *Poverty Reduction & Equity, Haiti: The Challenges of Poverty Reduction*, at <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTPOVERTY/EXTIPA/0,contentMDK:20207590~menuPK:435735~pagePK:148956~piPK:216618~theSitePK:430367,00.html> (last visited Feb. 26, 2019).

last decade. In 2010, the country was hit by a magnitude 7 earthquake<sup>3</sup> and in 2016 it was struck by Hurricane Matthew.<sup>4</sup> Both brought widespread devastation to the country, leading to the displacement of thousands of people including children. After the earthquake, it was estimated that at least 10,000 children were separated from their parents.<sup>5</sup> The earthquake increased the number of vulnerable children, which in turn increased the incidences of child enslavement and trafficking in Haiti.<sup>6</sup> In 2013, three years following the earthquake, the U.S. government estimated that between 150,000 and 500,000 children in Haiti were involved in child servitude.<sup>7</sup>

The category four hurricane in 2016 also negatively impacted children. As a result of the hurricane, an estimated 450,000 children were unable to attend school; a lack of electricity made vaccines requiring refrigeration unavailable; and there was a sharp increase in cholera cases.<sup>8</sup> In response, the World Bank allocated \$50 million to rebuild roads and bridges, repair schools and build semi-permanent school shelters, feed school children, provide school kits and water treatment kits, and respond to the cholera epidemic.<sup>9</sup>

Recent cases of child sexual abuse by missionaries, aid workers, and peacekeepers have “highlighted a broken child welfare system and vulnerability of children.”<sup>10</sup> According to UNICEF, more than “25,800 children are placed in institutions of which 80% are not orphans, 22% of children do not live with their biological parents, 85% of children aged 1 to 14 experienced at least one form of violence, 7% of 15 to 19 year old girls have experienced sexual violence and 9% of 20 to 24 year olds, and 207,000 children find themselves in unacceptable domestic work situations.”<sup>11</sup>

Child domestic servitude is a major problem in Haiti.<sup>12</sup> Children called “restaveks” are sent by their parents to stay with a family and offer their services in exchange for food and lodging.<sup>13</sup> Typically, restaveks come from impoverished households.<sup>14</sup> Restaveks are particularly vulnerable to abuse. For instance, females who have been restaveks are reportedly more likely to be physically and sexually abused compared to females who never worked as child domestic servants.<sup>15</sup> In addition, male restaveks are more likely to experience emotional and sexual violence compared to males who were never restaveks.<sup>16</sup> A December 2015 report estimated that one in four children in Haiti do not live with their biological parents and about 286,000 children under the age of 15 are involved in domestic

---

<sup>3</sup> *Haiti Earthquake Fast Facts*, CNN, Dec. 12, 2018, at <https://www.cnn.com/2013/12/12/world/haiti-earthquake-fast-facts/index.html> (last visited Mar. 31, 2019).

<sup>4</sup> *Rapidly Assessing the Impact of Hurricane Matthew in Haiti*, World Bank, Oct. 20, 2017, at <https://www.worldbank.org/en/results/2017/10/20/rapidly-assessing-the-impact-of-hurricane-matthew-in-haiti> (last visited Mar. 31, 2019).

<sup>5</sup> *Is There Hope for the Lost Children Amid Haiti's Ruins?*, THE GRIO, Mar. 22, 2010, at <http://thegrio.com/2010/03/22/is-there-hope-for-the-lost-children-amid-haitis-ruins/> (last visited Feb. 23, 2019) (on file with the International Centre for Missing & Exploited Children).

<sup>6</sup> *Trafficking fears as Haiti children go missing*, ABC NEWS, Jan. 23, 2010, at <https://www.abc.net.au/news/2010-01-23/trafficking-fears-as-haiti-children-go-missing/1219762> (last visited Feb. 13, 2019).

<sup>7</sup> Eleanor Goldberg, *Traffickers Likely To Prey On Kids In Haiti After Hurricane Matthew*, THE HUFFINGTON POST, Oct. 10, 2016, at [https://www.huffingtonpost.com/entry/child-trafficking-haiti-hurricane-matthew\\_us\\_57fbb66ce4b0e655eab6358b](https://www.huffingtonpost.com/entry/child-trafficking-haiti-hurricane-matthew_us_57fbb66ce4b0e655eab6358b) (last visited Feb. 15, 2019).

<sup>8</sup> *Rapidly Assessing the Impact of Hurricane Matthew in Haiti*, *supra* note 4.

<sup>9</sup> *Id.*

<sup>10</sup> Jacqueline Charles, *Welfare groups work to protect Haiti's abandoned children*, PRESS HERALD, Jan. 13, 2018, at <https://www.pressherald.com/2018/01/13/welfare-groups-work-to-protect-haitis-abandoned-children/> (last visited Feb. 26, 2019).

<sup>11</sup> UNICEF, Protection de l'enfant, *Challenges*, at <https://www.unicef.org/haiti/french/protection.html> (last visited Feb. 20, 2019).

<sup>12</sup> Leah Gilbert, et al., *The experience of violence against children in domestic servitude in Haiti: Results from the Violence Against Children Survey, Haiti 2012*, 76 CHILD ABUSE & NEGLECT 184–193 (2018) (on file with the International Centre for Missing & Exploited Children).

<sup>13</sup> Marie-Claude Julsaint, *Child domestic labor in Haiti* International Alliance of Women, 2015, at <https://womenalliance.org/child-domestic-labour-in-haiti> (last visited Feb. 13, 2019).

<sup>14</sup> Leah Gilbert et al., *supra* note 12.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

servitude.<sup>17</sup> Organizations like Save the Children<sup>18</sup> and Restavek Freedom<sup>19</sup> work to end child slavery in Haiti.

Haiti also struggles with numerous other child protection issues such as health problems/illness, poverty and nutrition, education, sexual abuse, and physical abuse. In an effort to address some of these challenges, Haiti has passed various laws that provide protections to children, though not necessarily specifically to missing children. These laws include the: Penal Code of 1985 (amended 2009); The Constitution of 1987 (amended 2012); Labor Code of 1984; Prohibiting Corporal Punishment Against Children of 2001 (amended 2017); Act on the Prohibition and Elimination of All Forms of Abuse, Violence, Ill Treatment or Inhuman Treatment Against Children 2003; Law on Kidnapping, Abduction and taking of a hostage of 2009 (amended 2017); and Anti-Trafficking Law of 2014. While there is not currently a Children's Act/Code, a law was drafted in 1998 and presented to Parliament in 2014, which to date has not yet become law.<sup>20</sup>

### General Missing Child Issues

Haiti ratified the United Nations Convention on the Rights of the Child (CRC) on 8 June 1995. According to Articles 276-1 and 276-2 of the Constitution of the Republic of Haiti, once international treaties are approved and ratified, they become part of the legislation of the country and abrogate any conflicting laws.<sup>21</sup>

The Constitution does ensure some basic protections for children. For instance, Article 260 specifies that the State must “protect all families regardless of whether they are constituted within the bonds of marriage. It must endeavor to aid and assist mothers, children and the aged.”<sup>22</sup> Article 261 states that every child is entitled to love, affection, understanding and moral and physical care from their father and mother.<sup>23</sup> Article 262 requires that a family code be drawn up to ensure protection and respect for the rights of the family and to define procedures regarding the search for affiliation<sup>24</sup>; however, research could not confirm the passing of a dedicated family law.

There are several government agencies in Haiti dedicated to protecting children and providing needed services. For example, the Institut de Bien-Etre Social et de Recherche (*Institute for Social Welfare and Research*; IBESR) is the social welfare agency responsible for children.<sup>25</sup> IBESR opened a service called SOS Timoun (SOS Child), which puts a phone number at the disposal of children who are victims of or witnesses to violence.<sup>26</sup> The Brigade for the Protection of Minors (BPM) is the specialized police unit of the Haitian National Police that works in the prevention, suppression, and protection of minors.<sup>27</sup>

---

<sup>17</sup> U.S. Department of State, *2017 Trafficking in Persons (TIP) Report - Haiti* 194-196, Jun. 2017, at <https://www.state.gov/j/tip/rls/tiprpt/2017/> (last visited Feb. 23, 2019) (on file with the International Centre for Missing & Exploited Children).

<sup>18</sup> Save the Children, *Voices from the Field, Children's Rights in Haiti*, Dec. 27, 2018 blog post, at <https://blog.savethechildren.org/2018/12/childrens-rights-in-haiti.html> (last visited Feb. 26, 2019).

<sup>19</sup> Restavek Freedom, at <https://restavekfreedom.org/> (last visited Feb. 26, 2019).

<sup>20</sup> *Children's Legal Rights in Haiti*, International Human Rights Program University of Toronto Faculty of Law, 2008, at [https://ihrp.law.utoronto.ca/utfl\\_file/count/documents/Final%20Haiti%20Report.pdf](https://ihrp.law.utoronto.ca/utfl_file/count/documents/Final%20Haiti%20Report.pdf) (last visited Feb. 23, 2019).

<sup>21</sup> The Haitian Constitution (1987), Articles 276-1 and 276-2, at <http://pdba.georgetown.edu/Constitutions/Haiti/haiti1987.html> (last visited Nov. 14, 2018) (on file with the International Centre for Missing & Exploited Children).

<sup>22</sup> *Id.* at Article 260.

<sup>23</sup> *Id.* at Article 261.

<sup>24</sup> *Id.* at Article 262.

<sup>25</sup> Leah Gilbert et al., *supra* note 12, at 11.

<sup>26</sup> *Children's Legal Rights in Haiti*, *supra* note 20.

<sup>27</sup> *Haiti - Social: More than 200 intervention of the Brigade for the protection of minors*, HAITI LIBRE, 2014, at <https://www.haitilibre.com/en/news-11342-haiti-socialmore-than-200-intervention-of-the-brigade-for-the-protection-of-minors.html> (last visited Feb. 20, 2019).

The Office of Citizen Protection (OPC), which was established under Article 207 of the Constitution, protects citizens against abuses by the government.<sup>28</sup> While the OPC is an important institution for the defense of human rights in Haiti, many Haitians are still unaware of its existence.<sup>29</sup> The OPC processes and follows up on individual and collective complaints; promotes human rights through awareness, information, and training; and monitors prisons and other places of detention.<sup>30</sup>

International organizations also provide support and services in Haiti. Save the Children, for instance, has been working in Haiti since 1978 with the goal to save lives, feed families, and keep children safe.<sup>31</sup> In response to Hurricane Matthew, Save the Children provided shelter, nutrition, and education services; supported health facilities and trained healthcare workers; ran child-friendly spaces; and provided school kits, sanitation kits, and shelter kits to those in need.<sup>32</sup>

### Definition of “Missing Child”

Haiti does not define the term “missing child” in its national legislation.

Article 16-2 of the Constitution specifies that the age of majority is 18<sup>33</sup>; However, Article 329 of the Civil Code defines a minor as any person who has not yet reached 21 years of age.<sup>34</sup>

### Abandonment

According to a 2010 CBS news article, after the magnitude-7 earthquake Haitian families abandoned their children with the hope that rescue organizations would provide the children with a better life.<sup>35</sup> More recently, a 2018 CNN report stated that there were at least 30,000 children living in orphanages in Haiti<sup>36</sup>; the government estimates 80% of the children living in orphanages have at least one living parent.<sup>37</sup>

According to Article 297 of the Penal Code, those who have been entrusted to take care of a child under the age of five and then abandon the child in a home will receive a punishment of imprisonment from six weeks to six months.<sup>38</sup> Article 298 states that those who abandon a child in a solitary place will be imprisoned from six months to two years<sup>39</sup>; if the person accused under Article 298 is a guardian or teacher, they will receive a punishment of one to three years. Article 299 states that a person who abandons a child under the age of five in a non-solitary place will be imprisoned from three months to one year and if the person who commits the crime enumerated in Article 299 is a guardian or teacher, the penalty increases to imprisonment from six months to two years.<sup>40</sup>

---

<sup>28</sup> *Id.* at 15.

<sup>29</sup> *Gonave Island: A Joint Mission for the United Nations and the Citizen Protection Office*, United Nations Mission for Justice Support in Haiti, Aug. 29 2018, at <https://minujusth.unmissions.org/en/gonave-island-joint-mission-united-nations-and-citizen-protection-office> (last visited Feb. 15, 2019).

<sup>30</sup> Office of the Protection of the Citizen (OPC), *Historique*, at <http://www.opchaiti.com/Historique.html> (last visited Feb. 20, 2019).

<sup>31</sup> *Help Children in Haiti*, Save the Children, at <https://www.savethechildren.org/us/what-we-do/where-we-work/latin-america/haiti> (last visited Feb. 15, 2019).

<sup>32</sup> *Haiti: Hurricane Matthew Dashboard*, Save the Children, Apr. 12, 2017, at <https://haiti.savethechildren.net/news/haiti-hurricane-matthew-dashboard> (last visited Feb. 20, 2019).

<sup>33</sup> Haitian Constitution, *supra* note 21, at Article 16-2.

<sup>34</sup> Civil Code of Haiti, Article 329 – Minority, at [https://archive.org/stream/codecivilidhati02hait/codecivilidhati02hait\\_djvu.txt](https://archive.org/stream/codecivilidhati02hait/codecivilidhati02hait_djvu.txt) (last visited Feb. 26, 2019).

<sup>35</sup> *Number of Abandoned Children in Haiti Skyrockets*, CBS NEWS, May 9, 2010, at <https://www.cbsnews.com/news/number-of-abandoned-children-in-haiti-skyrockets/> (last visited Mar. 6, 2019).

<sup>36</sup> Lisa Cohen, *How traffickers exploit children in Haiti's orphanages*, CNN, Mar. 2, 2018, at <https://www.cnn.com/2017/11/20/health/haiti-orphanages/index.html> (last visited Mar. 6, 2019).

<sup>37</sup> *Id.*

<sup>38</sup> Penal Code of Haiti, Article 297, at <http://haitijustice.com/crij/accesauxcodes/3> (last visited Feb. 27, 2019) (on file with the International Centre for Missing & Exploited Children).

<sup>39</sup> *Id.* at Article 298.

<sup>40</sup> *Id.* at Article 299.

### Kidnapping and Abduction

The Haitian National Police reported 63 kidnappings in 2017 and 36 kidnappings in 2016.<sup>41</sup> Those with wealth or family with assets are the most vulnerable to kidnapping. Over the last few years there have been an equal number of men, women, and children reported kidnapped.<sup>42</sup> Most cases were resolved through the payment of ransom; however, some kidnappings did include physical or sexual assault and a few involved murder.<sup>43</sup>

Haiti has several laws in place regarding child kidnapping and abduction. For example, Article 294 of the Penal Code explains that a person who is guilty of kidnapping, concealment, or removal of a child, substituting one child for another, or attributing a child to a woman who did not give birth to the child, will be punished by imprisonment.<sup>44</sup>

Under Article 300 of the Penal Code, whoever by fraud or violence, leads, diverts, or moves minors from places where they were placed by those in authority without legal permission shall suffer the penalty of imprisonment.<sup>45</sup> Furthermore, if the person abducted or abused is a girl under 15 years of age, the penalty shall be hard labor.<sup>46</sup> If a girl under 15 years of age consented to her abduction, or willfully followed the kidnapper, and if the kidnapper was over the age of 21 years, the kidnapper will be sentenced to forced labor.<sup>47</sup> If the kidnapper was not yet 21 years of age, he will be punished by imprisonment from one year to three years.<sup>48</sup> Lastly, Article 303 states that in the event that the abductor married the girl he has abducted, he can only be prosecuted on the complaint of persons who, according to the Civil Code, have the right to demand the nullity of marriage, or sentenced only after the nullity of the marriage has been pronounced.<sup>49</sup>

Haiti's Law on Kidnapping, Abduction and Taking of a Hostage of 2009 (amended in 2017) provides that the penalty for kidnapping for ransom or an advantage by use of persuasion, trickery, or force is 30 to 50 years of forced labor.<sup>50</sup> Furthermore, in cases of recidivism, the penalty will be forced labor in perpetuity.<sup>51</sup> If the victim is a member of the kidnapper's family, and the kidnapper seeks a ransom for their release, the penalty will be forced labor for a minimum of 30 years to a maximum of 50 years, even if the kidnapping or abduction was simulated.<sup>52</sup>

### Parental Abduction

Haiti is not a party to the Hague Convention on the Civil Aspects of International Child Abduction.<sup>53</sup> Parental abduction is not a crime in Haiti and parental custody orders and judgments of foreign courts appear not to be enforced in Haiti.<sup>54</sup>

---

<sup>41</sup> U.S. Department of State, Office Bureau of Diplomatic Security, *Haiti 2018 Crime & Safety Report*, at <https://www.osac.gov/Pages/ContentReportDetails.aspx?cid=23773> (last visited Mar. 6, 2019).

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> Penal Code of Haiti, *supra* note 38, Article 294.

<sup>45</sup> *Id.* at Article 300.

<sup>46</sup> *Id.*

<sup>47</sup> *Id.* at Article 302.

<sup>48</sup> *Id.*

<sup>49</sup> *Id.* at Article 303.

<sup>50</sup> Kidnapping, Abduction and Taking of a Hostage of 2009, Article 290, at <http://www.nossenateurs.ht/file/lois/17> (last visited Mar. 31, 2019) (on file with the International Centre for Missing & Exploited Children).

<sup>51</sup> *Id.* at Article 290.1.

<sup>52</sup> *Id.* at Article 292.

<sup>53</sup> International Parental Child Abduction, at <https://travel.state.gov/content/passports/en/country/haiti.html> (last visited Mar. 30, 2019) (on file with the International Centre for Missing & Exploited Children).

<sup>54</sup> *International Parental Child Abduction - Haiti, Passports USA*, at [http://www.passportsusa.com/family/abduction/country/country\\_494.html](http://www.passportsusa.com/family/abduction/country/country_494.html) (last visited Mar. 30, 2019).

The Ministry of Justice and Public Security can issue a passport for a minor, upon receipt of two copies of a notarized authorization and payment of a fee of 9.50 gourdes.<sup>55</sup>

### Reporting Mechanism

Haiti does not have a specific hotline or mechanism for reporting missing children. The public is encouraged to report information on missing persons, both children and adults, to the police that have a specialized department to investigate kidnappings.<sup>56</sup> The Haitian National Police also manage the emergency phone number 211 for the country.<sup>57</sup> The website for the Haitian National Police (<http://www.pnh.ht/>) does not seem to contain information relating to reporting missing persons.

Due to lack of financial resources within the country, international humanitarian agencies such as the Red Cross become involved in missing children's cases when natural disasters strike, such as the 2010 earthquake and 2016 hurricane. The International Committee of the Red Cross (ICRC) and the Haitian Red Cross have a website dedicated to missing children within the country through which people can report missing children.<sup>58</sup> The website also provides a telephone number (+509 34902221) for people to report cases of missing children.<sup>59</sup>

In response to national crises, such as the 2010 earthquake, Haitian citizens have used social media to locate friends and relatives.<sup>60</sup> Specifically, individuals have turned to Facebook and Twitter in order to share information about missing people. For example, the Facebook Group, "Earthquake Haiti," had more than 11,000 members who were using the social media app to post photos of missing loved ones.<sup>61</sup>

According to the 2014 U.S. Department of State Trafficking in Persons (TIP) Report, as of 2012, the IBESR has managed a hotline for trafficking victims<sup>62</sup>; however, their website does not provide the phone number for this hotline but does include the emergency number (511/133). Additionally, the BPM manages the telephone hotline 188, which receives reports of situations that require intervention for the protection of children.<sup>63</sup>

### Investigation of Missing Child Cases

The Haitian National Police, through the BPM – a dedicated child protection unit – investigates crimes against children. The BPM is a specialized unit of the Haitian National Police and is a part of the Criminal Affairs Bureau of the Central Directorate of Judicial Police.<sup>64</sup> The BPM has jurisdiction over minor victims, minors in conflict with the law, domestic violence, and a section dealing with social surveys. In response to the 2010 earthquake, the BPM would often station themselves on the Haiti/

---

<sup>55</sup> Ministry of Justice and Public Security, *Authorisation for a child's passport*, at [http://servicespublics.gouv.ht/site/rsservice/autorisation\\_passeport\\_pour\\_mineur](http://servicespublics.gouv.ht/site/rsservice/autorisation_passeport_pour_mineur) (last visited Feb. 19, 2019).

<sup>56</sup> Police Nationale d Haiti (PNH), at <http://www.pnh.ht/> (last visited Mar. 30, 2019).

<sup>57</sup> *Id.*

<sup>58</sup> *Haiti: One Year After the Earthquake, These Children are Still Missing*, International Committee for the Red Cross, Jan. 12, 2011, at <https://www.icrc.org/eng/resources/documents/feature/2011/haiti-missing-children-2011-01-12.htm> (last visited Feb. 23, 2019) (on file with the International Centre for Missing & Exploited Children).

<sup>59</sup> *Id.*

<sup>60</sup> Daniel Siegal, *Haiti: Search for missing loved ones leads friends and relatives online*, LOS ANGELES TIMES, Jan. 14, 2010, at <https://latimesblogs.latimes.com/laplaza/2010/01/haiti-search-loved-ones-online.html> (last visited Feb. 13, 2019).

<sup>61</sup> *Id.*

<sup>62</sup> U.S. Department of State, *2014 Trafficking in Persons (TIP) Report – Haiti*, at <https://www.state.gov/j/tip/rls/tiprpt/countries/2014/226735.htm> (last visited Feb. 23, 2019).

<sup>63</sup> U.S. Embassy in Haiti, U.S. Citizens Services, *Victims of Crime*, at <https://ht.usembassy.gov/u-s-citizen-services/victims-of-crime/> (last visited Feb. 27, 2019).

<sup>64</sup> *Haiti: For better protection of children*, Reliefweb, Feb. 28, 2011, at <https://reliefweb.int/report/haiti/ha%C3%Afti-pour-une-meilleure-protection-des-enfants-0> (last visited Mar. 31, 2019).

Dominican Republic border and stop every car, truck, and van that approached in order to inspect if children were being trafficked.<sup>65</sup>

### National Database

Haiti does not appear to have a criminal database, and as a result, crime statistics are difficult to verify. Furthermore, the few criminal statistics that are reported by the government seem to be underreported.<sup>66</sup> In 2016, BPM and Restavek Freedom worked together to build a child protection database.<sup>67</sup> Restavek Freedom is continuing to aid BPM by providing support and training on how to utilize the database.<sup>68</sup>

### Case Management System

Haiti does not have a comprehensive case management system for missing children. According to Article 55 in Haiti's Civil Code, following the birth of a child, a birth certificate will be drawn up immediately in the presence of witnesses.<sup>69</sup> Despite this requirement, Haiti is one of the five countries in the region with the highest number of unregistered children.<sup>70</sup> According to UNICEF, from 2010-2016, 20% of Haitian children under age 5 were not registered.<sup>71</sup>

In response to Hurricane Matthew, the Displacement Tracking Matrix (DTM) was designed to collect, analyze, and disseminate information including the mapping of affected areas and population movement. The information gathered would be shared with relevant stakeholders through reports, factsheets, and tables.<sup>72</sup> In comparison to the earthquake, Hurricane Matthew resulted in fewer missing persons cases, though it did create situations that put children at risk as they were displaced and/or separated from their families.<sup>73</sup> Due to the significantly smaller number of people missing, there were no campaigns or social media outreach efforts related to missing people.

### Alert Mechanism

Haiti does not have an alert mechanism or a rapid notification system for informing the public about missing children; however, news outlets in Haiti have been used to notify the public about missing children cases. Facebook and other forms of social media also have been used to alert loved ones about children who have been found.

### Awareness-Raising Initiatives

IBESR and the Social Welfare Fund, both run by the Ministry of Social Affairs, are responsible for promoting the well-being of children in Haiti<sup>74</sup>; however, due to the lack of resources, no missing children awareness-raising initiatives have been undertaken.

---

<sup>65</sup> *Haiti protects its border against post-earthquake child trafficking*, UNICEF, Oct. 15, 2010, at [https://www.unicef.org/infobycountry/haiti\\_56554.html](https://www.unicef.org/infobycountry/haiti_56554.html) (last visited Mar. 8, 2019).

<sup>66</sup> U.S. Department of State, Bureau of Diplomatic Security, *supra* note 41.

<sup>67</sup> *Our Work - Restavek Freedom - Help End Child Slavery in Haiti*, Restavek Freedom, <https://restavekfreedom.org/2017/04/14/database-can-save-children/> (last visited Mar. 8, 2019).

<sup>68</sup> *Id.*

<sup>69</sup> Civil Code of Haiti, Article 55, at [https://archive.org/stream/codecivildhati02hait/codecivildhati02hait\\_djvu.txt](https://archive.org/stream/codecivildhati02hait/codecivildhati02hait_djvu.txt) (last visited Mar. 25, 2019).

<sup>70</sup> *Birth Registration in Latin America and the Caribbean: Closing the Gaps - 2016 Update*, UNICEF, at [https://data.unicef.org/wp-content/uploads/2016/09/BR-in-LAC-brochure\\_English-9\\_21-LR.pdf](https://data.unicef.org/wp-content/uploads/2016/09/BR-in-LAC-brochure_English-9_21-LR.pdf) (last visited Mar. 31, 2019).

<sup>71</sup> UNICEF, *Global Databases - Birth Registration*, updated Nov. 2017, at <https://data.unicef.org/topic/child-protection/birth-registration/> (last visited Mar. 31, 2019) (on file with the International Centre for Missing & Exploited Children).

<sup>72</sup> *Hurricane Matthew Response: Displacement Tracking Matrix (DTM) - Haiti Round 3 Report*, Dec. 15, 2016, at [https://haiti.iom.int/sites/default/files/documents\\_files/DTM\\_HurricaneMatthew\\_Report\\_Rd3\\_ENGLISH.pdf](https://haiti.iom.int/sites/default/files/documents_files/DTM_HurricaneMatthew_Report_Rd3_ENGLISH.pdf) (last visited Feb. 23, 2019).

<sup>73</sup> *Death toll from Hurricane Matthew soars in Haiti*, CBS NEWS, Oct. 6, 2016, at <https://www.cbsnews.com/news/hurricane-matthew-hard-hit-haiti-starts-to-measure-scale-of-disaster/> (last visited Feb. 20, 2019).

<sup>74</sup> Lumos, *Funding Haitian Orphans at the Cost of Children's Rights*, at [https://lumos.contentfiles.net/media/documents/document/2018/01/Funding\\_Haiti\\_Orphanages\\_Report.pdf](https://lumos.contentfiles.net/media/documents/document/2018/01/Funding_Haiti_Orphanages_Report.pdf) (last visited Feb. 23, 2019).

In 2013, IBESR launched an awareness campaign to emphasize Haiti's efforts to eliminate child labor and to raise public knowledge of child labor and child trafficking concerns.<sup>75</sup> According to the U.S. Department of State's 2018 TIP Report, the government of Haiti has not taken steps to educate the public about child slavery or children's right to education in order to counteract the large amount of restaveks in the country.<sup>76</sup> Educational posters and brochures about trafficking were posted/distributed at key border points; however, these posters and brochures were not particularly useful since the police have limited control over Haiti's borders.<sup>77</sup>

An example of an independent and non-partisan organization dedicated to promoting human rights in Haiti is Jurimedia. Since 2001, Jurimedia has set up a network of well-trained volunteers meant to educate organizations about democratic values, civic responsibility in protecting the rights of the child, and the promotion of children's rights.<sup>78</sup> In 2012, Jurimedia created a network of 13 municipal protection committees in the Northeast, which have active volunteers dedicated to the prevention of child abuse.<sup>79</sup> There are a variety of other organizations dedicated to raising awareness for child protection. For instance, Children's Truth Foundation brings awareness about child abuse and trauma by presenting information to schools, church organizations, corporations, and first responders.<sup>80</sup>

### Trafficking

According to the 2018 U.S. Department of State's TIP Report, Haiti is considered a Tier 2 Watch List country as it does not fully meet the minimum standards for the elimination of trafficking, though it has taken significant steps to combat trafficking.<sup>81</sup> Haiti is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor.<sup>82</sup> The report further notes that a majority of trafficking cases in Haiti are related to children in domestic servitude.<sup>83</sup> In addition, it was reported that a "significant number of children flee employers' homes or abusive families and become street children."<sup>84</sup>

There are high numbers of children deemed to be victims of labor and sex trafficking. Approximately 173,000 to 225,000 children have been forced into domestic servitude.<sup>85</sup> In addition to involuntary servitude, these child servants are frequently subjected to beatings, sexual assaults, and other abuses by the family members in the homes in which they are forced to reside.<sup>86</sup>

The Haitian government criminalized trafficking in the 2014 Anti-Trafficking Law, which criminalizes sex and labor trafficking and prescribes penalties of seven to 15 years imprisonment as well as fines.<sup>87</sup> The penalty can be as severe as life imprisonment when the victim is a child<sup>88</sup>; the law defines a "child" as a person under the age of 18 years.<sup>89</sup>

---

<sup>75</sup> U.S. Department of Labor, Bureau of International Labor Affairs, *2013 Findings on the Worst Forms of Child Labor – Haiti* 357, 2013, at <https://www.dol.gov/ilab/reports/child-labor/findings/2013TDA/2013TDA.pdf> (last visited Mar. 31, 2019).

<sup>76</sup> U.S. Department of State, *2018 Trafficking in Persons (TIP) Report – Haiti*, at <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282667.htm> (last visited Feb. 13, 2019).

<sup>77</sup> *Id.*

<sup>78</sup> Jurimedia, at <http://www.jurimedia.org/apropos.html> (last visited Feb. 22, 2019).

<sup>79</sup> *Id.*

<sup>80</sup> What We Do, *Children's Truth Foundation*, at <https://childrenstruthfoundation.org/what-we-do/#awareness> (last visited Mar. 8, 2019).

<sup>81</sup> U.S. Department of State, *2018 Trafficking in Persons (TIP) Report*, *supra* note 76.

<sup>82</sup> *Id.*

<sup>83</sup> *Id.*

<sup>84</sup> *Id.*

<sup>85</sup> *Child Domestic Workers in Haiti*, 2014, at <https://www.haiti-now.org/wp-content/uploads/2017/07/Report-Haiti-Child-Domestic-Workers-31072015.pdf> (last visited Feb. 13, 2019) (on file with the International Centre for Missing & Exploited Children).

<sup>86</sup> Lisa Cohen, *How traffickers exploit children in Haiti's orphanages*, CNN, Nov. 20, 2017, at <https://www.cnn.com/2017/11/20/health/haiti-orphanages/index.html> (last visited Feb. 13, 2019).

<sup>87</sup> Antitrafficking Law of the Republic of Haiti, May 28, 2014, Article 11, at [https://www.healthpolicyproject.com/pubs/787\\_HaitiAntiTraffickingLawFINALEnglishFECLAF.pdf](https://www.healthpolicyproject.com/pubs/787_HaitiAntiTraffickingLawFINALEnglishFECLAF.pdf) (last visited Feb. 26, 2019).

<sup>88</sup> *Id.* at Article 71.

<sup>89</sup> *Id.* at Article 1.1.8.



The Haitian National Police BPM has a small staff of 30 agents and lacks vehicles or investigational materials to inspect childcare facilities for abuse, trafficking, and illegal adoption.<sup>90</sup> Typically these agents are stationed at airports and land borders to prevent trafficking.<sup>91</sup>

Despite these limitations, Haiti has been making significant efforts to eliminate trafficking. For instance, the government acted against complicit officials; mandated victim restitution for a trafficking conviction; increased the number of trained police; deployed its first class of border police who were trained to detect trafficking; and increased coordination and oversight of its anti-trafficking efforts.<sup>92</sup>

---

<sup>90</sup> Haiti - Social: More than 200 intervention of the Brigade for the protection of minors, *supra* note 27.

<sup>91</sup> *Id.*

<sup>92</sup> U.S. Department of State, 2018 Trafficking in Persons (TIP) Report, *supra* note 76.