

The protection of children in Haiti

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Summary: *A large number of Haitian children face threats to their well being and development. These threats are in the domains of basic needs as well as social support. As many as one in ten Haitian children do not live with their original family, living in other forms of care which expose them to exploitation and abuse. Redressing this situation will take a multi-decade effort by both the Government of Haiti (GoH) and committed non-governmental organizations (NGOs) to influence societal attitudes about children and the importance of staying with their families, reinforcing families' capacity to care for children, and reinforcing the GoH's ability to lead a program of quality assurance for out of home care.*



Rezime: *Byennèt ak devlopman Anpil timoun ayisyen an danje. Danje a parèt nan sa yo bezwen ki fondamantal pou yo ak nan sipò sosyete a dwe ba yo. Genyen pou pi piti yon timoun ayisyen sou dis ki pa pe viv ak fanmi kòdlonbrit yo, yo ap viv nan nan lòt kondisyon sosyal ki rann yo viktim eksplwatasyon ak abi. Pou sityasyon sa a korije sa ap pran yon jefò pandan plizyè deseni pou gouvènman Ayisyen an ak angajman òganizasyon non-gouvènmanal (ONG) bay yon lòt modèl nan konpòtman moun nan sosyete a, sou fason yo dwe konsidere timoun yo epitou nesite pou timoun yo grandi nan mitan manman yo ak papa yo; fòk fanmi sa yo jwenn èd pou yo ka pran swen timoun yo, epi gouvènman Ayisyen an dwe jwenn jarèt pou li byen dirije yon kokenn chenn pwogram, kote tout moun kab gen konfyans nan swen timoun ka jwenn lè yo ap viv kay moun ki pa fanmi yo.*

INTRODUCTION

The following portrait of the impact of the 2010 earthquake, the social context at that time, and long standing problems facing children in Haiti is drawn from several sources found in the bibliography: [1, 2, 3, 4, 5].

The January 12th 2010 earthquake had a major effect on children and families in Haiti. Many children and parents were killed; many more injured. Well over 800,000 children were displaced to other parts of Haiti or to tent camps. Many schools were damaged beyond use, and as a consequence schooling was interrupted for several months, resuming in May 2010. While the tent camp populations have slowly declined since the peak in 2010, there is still little evidence of the large-scale housing projects needed for people to resume and improve their lives. Meeting basic daily needs continues to be a major challenge for children and adults alike.

The conditions created by the earthquake were and are among the latest in a long series of major disruptions in Haitian life caused by repetitive natural disasters in a context of great poverty, economic fragility, political and social instability. These conditions are certain to persist into the short and medium term future, and contribute to Haiti's significant dependence on foreign aid.

Children face problems regarding basic needs. They also face high rates of violence, sexual abuse and exploitation. In 2009 UNICEF estimated 1.2M were affected by such harm out of a total of 4M Haitian children. Only half of Haitian children ever go to school, and education that is accessible is of questionable

quality. This results in a literacy rate of 62 %. Better educated Haitians tend to leave the country, depriving it of their skills, and leaving Haiti as the poorest country in the Western Hemisphere ranking 161st on the UN Human Development Index.

In 2010 and 2011, while working for the Canadian arm of an international NGO, the author had the opportunity to visit Haiti on three occasions, see conditions first hand, meet many Haitian and international staff of both Haitian and international organizations, and consult the extensive documentation that exists about the situation of Haitian children and youth.

LONG-STANDING PROBLEMS FACING CHILDREN IN HAITI

Review of the documentation and interviews quickly revealed that the impacts of the earthquake are the latest entries on a lengthy list of difficulties facing children in Haiti over a long period of time:

- Haiti is the poorest country in the western hemisphere, and one of the poorest countries in the world;
- It is widely reported that 80 % of the population, variously estimated between 9-10M, lives on less than \$2US a day; 50 % on less than \$1US;
- With a child population of about 4M, this means that over 3M children are living in poverty, and of them, 2M in extreme poverty;
- Access to food, clean water, adequate housing and medical care are constant challenges. Almost half the population ►

has no access to potable water, and 90 % do not have electricity;

- Prior to the earthquake, UNICEF estimated that 1.2M youth in Haiti were victims of violence, sexual abuse and exploitation;
- Haiti is subject to frequent natural disasters: earthquakes, hurricanes, floods, and landslides. On the Disaster Risk Index of the United Nations Development Program (UNDP), created to assess exposure and vulnerability towards natural hazards, Haiti is in category 6 on a scale where the highest level of risk is 7 (Countries such as Bangladesh and the Philippines are in category 7).

Because of these and other factors, Haiti has considerable dependence on international aid organizations to meet basic needs for large segments of the population.

Although the school year resumed in May 2010, access to education is another significant area of challenge for Haitian children adding to their current and long term vulnerability, and hampering the country's development. While the constitution requires the GoH to provide education, the extent to which it does is quite limited. The following data comes from various UN documents:

- Only 50 % of Haitian children ever attend any kind of school;
- This figure drops to 25 % in rural areas;
- The schools they attend are not equitably distributed throughout the country's 10 departments, the majority being in the Port-au-Prince region;
- Of these schools, 83 % are private, 17 % operated by the state;
- The quality of private schools is supposed to be monitored by the state, but it has little capacity to do so. With the exception of schools operated by religious orders, the quality of much private education is questioned. This picture was complemented by observations during the site visit of large numbers of small private schools containing no more than three or four classrooms operating in very basic conditions;
- These problems in access to and the quality of education help explain why Haiti's literacy rate (percentage of the population 15 years and over who can read and write) is only 62.1 % according to the UNDP.

Access to post-secondary education is one of the reasons why Haitians leave Haiti, or send their children to live in other countries. There is a regrettable correlation between being better educated and no longer living in Haiti. Of the 15M Haitians in the world, fully 5M do not live in Haiti. A million live in the Dominican Republic; over 2M in North America, in Miami, New York and Montréal. Others are scattered in the Caribbean

and Europe. As a group they are the better-educated and skilled Haitians. Over the years, these members of the middle class have gradually left the country for political and economic reasons so that today the middle class still living in Haiti is quite small.

Ironically, perhaps encouragingly, Haitians consider the education of their children as a high priority. Parents will go to great lengths to find the money to send their children to school, even if the quality is questionable. They will allow their children to live with other families if they believe it will make education accessible.

This is but a summary of the many problems facing children in Haiti, amply documented by many organizations. The earthquake intensified these problems, particularly the inadequacy of housing for those affected by the earthquake. This has further weakened the extent to which families can care for and protect their children, and increased the vulnerability of those children separated from their families, whether before or after the earthquake.

THE PRIORITY CHILD PROTECTION PROBLEMS FACING CHILDREN

Children in Haiti face most of the major threats to well being and development that one can imagine: the availability of adequate food, shelter, clean water, adequate sanitation, vaccinations and basic medical care, and access to education and opportunity are all issues that preoccupy individuals as well as Haitian and international authorities. Add to this repeated natural disasters that take lives, inflict injuries, create the risk of disease and further weaken a very fragile infrastructure and economy. The result is a multitude of challenges for individuals, the GoH, as well as humanitarian organizations, both Haitian and international, when it comes to the provision of adequate conditions for children's growth and development.

For the purpose of this report, these issues are divided into two broad groups: the first concerns meeting children's basic human needs for survival: food, water, shelter, sanitation, medical care; the second concerns the social circumstances under which children grow up. The GoH and a host of national and international NGOs are attempting to address these basic needs.

This article focuses on the latter group, the social circumstances under which children grow up. It is in these circumstances that child protection (CP) issues can arise.

The introduction of the UNICEF Child Protection Strategy, adopted in January 2008, explains CP as the effort to create:

“...a protective environment, where girls and boys are free from violence, exploitation, and unnecessary separation from family; and where laws, services, behaviours and practices minimize children's vulnerability, address known risk factors, and strengthen children's own resilience. This approach is human

rights-based, and emphasizes prevention as well as the accountability of governments¹.

Using this framework it is possible to make a long list of CP issues facing children in Haiti; abuse, violence, neglect, trafficking, to name a few. Of all of these issues, it is the author's view that two underlie many of the others. They are:

1. The very high number of children who do not live with their family of origin;
2. The harmfulness of their alternative living conditions.

Concern about access to education is only one reason why parents, particularly in rural departments where education is even less accessible, will allow their children to go and live with other families. In combination with poverty and large family size, parents, many of whom are single mothers, become desperate over their ability to provide adequately for all their children and are prepared to see at least some of them leave to join other families. In a small number of situations this is called '*entraide familiale*', members of extended families helping each other.

In the vast majority of these situations it is a social practice known as '*restavèk*', Créole for '*reste avec*', or 'stay with'. Families, usually near urban centres, offer to take children from families usually in rural areas into what is presented as room, board and education in exchange for domestic service. These families do not know each other. In every region there is a 'broker', someone who can make the link between a family wanting to receive a child, and a family prepared to let a child go. Money changes hands. The family letting a child go may receive an amount from the broker. The family receiving a child pays the broker. It is estimated that there are up to 300,000 children living in such an arrangement in Haiti today. They are about 70 % female, usually in the age range of 8-14 years old. In 2009, the UN Special Report on Contemporary Forms of Slavery denounced the *restavèk* practice as a modern form of slavery [6]. Interviews with representatives of the International Organization for Migration (IOM) revealed the deep concern about the conditions under which these children live. For the most part they do not attend school, are not treated as equal to other children in the receiving family, are forced to do domestic work, and sometimes must work in businesses operated by the receiving family. Members of the host family or their entourage also subject some to physical and/or sexual abuse and exploitation. IOM underlined the difficulty in knowing who and where the *restavèk* children are, in offering them supports and alternatives, and underlined the social resistance to concern about this practice and efforts to change it. The practice is decades old. Almost every Haitian person knows of its existence, and many have known people involved in it in one way or another. According to Neil Howard of the Department of International

Development at Oxford University, Haitian people are descended from the Fon people in Benin². The Fon also have a practice similar to *restavèk* called *vidomegon*. This suggests the deep roots of the practice even in the face of knowledge of and concern about its pernicious effects for children.

Restavèk is the largest category of children who do not live with their family of origin.

Through documentation and interviews a full picture of all categories emerged. The size of some groups may be underestimated:

- Up to 300,000 children in *restavèk*;
- Up to 100,000 children in the many orphanages scattered throughout the country;
- Children who are illegally adopted via "crèches", residences where children stay before they are adopted. no estimate was found for this population, but key informants said there are many every year;
- An estimated 2,000 children trafficked to the Dominican Republic each year for the purposes of either domestic service or prostitution;
- An estimated 2,000 children who live in the streets;
- About 1500 who were officially registered as separated from their parents as a result of the earthquake;
- Approximately 200 who are in conflict with the law and illegally incarcerated with adults.

It is not difficult to conclude that at least 400,000 children, or ten percent of all Haitian children, are not living with their family of origin. With the exceptions of:

- Children living in *restavèk* placements that are not abusive;
- Children in orphanages that have adequate standards (most informants said there are not many);
- Separated children who are in adequate temporary care.

the vast majority of these children are living in situations that are at best neglectful and at worst abusive. By comparison, although it is also difficult in Canada to know exactly how many children do not live with their family of origin, available data from the Canadian Incidence Study of Reported Abuse and Neglect suggest it is in the range of one to two percent of the child population. For the most part, the conditions they live in are subject to standards of some kind.

CHILD PROTECTION PRIORITIES

Singling out these two issues leads to establishing two global CP priorities: ►

1. See UNICEF Child Protection Strategy, p.1 at http://www.unicef.org/protection/files/CP_Strategy_English.pdf

2. Personal communication, November 2010, International Child Welfare Forum, Palisades, NY, USA

1. Develop and put in place at the national level a coordinated program aimed at reinforcing family capacity and diminishing the ease with which children can become separated from their families;
2. Develop and put in place at the national level a coordinated program aimed at assuring that the alternative living conditions meet the rights and psychosocial needs of the children who must live in them.

It is undoubtedly true that some children living with their families also face significant CP issues. The argument presented here is that in the face of so many issues and needs, it is better to address the ones that are the most prevalent and have the greatest negative impact, and the ones which if improved will have beneficial secondary effects. For example, if it is possible to strengthen families so that significantly more children stay with their families of origin, then other children in the same families who face other risks will also benefit. Further, if such an intervention achieved positive results, the total volume of children in the various forms of out of home care will diminish, and therefore the number who suffer the negative consequences of these forms of care. When interviewed in 2010 about the CP priority in Haiti, the Director of the “Institut du Bien Être Social et de la Recherche (IBESR)”, of the GoH’s social service agency for children said without hesitation: “Prevent child abandonment.”

If efforts to raise standards of care and respect of the rights of children in out of home care have some success, those children will benefit, as will those who follow them, since child placement cannot be expected to fall to zero. It is also possible that some of these efforts, the best example being that of assuring that rights are respected, will benefit some children who are still living with their families.

These two priorities will require a concerted effort by many partners over many years. Some practices such as *restavèk* are part of the social fabric of Haiti. It cannot be expected to change or disappear overnight. The large numbers of children in out of home care in Haiti will also not diminish in a month or two, and the developmental trajectory of these children requires support. No one has an alternative ready for the approximately 300,000 *restavèk*, even if the practice is quickly suppressed, as many advocate. So their needs have to be addressed ‘*in situ*’ while work continues on changing practices, and while alternatives for these children are developed.

A national program to strengthen families and diminish separation of children will need to be multifaceted and sustained over a long period of time, perhaps twenty years or more. If we consider the question ‘why do Haitian parents accept that children leave their families for such uncertain circumstances?’ a national program will have to target and address several social conditions.

- Families tend to be large, often exceeding the resources parents have to respond well to their needs. Many families are led by single mothers, who are under great pressure. Some parents seem to believe that their children will have

better access to food and education if they are allowed to live with another family. Concrete measures to support parents in feeding their children and giving them access to education will contribute to lower the pressure on parents, resulting in lowering the rate of child abandonment;

- Public encouragement for reducing the size of families, and providing the means to do so could bring another source of relief;
- Over and above such practical considerations, there is the matter of prevailing norms. Haitians are accustomed to the conditions created by large families, to the prevalence of female led families, to the separation of children from their families. It will take a different social consensus and a concerted public information effort aimed at values and attitudes about children and families to change these expectations and practices.

This is a cursory consideration of a complex reality.

Similarly, raising the standards of care and respecting the rights of children not living with their families will also require the efforts of many actors over an extended period of time. Beyond important logistic issues such as the availability of resources to work on these matters, are questions related to the evolving social consensus that it is important to do so, and a legislative and administrative resolve to create the framework and programs that can make such standards and rights a reality.

THE CHILD PROTECTION SYSTEM IN HAITI

The CP system consists of:

- *L’Institut de bien être social et de la recherche (IBESR)*;
- The *Brigade pour la protection des mineurs (BPM)*;
- The many Haitian organizations that offer substitute care;
- The many international NGOs involved with children living with or separated from their parents;
- The UNICEF led ‘sub-cluster’ where many of these actors meet to share information and plan.

IBESR is a department of the Haitian Ministry of Social Affairs and Labour. Its position in the context of the Haitian Government, and the key issues it focuses on are summarized in the document “Situation des enfants en Haiti 2001-2010” [7] presented to a briefing of Canadian international aid groups convened by the Canadian government’s Foreign Affairs and International Trade department in July 2010. With about 200 employees in total to serve all ten departments, IBESR intervenes in situations where placement of children is an issue and in reports of sexual abuse. Its mandate is to monitor the placement of children and inspect the institutions in which they are placed. Informants estimate that not more than half of all children placed are actually known to IBESR, and not more than half of placement resources are inspected by them. IBESR also provides services to legal adoption cases, most of which

were suspended after the earthquake, and provides pre-nuptial counselling to couples. The latter two services are on a fee for service basis, which brings some criticism that resources are directed to services that produce revenue and not to what is most needed.

IBESR works closely with the other main government CP service, the BPM, the youth protection squad, a unit of the Haitian National Police. Based in Port-au-Prince, with about 75 officers in total for all ten departments, this squad intervenes mainly in cases of sexual assault or abuse, and in cross border trafficking to the Dominican Republic.

There are many orphanages and ‘crèches’ operated by Haitian organizations and by individual citizens. The difference between the two is that children live in orphanages on a long-term basis, whereas a crèche is a temporary shelter where a child, usually quite young, is cared for awaiting black market adoption. The Royal Canadian Mounted Police (RCMP) became involved in attempting to document and register the children in both orphanages and crèches. Their experience, according to an officer involved in the exercise, was that no one knew exactly how many orphanages there are, and therefore how many children live in them. The standards of care in many left much to be desired. The crèches are by nature clandestine and secretive since they are operating outside the law.

UNICEF and many international NGOs are also active in the CP field. In addition to UNICEF, which by itself funds some 75 positions assisting IBESR in its work, Save the Children, World Vision, PLAN, and many other mid-sized and smaller NGOs have many staff on the ground. A quick tally showed that the UNICEF and the NGOs have at least as many staff engaged in CP as the government; over 300 positions if not more, making them a kind of shadow ministry, and illustrating another dimension of the dependence of the state on international assistance for essential functions. UNICEF and the NGOs are involved in activities including various kinds of child and family support centres, intervention with *restavèk* youth, prevention and intervention in gender based violence, child trafficking, reunification of separated children, and risk reduction with children both displaced and in the camps.

Since the earthquake, the UN agencies in Haiti have employed what is called the ‘cluster’ approach to humanitarian activities which involves gathering all those government, national and international agencies involved in a sector of activity at a cluster table to share information and coordinate their activities. Social Protection is one area of activity coordinated in a cluster. CP is considered a sub-cluster, and is currently chaired by UNICEF. The membership list of the sub-cluster is impressively long with over 50 organizations listed. Of these less than 20 are actively involved in the sub-cluster due to factors such as time and resource constraints, the immense difficulty of and inordinate amount of time consumed by travelling by car in Port-au-Prince. The extent to which the CP sub-cluster can effectively coordinate activities is open to question. Nonetheless, it is a

relatively effective way of exchanging information via its list. Its Advocacy Working Document published in July 2010 gives examples of its functioning and the issues it addresses [8].

The UNICEF Child Protection Strategy [9] outlines the components of a CP system. They can be translated into a set of questions one can ask about the CP system in a country as a way to evaluate it. In summary these questions are:

- Is there a social consensus about the importance of protecting children?
- Is it reflected in social practices, advocacy and communication?
- Is there a legislative base for protection that reflects a government commitment and institutional apparatus?
- Are there civilian agencies, whether public or private, that make available a coordinated array of basic health, educational and social services; and specialized services for children (and their families) who are at risk of or victims of abuse, neglect and the development of behavioural difficulties?

It does not take long to conclude that the Haitian CP system is underdeveloped on almost every level. Social practices such as *restavèk* are part of the CP problem. Advocacy is weak, though Rights and Democracy Haiti and the Citizen’s Protector are both actively concerned about the status of children. There were no public messages detected during the site visits that are aimed at sensitizing the population to children’s issues. There is a surprisingly well developed legislative base for the rights and protection of children, but one which is barely implemented by the limited apparatus available (IBESR and BPM). In particular there is a ‘Plan national de Protection’ (National Protection Plan) published by the GoH in 2007 which sets forth a well considered blueprint for developing Haiti’s CP system [10], but which all actors attest has never been implemented. Basic services in health, education and social services are weak, and for some children are non-existent. The range of specialized services, such as for handicapped children, children with mental health problems, or children in conflict with the law, are also weak, under-resourced and supplemented by a host of national and international agencies. In placement resources for children, standards are a problem. For the ensemble, coordination and planning is limited. Providing long-term strategic and developmental support to this system is clearly indicated if the two priority interventions of diminishing the incidence of children separated from their families and raising the standards in out of home care are to be achieved.

ELEMENTS OF A PLAN TO IMPROVE THE PROTECTION OF CHILDREN

Improving the protection of children in Haiti has to be viewed as a long term project, perhaps spanning twenty years or more. It will require a coalition of GoH and NGO organizations ►

with clear leadership, concrete engagement and detailed planning. Two documents that have international status in Child Protection work can be used as reference points: UNICEF's Working Paper "Adapting a Systems Approach to Child Protection: Key Concepts and Considerations" [11], and the UN's "Guidelines for the Alternative Care of Children" [12]. Such an effort needs to focus on the following outcomes:

1. Reduce child separation and abandonment, by
 - Strengthening families' capacities to care for children;
 - Changing societal attitudes about the separation of children.
2. Enhance the care provided to children who are separated from their families by:
 - Working with the government, UNICEF and NGO partners to develop culturally appropriate out of home care alternatives (eg: Haiti has no foster care system);
 - Contributing to the government efforts to reinforce legislative protection for, and the rights of, vulnerable children;
 - Supporting IBESR's capacity to apply minimum standards of care to children's institutions;
 - Contributing to the training of IBESR staff (regarding such subjects as: children's rights; the impact of separation; recognition of and the impacts of abuse; standards of out of home care).
3. Enhance the capacity of the network of institutions caring for separated children by:
 - Contributing to and reinforcing such a network (existing in embryonic form in the UN Child protection sub-cluster);
 - Supporting the capacity of children's institutions to adhere to standards of out of home care;
 - Contributing to training the staff of children's institutions on the same subjects as those proposed for IBESR staff.

All efforts that contribute to these outcomes must be undertaken with a view to strengthening the Haitian child protection system, and therefore Haitian society's ability to have children grow up in their own families to the extent possible, and be well cared for if they can't. ■

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