

# **RESTAVEK NO MORE**

Eliminating Child Slavery in Haiti

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## FOREWORD

"Ti moun se bèt," (Children are animals) or so the saying goes. When I was a child, I preferred to think of this proverb as a kind of endearing pejorative, something an exasperated adult might say after a child had made a really bad mess. However, as I grew older, it became apparent that not all children were treated equally. Some were pampered and adored, while others were regarded as beasts of burden and were given away, or bartered, into the *restavèk* system.

"I know of three groups of children," writes Ohio-based schoolteacher, Jean Robert-Cadet in his ground-breaking 1998 memoir *Restavec: From Haitian Slave Child to Middle-Class American*, "the elite, the very poor, and the restavec, or slave children." The report you are about to read concerns this last group of children, the *restavèk*.

As you will learn in these very well documented pages, a *restavèk* is usually a child from a poor rural family, most likely a girl, whose parents turn her over to another family who promise to care for her in exchange for a few domestic favors. However, in reality, most *restavèk* do not profit as much as is hoped for, or promised, in this exchange. A *restavèk* is often overworked, underfed, beaten, sexually assaulted, and only in rare cases attends school.

It is estimated that 1 out of every 10 Haitian children is a *restavèk*. While many defend this practice as a remnant of our colonial era or as a manifestation of an extended family structure, there is enough evidence now to expose it for what it truly is, child exploitation and abuse.

I remember how many Haitian-Americans were outraged to discover that a well-to-do Haitian family was keeping a *restavèk* in their Florida home, leading to the March 5, 2001 Time magazine headline "Of Haitian Bondage: America's newest immigrants have brought with them a nefarious practice--child slavery." Many of us were ashamed and angry that this practice had followed us here, to the United States. Thankfully that discomfort led to discussions about ways to halt the practice back home and prevent it from further spreading here.

Perhaps our progression from shame to action can be further motivated by a reminder that the *restavèk* system is part of a distressing global phenomenon. *Restavèk* children live under different names in many African, Asian, and Arab countries. They belong to the 250 million children worldwide who are exploited for their labor. Thus we cannot, and should not, harbor this practice on cultural grounds. It is an injustice no matter where it happens and it should be stopped.

As this report clearly shows, there are no simple solutions to this problem. Every child faces a particular set of circumstances, which must be addressed in its own way. However, it is imperative that some important steps be taken to phase out the Haitian *restavèk* system and eventually eradicate it all together. For one thing, there must be larger economic improvements in Haitian society, especially in the rural sectors, for it is reasonable to conclude that most parents will not give their children away if they are able to care for them themselves. As this report recommends, studies must be done to explore why some very poor parents do keep their children and do not subject them to the *restavèk* system. (Please read the report for further recommendations and to come up with your own.) All I know is that the same people who say "Ti Moun se bèt"(Children are animals) will in the next breath utter another seemingly contradictory proverb: "Ti moun se richès" (Children are wealth). When it comes to *restavèk*, and other mistreated children, it is time we started acting on the second principle rather than the first, because a country as poor as ours can certainly not afford to continue to misuse its most precious, most irreplaceable type of "wealth" in this way.

Edwidge Danticat



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Established in 1982 as the National Coalition for Haitian Refugees, NCHR has long focused on human rights conditions in Haiti. It has published singly or jointly with other organizations such as Human Rights Watch and the Lawyers Committee for Human Rights more than a score of reports describing violations of civil and political rights of Haitian citizens by the Government of Haiti. These reports based on research, documentation and first-hand investigations and the recommendations for remedy that have accompanied their release have informed the policies, strategies and activities of governments concerned with democracy, human rights and the welfare of the people of Haiti generally while providing other non-governmental organizations much-needed advocacy tools.



## EXECUTIVE SUMMARY

The Haitian people are justly proud that their country was founded on the basis of a successful struggle against French colonialism and slavery. In less than two years, the country will celebrate 200 years of independence and trumpet its past achievements. Yet, slavery has not been completely eliminated from Haitian society. It survives through *restavèk* servitude.

A *restavèk* is a Haitian child who becomes a house slave when she is turned over by her parents to a family which agrees, in principle, to care for the child, provide schooling, food, shelter, and clothing in exchange for domestic labor. Neither the child's nor the parents' hopes are usually fulfilled. The *restavèk* instead spends her formative years isolated from parental love and care, and nurturing contact with siblings, deprived of schooling and subject to long days of work with no pay and living conditions inferior to those of the overseer's family. She performs whatever services the overseer requires under a constant menace of physical and verbal abuse, often meted out as a matter of routine by members of the household.

Today in Haiti, an estimated one out of every ten children is a *restavèk*. These children are such a common part of the social fabric that rare is the Haitian who has not had some association with a *restavèk*. Some have given away a child or taken one in as a *restavèk*, or they know a family that has; others have been a *restavèk* themselves. This familiarity has affected the way most Haitians take these children for granted.

Haitians have done very little over the years to eliminate the *restavèk* system. Most activists do not see the *restavèk* system as a serious obstacle to developing a human rights culture. In particular, respect for the basic rights of the child is not seen as an obstacle to efforts aimed at developing better overall human relations and patterns of behavior. Rather than being seen as a single factor that influences the *restavèk* system, poverty continues to be used as a pretext to justify its acceptance and the corresponding lack of sustained effort to abolish it – particularly since simple economic solutions are not forthcoming.

The government of Haiti's long-standing practice of investing little in programs and initiatives that promote good governance while embracing lofty goals and ideals designed to attract international handouts also permeates its response to the *restavèk* system, which it promotes in law and deeds even as it claims to do otherwise.

Haiti ratified the UN Convention on the Rights of the Child (CRC) on December 29, 1994, and, in accordance with its obligations under the Convention, filed a report describing progress made in implementing the Convention. The government has essentially recognized its legal obligations under the Convention, but claims that slim resources have hindered efforts to protect children from abuse and to provide them with the care and support mandated by the Constitution and the Convention.

The government has established a hotline phone number for use by children and others to report abuses against children. Yet, little evidence exists that this hotline amounts to more than a symbolic nod to Haiti's international commitment following the country's ratification of the Convention on the Rights of the Child. The hotline known as *SOS Timoun* was established in 2000 by IBESR together with a corresponding PSA campaign, but it has enjoyed scant support from the Aristide government since the President was sworn in for a second term on February 7, 2001. We have found that this service is only available during office hours. On evenings and weekends the phone is hooked up to a recording. The Institute claims to handle up to 200 requests for assistance per year. With minimal staff and a single vehicle for the entire service, this assistance is limited, they claim, to making an inquiry into the case, educating the adults in charge on the child's rights and exhorting them not to repeat the abuse, removing the child to a center if she expresses the desire not to stay, and occasionally taking a case to court. There is usually no follow-up past the initial

response. Other requests for information about the services of the IBESR made directly to the hotline encountered flat refusals to answer any questions.

Few organizations provide direct assistance or offer alternatives to the *restavèk*. Of the projects that exist, few have the capacity to handle the level of demand for assistance, advocate successfully for reforms by launching one-time or sustained campaigns, engage and interact with local and international NGOs as well as intergovernmental institutions not to mention the capacity or will to remove the child from the system. Haiti's leading human rights groups, trade unions, and women's organizations have left the plight of the *restavèk* child largely untouched. Other groups incorporate *restavèk* advocacy into a larger children's rights program.

Efforts to develop a "code of conduct" to raise consciousness of children's rights must be supplemented with measures that place pressure on the Government of Haiti to respect its obligations under the Constitution and international law toward children in general and *restavèk* children in particular. Instead of neglecting efforts to hold the authorities accountable for continuously failing to honor their obligations, Haitian civil society must step up demands on the government and channel their collective efforts to advocate for meaningful policy on *restavèk* in addition to providing immediate relief to *restavèk* children and educating the community about the realities of the practice.

With the support of UNICEF and in consultation with various non-governmental organizations, a Haitian parliamentary commission drafted a law on children in 2000. It has yet to be debated or voted on. Analysis of its provisions reveal, however, that it will be of little comfort to the *restavèk* children who toil in Haiti today. The code contains 7 titles, 18 chapters and 390 articles. Nowhere in the 52-page document is the *restavèk* child or her situation referred to directly. The closest it comes to identifying such children is under a heading that defines children in difficult situations; parroting the language of the CRC but doing little to adapt its provisions to the realities of Haiti.

The practice of *restavèk* is pervasive, and intimately interwoven with Haitian traditions, attitudes toward children, stark class distinctions, gender inequality, and above all, wrenching poverty. No simple solution is available. While our ultimate goal is to see the practice eliminated in its entirety, a more complex approach must be taken to address the multi-faceted problem as it exists today.

In this report we make several recommendations to the government of Haiti, non-governmental organizations and the international community. We highlight the following in this executive summary:

### **Government of Haiti**

- Ratify ILO Convention 182 Against the Worst Forms of Child Labor and harmonize Haitian law accordingly, including:
  - Enact laws to criminalize the practice of *restavèk*
  - Increase the minimum age for domestic workers to 15 from the current 12
  - Developing a reliable internal monitoring structure that reports yearly on progress made to eliminate the *restavèk* system and the observance of Haitian children's rights
- Ensure enforcement of laws and regulations governing domestic labor, including time off and schooling, paying special attention to the problems faced by girls
- Avoid passage of any new labor code that does not address the *restavèk* practice

### **Haitian Civil Society**

- Haitian human rights organizations, labor unions, women's organizations, teachers'

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unions and other groups should join and support efforts of existing child rights movements, promoting children's rights, and especially the abolition of the *restavèk* practice

- Wage intensive awareness raising campaigns on the *restavèk* practice and create a plan to provide more intensive public education on children's rights, alternatives to corporal punishment, and other harmful practices

### **International Actors**

- Press the Haitian government to adopt measures to eliminate the *restavèk* practice
- Support Haitian initiatives addressing the problems of child domestic labor, both financially and with technical assistance

We are acutely aware of the fact that the *restavèk* system does not exist in a vacuum. In this report, we argue that in and of itself it should be neither tolerated nor remain among the customs that contribute to the makeup of the Haitian people. More importantly, we are insisting on its elimination because it is the nexus for several other societal ills that together constitute tacit support for a wide array of human rights abuses that, nurtured during childhood, retard Haitian development and fuel its chronic socio-economic and political crises.



## INTRODUCTION

**Defining Restavèk**

A *restavèk* is a Haitian child who becomes a house slave when she is turned over by her<sup>1</sup> parents to a family which agrees, in principle, to care for the child, provide schooling, food, shelter, and clothing in exchange for domestic labor.<sup>2</sup>

The average *restavèk* originates in a poor rural family, which sees the use of the child's labor in an urban household as a fair price for the opportunities it offers. The family hopes that the child will move up from poverty through education, since most schools are located primarily in urban areas. Neither the child's nor the parents' hopes are usually fulfilled. The *restavèk* instead spends her formative years isolated from parental love and care, and nurturing contact with siblings, deprived of schooling and subject to long days of work with no pay and living conditions inferior to those of the overseer's family. She performs whatever services the overseer requires under a constant menace of physical and verbal abuse, often meted out as a matter of routine by members of the household.

The term *restavèk* is derived from the French *rester avec*, meaning "to stay with" or "to remain with." It does not mean, "to belong to," although the child domestic worker in Haiti *often* appears to belong to the mistress or master of the house. A *restavèk* serves at will, on a moment's notice responding to the commands of the householders, receiving no pay and having no alternative.

A *restavèk* can be a child as young as four years old, an adolescent or even occasionally, an adult.

Today in Haiti, an estimated one out of every ten children is a *restavèk*. These children form such a common part of the social fabric that few Haitians have not had some association with a *restavèk*. Some have given away a child or taken one in as a *restavèk*, or they know a family that has; others have been a *restavèk* themselves. This familiarity has affected the way most Haitians consider these children; mostly taking them for granted.

**Purpose of Report**

This report aims to provide an accurate assessment of the *restavèk* child and *restavèk* system and to reveal that system as a serious breach of human rights. It highlights the small progress that has been made since the Haitian government pledged to address the problems associated with the practice when it signed the UN Convention on the Rights of the Child (CRC) in 1994. There are an estimated 100,000 more *restavèk* children now than in 1990 when the Minnesota Human Rights Lawyers' Committee published an expose of the *restavèk* practice. The authors hope that this report will serve as a rallying point for the eradication of the *restavèk* practice, particularly among many

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<sup>1</sup> Since most studies to date on *restavèk* children in Haiti (and domestic child workers throughout the world) report that most of these children are girls, we will use the feminine pronouns for the *restavèk* child throughout the report.

<sup>2</sup> Other definitions have included:

- *Ti-moune* – "peasant child who goes to live with a family in the elite and who performs various kinds of work in return for his meals, clothing, and a place to sleep" George E. Simpson, "Haiti's Social Structure" published in *American Sociological Review*, Volume 6, Number 5, October 1941
- *Children in domestic service* – "children who carry out unpaid house work in a house other than that of their own parents and who live permanently in that house" Karine N. Derenoncourt, "*Le petit enfant domestique: cet inconnu*" 1984 (in *Restavèk, La domesticité juvénile en Haïti*)
- *Restavèk* – "a child in unpaid domestic service" Daniella Devesin "*Profil de l'enfant en domesticité*" 1984
- *Restavèk* – "a child, most often a girl, who, in exchange for participation in a family's house work, receives room, board, education and care to some degree" Centre de Développement et des Ressources Humains (IBESR) "*Domesticité Juvénile en Haïti*" 1991

**The CRC affirms that all children have the right:**

- To life and survival (Art. 6)
- To express his/her opinion on matters affecting him/her and to be taken into consideration (Art. 12)
- Not to be separated from his/her parents (Art. 9)
- To free primary education (Art. 28)
- To rest and play (Art. 31)
- For his/her best interests to come first in all matters pertaining to him/her (Art. 3)
- To a name, birth certificate and to know his/her parents (Art. 7)
- To be protected from all forms of exploitation and abuse (Art. 36 & 19)
- And to recuperation when s/he has been a victim of abandonment, exploitation and abuses (Art. 39)

sectors which have not traditionally been involved in children's rights – including the human rights community, women's organizations, labor, religious organizations, and government in Haiti as well as the Haitian Diaspora.

These sectors, collaborating with the small number of activists long involved with *restavèk*, can ensure the creation and implementation of a National Plan of Action for the eradication of the *restavèk* practice. Haiti's best chance for creating a climate of respect for human rights overall begins with protecting and promoting respect for the rights of the most vulnerable.

As with any newly highlighted or identified human rights issue, there will be a great deal of resistance and controversy. Opposition to slavery, apartheid, segregation, and female sexual mutilation, sometimes provoked intense resistance by the supporters of these practices. Yet, one by one, these institutions, once considered normal and familiar, were brought down by local movements acting in unison with international allies.

International activism on children's rights today often uses the Convention on the Rights of the Child, which passed the UN General Assembly unanimously in 1989. The CRC contains 52 articles covering children's civil, social, cultural and other rights and provides a framework and standards for the goal of improving the situation of children throughout the world. Haiti's adherence to the CRC elevates a step further the government's domestic and international obligations to children's basic human rights.

In 1999 NCHR began a campaign to raise awareness of *restavèk* on the international level, particularly within the international children's rights and anti-child labor movements. NCHR organized a weeklong speaking tour and media campaign for Jean-Robert Cadet, the author of the memoir *Restavec: From Haitian Slave Child to Middle-Class American* (1998, University of Texas Press). The tour included an interview with UN Radio, which produced and distributed internationally three programs in ten different languages, meetings at the New York Times and with high-level UNICEF officials, and numerous readings to Haitian community and other student groups in the area. The momentum developed by this tour helped to ignite and in some cases rekindle interest among U.S. and international organizations, policymakers, activists and Haitian groups in the Diaspora.

Despite growing recognition that *restavèk* servitude violates the rights of Haitian children, Haitian human rights groups have not paid enough attention to the problem. Most have not viewed the *restavèk* system as a key element that perpetuates Haiti's social inequality, political violence and impunity for abusers. Ongoing political crises and lack of resources are two of the factors inhibiting Haitian groups from embracing this broader human rights agenda. However, since Haiti's *restavèk* children are the most defenseless of Haiti's numerous at risk children, they deserve special care and concern from human rights groups, lest they be charged with being complicit in maintaining the status quo. There is a growing acceptance around the world of the indivisibility of rights, the importance of social as well as civil rights to a democratic society. We believe that one way to ensure that future generations hold human rights in higher esteem is to respect their rights from the start.

## THE RESTAVÈK SYSTEM

### Numbers and Impact

Haiti's *restavèk* system has received progressively more attention over the last two decades. While the Haitian Ministry of Social Affairs' Institute of Social Welfare and Research (*Institut du Bien-Etre Social et de Recherches*), (IBESR) together with the Haitian Institute of Statistics and Computerized Data (*Institut Haïtien de Statistiques et d'Informatique*) extrapolated from a 1982 census that there were 109,000 children in domestic servitude, most advocates base their estimate on one of the half dozen 1984 studies of domestic servitude in Haiti that found as many as 240,000.<sup>3</sup> In 1990, the Minnesota Lawyers International Human Rights Committee called international attention to the problem with the publication of its report *Restavek: Child Domestic Labor in Haiti*. However, its investigation, conducted in cooperation with the Haitian Center for Human Rights,<sup>4</sup> did not attempt any new numerical estimate.

In a 1998 report commissioned by the United Nations Children's Fund (UNICEF), the Psycho-social Institute of the Family (*Institut Psycho-Social de la Famille*, (IPSOFA) said that the *restavèk* population was probably around 300,000,<sup>5</sup> or about one in ten Haitian children<sup>6</sup>. *Restavèk* children are found mainly in households in Port-au-Prince and in the provincial capitals. Although there is every reason to believe that these numbers have continued to inch upwards -- poverty has worsened in the last ten years and significant international assistance has not flowed in since 1995 -- there are no more recent estimates available. A census scheduled for 2002 may provide solid data that includes a focus on the *restavèk*.

Fortunately, awareness of the *restavèk* problem has been increasing. Sustained domestic and international focus on human rights and democratic governance in Haiti since 1986 have led to closer scrutiny of many aspects of Haitian life. Today, the *restavèk* is mentioned in many reports on human rights, including the annual report of the US Department of State and UN human rights reports. UNICEF highlighted Haiti's *restavèk* in its 1997 State of the World's Children report, which focused on child labor.

Increasing scrutiny is revealing that beyond the devastating impact on the children themselves, the *restavèk* practice has repercussions in family structure and development, gender and power, micro level economics, and the vicious, intergenerational cycle of poverty.<sup>7</sup> Research currently underway<sup>8</sup> may yield more accurate descriptions of the problem and provides child advocates, policymakers and lawmakers in and outside of Haiti a better understanding of the situation.

### The Making of a Restavèk

A child becomes a *restavèk* when her mother or father, burdened by poverty and too many mouths to feed, and nurturing perhaps a hope that this one child will escape poverty, voluntarily

<sup>3</sup> Eddy Clesca, "La domesticité juvénile est-elle une conséquence du sous-développement", 1984. In *Restavèk, La domesticité juvénile en Haïti*, L'Institut Psycho-Social de la Famille (IPSOFA), 1998, 3

<sup>4</sup> The Haitian Center for Human Rights (Centre haïtien pour la défense des droits et des libertés publiques), established in 1986, is no longer operational.

<sup>5</sup> *Restavek, La domesticité juvénile en Haïti*, 7

<sup>6</sup> The Haitian Institute of Statistics and Computerized Data (IHSI) reported in 2001 that Haiti's population was 8,131,513, of whom 3,229,469 were children fourteen and under.

<sup>7</sup> For more information on the impact of child labor, see Lopez-Calva, "Child Labor: Myths, Theories and Facts" in *World Affairs*, Fall 2001; and U.S. Department of Labor, "By the Sweat and Toil of Children, Volume VI: An Economic Consideration of Child Labor," 2000

<sup>8</sup> Studies are being sponsored by the International Labor Organization's International Program to Eliminate Child Labor together with the United Nations Development Program and the Norwegian statistical service FAFO, and by Save the Children UK.

hands her to a relative, an acquaintance, or another person in need of domestic help with the understanding that in exchange, the child will receive more food than is available at home and the opportunity for schooling. In fact, such outcomes are exceptional.

Most accounts reveal that the *restavèk* child is set apart from the rest of the household. The master-slave relationship is masked by the tradition of outside children living in a household referring to their overseer as “auntie” or “uncle,” *parenn* or *marenn* (godfather or godmother), or *granmoun mwen* (my grown-up). The true nature of the relationship may remain largely hidden from outsiders because it takes place privately, in a domestic setting.

### The Workload

Servants of any gender or age serve at the whim of their overseer; in reality their master. “In general,” reads the 1998 IPSOFA report; “there are no specified tasks nor a labor contract for the unpaid juvenile domestic worker. She is there to perform all the work demanded by the employers. In addition to domestic chores that include cleaning the house, the courtyard, the outbuildings and the sidewalk, the domestic is charged with fetching and transporting the water necessary for the needs of the household. She is often sent to the market, to the neighborhood grocery store or elsewhere depending on the needs of the homeowner and all others, for the child domestic is expected to be of service to the entire household and sometimes even to the neighbors. In addition, she can be asked to watch the children, care for them, take them to school, do the laundry, fetch charcoal, light the stoves, cook, clean dishes and kitchen utensils, take out the trash, clean up human and animal waste, and otherwise do a whole series of tasks that are not asked of the overseer’s children, whether girls or boys.”<sup>9</sup>

However, although some of the labor a *restavèk* does -- walking other children to school or running errands to the store -- appears to be undemanding, many of her tasks are exploitative and hazardous. Haiti’s poverty and lack of infrastructure make many parents loathe to require their own children to perform some of these tasks because of their difficulty or danger. Fetching water often means balancing a five-gallon bucket (weighing approximately 25 pounds) on the child’s fragile head and neck and carrying it over rough and unpaved terrain on plastic sandals or even barefoot. Cooking usually takes place over an open fire in a small grill, leaving the child susceptible to burns, eye irritation and severe respiratory problems from the smoke of the fire, not to mention the discomfort of squatting or bending over the cooking area for long periods. Walking the household children to school may involve crossing busy and dangerous streets unattended by an adult and carrying a heavy book bag for the other child, even though he or she might be older and stronger. The work generally requires rising before dawn, remaining “on duty” throughout the day, and then continuing to perform tasks late into the night – a work day that can be 12 to 14 hours long.

Although many people argue the benefits of children learning to work and learning a work ethic, there should be a distinction between acceptable light work to help their families and child labor; between non-exploitative and exploitative work. “Child labour is not a job for kids. It is neither valuable work experience nor apprenticeship combined with schooling that enhances a child’s present and future prospects, said Juan Somavia, Director General of the International Labor Organization, explaining the need for a global campaign to eliminate child labor. “Child labour – in its worst forms is abuse of power. It is adults exploiting the young, naïve, innocent, weak, vulnerable and insecure for personal profit.”<sup>10</sup> The UN describes child labor as any activity of economic value performed by a child under 15, and highlights that at the destructive end of the

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<sup>9</sup> *Restavek, La domesticité juvénile en Haïti*, 37-38

<sup>10</sup> International Labour Organization, “A New Tool to Combat the Worst Forms of Child Labour, ILO Convention 182” 1999, 3

spectrum child labor prevents effective attendance at school and is hazardous to the child's physical and mental well being. The practice of *restavèk* is too often all of these things.

### The Roots of Restavèk

According to one explanation of the origins of *restavèk* servitude, the phenomenon arose with colonial practices in which slave children of African descent worked both in the home and in the field for plantation owners.<sup>11</sup> This argument was echoed by the government of Haiti to the United Nations Working Group on Contemporary Forms of Slavery in 2000, calling *restavèk* “a heritage of the colonial era.”<sup>12</sup>

Others cite a custom of many societies, including some in West Africa of placing children in the households of influential friends and relatives who will help the child “get ahead” in the world. This practice, where placing a child with friends and family ensure his education as well as sealing a bond between families, appears to be more of a foster relationship than *restavèk*; the exchange of services appears to be between the families rather than between the receiving family and the child.

However “tradition” often cloaks exploitative child labor which has existed in most cultures around the world. Today alone, the International Labor Organization (ILO) has determined that there are as many as 250 million working children under the age of 15. Nearly half of those work long hours – beyond what many of us would consider full time, every day, year round. As one child rights activist states, “the colonial time issue is a romantic way of dealing with what is pure child abuse and human exploitation. There is no difference the world over. The practice is still active in most African, Asian and Arab countries.”<sup>13</sup> She points to the keeping of indentured servants around the world and child labor in England's factories during the industrial revolution to illustrate the universality of the problem.

Some scholars have described Haitian child domestic labor as a “form of adoption” called “*ti moun ki rete a caille ou*” (children who live in people's houses) or simply, “*ti moun*” (children), “these children were from rural families and were 'given' to “friends or acquaintances living in the capital ... as a token of friendship.”<sup>14</sup> However, this practice more closely resembles a business transaction since the child is exchanged as a commodity with the parents giving the child away much as one would an object although most Haitians would agree that children are not objects or commodities to be bought, sold or traded.

Even today, keeping a *restavèk* is sometimes described as “an extension of Haiti's traditional extended family structure, in which everyone looks after everyone else.”<sup>15</sup> So deeply rooted in the Haitian culture, the practice is not remarkable but “normal.” So normal, in fact, that many people do not wish to abolish the institution and consider it to be negative only in its most abusive forms. “I don't think it should be abolished. It's a great thing at its best, and people should be encouraged to practice it at its best,” said a Haitian immigrant and attorney in the United States, at the time of the publication of the Minnesota Lawyers' Committee report.<sup>16</sup>

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<sup>11</sup> Carolyn E. Fick, *The Making of Haiti; The Saint Domingue Revolution from Below*, (Knoxville: University of Tennessee Press, 1990), 29

<sup>12</sup> ECOSOC - Commission on Human Rights, Sub-Commission on the Promotion and Protection of Human Rights, “Review of the developments in the field of contemporary forms of slavery measures to prevent and repress all contemporary forms of slavery, including the consideration of corruption and international debt as promoting factors of contemporary forms of slavery and other forms of exploitation.” E/CN.4/Sub.2/AC.2/2000/4/Add.1, 23 May 2000, A.3

<sup>13</sup> Taken from an interview with Danielle Benjamin, child rights activist of Haitian origin who has dealt with the issue in five West African countries through her career with UNICEF.

<sup>14</sup> Melville J. Herskovits, *Life in a Haitian Valley*, (New York: Octagon Books, 1964), 103. Quotation in pre-standardized Creole.

<sup>15</sup> Deborah Sontag, “The Littlest Slaves in Haiti,” *The Miami Herald*, December 30, 1990

<sup>16</sup> The Littlest Slaves

Whatever the precise origin of *restavèk*, it is clear that this modern form of child domestic labor developed in tandem with social stratification, rural impoverishment, and the state's failure to protect its citizens.<sup>17</sup> “*Restavèk* are very deeply rooted in Haitian culture,” says Emma Sanchez Fuentes, former director of the ILO International Program on the Elimination of Child Labor (IPEC) office in Haiti. “Ninety-nine percent of the people consider it normal.”<sup>18</sup>

### Child Domestic Laborers in other Countries

There are as many as 250 million working children under the age of 15, according to the ILO. Nearly half of these children work very long hours – beyond what many of us would consider full time, every day, year round.

Child domestic workers exist in many places today including Indonesia, Brazil, India, Philippines, Colombia, Morocco, Nepal, and Thailand. Child domestic servitude exists throughout Africa today, according to Debbie Ariyo, international coordinator for Africans Unite Against Child Abuse, writing in a Ghanaian newspaper.<sup>19</sup> Nigeria may have the largest number of child domestic workers in the world today, with one child in nearly every household, many of them exploited and abused in the same way as the *restavèk*. Defenders of the practice in West Africa as in Haiti, call it a byproduct of poverty or an inherent part of socio-cultural values and customs.

Nonetheless, external reasons also fuel the practice of child labor in poor countries by fueling the economic need on the demand side for cheap labor including within the home.<sup>20</sup> According to Anti-Slavery International, the African version of child domestic labor looks similar to that practiced in Haiti, with the major difference that most of the children are strangers to the receiving family and have been trafficked across borders from other countries, often by means of direct payments to their needy families.<sup>21</sup>

In one example of a *restavèk*-like practice outside of Haiti, the film “*Rue Case Nègres*” (Euzhan Palcy, 1983) set in Martinique in the 1930s depicts a brilliant young boy sent from a sugar plantation by his grandmother to live in the city to pursue educational opportunities. The child is the recipient of a scholarship that unfortunately does not cover the cost of accommodations. He is taken in by an acquaintance who provides room and board in exchange for doing a few chores around the house. But she keeps piling chores on the young boy who begins to miss classes and cannot keep up with the schoolwork. He runs away to an uncertain fate, but fortunately is saved from becoming homeless by a domestic servant whom he had befriended. In addition to the practice of exploiting child labor, *Rue Case Nègres* also highlights the deception often at play when children change hands.

### Gender

The vast majority of child domestic laborers around the world are young girls.<sup>22</sup> Their labor tends to be less visible than that of boys because it is performed in the home, the private sphere.<sup>23</sup> Girls are less valued than boys in many societies and domestic work, often unpaid, is usually considered “women’s work.” This leaves girls in a “double bind of age and gender discrimination.”<sup>24</sup> Girls fall prey to such situations more often because of very limited opportunities

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<sup>17</sup> Reverend Miguel Jean-Baptiste, presentation to the UN Working group on contemporary forms of slavery, 23<sup>rd</sup> session, 1998

<sup>18</sup> Christina Hoag, “Where Slaves Revolted, Slavery Thrives,” *Businessweek*, 24 September, 2001, <http://www.businessweek.com>.

<sup>19</sup> Debbie Ariyo, “The future lost: The economic and social consequences of child abuse in Africa”, *The Accra Mail*, 22 June, 2001

<sup>20</sup> Debbie Ariyo, “The future lost: The economic and social consequences of child abuse in Africa”, *The Accra Mail*, June 22, 2001

<sup>21</sup> ASI, “Child Trafficking in West Africa”, Part II, October 2001

<sup>22</sup> UNICEF, “State of the World’s Children” 1997

<sup>23</sup> World Bank, “The Invisible Girl” in publication *Spectrum*, Winter 2001, 33

<sup>24</sup> YMCA, “The invisible girls, Girl child as slave” [www.ymca.int](http://www.ymca.int)

for employment and are rarely in a position to protest decisions made for them. The IPSOFA survey found that 75 percent of *restavèk* were girls were between 7 and 14 years old.<sup>25</sup>

The hidden nature of domestic work makes the girl particularly susceptible to sexual and other types of abuse, as no one outside the family she works for is likely to observe her treatment.<sup>26</sup> In Creole, *restavèk* girls are sometimes called “la pou sa” (there for that). They are accepted sexual outlets for the men or boys of the household. Haitian educator Eddy Clesca said in a 1984 colloquium on child domestics that the Haitian male “experiences a certain pleasure in abusing the domestic,” calling this “rape without the risk.”<sup>27</sup> IPSOFA’s 1998 report did not overtly seek data on this aspect of the *restavèk* system because of the risk to the entire project this would entail.

Finally, it is important to note that most *restavèk* overseers are women, as are those who do the negotiating for their services. The IPSOFA report speaks almost exclusively of women and female interaction when discussing the giving and taking of children into *restavèk* indenture, making it a largely female phenomenon.<sup>28</sup> This can most simply be seen as an extension of their responsibility for household work.

## The Haitian Family & Children

Alina Cajuste, known as “Tibebe” (little baby), tells the story of how she came into this world as the child of a *restavèk* and a son of the family her mother worked for. When it was discovered that her mother was pregnant, the lady of the household declared that her son would never sleep with a *restavèk*. Alina said, “the man who raped her said she was too low to bear his child. My mother was a *restavèk*; she didn’t have the right to give her child the father’s name or even to acknowledge that it was his baby.” So she went and lived in the street.” Even the name – Alina Cajuste – was given to her as a young women by her natural father’s sister. It had been the name of his legitimate child born around the same time as Tibebe who had died.

Beverly Bell  
**Walking on Fire**  
 Haitian Women’s Stories of  
 Survival and Resistance

In Haiti, although men are formally considered heads of households and if present, wield decision-making power, Haitian women are the unmistakable economic and emotional pillars of the family. Men, for their part, effectively control the public sphere. In the face of the highly hierarchical structure of Haitian society and family, women bear most of the responsibility for running the household. “Men need them to carry out the tasks essential to the proper functioning of daily life: going to market, cooking, supplying water, taking care of the household’s clothing, not to mention child care.”<sup>29</sup> Women are also usually in charge of household finances because, in addition to purchases, they often market the family’s produce or sell wares in the public market or along the streets to supplement the family’s income.

“If it is not rare to hear a man say he can’t [manage] without a woman, the inverse is much less frequent.”<sup>30</sup> The tremendous amount of pressure on the woman of the house to complete all her tasks well turns her into a sort of *restavèk* to the male head of household. Little wonder that in many households, a woman feels she cannot get by without a servant – particularly if she engages in economic activity outside the house. The

<sup>25</sup> *Restavek, La domesticité juvénile en Haïti*, page 35-36, see also *The Littlest Slaves*, 1990

<sup>26</sup> ECOSOC, CE/CN.4/Sub.2/2000/23, Chapter VI. B, 12

<sup>27</sup> *The Littlest Slaves*

<sup>28</sup> *Restavek, La domesticité juvénile en Haïti*, 33, 49

<sup>29</sup> Comité Inter-Agences Femmes et Développement, Système des Nations Unies en Haïti, *La Situation des Femmes Haïtiennes*, (The Situation of Haitian Women (Port-au-Prince: CIFD, 1992), Section 1

<sup>30</sup> “S’il n’est pas rare d’entendre un homme dire qu’il ne peut vivre sans femme, l’inverse est beaucoup moins frequent.” *La Situation des Femmes Haïtiennes*, Section 2.1

*restavèk*'s work may allow her to earn income and to improve her own children's chances, making the question one of my child versus another child in the name of survival. Therefore, a key reason for the difficulty in ending the practice of *restavèk* is the child domestic worker's important contribution to the economic well being of the family as an irreplaceable economic lynchpin of society.

Another dynamic at work driving the *restavèk* system is the fact that women often depend on financial support from men for running the household. Without this assistance, a city woman might find that taking on a *restavèk* is the only way she can keep up with running the home, especially if there are small children to care for. A country woman with many children may find herself in a position where she feels obliged to send away one or more as *restavèk* as the only alternative. Only very few came from small families. The IPSOFA report revealed that 70 percent of children interviewed had four or more siblings at home. Forty-seven percent had more than five and very few came from small families.<sup>31</sup>

Furthermore, regardless of social level, Haitian children are pressured to "obey and respect all forms of authority" whether mother, father, other adults and even other children. Children should obey without questioning and vigorous corporal punishment is often considered essential to a child's proper upbringing, without which, it is thought, discipline cannot be maintained.<sup>32</sup> "*Restavèk* kids are mistreated because [Haitian] kids are mistreated, because most parents have a repressive mind set shaped by the political environment they were raised in," says journalist Michèle Montas. "It's the *macoute* mentality."<sup>33</sup>

It is widely recognized that violence plays a large part in control among Haitians in which displaced anger and hostility are often the cause. Where the state has often used physical violence--primarily against men-- to maintain "order" and domination, men use comparable tactics on those weaker than themselves, particularly women and children. Women in turn take it out on children, and people of all ages think little of mistreating *restavèk* as they do with animals.<sup>34</sup>

This combination, then, is an ideal framework for the *restavèk* system to thrive and for abuse to continue unchallenged. The traditional inequalities between classes, sexes and generations acting on poverty and unaffected by government intervention, have contributed to institutionalize the *restavèk* system. Questioning deeply ingrained aspects of family life will be necessary to address the problems of *restavèk* over the long term. Issues of gender mainstreaming, of access to and acceptability of contraceptives and desire for small families, of responsible parenthood and others are all important to finding a solution as the status quo is challenged. Empowering women and raising the consciousness of all Haitians about cycles of violence and poverty are part of the answer. Empowering women economically in ways that do not depend on the exploitation of children is a further challenge.

### **Restavèk: An Accessory of the Poor**

Although the wealthy and middle classes now prefer and are able to hire adult domestic workers and pay them a small wage, the lower middle class and poor families of Haiti's urban centers no longer see having a *restavèk* as a luxury; it is rather perceived as a necessity.<sup>35</sup> A 1992 UNICEF report on the situation of women in Haiti cited an average monthly revenue of \$166 for

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<sup>31</sup> *Restavek, La domesticité juvénile en Haïti*, 63

<sup>32</sup> *Comité Inter-Agences Femmes et Développement, Système des Nations Unies en Haïti - 1992 - Section 2.2*

<sup>33</sup> The Littlest Slaves

<sup>34</sup> Ari Bordes and Andrea Couture, *For the People, For a Change: Bringing Health to the Families of Haiti*, Beacon Press, Boston, 1978 – Part 1, Chapter 1 (pp 1 – 3); see also *La Situation des Femmes Haïtiennes*, Section 2.1-2

<sup>35</sup> "Haiti: Seen but not heard", in iAbolish, a web based project of the American Anti-Slavery Group at [www.iabolish.com](http://www.iabolish.com)



houses that kept a *restavèk*.<sup>36</sup> That figure has likely decreased drastically as per capita income continues to decline.

While in the past, overseers were usually much better off than the parents who gave up their child, in recent years the difference between the income levels of the two households has narrowed. During the 1991 to 1994 economic embargo, an estimated 300,000 Haitians migrated from urban to rural areas to flee military rule and in the hopes of eking out a living. An estimated 200,000 wage paying jobs in the formal sector that had supported some 1.2 million people were lost during this time. Additional jobs in the informal sector, particularly providing services like cooked meals and transportation to these workers, were lost as well, while prices of staple goods soared. “Declining incomes forced people to reduce household expenditures,” and less income was available for quality foods and education let alone luxuries such household help.<sup>37</sup> Many homes that once paid for domestic help could now barely afford the negligible costs associated with taking in a *restavèk*, yet felt the help around the house was needed more than ever as hours of electricity and water diminished.

Other, non economic, factors that motivate adults to take in *restavèk* include the ease with which children are manipulated, bullied and convinced to take on tasks that paid adult servants would not accept. Unaware of having any rights, children will rarely defend themselves. They are more difficult to protect because their existence is concealed.<sup>38</sup> Children rarely tell anyone when they have been abused for fear of provoking more punishment. Even on rare occasions that some *restavèk* see their parents, they will not tell them of the abuse – so as not to worry them, not to disappoint them or make them think they have done wrong, and to show solidarity with their parents’ difficult situation.<sup>39</sup> As one child pointed out when asked why he did not tell his parents about the beatings he received: “Imagine what they would do to me if they found out I had told my father. Maybe they would beat my father.”<sup>40</sup>

## Social Stigma

No Haitian child likes to be known as a *restavèk*. Beyond the implications that the child is a domestic servant without parents, protection or money, and beyond the shame of being the poor country relation, the term *restavèk* is often used as an insult. “Neighborhood children shouted “*restavèk*” whenever they saw me in the streets. I always felt hurt and deeply embarrassed, because to me the word meant motherless and unwanted,” wrote Jean-Robert Cadet in his memoir.<sup>41</sup> “To be a *restavèk* is to be an untouchable, the ultimate have-not in a society of have-nots.”<sup>42</sup>

Social stratification in Haiti is so rigid and firmly entrenched that it has been compared to a caste system.<sup>43</sup> There is a social gulf between the rich and the rest of society, and upward mobility is strictly limited. The upper classes rarely interact on any level with members of the lower classes aside from school, commerce and the workplace, and all classes maintain a degree of social apartheid with regard to *restavèk*, preventing even children from simply being playmates at school. Childish taunting and ostracism carry over into adult life. In the *restavèk* are combined those

<sup>36</sup> *La Situation des Femmes Haïtiennes*

<sup>37</sup> Elizabeth Gibbons and R. Garfield, R., “The Impact of Economic Sanctions on Health and Human Rights in Haiti, 1991-1994”, *American Journal of Public Health*, October 1999, Vol. 89, No. 10: pages 1499-1500

<sup>38</sup> UNICEF, *State of the World’s Children*, 1997, 32

<sup>39</sup> Timothy C. Janak, “Haiti’s Restavec Slave Children: Difficult Choices, Difficult Lives ...yet...lespswa fe viv”, *The International Journal of Children’s Rights*, Volume 8, Number 4, 2000, 325

<sup>40</sup> *Where Slaves Revolted – Slavery Thrives.*”

<sup>41</sup> Cadet, 5

<sup>42</sup> *The Littlest Slaves*

<sup>43</sup> George E. Simpson, “Haiti’s Social Structure,” *American Sociological Review* vol. 6, no. 5, 1941; 648 - 649

“Yvette became suspicious of my friendship with Olivier. ... she always said sarcastically “the two brothers have returned” when she noticed Olivier and me arriving together. That was her way of reminding Florence that I had forgotten my place, and also her way of reminding Olivier that he was doing something that was socially unacceptable. One early Saturday afternoon while on the balcony, Yvette noticed Olivier and me socializing and playing together behind the house. “What’s going on down there?”... We quickly separated. ... After I [returned] Yvette walked into the bathroom, grabbed my neck from behind, and forced me down to my knees. She lifted the lid and forced my head into the dirty toilet. “This is better than you because it knows its place and you don’t know yours,” she said, pushing the flush handle. “See, it’s going to its place; now you stay in yours.”

Jean Robert Cadet  
*Restavec*. 54

elements that place her at the very lowest rung of the social ladder, and impose a commonly accepted ban on mixing with the help. All too often a *restavèk* who crosses social boundaries can meet with a violent response.

It is as if one is being blamed for her own poverty or hardship; as if, somehow, the contamination of that misfortune could rub off onto another person. The *restavèk* child of one *restavèk* mother recounts of her first meeting

with her father’s family; “They said, ‘This is a child who was given away to someone to be a servant. Why does the child have our brother’s last name?’ They didn’t recognize me. ... A few other members of my family recognize me – I don’t mean really recognize me as a person, no, just acknowledge that I am alive.”<sup>44</sup>

### Abuse & Neglect

Corporal punishment as a first resort for disciplining children often goes unchallenged in Haiti – particularly with regard to most *restavèk*. Yet wherever *restavèk* are discussed, tales abound of beatings and creative torture beyond anything that could claim to “correct” a child. They often leave one believing that the abuser has been taking out his or her frustrations and that the child’s behavior was merely an excuse for the beating. The same tradition of family hierarchy which holds that Haitian children have few or no rights, and should not be seen or heard unless spoken to, also accepts that they can be badly treated with impunity for the abuser.

“Before the American Occupation (sic),” wrote anthropologist George Eaton Simpson, “children in the country were strictly disciplined. Children were punished for playing without the permission [of] their parents, for returning late for an errand, for stealing and lying, and for other offenses. Whippings were common. For some offense, often a slight one, a child was made to kneel for three hours, sometimes on salt or a piece of rough iron, with his arms outstretched. For more serious offenses a child was beaten until he bled, kept prisoner in a room, sent to jail, to the army, or to the ‘central house of correction’ at Port-au-Prince, or thrown out of the house.”<sup>45</sup>

This kind of treatment still exists in many Haitian households and the threat of such punishment affects still more children. Additionally, some families still continue to condone the beating of their children by other adults. A study published early in 2002 by the Haitian Institute on Childhood (*Institut Haïtien de l’Enfance*) showed nine out of ten Haitian adults favoring the use of

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<sup>44</sup> Beverly Bell, *Walking on Fire*, Cornell University Press, 2001, 43

<sup>45</sup> George Eaton Simpson, “Sexual and Familial Institutions in Northern Haiti”, in *American Anthropologist*, October-December 1942, No. 4, Part I, 665-666

corporal punishment on children. This majority includes many of the 33% of Haitian women who themselves were victims of physical abuse within the family after the age of 15.<sup>46</sup>

The abuse encountered by *restavèk* children does not stop with physical punishment, however. It is not uncommon to hear adult householders taunt, tease or fling insults at a *restavèk*. The child servant is said to be too stupid to go to school-- when the reality may be unwillingness to pay for schooling; or too dirty-- when bathing and clothes washing are seen as privileges, not rights.

The typical *restavèk* will feel alienated from her own family and the overseer's family; even more than most other poor children, she feels as outsider in society. Verbal abuse and emotional blackmail are subtler tools than physical abuse, and their effects may be more lasting. Psychologically, a *restavèk* may feel overwhelmed by her own unworthiness, and consequently undeserving of affection or decent treatment. *Restavèk* children have scant opportunity for recreation, nurturing, love, or education. Their responsibilities turned them too young into little adults.

*Restavèk* children – girls and sometimes boys – report being victims of sexual abuse by members of the household they belong to. As mentioned in the section on gender, since men are the principle sexual abusers, girls are more often their victims; however, boys are still reported to be victimized regularly by them. Due to the especially sensitive nature of the sexual abuse of children and the danger associated with collecting it, little data is currently available to quantify the abuse and the roles of men and women in carrying it out.

Even in households where direct abuse is not common, neglect and discrimination in different forms is still serious. Forms of neglect commonly experienced can range from unequal treatment with the members of the family such as not being given clothing or shoes, poor nutrition, not sharing space to the refusal of the overseer to attend to the child's most basic needs for rest, recreation, health care, hygiene, privacy or development.

Denial of opportunity for schooling is one of the most glaring examples of neglect. IPSOFA's 1998 report indicates that 77 percent of *restavèk* children reached the age of 15 or older without ever attending school.<sup>47</sup> While there were no matching statistics revealing how many family children in the study attended school, UNICEF gave a figure of 66 percent of Haitian children attending some primary school in 2000; a clear breach of the promises made about bettering the lives of the children that parents and overseers tell themselves when transacting for a *restavèk*. In a separate diagnostic study by the Haitian Research Institution GHRAP<sup>48</sup>, of over 500 Port-au-Prince children surveyed who were not in school, only twelve percent identified themselves as *restavèk*, although another nineteen percent said that they lived with an aunt or uncle – often a euphemism for *restavèk status*.<sup>49</sup> Only 17% of the children interviewed said that they lived with their mother or father.

## Long term effects & alternatives

Many Haitians still believe that parents give away their children into domestic servitude to give them the opportunity to seek a better life or because they themselves have too many mouths to feed at home. Ironically, by hoping to break the cycle of poverty, parents ultimately perpetuate it because their children often end up in poverty, uneducated, lacking social skills, a social network,

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<sup>46</sup> Institut Haïtien de l'Enfance, "Enquête Mortalité, Morbidité et Utilisation des Services 2000" – EMMUS-III, 2002

<sup>47</sup> *Restavèk, La domesticité juvénile en Haïti*, 43

<sup>48</sup> Groupe Haïtien de Recherches et Action Pédagogiques

<sup>49</sup> GHRAP / UNICEF, "Diagnostic de la situation des enfants non scolarisés dans la région métropolitaine de Port-au-Prince" carried out for the *Programme Alternatif pour une Education de Base Non Formelle*, 1999

and physically and psychologically unable to develop to their full potential.<sup>50</sup> As UNICEF said in its 1997 State of the World's Children report: "Poverty begets child labor begets lack of education begets poverty."

Short and long term effects on the health of child domestic workers include stunted growth due to malnutrition; depression, anxiety, self-esteem and eating disorders; and higher incidence of illness related to emotional trauma.<sup>51</sup> High rates of illiteracy and lack of preparedness for adult life and a viable livelihood also place limits on them and their families over the long term.

For many *restavèk* who become pregnant, a common response from the household is to put the girl out on the street. If the pregnant adolescent is allowed to stay, her child is likely to become a second generation *restavèk*, either with the same family or with another household once she is considered old enough to send away.

Few of the children who have tried to escape their desperate situation are able to access the limited resources and centers available to *restavèk* – when they are lucky enough to learn of their existence. Their alternatives are quite bleak.

Many street children, most of whom are boys, have been found to be former child servants who have run away from abusive homes. A recent study by the *Coalition Haïtienne pour la Defense des Droits de l'Enfant* (COHADDE), informs that the incidence of street children tripled since 1991. It found most to be orphans (including many who lost parents to AIDS), former *restavèk*, and children fleeing abusive violence in their family home.<sup>52</sup> These children join gangs seeking protection and "family." They are often forced to steal, are subject to sexual abuse as well as early consensual sexual activity, and seek refuge in drugs. There are currently a handful of centers for street kids that take them off the street, but many of the boys return after a short time to regain their sense of freedom.

Some of these homes cater less to girls as boys are often more visible as street children. For those who escape domestic slavery or are forced out because they have become pregnant, are "disobedient" or have committed some other offense, prostitution is often the only way to make a living. The most fortunate find their way back home while others may latch onto another situation as a paid domestic.

Some children are unable to return home because they left too young to remember where home is or to know how to travel there. Others will avoid going home because the shame of not making something better for one's self and helping one's parents will be taken out on them by family and neighbors. Sometimes a child may find her parents, but they will be unable to take her back. Still others believe that if their parents had wanted them, they would have come to take them away.<sup>53</sup>

It is clear, then that in many cases, the *restavèk* "opportunity" is ultimately limiting rather than enabling, as many parents hope. In an especially apt comparison, Pastor Fritz Fontus pointed out that "zombies, according to voodoo legend, have no more will. They can't communicate. They can only obey. Our young domestics, once grown, are just like zombies, mute, passive, prepared for nothing but to join the great mass of our marginalized society."<sup>54</sup>

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<sup>50</sup> Hoag, "Where Slaves Revolted – Slavery Thrives", September 24, 2001 see also *Comité Inter-Agences Femmes et Développement, La Situation des Femmes Haïtiennes* 1992, Section 2.3

<sup>51</sup> *State of the World's Children*, 1997, 31, 33. See also "The Littlest Slaves..."

<sup>52</sup> COHADDE, *Rapport Alternatif au Comité des Droits de l'Enfant*, 1 February 2002, Section 6.1.2

<sup>53</sup> "Child trafficking in West Africa, Part II"

<sup>54</sup> "The Littlest Slaves..."

## Controversy over Restavèk

Because *restavèk* is such a common and long-established practice, contesting it, particularly as a human rights abuse, has been controversial in Haiti. National pride in being the first country to throw off the chains of slavery has blinded many people to their complicity in a practice similar to slavery. Bitter disagreements over the nature of the practice have even made it difficult – and sometimes dangerous – for researchers to collect information at the source. One organization that worked with *restavèk* on a grassroots level, sponsoring recreational and other activities, says it was forced to close its doors in 1999 due to threats against its staff.<sup>55</sup>

Moreover, within the context of the global movement against child labor, there continue to be debates over approach and method. One topic that continues to generate disagreement is whether targeting relief and other direct services to the child domestic worker will not incite parents to send more children into the system in the hopes they may benefit from opportunities they would not get at home. This has led programs in many countries to focus on prevention and empowering families to take care of all their children. In Haiti, three additional issues – language, economic stakes, slavery and trafficking – have been particular areas of disagreement with regard to *restavèk*.

### Language

Language reveals the confusion about the practice of *restavèk* by its frequent inadequacy. Whether it is in Creole, French or other tongues – precisely accurate terms do not always exist. These limitations and ambiguities have led to the common use of misnomers. In Creole, the person the *restavèk* labors for is called *marenn*, *matant*, or *madanm* (godmother, auntie, mistress) by the child, and *granmoun mwen* (my grownup), when referred to in the third person. This person acts neither like an aunt, a godmother or a responsible adult toward the child, yet she never uses the terms *chef mwen* (my boss, my employer) or *mèt* (master) which would be more accurate.

When discussing the issue in French, the term *restavèk* is rarely used. Activists and others favor the term *enfants en domesticité* (children in domestic service), which seems less offensive to the child, or just *domesticité*, when referring to the practice. This alternative, however, portrays the practice in a more flattering light. The term is pejorative, yet organizations prefer not to use the term because it is demeaning. Ideally, the term used would reflect on the adult rather than on the child, justly criticizing the practice rather than attenuating its real implications.

In English, we may use terms like “employer” – even though it implies a salary and the existence of certain boundaries that in fact do not exist.<sup>56</sup> In this report, we have adopted the term “overseer” because the adult who keeps a *restavèk* is often the child’s taskmaster and supervisor. However, even this term is inadequate since it implies that the overseer is making the child work for some other “owner.” In addition, anti-child labor and human rights movements often refer to “foster” or “host” families who take in the children which imply a nurturing or protective atmosphere that does not exist and demeans the actual host and foster relationships that do benefit the children.

Imperfectly describing the situation and those involved in it, we believe, has fed the debate in Haiti and elsewhere about whether *restavèk* can be a beneficial practice, whether it should be reformed, or abolished, or whether there is another solution. The question is further complicated because there is not a single kind of *restavèk*, a single kind of treatment, or a single kind of overseer. More importantly, there is no single solution that can be proposed to resolve the issue.

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<sup>55</sup> Forgotten Children, a US-based organization that also operates in India, ran a small center for *restavèk* girls in Gonaïves from 1996 to 1999

<sup>56</sup> Minnesota Lawyers International Human Rights Committee, *Restavèk: Child Domestic Labor in Haiti*, MLIHRC, 1990, iii

Recognizing that the terms we use are inadequate is a first step toward accepting *restavèk* as a problem. Synchronizing the way we talk about *restavèk* – using the term for any child who is given away to another family for domestic labor, whether or not she goes to school, whether or not she is severely abused - can help Haitians come together to identify the parameters of the problem. Changing traditional ways of thinking is a slow process and a colossal task but changing the way people see something can be helped along by changing the way they talk about it. By appropriating the term *restavèk*, we can help take away the shame associated with being a child domestic worker and begin transferring it to those who keep *restavèk* instead. However, as long as we continue to use terms that mask the real issues at stake, we will continue to veil the true nature of the problem.

### **Economic Vested Interests**

Because money rarely changes hands when a child is handed over to her new household, the *restavèk* discussion rarely turns to the economic implications of the practice. *Restavèk* children are treated as though they have little value, and are seen as costing little to care for, particularly when school fees, books, and uniforms do not factor into the equation. They are inexpensive to keep in relation to the overseer's own children who are more likely to attend school, receive medical care, new clothing, and other effects not lavished on the *restavèk*. Yet the economic value of the child and, by extension, her labor, is clear.

However, many parents have told that the very absence of the child in their household might mean that they can better afford to care for the remaining children. Poor nutrition and care improve drastically when there is one less mouth to feed and the little resources go farther. Beyond the benevolent, if unrealistic, wish that the child will have a better chance in life in the city with another family of more means, many parents also harbor the hope that with the added “opportunities” the *restavèk* receives, she will one day be able to give something back to her family to help them out. As the proverb says, *timoun se riches malere* – an expression that echoes why rural families try to have many children – so they can help out in the fields with farming and other work to benefit the family.

The presence of the *restavèk* in the home of the overseer implies that the labor of the child is cheaper over all than the cost of hiring an adult domestic worker. Significantly less money is spent on the child, and no cash is paid out for her salary. In addition, the presence of the *restavèk* in the home also provides built-in, low cost child care, enabling mothers to work both in and outside the home and generate revenue that she might not otherwise have been able to produce. Occasionally, a micro business in the family will also add to the *restavèk*'s workload, requiring her to run errands for the business, including buying, selling, and delivery of items produced in addition to domestic chores. If one were to put a price tag on all these services, a significant amount of money would change hands in a great number of households.

The issue of economic vested interests, both on the side of the parents and on the side of the overseers, is a tremendous problem, grounding the rationale for keeping *restavèk* firmly in poverty and lack of resources. However, this discussion must take place with the realization that – because of the lack of education, ample nutrition, physical, mental and emotional development of the children – the practice of *restavèk* adds to the cycle of poverty in most cases. The child ends up worse off developmentally in many cases than if she had remained home with her family – even where means are scarce. Solutions, for the *restavèk*, then, must empower rural families to keep their children and provide for them, make education available and accessible to their children, and provide options for urban families to run their households and families without exploiting someone else's children.

### **Slavery & Trafficking**

Finally, the very subject of *restavèk* as a form of slavery continues to be a taboo in Haitian society. Not only is it an embarrassment and a “paradox in a country that became the world’s first black republic in 1804 when slaves rebelled and drove out their French masters”,<sup>57</sup> but it is also a situation in which many Haitians have been complicit. Accepting to discuss it now is akin to acknowledging that members of their society has been practicing – or complicity with - slavery, especially as *restavèk* fits many of the conditions for contemporary forms of slavery, by most international standards, including ones to which Haiti is a party. In a presentation at an international conference on child labor, Jonathan Blagbrough, a specialist in domestic child labor issues with Anti-Slavery International, said:

“Slavery and practices similar to slavery cover many different situations, but the problems associated with them have a number of similarities. Children caught in slavery and slavery-like conditions are frequently separated from their parents and families, becoming completely dependent upon adult strangers for their health, safety and well-being. Invariably, the children are unaware of, or are deceived about, the situation they will find themselves in – and of what will be demanded of them. Such children are not free to leave their place of work when they choose.”<sup>58</sup>

Among the many arrangements termed “contemporary forms of slavery” by the UN are bonded labor, debt bondage, trafficking in persons, exploitation of the prostitution of others, child labor, sexual exploitation, especially of children, domestic and migrant laborers.<sup>59</sup> These forms of slavery are difficult to eradicate because they are often deeply rooted in tradition or culture. Specifically regarding the *restavèk* practice, the ILO’s Committee of Experts noted in its 1993 session:

“The child was not consulted regarding her work as a domestic, and was often so young upon her departure from her natural family that if she were able to return home she would not know where to go. The Committee commented that *restavèk* children were found “to work as domestics in conditions which are not unlike servitude. The children were forced to work long hours with little chance of bettering their conditions; many children were reported to have been physically and sexually abused.”<sup>60</sup>

Trafficking as such has been increasingly recognized even when state borders are not crossed. The U.S. State Department defines it as “all acts involved in the transport, harboring, or sale of persons within national or across international borders through coercion, force, kidnapping, deception or fraud, for purposes of placing persons in situations of forced labor or services, such as forced prostitution, domestic servitude, debt bondage or other slavery-like practices.” Other definitions are even more inclusive. The Convention on the Rights of the Child prohibits the trafficking of children for any purpose or in any form.

With *restavèk*, we can identify a process by which a person is exchanged as if a commodity, and both the giver and the taker profit by the transaction, even if money rarely changes hands. Only occasionally do we find an intermediary between the child’s parents and the overseers; thus, the trafficking is mainly a one-step transaction. As with traditional slavery, the *restavèk* child is usually wholly dependent on the trafficker for her well-being.<sup>61</sup> The US Department of State recently issued a report on the state of trafficking in persons throughout the world and listed Haiti as a second tier

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<sup>57</sup> Hoag, “Where Slaves Revolted, Slavery Thrives”, Sept 24, 2001

<sup>58</sup> Jonathan Blagbrough, Anti-Slavery International, presentation to the Child Labor Coalition Biennial Conference, Washington, DC, July 2000

<sup>59</sup> UN Working Group on Contemporary Forms of Slavery, 25<sup>th</sup> Session

<sup>60</sup> Anti-Slavery International, “Extreme Forms of Child Labor: Defining “Slavery” and “Slave-like” in the New Convention,” June 1998

<sup>61</sup> Ibid, 5

country because of the *restavèk* problem, or one that has a recognized trafficking problem and but is actively trying to correct the problem. “Trafficking of children occurs primarily within Haiti’s borders for purposes of prostitution or labor,”<sup>62</sup> reads the report.

*Restavèk* are not generally given the option whether or not to work. They are kept and controlled by an overseer who manipulates them to make them work and often abuses them when they do not. While not physically locked up, their distance from their parents’ homes, lack of resources and young age mean that *restavèk* live with severe restrictions on their freedom of movement.

The exploitation of children as child domestic workers violates Haitian law, the Universal Declaration of Human Rights, the Convention on the Rights of the Child, the Supplementary Convention on the Abolition of Slavery, Slave Trade and Institutions and Practices Similar to Slavery, and the ILO conventions.

However, realizing that abolition is not always practicable, the children’s convention “urges states, while ultimately attempting to eliminate the phenomenon of child domestic labor by, inter alia, enacting and implementing laws on compulsory and free education, to adopt and enforce measures and regulations to protect child domestic workers and ensure that their labor is not exploited.”<sup>63</sup>

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<sup>62</sup> US Department of State, “Trafficking in Persons Report,” July 2001, Section IV, Country Narratives, Tier 2

<sup>63</sup> UN Working Group on Contemporary Forms of Slavery, 25<sup>th</sup> Session, V. B.11.1



## RESPONSES TO THE RESTAVÈK SYSTEM

Haitians have done very little over the years to eliminate the *restavèk* system. However, several small-scale initiatives have taken root over the past 20 years and will be discussed below. While most will admit call it a legacy of slavery and the colonial past, they generally cast the *restavèk* system as a self-help answer to poverty and the eagerness to climb out of it through education. Most activists do not see the *restavèk* system as a serious obstacle to developing a human rights culture. In particular, respect for the basic rights of the child is not seen as an obstacle to efforts aimed at developing better overall human relations and patterns of behavior. Haiti has so many issues to deal with, they say, that the *restavèk* is better off since she has a roof over her head. Rather than being seen as a single factor that influences the *restavèk* system, poverty continues to be used as a pretext to justify general acceptance of the system and the corresponding lack of sustained effort to abolish it – particularly since simple economic solutions are not forthcoming. Because Haitians pride themselves on having thrown off the shackles of slavery through a successful revolt against French colonialism, most Haitians, including human and child rights activists, prefer to use the term *enfant en domesticité*, rather than address the issue directly as one of modern slavery.

### Government of Haiti

#### Labor Laws

The Government of Haiti's (GOH) long-standing practice of investing little in programs and initiatives that promote good governance while embracing lofty goals and ideals designed to attract international handouts also permeates its response to the *restavèk* system, which it promotes in law and deeds even as it claims to do otherwise. Their most important effort on the *restavèk* issue was the organization of a 1984 colloquium that led to the promulgation of 1985 labor laws regulating the working conditions of what were called *enfants en service* children in domestic service. These laws remain part of the Labor Code:<sup>64</sup>

- Children younger than 12 cannot be employed as domestic workers (Art. 341)
- The employer shall secure a permit from the Institute of Social Welfare and Research in order to employ children as domestic workers (Art. 343)
- The employer of children domestic workers shall act as a father to them, provide them with decent accommodations, clothing, a healthy diet, recreational time and register them in a conventional or vocational school that they can attend regularly. (Art. 345)
- Children domestic workers shall not perform work that threatens in any way their health, normal development or school attendance. (Art. 346)
- It is prohibited to make children work during school hours, on Sunday and legal holiday afternoons; at night; and children shall enjoy a continuous daily rest period of ten hours. (Art. 347)
- Psychological torture or corporal punishment<sup>65</sup> shall be prohibited as forms of punishment. When a person is found to have committed these violations, the Institute of Social Welfare shall deliver a report to the Labor Court, which may impose a fine of between one and three thousand gourdes. The amount of the fine shall be given to the parents of the child. (Art. 349)
- When the child domestic worker reaches the age of 15, she shall be considered a regular domestic worker and be paid accordingly. (Art. 350)

<sup>64</sup> *Code du Travail annoté*, 143-144

<sup>65</sup> The UK-based Global Initiative Against Corporal Punishment defines as corporal punishment “any punishment in which physical force is intended to cause some degree of pain or discomfort...”

- Violations of these articles will be subject to a fine of between one and three thousand gourdes by the Labor Court following a request by the Institute of Social Welfare and Research. (Art. 355)

These laws, if ever applied, would leave ample room for interpretation in favor of the “employer.” They also promote confusion between actual unpaid *restavèk* children and paid child domestic workers which may only exist on paper. The use of the term employer itself supposes an exchange of money for the labor provided. Most *restavèk* are not paid. Also, they might allow an overseer’s claim that the child is paid in kind – with food, clothing, shelter, and so on. The overseer can also claim under these laws that the child if under 12 years old, is not actually “employed” – precisely because she is not being paid. The child is just staying with the family and helping out, it is argued. Overseers could also circumvent seeking a permit with the same argument. Finally, if a child is to be paid the same as an adult (regular domestic worker) after the age of 15, it begs the question of what type of payment she is supposed to receive from age 12 to 15. Additionally, for children who are not put in school for economic or other reasons, overseers can argue that it is not work that is keeping the child out of school but rather lack of means. Also, if the child is not actually “employed” with the family, there is no obligation then to send her to school.

With regard to Article 349 on torture and corporal punishment, while it does not seem to contain a clear loophole, it is important to note that the penalty involved for the abuse of a child is not considered the same as other assault charges and involves no jail time. The criminal code punishes simple assault with a fine and up to twenty days imprisonment for attacking someone anywhere but in the face, however, this rarely is enforced within a family environment.

### Enforcement

We are not aware of any recent attempt on the part of the government of Haiti to enforce these rules and regulations. On the contrary, police officers interviewed have reported that they have no clear instructions on handling reports of child abuse. In the rare instances the police are called on a domestic matter, officers say that all they can do is find out whether the child is all right. If they find the person responsible for the abuse, they can only reason with him or her and try to convince the person not to do it again. The same level of abuse occurring between unrelated adults usually results in an arrest.

In response to a question about whether children are entitled to the same protection as adults, one officer replied that it was probably so, but that the system “just doesn’t work that way.”<sup>66</sup> A reference book distributed to police trainees in 1995 lists principle rules and regulations for handling misdemeanors and crimes but no specific instructions are given for crimes against minors. The only exceptions are in cases of infanticide, rape of a child under 15, abandon by parent or guardian, kidnapping, and corrupting a minor.<sup>67</sup> This same guide, put together by an agency of the US Department of Justice, makes no mention of domestic violence nor does it say violence within the home should be treated differently from other crimes and the assumption is that if it is not prohibited, it is allowed.

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<sup>66</sup> The Haitian police officers interviewed agreed to respond under the condition of anonymity because by their own internal rules, they are not entitled to speak publicly about police work.

<sup>67</sup> International Criminal Investigation Training Assistance Program (ICITAP), “Infractions et Peines: Guide pour l’Instructeur. Cours ICITAP pour l’Academie de Police d’Haïti” (June 1995). US Department of Justice administered ICITAP was responsible for the training of the Haitian National Police from 1995 through 1999

## Convention on the Rights of the Child

Haiti ratified the UN Convention on the Rights of the Child on December 29, 1994, and, in accordance with its obligations under the Convention, filed the first of its periodic reports, due every five years, describing progress made in implementing the Convention. Filed in March 2001, the initial report was over three and one half years late. The government has essentially recognized its legal obligations under the Convention, but claims that slim resources had hindered efforts to protect children from abuse and to provide them with the care and support mandated by the Constitution and the Convention. The report also uses the euphemism *enfants en domesticité* - children in domestic service.

In Haiti's follow-up report, it reports that since the state's Institute for Social Welfare is *de facto* opposed to domestic work, it does not issue permits.<sup>68</sup> The report does not contain information on whether any and how many permits have been sought from the Institute. It is most likely that no permits were requested from the licensing authority and that *restavèk* arrangements continue to be made privately. Whether or not the government has stopped delivering permits because of a lack of demand or out of opposition to what is by law its obligation once requirements are met, there is no evidence that it investigates homes where children are employed as domestic workers or seeks to enforce any of the laws' protective provisions.

Since studies have found that over twenty percent of *restavèk* children are less than 12 years old, the failure to investigate homes that use these children amounts to a serious dereliction of duty. In short, the government of Haiti flaunts its impunity from the law as much as the citizens who are supposed to be in compliance with it. This may stem from a serious misinterpretation of the law as it is currently stated above. In its report on the Convention's implementation, the government says: "The labor code **recommends** (emphasis added) that the host families offer the child [domestic servant] decent food and housing as well as a daily rest period of 10 hours and a day off every week. This applies also to the access to education, health and recreation. Unfortunately, none of these recommendations are followed by the host families."<sup>69</sup> Title V, Chapter IX of the Labor Code makes clear however that these measures are not optional.

To further justify inaction on protecting the *restavèk*, the GOH states, "the idea of the State adopting sanctions to prohibit domesticity (sic) is attractive with respect to complying with the Convention. But they will have no impact if they are not followed with measures to allow parents to face daily needs. For, the parents who turn their children into domestics do so because they are unable to meet their needs."<sup>70</sup> The problem with this reasoning is evident: the GOH is already bound by law to enforce rules and regulations on child domestic work. It has simply chosen to ignore its obligations. Eradicating slavery requires both persuasive and compulsory measures. Persuasive measures could include joint public and private sector campaigns to inform the public about its rights and obligations with respect to children's rights and domestic labor, government incentives to maintain family unity and other similar measures. Compulsory measures are dictated by the laws of the land. When the State itself reneges on its obligations to enforce the provisions related to domestic labor, or fails to provide the constitutionally-required facilities and means to

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<sup>68</sup> Republic of Haiti, « Rapport de Suivi d'Application de la Convention Relative aux Droits de l'Enfant. » Submitted to the UN December 2000), 11. Haiti's report is subject to review by the UN in January 2003.

<sup>69</sup> *République d'Haïti, Rapport*, 58

<sup>70</sup> *Ibid*, page 59. "L'idée de l'adoption de mesures contraignantes par l'Etat pour interdire la domesticité présente l'avantage d'être facile au regard de la Convention. Mais, elles seront de nul effet si elles ne s'accompagnent de mesures d'accompagnement pour permettre aux parents de répondre à certaines exigences quotidiennes. Car, les familles qui confient leurs enfants en domesticité le font parce qu'elles n'ont pas les moyens de subvenir à leurs besoins."

ensure primary schooling to all eligible children, it makes the situation worse, not better, and provides additional pretexts for the overseer not to comply.

The government has established a hotline phone number for use by children and others to report abuses against children.<sup>71</sup> Yet, little evidence exists that this hotline amounts to more than a symbolic nod to Haiti's international commitment following the country's ratification of the CRC. The hotline known as *SOS Timoun* was established in 2000 by IBESR together with a corresponding PSA campaign, but it has enjoyed scant support from the Aristide government since the President was sworn in for a second term on February 7, 2001. We have found that this service is only available during office hours. On evenings and weekends the phone is hooked up to a recording. The Institute claims to handle up to 200 requests for assistance per year. With minimal staff and a single vehicle for the entire service, this assistance is limited, they claim, to making an inquiry into the case, educating the adults in charge on the child's rights and exhorting them not to repeat the abuse, removing the child to a center if she expresses the desire not to stay, and occasionally taking a case to court. There is usually no follow-up past the initial response. Other requests for information about the services of the IBESR made directly to the hotline encountered flat refusals to answer any questions. To explain its inaction on protecting the *restavèk*, the Haitian government states, "the idea of the State adopting sanctions to prohibit domestic service is attractive with respect to complying with the Convention. But they will have no impact if they are not followed with measures to allow parents to face daily needs. For, the parents who turn their children into domestics do so because they are unable to meet their needs."<sup>72</sup>

Maurice Sixto was a much loved journalist, humorist, radio broadcaster, teacher, and businessman, with an exceptional gift for story telling, capturing in exquisite detail the imagery, sounds and customs of Haiti. In the 1970s, he released Creole recordings of several stories that poked fun at Haitian society but were actually scathing critiques of its inequalities. His most famous stories include "Lea Kokoye" and "Ti Sentaniz." The latter focuses on the life of a *restavèk* girl. Ti Sentaniz lives in the house of a teacher greatly concerned with human rights, as the story goes, but is unaware of the injustice taking form in his own house. Sixto died in exile at the age of 65.

### Civil Society

Few organizations provide assistance or offer alternatives to the *restavèk*. Of the projects that exist, few have the capacity to handle the level of demand for assistance, advocate successfully for reforms by launching one-time or sustained campaigns, engage and interact with local and international NGOs as well as intergovernmental institutions not to mention the capacity or will to remove the child from the system.

### Service Providers

The best-known Haitian agencies trying to bring relief to the *restavèk* are the Foyer Maurice Sixto (the Maurice Sixto Home) and L'Escale (the Stopover) although other groups are making significant contributions in niche areas.

Located in *Carrefour*, a mostly poor suburb to the southwest of Port-au-Prince, the Foyer Maurice Sixto opens its doors to *restavèk* children from six to 18 years old weekdays

from 2:00 to 5:00 PM. It offers them meals, basic classes in literacy, reading, writing, and math as well as recreational activities and care and loving attention from an adult. Vocational training is also provided. They attend activities through arrangements worked out by the Foyer with their overseers.

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<sup>71</sup> *République d'Haiti, Rapport de Suivi*, 23

<sup>72</sup> *Ibid.*, 59. "L'idée de l'adoption de mesures contraignantes par l'Etat pour interdire la domesticité présente l'avantage d'être facile au regard de la Convention. Mais, elles seront de nul effet si elles ne s'accompagnent de mesures d'accompagnement pour permettre aux parents de répondre à certaines exigences quotidiennes. Car, les familles qui confient leurs enfants en domesticité le font parce qu'elles n'ont pas les moyens de subvenir à leurs besoins."

The overseers are also encouraged to meet regularly with the *Foyer*'s staff to discuss the children's needs.

In 1993, the *Foyer* established a similar facility in Léogane, about 35 kilometers southwest of Port-au-Prince. The director, Father Miguel Jean-Baptiste, speaks out often to educate local and international audiences on the *restavèk* child and has been involved in numerous campaigns aimed at abolishing the system. Such involvements, however, are secondary to its main objectives of providing immediate relief to the children and shoring up their self-esteem.

According to Père Miguel, as he is known, "our long-term goal is to stop the exodus of children from rural areas to urban centers where they become easy prey for all forms of exploitation. Our short-term objectives are to help the children to overcome the trauma caused by separation from their families; acquire reading and writing skills; discover their talents, abilities and creativity; learn a manual trade such as carpentry, metalwork, basketwork, cooking or sewing; become complete human beings with fully-developed personalities aware of their rights and responsibilities; and gain a sense of self-worth through love and encouragement."<sup>73</sup>

L'Escale, run by a Dr. Nadine Burdett, formerly at the *Foyer*, takes a different approach insofar as it seeks to remove the child from the *restavèk* arrangement, provide psychological counseling and reunite the child with her parents when possible. It does not provide direct services to as many children as does the Foyer and does not have the same high profile on the international scene. Because its focus is on removal, security is of great concern because of the potential of danger for both workers and children they are helping to leave hostile households. The danger highlights the need for support from the Haitian government to mitigate the risks. When the IBESR and others are asked to give information on other centers besides *L'Escale* that do precisely this kind of work, they are hard pressed to come up with any other names.

Beyond Borders is a US-based group that has progressively come to the conclusion that changing children's lives involves policy advocacy both in and outside of Haiti in addition to meeting the children's basic needs. Working through its Haitian affiliate, *Fondasyon Limyè Lavi*, Beyond Borders has adopted a strategy that includes: providing basic education to roughly 1,000 children currently living as *restavèk* in and around the city of Les Cayes; working to reduce the flow of children into servitude by providing opportunities for basic education to many of the poorest families living in the periphery of Les Cayes benefiting nearly another 1,000 children; promoting greater collaboration and coordination among local, national, and international organizations in their efforts to address the *restavèk* problem; and searching for ways to build a movement that would make the *restavèk* practice socially unacceptable in Haiti. In 2000, Beyond Borders co-hosted a conference in Haiti that brought together representatives from nearly 50 such organizations and commissioned a Creole translation of the memoir, Restavec and printed several copies for distribution in Haiti.

### **Restavèk Advocacy**

There are very few Haitian organizations directly advocating for the welfare of the *restavèk* children. Haiti's leading human rights groups, trade unions, and women's organizations have left the plight of the *restavèk* child largely untouched. Other groups incorporate *restavèk* advocacy into a larger children's rights program.

The Haitian Coalition for the Defense of Children's Rights (*Coalition Haïtienne pour la Défense des Droits de l'Enfant*, COHADDE) according to a founder and leader, Emmanuel Lacroix,

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<sup>73</sup> Father Miguel Jean-Baptiste, "Child domestic servitude in Haiti." (Submission to the Working Group on Slavery, Sub-Commission on the Prevention of Discrimination and Protection of Minorities, Commission on Human Rights, Geneva, May 1998)

## Restavèk No More

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was created with a membership of 39 international and Haitian non-governmental organizations in 1991.<sup>74</sup> Its mission since inception has been to advocate for children's rights and popularize them in Haiti.

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<sup>74</sup> COHADDE members included Save the Children UK, Save the Children US, Save the Children Canada, PLAN Haïti, World Vision, *Institut Psycho-social de la Famille*, *Institut de Recherches et d'Education des Masses Haïtiennes*, *Compassion Internationale*, *La Foi Bahaie*, *Volontariat pour le Développement d'Haïti*, *Centre d'Education Populaire*, *Association Promotion Droit Enfant en Haïti*, *Tout Timoun Ansanm*, *Centre d'Education Spéciale*, ANAPFE.

### Marching Toward the Elimination of the *Restavèk* System

1939 -- Founding of *La Ligue pour la Protection de l'Enfance* by Jacqueline Wiener Silvera and Jeanne Perez with the ideal of "no limit to the actions taken to benefit children in domestic service."

1968 – In one of the first studies ever done on *restavèk*, child psychologist Jeanne Philippe and sociologist Daniela Devesin report that *restavèk* children can be found in one of six households in Pétienville, a city populated by the relatively well-to-do and the elite.

1975 - Maurice Sixto's recording of the story of "Ti Sentaniz" is released on LP format.

1984 – UNICEF and the regime of Jean-Claude Duvalier sponsor a conference on children in domestic servitude. *Restavèk*, a play by Haitian poet and storyteller Jean-Claude Martineau, premieres in New York to a sizable audience of Haitian immigrants and exiles.

1985 – The Duvalier regime promulgates a new Labor Code containing several provisions regulating children's domestic work. These provisions, known in Creole as the *Lwa pou timoun ki rete avek granmoun* (laws for children who live with grown-ups), formally purport to embrace international standards.

1989 – The *Foyer Maurice Sixto* opens in Port-au-Prince.

1990 - Entry into force internationally of the Convention on the Rights of the Child. The Minnesota Lawyers Committee for Human Rights publishes a report on the situation of Haiti's *restavèk* children. Conference on child domestic labor held by the state Institute for Public Welfare and Research.

1993 – A second *Foyer Maurice Sixto* opens in Léogane.

1994 - Haiti ratifies the Convention on the Rights of the Child.

1995 - UNICEF releases the short film "They Call Me Dog," a fictional account of a day in the life of a *restavèk* girl and the dangers runaway *restavèk* face on the street.

1997 – Parliamentary Commission on the Rights of the Child is created to draft a Children's Code.

1998 – Texas University Press publishes *Restavec: From Haitian Slave to Middle-Class American*, the autobiography of Jean-Robert Cadet. Haiti requests assistance from International Labor Organization to tackle the *restavèk* issue. Publication of UNICEF-commissioned report on *restavèk* children based on a survey of over 850 Haitian child domestic workers.

1999 – NCHR launches campaign to eliminate the *restavèk* system; sponsors book tour by Jean-Robert Cadet. Haitian girl living in a south Florida home is discovered to have been kept as a *restavèk* and sexually abused. The alleged rapist flees to Haiti.

2000 – ILO Convention 182 on eliminating the worst forms of child labor comes into force. *Foyer Maurice Sixto* organizes a week of activities to raise awareness of *restavèk*; The ILO's International Program to End Child Labor and *Limyè Lavi* organize in Port-au-Prince a roundtable meeting of groups working on the *restavèk* issue.

2001 – Haiti submits state party report on children's issues to the UN. The US Immigration & Naturalization Service classifies *restavèk* servitude as basis for claiming asylum. "Children of the Shadows," a 60-minute documentary on *restavèk* children is completed by filmmaker Karen Kramer.

Lacroix, who is a judge for minors in Port-au-Prince, told us that COHADDE maintains a small research library on child rights and is seeking to develop a child rights network led by children.

After Haiti ratified the CRC in 1994, COHADDE launched a campaign for its implementation and for changes in Haitian laws, pushing for the creation of a parliamentary committee on children's rights. Along with several other organizations, COHADDE helped the Committee draft the *Code de l'Enfant*. "The final draft was discussed at a meeting convened by the Ministry of Social Affairs, but unfortunately the Ministry has not made available to the public the conclusions and recommendations" although the draft law is a public document.

In January 2002, COHADDE published an alternative to the government's report to the UN on compliance with the children's convention. With regard to *restavèk*, it says, "Haitian legislation does not define the real status of the child in domestic service. The law of September 12, 1947, deals with "children in service," not "*restavèk*," as does the labor code."<sup>75</sup>

While this section of the alternative report concentrates on the violations of articles of the Convention with regard to protection against economic exploitation, ensuring the child's well-being, and the rights to a life that will ensure her total development (Arts. 32, 3 and 27), it does not provide enough attention to other rights consistently violated.

The Haitian Group for Research and Pedagogical Action (*Groupe Haïtien de Recherches et d'Action Pédagogique*, GHRAP) also advocates for children's rights. Founded some 20 years ago to assist trade union workers develop their leadership potential and win greater benefits for their constituency, GHRAP has since broadened its scope to include community advocates in the area of children's rights. With support provided in part by UNICEF, its Alternative Program for Basic Education has opened 11 community centers that tend to the needs of *restavèk* and other children consistently unable to attend school in poor areas. Its director, Maggy Mathurin, sees her organization's role as pushing for change within the system, in the absence of much needed change in attitude and behavior toward *restavèk* children. Mathurin has been involved in campaigns to make birth certificates available to all children, has worked with international and Haitian nongovernmental organizations to develop the framework for participation in the 2002 UN Special Session on Children.<sup>76</sup> GHRAP has also developed a voluntary Code of Conduct Toward Children (*Code de conduite à l'égard des enfants*) for use with civil society organizations, parents, teachers and others.

### Code of Conduct

Children's rights, and in particular those of the *restavèk* children, are not sufficiently served by current attempts to develop a new child rights culture in the absence of meaningful pressure on the government and corresponding governmental commitment to end the practice. Such an approach is reflected in the promotion of this Code of Conduct being proposed for use by a GHRAP with number of Haitian civil society organizations, parents, teachers and prominent community members. The voluntary social contract that is not legally binding on any of its members and is even less so on the Government of Haiti, stipulates among other things that its signatories:

- Help children obtain birth certificates (Art. 3)
- Commit to convincing members of the community to send their children, **notably child domestic workers** to school (Art. 4);

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<sup>75</sup> COHADDE, "Rapport Alternatif au Comité des Droits de l'Enfant." (Presented to UN, February 1, 2002), Section 6.1.3. "La législation Haïtienne ne définit pas le statut réel de l'enfant en domesticité. La loi du 12 septembre 1947 parle de "enfants en service. Le code du travail non plus."

<sup>76</sup> The UN Special Session on Children scheduled for September 2001 in New York City, has been postponed to May 8 – 10, 2002



- Recognize the need to contribute financially to the education of children by contributions and fundraising efforts (Art. 5);
- Ensure that children are not separated from their parents unless it is in their best interests; intervene within legal limits in domestic disputes when parents mistreat or neglect their children; and **take measures to insure that child domestics meet with their parents at least three times a year** (Art. 15).

In sum, although the proposed Code of Conduct falls short of the existing Haitian Labor Code's provisions related to Children Domestic Workers, it is a tool in use worldwide to raise consciousness. In this case, the Code of Conduct can serve as a valuable tool to reform behavior and teach entire communities about the rights and needs of children in the absence of a regulatory device as well as how to be accountable to each other. The UN and UNICEF both encourage the use of Codes of Conduct by corporations to end the use of child labor, so by extension, where domestic labor is found, the "corporation" is the society in which the child works and evolves and can clearly benefit from this type of initiative.

However, such efforts must be supplemented with measures that place pressure on the Government of Haiti to respect its obligations under the Constitution and international law toward children in general and *restavèk* children in particular. Instead of neglecting efforts to hold the authorities accountable for continuously failing to honor their obligations, Haitian civil society must step up demands on the government and channel their collective efforts to advocate for meaningful policy on *restavèk* in addition to providing immediate relief to *restavèk* children and educating the community about the realities of the practice.

There is no doubt that in order for Haiti to develop economically, socially and politically, outmoded Haitian customs will have to be cast aside and a new *modus operandi*, a new social contract must rise in their stead. This will not occur, however, if consistent pressure is not applied on government leaders whose sworn duty is to abide by the Constitution and follow the rule of law. The Haitian Constitution of 1987, the Convention on the Rights of the Child, ILO Convention 182 on the Elimination of the Worst Forms of Child Labor are all instruments of a new social contract. Once ratified, they become binding on the government as well as on the people of Haiti. Implementation of their provisions is not optional: it is a duty. However, it will not occur unless awareness is raised among people and organizations of civil society.

Although natural partners to the movement, neither the leading human rights groups in Haiti, nor its trade unions, nor women's organizations have focused much on the plight of the *restavèk* child. In sum, Haitian society's response to a situation that cries out for action, and whose resolution can potentially lead to closer examination of the country's social and political ills as well as a fundamental reorientation of Haitian society, is highly insufficient. Inaction on the *restavèk* problem cannot simply be justified by the lack of resources nor the political standoffs that have aborted promising democratic beginnings. It must instead act in concert, and attempt to partner with those organizations that can impact the government and reach the groups of people in Haiti who are in a position to change their behavior toward *restavèk* or those outside of Haiti in a position to lend a hand.

## International Response

Today's global anti-child labor movement began at the turn of the twentieth century with recognition of the harmful effects on young children of work in the mines and textile mills of the industrial revolution. Activism resulted in the first international accord on minimum age for employment in 1919 updated in 1973 by the ILO. It was not until 1979 and the International Year of the Child that the global movement broadly began to encompass many other aspects of children's rights. The momentum of these meetings led to decade-long efforts in dozens of countries to

raise support for the Convention on the Rights of the Child, which in 1989 unanimously passed the UN General Assembly. It has been ratified by all but two countries of the world. In 1992, the ILO launched its International Programme on the Elimination of Child Labor (IPEC) to seek creative and practical solutions to child labor in countries around the world.

In 1998, the Global March for Child Labor was created in India to raise awareness about child labor and quickly became a global movement with vast participation. In 1999, the UN unanimously passed Convention 182 against the Worst Forms of Child Labor. At the UN's Millennium Summit, world leaders came together to reaffirm their commitment to children, pledging to strive for universal primary education by the year 2015 – a scant 13 years away.

Haiti, which ratified the CRC in 1994, took on obligations outlined in that convention, and agreed to be accountable to its people – and its children – with respect to these rights. The UN Special Session on Children, scheduled for May 2002, will provide the latest updates on progress and international guidelines for governments to honor with respect to children. Haiti itself will come up for review for its report on compliance with the Convention in 2003.

International organizations such as UNICEF and the ILO have worked with Haitians to advocate for the child *restavèk*. UNICEF has been prominent in these efforts for nearly two decades. It has supported initiatives ranging from the 1984 conference on child domestic workers that spurred a half dozen studies on the subject and led to the 1985 Labor Code modifications, to the current GHRAP and Foyer Maurice Sixto projects. In 1996, UNICEF produced a film entitled “They Call Me Dog,” and in 1998 it sponsored the IPSOFA study.

ILO/IPEC came onto the scene only recently, on invitation from the Haitian government. It set out in early 2000 to address the *restavèk* issue through technical assistance that would boost the Haitian government's capacity to develop a national policy on child labor, a public awareness campaign, direct services to rehabilitate child domestic workers and remove others from abusive homes. However, after difficulties getting started, the ambitious plan was scaled back in its second year.

IPEC, together with Save the Children UK, World Vision and UNICEF, has commissioned a comprehensive national survey of Haitian households to draw out solid information on child domestic work. The report is expected to provide data and insight on many issues affecting *restavèk*. IPEC is also collaborating with Save the Children UK to study the return of a small number of *restavèk* children to their families.

The regional section of Plan International and the Inter-American Children's Institute have just completed a study on birth registration in Haiti. While not focused on *restavèk* children, the results of this study bear greatly on them, particularly on those who are sent away without any personal documentation. Children without birth registration cannot be returned easily to their parents; over the long term, they have great difficulty in obtaining identification papers such as national identity card, marriage certificate or electoral card, limiting their ability to participate fully in civic life.

Since the passage of the Convention on the Rights of the Child in 1989, there has been increased attention to child domestic labor and Haiti's *restavèk* in particular. With the 1990 Minnesota report on *restavèk*, the issue started to appear on the radar screens of human rights organizations, the media and governments. The publication of Jean Robert Cadet's memoirs as a *restavèk*, and the involvement of international human rights and labor organizations, have contributed to growing concern and pressure on the Haitian government. Media attention, like the unprecedented 15-minute CNN documentary on the subject aired in 2000 has introduced the issue to hundreds of thousands of people. The US State Department's report on trafficking has led various US government agencies to seek additional information. The US Immigration and Naturalization Service wants to learn how to recognize *restavèk* children. Increased awareness and participation by

civil society can potentially lead to further support for anti-child domestic labor efforts.

## GOVERNMENT OF HAITI: DEAD-LETTER COMMITMENT TO HUMAN RIGHTS

### Track record

In the summer of 1988, Brigadier-General Fritz Antoine, the minister of justice, proclaimed a visiting international human rights delegation that Haiti was a champion of human rights in the world.<sup>77</sup> He hailed Haitians' rise against slavery, their victory over French colonialism, the establishment of an independent nation, and support for anti-colonial struggles in Latin America as proof of Haiti's leading role in promoting human rights in the hemisphere. This list of accomplishments could not, however, mask the fact that the Minister was a member of a military junta engaged in violating current human rights.

Indeed, Haiti's long history of repressive, autocratic governments has only been matched by its equally long history of embracing and signing off on international standards to which it afterwards has paid little attention. These instruments seem to be understood not as building blocks of human development but rather used consistently by successive governments to placate international donors.

Haiti has ratified the following international conventions that bear on *restavèk*:

- The Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, ratified February 12, 1958<sup>78</sup>
- The ILO Convention No. 29 Concerning Forced Labor, ratified 4 March 1958
- The American Convention on Human Rights, ratified September 14, 1977
- The UN Convention on the Rights of the Child, ratified December 29, 1994

Because of President Jean-Bertrand Aristide's well-known interest in the welfare of children, it was hoped that at his return to office in 1994 and his re-election in 2000, Haiti would finally treat children's rights an important issue. Such hopes have so far remained unfulfilled.

For example, Haiti had promised to ratify ILO Conventions 182 against the worst forms of child labor and 138 on the minimum age for child labor as soon as there was a functioning parliament. Meanwhile in 1999, it signed a Memorandum of Understanding with the ILO that it will "develop and implement programs designed to eliminate the worst forms of child labor as a priority"<sup>79</sup>-- tacitly acknowledging the existence of widespread child domestic labor. In this light, the government's failure to call the *restavèk* practice by name in its draft children's code or mention child labor on any level in a new draft labor code is egregious. The latter omission is justified by the draft children's code coverage of child labor.

Nonetheless, the US State Department reported in July 2001 that the government of Haiti had "acknowledged its internal trafficking problem and is making significant efforts to address it despite severe resource constraints." It further points out that the GOH's efforts (a brief media campaign and the *SOS Timoun* hotline) resulted in the removal of 760 *restavèk* -- or one quarter of one percent of all *restavèk* children - from abusive households, even though it does not specify over what time period, nor what type of measures were taken to help them.<sup>80</sup>

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<sup>77</sup> The delegation was composed of representatives of NCHR, Human Rights Watch and the Caribbean Human Rights Network

<sup>78</sup> The government of military strongman Paul Eugene Magloire signed on to this Convention in 1956. It was ratified in 1958 by the government of Francois "Papa Doc" Duvalier, who suppressed fundamental freedoms and named himself president-for-life shortly after his election in 1957 with the assistance of violent paramilitary forces.

<sup>79</sup> *Mémoire d'accord de participation au programme IPEC conclu entre le Gouvernement d'Haïti représenté par le Ministère des Affaires Sociales et l'Organisation Internationale du Travail représentée par le Bureau International du Travail, signé le 14 décembre 1999.* «[la] coopération [entre le gouvernement d'Haïti et le BIT] tendra à ... élaborer et mettre en œuvre des programmes en vue d'éliminer en priorité les pires formes de travail des enfants.

<sup>80</sup> US Department of State, "Trafficking in Persons Report", July 2001, Section IV. Country Narratives, Tier 2

### The Worst Forms of Child Labor

ILO Convention 182 on the Elimination of the Worst Forms of Child Labor defines these as:

- Child slavery (including the sale and trafficking of children, debt bondage and forced recruitment for armed conflict)
- Child prostitution and pornography
- The use of children for illicit activities (such as drug trafficking)
- Any work which is likely to harm the health, safety or morals of children

The last category includes work that:

- Exposes children to physical, psychological, or sexual abuse
- Involves heavy loads
- Is performed for long hours or during the night
- Involves unreasonable confinement at the employer's premises

Although ILO Convention 182 does not specifically mention children in domestic servitude, all of these factors are distinguishing features of *restavèk* in Haiti.

### Draft Law on Children

There is no doubt that national and international scrutiny can compel Haiti to pay more attention to children's rights and the worst forms of child labor through the *restavèk* system. For example, a draft Children's Code (*Code de l'Enfant*), developed with support from UNICEF and with the collaboration of various NGO groups was completed by a parliamentary commission on the rights of the child and made public in 2000. It has yet to be debated or voted on. Analysis of its provisions reveal, however, that it will be of little comfort to the *restavèk* children who toil in Haiti today.

The code contains 7 titles, 18 chapters and 390 articles. Nowhere in the 52-page

document, however, is the *restavèk* child or her situation referred to directly. The closest it comes to identifying such children is under a heading defines children in difficult situations; parroting the language of the CRC but doing little to adapt its provisions to the realities of Haiti. These children are defined as:

- A child who is in a state of moral and physical abandonment, in a dangerous situation, is mistreated, or has mental or physical disabilities that compel special attention or in general any child in conflict with his family or society (Art. 168)
- A child [who] is in a state of physical danger when her parents are not meeting her basic needs because they cannot afford to do so, or when she is denied education and care to the point that it endangers her physical, mental and social development (Art. 169)
- The child [who] is threatened morally when her father, mother or guardians do not provide guidance, or an adequate and appropriate environment to facilitate her social integration (Art. 170)
- A child [who] is a victim of abuses and mistreatment when the child suffers sexual or physical attacks, or beatings that negatively impact on her his physical, psychological, sexual and social development (Art. 171)

The draft code imposes jail terms of one to three months on the following:

- Persons who deprive a child of her freedom or who place her in detention without cause, a legal order or respect for due process (Art. 270)
- Police officers who fail to notify the parents of a child who has been detained of this fact (Art. 271);
- Any individual who obstructs action by legal authorities, the Social Welfare Institute and the National Council for the Protection of the Child (Art. 273)

Jail terms of between one and six months and fines of between five and ten thousand gourdes (\$200 to \$400 at the rate of 25 gourdes to the dollar) will be imposed on anyone who submits children

under her charge to blackmail, pressure, cruelty, domestic work that is incompatible with her physical or mental abilities (Art. 276)

Jail terms of between one and three years and fines of between five and ten thousand gourdes will be imposed on:

- Persons who subject children under their care to corporal punishment, severe punishment, and torture (Art. 276), and
- Persons who subject children to physical, psychological and sexual abuse, and persons who encourage, facilitate or plan such abuses. If the person exerts some authority or supervision over the child the jail term shall be increased to four to six years (Art. 277)

Laudable as these provisions may appear, by not proscribing the *restavèk* practice outright the draft code condones it and provides loopholes to those who would use child labor in the guise of providing care and shelter. Article 77 of the draft code stipulates that parents can decide on a child's guardianship through a friendly agreement,<sup>81</sup> essentially leaving the door open for the same parents to continue turning over children informally to another party.

Another loophole is provided by the code's definition of foster family (*famille d'accueil*). According to Article 88, the foster family is one which substitutes for the child's family when she is facing a difficult or emergency situation--essentially allowing parents to give children away under the strains of economic or other hardship.

These and other provisions that seek to legislate morality --such as Article 67's provision that parents *must* love their children, be affectionate to them, and provide them with moral and material care-- place undue burdens on the state and public and private sector providers, and are otherwise irrelevant to child protection measures. They result in an eclectic collection of laws that are likely to join a long list voted and ignored since Independence. As currently written, the draft code does not adequately or directly enough impact the *restavèk* practice. In its stead, human and children's rights organizations can propose and raise support for another simpler and more specific law that directly addresses the *restavèk* issue and abolishes the practice, in line with Haiti's existing national and international obligations. As the Minnesota Lawyers Committee for Human Rights pointed out in its 1991 report, when Haiti ratified the Supplementary Convention on the Abolition of Slavery in 1958, it agreed to:

“take all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition or abandonment of certain institutions and practices... [including] [a]ny institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour.”<sup>82</sup>

Had this fundamental tenet been applied since it was agreed to in 1958, there is strong chance that only the vestiges of the *restavèk* system would remain today.

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<sup>81</sup> Article 77, Proposed law establishing the Children's Code, stipulates: «*La garde est la situation dans laquelle une enfant est confié à l'un de ses parents, de ses ascendants ou d'une tierce personne, de manière physique. Les parents peuvent convenir de manière amiable de la garde de leur enfant...*» (emphasis added)

<sup>82</sup> Minnesota Lawyers International Human Rights Committee, *Restavek: Child Domestic Labor in Haiti*, August 1990, 17

## GOING FORWARD

### Recommendations

The practice of *restavèk* is pervasive, and intimately interwoven with Haitian traditions, attitudes toward children, stark class distinctions, gender inequality, and above all, wrenching poverty. No simple solution is available. While our ultimate goal is to see the practice eliminated in its entirety, a more complex approach must be taken to address the multi-faceted problem as it exists today.

We find the approach developed by the Anti-Slavery International to address child domestic labor internationally to be useful for Haiti. The London-based human rights organization consulted more than thirty agencies that work with child domestic workers in some 17 countries. They identified four ways of approaching the problem, in shorthand, Rescue, Reintegration, Improvement, and Prevention. These four approaches can serve as a basis for the construction of a National Plan of Action to eradicate the practice of *restavèk*.

Rescue is unavailable for most *restavèk*. Few agencies are able or willing to provide rescue to *restavèk* children in the worst situations, or to those who run away from an abusive household. They are largely unequipped to deal with the numbers of children who might need them. Only a few hundred children currently benefit from their assistance. In addition, few Haitians are aware of these initiatives, and most children in need never get the opportunity to benefit from them. Certain initiatives have closed down or operate in relative secrecy for security reasons and require addition protection to operate to their fullest capacity. While an option that is urgently needed, rescue is only currently feasible in the worst cases of abuse and neglect.

Reintegration of a former *restavèk* child into the family structure must take into account not only the capacity of the family to absorb the child into the home and to care for her, but also must include education of the family and members of the community to ensure that the child is not punished for her inability to “succeed” in the *restavèk* environment and diffuse the shame associated with returning home “empty handed” without fulfilling the hopes that her family placed on her to help them.

Improvement can take the form of a number of strategies from the enforcement of labor laws regulating hours of work and remuneration, rest periods and treatment to educating families on alternative forms of discipline, treatment, nutrition, and so on. For the children themselves, programs such as the Foyer Maurice Sixto and GHRAP can provide tremendous help to children behind in their schooling, in need of a social and nurturing network, and so on. Public awareness raising is also a key factor in the improvement component because the very members of the audience it reaches are likely to react to the treatment of *restavèk* in their own environments.

Prevention, however, is the most difficult element to incorporate in a National Plan, yet it may be the least costly and most effective over the long term. In addition to enacting and enforcing appropriate laws, universalizing primary education and reducing poverty in the country, the mindset of ordinary Haitians must change regarding the acceptability of the practice before the future generations of *restavèk* fall prey to the system. For this awareness raising to take place, extensive public awareness and education campaigns must target parents who supply children to the system, families who seek out or acquire *restavèk* children, Haitian children themselves to reinforce their understanding of what practices are acceptable and which are not, as well as decision-makers, community leaders, organizations and others who either have direct or indirect control over issues that get placed on the national agenda. Armed with this new knowledge, all sectors of society will be better able to create, respect, enforce and monitor legislation.

The Government of Haiti can work in partnership with concerned sectors of Haitian society to include the following recommendations in a step-by-step National Plan of Action to benefit

*restavèk*– and by extension, all Haitian children. All actors must quickly come together to agree on a joint strategy in which each sector has a role to play, and monitor each other’s efforts toward the common goal of eradicating the practice of *restavèk* in Haiti. These efforts must begin by first making *restavèk* an issue in Haiti. Removing the practice from accepted practices and turning it into a social taboo must be the guiding principle when establishing this plan.

### Government of Haiti

- Ratify ILO Convention 182 Against the Worst Forms of Child Labor and harmonize Haitian law accordingly, including:
  - Enact laws to criminalize the practice of *restavèk*
  - Increase the minimum age for domestic workers to 15 from the current 12
  - Developing a reliable internal monitoring structure that reports yearly on progress made to eliminate the *restavèk* system and the observance of Haitian children’s rights
- Ensure enforcement of laws and regulations governing domestic labor, including time off and schooling, paying special attention to the problems faced by girls
- Avoid passage of any new labor code that does not address the *restavèk* practice
- Educate police and judicial officials on laws and penalties for non-compliance
- Wage educational campaigns that inform the public about the law and the country’s obligations under domestic and international law
- Reinforce the Institute of Social Welfare by modernizing and upgrading its capacity to respond and by ensuring that its mandate is communicated to all agencies that may have contact with children
- Create a plan for universal birth registration
- Fulfill obligations to provide free and compulsory primary education to all Haitian children
- Pursue with utmost dispatch an agenda of poverty alleviation, paying special attention to the situation of women
- Place special emphasis on identifying *restavèk* children in the course of carrying out the upcoming national census

### Haitian Civil Society

- Haitian human rights organizations, labor unions, women’s organizations, teachers’ unions and other groups should join and support efforts of existing child rights movements, promoting children’s rights, and especially the abolition of the *restavèk* practice
- Wage intensive awareness raising campaigns on the *restavèk* practice and create a plan to provide more intensive public education on children’s rights, alternatives to corporal punishment, and other harmful practices
- Develop a reliable monitoring structure to issue a yearly report on progress to eliminate the *restavèk* system and increase respect for children’s rights
- Promote a Code of Conduct toward *restavèk* as a part of a national campaign to educate and eliminate harmful
- Reflect on solutions that empower women to seek alternative solutions to the inequalities and hardships they face in the home and in the economic sphere, reducing the need for women to rely on *restavèk* to run the households under their responsibility
- Undertake study of some of the unanswered questions raised in this paper, such as other variables that cause some poor parents to keep their children regardless of the economic difficulties, actual reliable numbers of *restavèk* in Haiti, long term effects on *restavèk* children, long term effects of *restavèk* system on families of *restavèk* children, what becomes of *restavèk*



upon reaching adulthood, effects of the children of former *restavèk*, and the use of intermediaries to recruit *restavèk* for urban families

### International Actors

- Press the Haitian government to adopt measures to eliminate the *restavèk* practice
- Support Haitian initiatives addressing the problems of child domestic labor, both financially and with technical assistance
- Investigate the migration of *restavèk* practices to Haitian communities in the United States, the Dominican Republic, the Bahamas, Canada, and other Diaspora communities, and work with groups on trafficking to raise awareness of the issue

### Conclusion

Much progress was made in the 20<sup>th</sup> century to develop standards and norms designed to protect children from abuse and promote their welfare throughout the world. These efforts culminated in the adoption of the United Nations Convention on the Rights of the Child (CRC) in 1990. The most widely ratified human rights treaty in history the Convention provides a framework for creating an environment in which the survival and development of children can be optimized. By signing the Convention, governments acknowledge that they have obligations to their nation's children and publicly commit themselves to fulfilling those obligations. Since it ratified the CRC, the government of Haiti has done little beyond tardily producing the required report and convening a few meetings to fulfill its obligations.

Less than two years before it commemorates the rise of an independent state established in 1804 by ex-slaves who vowed to never again be subjugated to slavery, Haiti continues to carry one out of every 10 children in slavery's miserable hold. A fitting tribute to its bicentennial would include a complete ban on *restavèk* servitude and the adoption of steps to discourage the practice and eliminate it from Haitian customs. This effort would put Haiti ahead of the curve with regards to its international obligations such as the agreement to provide primary education to all eligible children by the year 2015.

We are acutely aware of the fact that the *restavèk* system does not exist in a vacuum. In this report, we have argued that in and of itself it should be neither tolerated nor remain among the customs that contribute to the makeup of the Haitian people. More importantly, we are insisting on its elimination because it is the nexus for several other societal ills that together constitute tacit support for a wide array of human rights abuses that, nurtured during childhood, retard Haitian development and fuel its chronic socio-economic and political crises. The UN recognizes that "poverty, ignorance and discrimination in all its forms are the main causes of contemporary forms of slavery".<sup>83</sup> Thus it is not simply incumbent on the government to redress the wrongs perpetrated against *restavèk* children. Society must also reform itself. In this respect Haitian human rights groups and others have a key role to play in galvanizing support for behavioral change and holding elected and appointed officials to the standards demanded by Haitian and international laws. Haitian and international non-governmental organizations currently involved in advocating for the *restavèk* must take steps to engage Haitian human rights and other organizations in a determined effort to collectively address the issue.

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<sup>83</sup> ECOSOC, E/CN.4/Sub.2/2000/23, 21 July 2000, Paragraph VI. B., 1.2

The issue of economic vested interests, on the side of the parents and the overseers, will be one of the most difficult hurdles to cover. Prevention of *restavèk* will have to include enabling rural families to keep their children and provide for them, including getting them an education, and also assist urban families to run their households and families without exploiting someone else's children. These steps will require resources and investment.

The authors hope that this report will be a rallying point for engagement in the eradication of the *restavèk* practice, particularly by sectors that have not been active on children's rights. These human rights, women's, labor and religious organizations can galvanize support for behavioral and societal change. We hope that organizations that now advocate for the *restavèk* will seek collaboration in their efforts from these human rights, women's and other organizations. They will be needed to work with state institutions to develop a National Plan of Action for the eradication of the *restavèk* practice. Haiti's best chance for creating a climate of respect for human rights overall begins with protecting and promoting respect for the rights of the most vulnerable.