have a social impact that far surpasses their numbers because they are visible to the public and are recruited by adult criminals who use children as lookouts and unpaid child servants, and also to carry firearms and commit crimes. Street children are also vulnerable to political use as hired protestors, including recruitment by chimè gangs and political pressure groups in the recent past.

Cross border trafficking in children. Women's organizations and social workers encountered in Cap-Haitiën point to the recruitment of children for organized begging. Informants cite cases of organized begging in Cap Haitiën as well as a number of Dominican cities. The recruitment of children for organized begging targets babies and young children below school age. School age children are recruited to shine shoes and provide sexual services in the Dominican Republic.

Prosecution of child domesticity and trafficking. According to lawyers, judges and prosecutors interviewed, there have been no prosecutions of child domesticity or trafficking in Haitian courts. There have been cases that relate to the abusive punishment of children, including restavèk children, but not because of their restavèk status. According to the state prosecutor in Petit-Goâve, neither the parents of origin nor the adults in restavèk households nor restavèk children themselves are likely to bring suit over illegal restavèk status. It is the prosecutor's view, based on similar cases in other countries, that restavèk cases and trafficking are unlikely to be prosecuted unless advocacy groups actively bring suit on behalf of a restavèk child.

During fieldwork, this researcher observed the presentation of a labor dispute at the Cap-Haitiën office of the Ministry of Social Affairs. In this case, an underage maid accused her employer of physical abuse. The case was assessed as a problem of employer-employee relations without regard to under age status nor to whether or not the worker was legally employed.

Popular justice. Partner organizations express concern about the continuing incidence of "popular justice" in which people accused of theft or other crimes are attacked or killed by mobs. This may also qualify as a form of organized violence when tolerated or subtly promoted by authorities. Mob justice violates the rights of the victim, and traumatizes others including children. These incidents often occur when local neighborhoods are repeatedly victimized by criminals, and law enforcement officials are absent or unresponsive. The absence or perceived indifference of law enforcement officials, and a perceived lack of legal recourse, generates a climate conducive to mob violence.

Detention conditions. Terrible conditions of detention are a high priority concern of lawyers and human rights organizations encountered, especially in Gonaïves and Petit-Goâve. Informants state that the 48 hour limit on imprisonment without notification of cause is rarely respected. Furthermore, children accused of crimes are commonly detained together with adults. According to members of the Bar

Association of Gonaïves, organized abuse of prisoners by other prisoners is tolerated by police authorities. This tolerance of abuse may therefore constitute a form of organized violence.

The slow operations of the judicial system result in extended periods of temporary detention. For example, the prosecutor's office of Petit-Gôave provided statistical evidence of the slow pace of judicial proceedings. Between 2004 and 2007, the prosecutor registered 386 cases but processed only 65 judgments, 17% of the cases registered with the prosecutor's office. According to the prosecutor, most of the accused cannot afford legal representation. This commonly results in extended periods of temporary detention that last for years resulting in the denial of justice, i.e., therefore, justice delayed is justice denied

Organized violence. In some areas such as Petit-Goâve and St. Marc, victims of political violence from the Aristide era and the period following his departure made an effort to document politically-motivated assault; however, this documentation has not generally resulted in arrests or lawsuits against aggressors. The mayor's office in Petit-Goâve maintains a victim documentation base, and victim associations in Saint-Marc and elsewhere continue to advocate for reparations related to assault during the Aristide era. Violent political polarization is currently much less prevalent; however, there are cases of organized violence, such as the cause célèbre in Cap-Haitiën in which a prison guard used his authority to assault the wife of a prisoner.

Summary of victim priorities identified by key informants. Children in domesticity are a high priority for numerous partner organizations. Women's organizations also assign high priority to adult and child victims of rape and child prostitution. Child domesticity and rape appear to account for the largest numbers of human rights violations targeted by the Project. There is also a significant incidence of double victimization since restavèk girls are more vulnerable to rape than other children. Street children are comparatively fewer in number, but the social problem of street children is a high profile issue and a priority concern of many partner organizations, especially in Port-au-Prince and Cap Haitian. There is evidence of a fairly recent trend for increased numbers of street children in Haitian cities besides the Port-au-Prince metropolitan area. In terms of the relative weight of different categories of children at risk, partner organizations assign high priority to school age children who are not in school. Lawyers and rights organizations express great concern over illegal conditions of detention, the continuing incidence of mob violence, and inefficiency, delays and corruption in the administration of justice.

Training Themes and Recommendations

Field interviews with partner organizations also identified priority themes for in-service training and continuing education, including the following:

- How to receive victims,
- Training of human rights trainers, including procedures for reporting violations, and the training of volunteers assisting victims of rape,
- Training social workers in group work and the use of victim support groups
- Victim follow-up and social reinsertion and reintegration,
- Strategies for identifying and providing services to hidden victims,
- Human rights training for law students and practicing lawyers, including children's rights and trafficking.

In the interim since interviews were undertaken, the PHR project has carried out training pertinent to all of these thematic and training targets. At this point it would be useful to assess the effectiveness and coverage of training in relation to the need and especially to evidence of practical applications of training, and to institutionalizing, for example, human rights training for law students, and building up the social service skills and distribution network for critical public sector institutions (IBESR, BPM, OPC, ONM).

How to receive victims (ki jan pou n resevwa moun?). Most organizations encountered express strong interest in practical training on sensitive ways of dealing with victims of rape and other physical violations, including medical admissions, physical examinations, and police or court declarations. Such training should take into account psychological aspects of trauma.

Pertinent targets for this training vary greatly including volunteers, social workers, hospital admissions, nurses, doctors and all service staff coming into contact with victims. Training should take into account the specific roles and education level of targeted personnel. For example, a group of medical residents assigned to maternity at Justinien Hospital requested training sessions on psychological aspects of doctor-patient relations including victims of rape. On the other hand, the majority of people who accompany victims of rape are generally volunteers without training. In addition to training on how to deal with victims in the period immediately following victimization, training should also emphasize follow-up strategies beyond initial contact with medical services and authorities, including legal counsel or psychological support.

Training of trainers. Partners express strong interest in training on how to report rights violations to the authorities, including rape. The training of partner organization trainers would facilitate training

and support for other staff and particularly for volunteers who accompany rape victims.

Training of social workers. In-service training of social workers should include techniques for group work, and the use of groups as a support system for victims, including victims of rape. A staff person for the Ministry of Social Affairs in Cap-Haïtien expressed a need to train ministry personnel in the area of human trafficking, social reinsertion of victims, child domesticity and employment of minors.

Victim follow-up and the challenge of social reinsertion. Social reinsertion is an important concern of partner organizations, and a high priority for victim accompaniment and follow-up. Reinsertion applies to various victim categories including restavèk children, rape victims and street children. A number of women's organizations facilitate social reinsertion of rape victims. For restavèk children, CAD (Centre d'action pour le développement) has developed a method based on extended accompaniment and follow-up of children reinserted into their family homes of origin. The topic should be a high priority for service provider sessions devoted to participatory review and discussion of practical strategies for social reinsertion of victims.

Identification of hidden victims. How can social service agencies and human rights groups enter into contact with hidden victims? How can agencies reach traumatized victims afflicted by social stigma, fear of reprisal, and a sense of powerlessness?

Partner organizations have approached this problem in various ways. In order to reach children in domesticity, FEFBA organized an informal house to house "survey" of the entire city of St. Marc and offered scholarships to children not in school, including restavèk children as well as other unschooled children. In Cap Haitian, AFASA undertook a campaign to identify victims of rape in 19 northern municipalities. AFASA contacted key informants in each commune including judges, prominent local citizens, church leaders, the police, health centers, women's groups and human rights organizations.

Partner organizations in smaller towns express an interest in using radio to reach victims in rural areas, especially hidden victims and those unaware that their legal rights have been violated. Publicity campaigns can be a useful means of transmitting messages to hidden victims, but publicity campaigns have limited value unless tied directly to program response and identifiable points of service. Therefore, any media campaigns should be locally targeted and directly facilitate victim access to legal and social services by disseminating contact information.

Seminars on the law. The Project should continue to support human rights training for (i) law students and (ii) practicing lawyers, including seminars on children's rights, trafficking and legal representation of rape victims and children whose rights have been violated, and changes in the core curriculum in law schools to support human rights law and children's rights. Such sessions should be linked to broader

efforts to increase the legal representation of the poor and disenfranchised. The Bar Association of Gonaives noted a problem of unequal representation when law school interns provide legal aid to the poor, especially when confronting experienced lawyers representing the other party to a lawsuit. The Project should also sponsor seminars on conflict mediation and how to organize around problems of mob violence.

Program & Policy Implications

The present chapter reviews the household prevalence survey (a) to situate findings in the broader social and political context, and (b) make practical recommendations for orienting and prioritizing program activities in the human rights and social service sector.

There has been considerable news reporting on organized violence and child trafficking in urban Haiti; however, there is little reliable information on the prevalence of such violations within the general population, especially with regard to restavèk servant children. Therefore, this report focuses primarily on the following question: What is the scale of victimization? Field based study of the relative prevalence of victims for different victim categories is a critical factor in setting program priorities and orienting public policy to make a discernable, measureable impact.

SUMMARY OF KEY FINDINGS

Overall, the PHR survey found an astonishingly high percentage of the 3,188 children surveyed living away from their homes of origin; 32% of the children surveyed were not born to the heads of household of survey households.

The survey found that 30% of all survey households had restavèk children present, 16% of all children surveyed were placed as restavèk, and 22% of all children were treated as restavèk servants, including a remarkably high 44% of all children in Cité Soleil.

Gender is a dominant feature of restavèk recruitment. Two-thirds of restavèk children are girls.

Restavèk placement and high prevalence is deeply marked by poverty, and the movement of children from poor to somewhat less poor households.

An important new finding from this survey is that a significant minority of households with restavèk children has sent its own children into restavèk placement.

The magnitude of intra-urban movement of children within the metropolitan area is significant new development in the reporting on restavèk placement. Not surprisingly, the majority of urban restavek children were born in rural Haiti; however, households in the Port-au-Prince metropolitan demonstrate a new variant in published findings on restavèk recruitment: the largest single recruitment source is other urban households in the metropolitan area. Therefore, recruitment of restavèk children

can no longer be viewed solely as a rural to urban phenomenon.

Geographically, Port-au-Prince and St. Marc had a significantly higher proportion of households with restavèk children present - well over a third of households surveyed. Cité Soleil at 44% had the highest proportion of restavèk children.

The Port-au-Prince metropolitan area houses by far the densest concentration of restavèk children the country. The most important municipalities supplying restavèk children to Port-au-Prince, aside from the metropolitan area itself, are Les Cayes, Jacmel, Jérémie and Léogane.

The household study provides new information on the relation of kinship to child placement. The vast majority of restavèk children surveyed are related to host family household heads. A niece or a nephew adopted informally by an aunt or uncle may well be treated as a restavèk child under the banner of kinship. A child under age 5 may be related to the head of the household, and benefit from lodging and food until such time as he or she is old enough to provide domestic services. Even though such a child was not recruited as a restavèk (a defined social status) but rather as a distant relative (ti paran), he or she may find herself in a situation of domesticity without necessarily bearing the restavék label.

In sum, kinship ties to host household heads do not necessarily shield children from restavèk treatment or status. Kinship ties and student board and room arrangements often camouflage treatment that is little different from restavèk servant children.

The PHR study sheds important new light on the vulnerability of students sent to live with relatives who provide board and room during the school year. The survey indicates that the vast majority of such boarding students are treated similarly to restavèk children but without the restavèk label.

Although the majority of all boarding students had kinship ties with the host household, some 35% of “restavèk-boarders” had no kin ties to the head of household, whereas boarding students not treated as restavèk were all related to the household head. This suggests that the absence of kinship ties may increase the risk of abuse and child domesticity, although it is also abundantly clear that kin ties are not a barrier to restavèk treatment.

There is some evidence from field interviews that the proportion of restavèk without kin ties to host households may be growing, especially in the Port-au-Prince metropolitan area. Given evidence of heightened risk of mistreatment for unrelated restavèk children, it is important to monitor this trend over time.

A significant factor in the treatment of boarding children is the economic situation of families placing their children in such boarding arrangements. There is evidence from field interviews that boarding students whose families contribute more to the host family, such as food, tend to be treated better.

In short, restavèk treatment varies along a continuum rather than being sharply defined by overt placement as restavèk.

For other forms of victimization, the survey shows some 7 percent of survey households marked by incidents of rape, murder, kidnapping, or gang involvement. Respondents attribute the vast majority of rapes, murders and kidnappings to armed authorities and politically partisan groups including gangs. In terms of incidents of physical assault, Port-au-Prince households ranked much higher (nearly 16%) than the other cities.

The majority of victims did not register attacks with the authorities. Victims that did report assaults were far more inclined to register complaints with the police and courts than other institutions.

Households in survey target cities away from the Port-au-Prince metropolitan area had higher rates of children-in-the-street, and higher rates of children sent to the Dominican Republic or deported from there.

In terms of associational life, the overwhelming majority of households are active participants in religious activities and institutions. Among secular associations, the highest level of participation is with rotating credit groups and credit unions.

High ownership rates for radio, television, and cell phones in these urban neighborhoods suggest growing opportunities for dissemination of media messages via radio and television, and for telephone response to such messages or telephone communications related to victim services. For example, cell phones offer the potential for improved communications within grassroots organizations in urban neighborhoods, including neighborhood watch, conflict monitoring, conflict mediation, and watchdog roles in response to organized violence or child trafficking.

Such efforts would require a significant investment in community organization and outreach in urban areas since for historical reasons urban neighborhoods are generally less well organized (fewer and less well developed grassroots organizations) than most rural areas of Haiti, including a tendency for neighborhood organizations to be used as political pressure groups or vehicles for electoral campaigns rather than for local public services or development. Furthermore, the most densely populated urban neighborhoods tend to have higher proportions of recent immigrants than other neighborhoods.

POLITICAL CONTEXT OF ORGANIZED VIOLENCE

In 2006 the USAID Mission targeted volatile urban neighborhoods for PHR programming including Cité Soleil, Haiti's now archetypal hotspot, along with other low income urban neighborhoods marked by social and political conflict, crime and violence, and dense concentrations of highly vulnerable people. At present, these urban areas continue to be marked by highly vulnerable populations; however, the political and social context has evolved over time. For the past two years there has been an overall reduction in the level of political polarization. Food riots in April 2008 led to a change in government; however, there was a peaceful if somewhat delayed transition to the new government. At present, the urban neighborhoods originally targeted for study show no evidence of violent political conflict comparable to the Aristide and post-Aristide period. Gangs no longer control hotspots, and the hotspots of 2006 are no longer hot, although violence continues in Haiti in other forms.

The acute political and social polarization that led to the fall of Aristide continued for a time in other forms under the Interim Government (2004-2006). This included Operation Bagdad, a campaign of kidnappings and other violent acts by politically partisan gangs (chimè) identified primarily with Cité Soleil. This period was also marked by the presence of rebel forces and ex-soldiers in some areas of the country including Gonaïves, Cap-Haïtien and Petit-Goâve. For an extended period of time, travelers from Port-au-Prince to Petit-Goâve passed through a series of checkpoints manned by distinctly separate armed forces including the Haitian National Police, MINUSTAH, and armed and uniformed ex-soldiers of the Haitian Armed Forces, which had been dismantled by Aristide in 1995. In Cap-Haitian, local supporters referred to invading forces as "rebels"; supporters of Aristide called them "asayan" (aggressors). The invading forces in Cap-Haitian initially supplanted the police but with a political twist. According to one interviewee,

Militè demobolize
It was the demobilized soldiers
ki te kalme chimè Lavalas.
who calmed down Lavalas chimè.

In general, the political turmoil that surrounded the departure of Aristide gave rise to a wider breakdown of law and order. The presence of competing armed groups left numerous victims of organized violence in their wake. In many cases, political and criminal actions merged. In Cap-Haitian, political pressure groups called OP (organisations populaires) were active, although unlike Cité Soleil these groups were not generally identified locally as "gangs." Politically partisan groups in Gonaïves and St. Marc were openly interested in control over the ports and the opportunity for job patronage and corruption related to importing cars and other high value imports. In Gonaïves, rival gangs with cocky noms de guerre dominated the adjoining neighborhoods of Raboteau and Jubilé, or the Cannibal Army versus the Vampire Army. In St. Marc, conflict between rival political pressure groups - Bale Wouze (Lavalas) and RAMICCOS (opposition) – included the burning of radio stations and houses, physical injury and

death, and what was identified as the massacre of La Scierie (February 2004), a neighborhood where RAMICCOS members lived. Under Aristide, Bale Wouze was dominant but its members went into hiding after the fall of Aristide, and RAMICCOS became dominant.

In Petit-Goâve, travelers on the national road were subject to search and theft at barricades manned by rival, politically partisan armed gangs called chimè (supporters of Lavalas) or militan (militant supporters of the opposition konvèjans). As in Port-au-Prince and Gonaïves, some neighborhoods of Petit-Goâve were called lawless zones (zones de non droit) where the police rarely intervened or feared to tread. According to field interviews in Petit-Goâve, supporters as well opponents of the ancien régime from these political gangs were subsequently arrested or killed during the period of Interim Government:

Chime kont militan.
It was the chimè against the militants.
Tou de gwoup arme.
Both were armed groups.
Kashe deye politik pou yo fè zak.
They hid behind politics to commit crimes.
Konvejans ki plis mouri na mawonauj.
More konvèjans partisans died in hiding.
Konvejans te pi vyolan.
Konvèjans adherents were more violent.
Lavalas plis mouri prizon.
More Lavalas supporters died in prison.

The statement, “they hid behind politics to commit crimes,” is applicable to political pressure groups in the various hotspot urban communities targeted for PHR services and field studies. According to field interviews, the various politically partisan groups and gangs noted above were generally affiliated with a political parenn (godfather) - sometimes a senator or député. Some groups switched sides politically depending on circumstances. They also engaged in non-political activities both legal and illegal though with the benefit of political cover.

Political rivalries and social polarization dogged the political campaign period leading up to 2006 elections; however, overt political rivalries within urban neighborhoods diminished following 2006 elections and the inauguration of the Préval government in May 2006. Nevertheless, gang control and violence in Cité Soleil continued unabated throughout 2006, including an unprecedented rate of kidnapping. In Gonaïves, rival gangs maintained ongoing control over the slum districts of Raboteau and Jubilé. In early 2007 the Haitian National Police and MINUSTAH embarked on a concerted campaign of deadly force to disperse the network of gangs that dominated Cité Soleil. According to field interviews, the Haitian National Police reestablished themselves in Petit-Goâve as early as May 2005, but in Gonaïves they only reestablished control of gang dominated neighborhoods in May of 2007.

Field interviews point to numerous victims of organized violence dating back to the period leading up to and following the departure of Aristide. Deputy

Mayor Yves Lindor of Petit-Goâve, a relative of the assassinated journalist Brignol Lindor, was himself a victim of organized violence before his election to the mayoral council, and he still suffers from these injuries. The current mayoral council of Petit-Goâve has documented some 96 cases of organized violence from this earlier period, including people who were beaten, injured, and required medical attention. Deputy Mayor Lindor stated:

Nou pa ka fè anyen pou moun sa yo
We cannot do anything for these people
sof nou monte dosye yo.
except to document their cases.

The deputy mayor also noted that the political context has changed dramatically since this earlier period, and that the current trend in Petit-Goâve is one of "reconciliation and tolerance." Field interviews elicited similar statements in Gonaïves, Cap-Haïtien and St. Marc:

Li pa kontinye.
It did not continue.
Pa gen polarizasyon sa anko.
It is not so polarized anymore.
Depi monte Prezidan Preval,
Since President Préval came to power,
pa gen viktim anko Gonaïves.
there are no longer victims in Gonaïves.
Violence organize, sete avan.
The organized violence happened earlier.

The reference to organized violence stems from acute political and social polarization that led up to the fall of Aristide, and continued during the period of interim government. The 2006 cycle of elections tended to normalize political arrangements, at least outwardly; however, the acute social stratification of Haitian society remains, and there is without a doubt an ongoing pattern of human rights violation and threats of organized violence. The Haitian National Police as well as human rights organizations such as the Commission Nationale Justice et Paix report regularly on acts of violence in the metropolitan area whether political or non-political.

For the moment, dominance of hotspot slum districts by politically partisan gangs has disappeared, but non-political gangs still operate, and urban neighborhoods continue to be plagued by crime and violence. In a sense, political violence has tended to become secular; violence continues, but for the moment it is not defined primarily by politics in troubled urban neighborhoods.

Overall, politics in Haiti have always been accompanied by an underlying threat of organized violence. Electoral campaigns in Haiti are generally marked by violent incidents and this will likely happen again in upcoming presidential elections. The Duvalier regime exercised a virtual monopoly on violence; however, in the post-Duvalier era, there emerged a kind of "democratization" of political violence including violent political pressure groups and gangs (chimè) associated with the Aristide era. During periods of crisis, organized violence readily erupts in the street as exemplified by the food riots

of April 2008. Unemployed urban young people are readily mobilized as paid or unpaid demonstrators. Furthermore, agents of government may abuse their authority, as in cases monitored by human rights organizations. This includes incidents of rape within the penal system as described in field interviews, especially in Cap-Haitian and Gonaïves, and the rape of students by public school teachers in Petit-Goâve.

There are also associations of victims of organized violence from the Aristide period who seek redress from injuries sustained during the period of intense political turbulence. Two organizations in St. Marc are defined by old conflicts between Bale Wouze (Lavalas) and RAMICCOS (opposition), reincarnated this time as victim associations, AVIFLASM, Association des Victimes de Fanmi Lavalas de St.-Marc, and AVIGES, the Association des Victimes du Génocide de La Scierie.

In sum, the political turbulence that characterized Haitian society before and after the fall of Aristide has receded, and politically partisan gangs no longer dominate hotspot slum districts. Nevertheless, there are ongoing effects of organized violence from the Aristide era, including victims whose needs have not been met and whose cases have not been heard in a court of law. There is also the ever present specter of organized violence linked to political rivalries, which tends to erupt in moments of political and economic crisis, electoral campaigns and changes in government, and abusive exercise of power by agents of law enforcement and government.

Field interviews with victims, lawyers and agents of the judicial system indicate that the judicial system does not function well. This creates incentive for unlawful recourse to settle grievances including mob violence.

Field interviews also suggest that people tend to be highly skeptical of elected officials and their capacity as a channel for grievances:

Parol nan peyi isit
Getting the word out in this country
se sou plas piblik,
is on the public square,
paske se sel la
because it's only place
pou fe mesaj revandikasyon pase.
where grievance messages can be heard.

PUBLIC POLICY AND HAITIAN LAW

Haitian Law and Trafficking in Persons

The definitions of trafficking, torture and organized violence discussed in Chapter I are based on US and international law. They are not entirely consistent with Haitian law or legal practice and precedents. For example, Haitian law does not specifically prohibit trafficking in persons, including cross border trafficking. Haitian lawyers interviewed in the course of this study, including two judges and a prosecutor, are unaware of any cases based on charges of trafficking in persons or the use of children as unpaid domestic servants. The June 2009 Trafficking in Persons report notes that the child protection unit of the national police has not pursued cases of child trafficking related to recruitment and use of restavek servants because there are no statutory restrictions on this practice in Haiti.

In sum, the fielding of a new police corps in 2003 devoted to the protection of minors was a landmark development; however, current efforts to enforce laws protecting the rights of children have only a limited impact due to limited resources, training and coverage. Furthermore, Haitian law does not provide adequate legal protection against trafficking in persons.

There has been some recent progress on this front. In March 2009 the Haitian parliament ratified the United Nations Convention against Transnational Organized Crime and its protocols on human trafficking and smuggling, both of which were cited earlier in the report. Furthermore, a proposed law on human trafficking is presently before the Haitian parliament.

Migration Policy and the Haitian-Dominican Border

The issues. Three issues dominate Haitian-Dominican relations along the border. These issues are inextricably interrelated and have a direct bearing on efforts to protect the human rights of Haitians:

1. Migration: Acute migration pressures from Haiti, strong Dominican demand for cheap Haitian labor, the prevalence of illegal cross-border migration by undocumented Haitian workers, trafficking in Haitian workers and children, and a growing incidence of forced repatriation of Haitians from the Dominican Republic since the early 1990s;
2. Cross-border commerce: formal and informal commerce, smuggling of commodities and persons, and the growing importance of Haitian buyers and sellers in Dominican border markets since the embargo period of the early 1990s;
3. Border zone security: The 388 kilometer border is marked by the growing presence of Dominican armed forces at 10 kilometer intervals, the virtual absence of Haitian police or other border security forces throughout most of the border, scores of illegal border crossings used by smugglers, traffickers,

labor migrants, and border residents, and border related corruption by agents of the Dominican army.

Migration, repatriation and human rights. The most politically sensitive of these issues is Haitian migration and repatriation, accompanied by smuggling and trafficking across a porous border. A 20 year decline in the Haitian economy combined with heightened Dominican demand for cheap labor gave rise to acute migration pressures and a cross-border market for human smugglers and traffickers, including trafficking in children for organized begging, shining shoes, prostitution, and restavèk placement as domestic servants, including Haitian households in the Dominican Republic. Cross border trafficking and smuggling of persons has burgeoned into a major growth industry.

The situation is complicated by a pervasive Dominican fear of being overwhelmed by a flood of Haitian migrants. In response, the Dominican office of migration periodically rounds up people who physically appear to be Haitian and repatriates them. According to eye witness reports, the border corps of the Dominican army sends undocumented Haitians back when caught trying to cross the border or picked up at roadway checkpoints in the border region.

Dominican law includes anti-trafficking and anti-smuggling legislation; however, field interviews on both sides of the border suggest that soldiers of the Dominican army have a reputation for corruption, and commonly facilitate cross-border smuggling and trafficking for a fee. Children smuggled or trafficked across the border by Haitian traffickers are also subject to sexual assault and separation from parents or caretakers.

Absence of labor migration policy. There is no bi-national agreement on labor migration and neither government has asserted effective control over cross-border migration. Neither Haiti nor Dominican Republic has a national cross-border labor migration policy although migration pressures have tended to increase over time. It appears that neither government has the political will to confront the whole issue of labor migration, except for Dominican reinforcement of its border patrol and periodic round up and repatriation of Haitians.

Protocol on Repatriation (1999). In December 1999, the two governments signed a protocol on procedures for repatriating Haitians, including respect for the human rights of those repatriated. The provisions of the protocol are summarized below:

- Repatriation will not take place between 6:00 PM and 8:00 AM.
- Avoid separation of nuclear families, including children unaccompanied by parents.
- Repatriation limited to the four major crossing points.

- The Haitian government maintains migration inspection offices at crossing points used for repatriation.
- Respect for the human rights of repatriated persons, allowing them access to personal effects, not withholding personal documents.
- Dominican authorities will provide each repatriated person a document of repatriation.
- Dominican authorities will provide advance notice of repatriation to Haitian diplomatic and consular personnel, including a listing of persons repatriated.
- Haitian authorities will establish migration control posts throughout the border to prevent illegal migration.
- The Haitian government will provide identity papers to Haitian citizens seeking to migrate to the Dominican Republic.

Despite a 380 kilometer border, 16 border communes, and scores of informal border crossings, only Ouanaminthe, Malpasse, and Belladère are presently equipped with physical infrastructures for Haitian border authorities. The Office National de Migration has no personnel posted directly to the Haiti/DR border, although the ONM is technically responsible for processing all repatriated and deported Haitians. Field interviews point to an overall pattern of non-adherence, or partial adherence at best, to the procedures for repatriation noted above. For example, children are often separated from parents or other caretaker adults during repatriation by the Dominican migration authority.

RECOMMENDATIONS

Migration policy and human rights. The critical issue is how to handle Haitian labor migration in response to ongoing demand for cheap labor in the Dominican Republic. The most logical solution is politically sensitive and requires the political will to (i) offer temporary work permits and (ii) establish a binational entity to manage the process.

In addition, improved protection of the human rights of trafficked and repatriated Haitians requires that both countries actively enforce the provisions of the 1999 bilateral agreement on repatriation which includes respect for human rights, and to negotiate a binational labor migration policy, assure an active presence of state authorities and services on both sides of the border, enforce existing laws against trafficking and smuggling in both countries, and pass additional anti-trafficking legislation in Haiti.

The human rights sector, parliamentarians, and the executive branch should be promoting these policies and effective law enforcement. In the absence of executive initiatives in both countries, advocacy groups and donors should lobby with parliament and the executive branch to enforce the law, push for the fundamental policy changes noted above, and enact additional laws.

Prosecuting violations of children's rights. Significant findings from field interviews with lawyers, judges, and a prosecutor include the following:

- Court cases are chronically slow and rarely achieve closure,
- Partner organizations devote little attention to monitoring or following up cases based on violation of children's rights.
- The judicial system has sometimes seen cases based on physical abuse of children, including restavèk children.
- Legal and human rights informants interviewed are unaware of any cases of prosecution based on trafficking in children or the use of children as unpaid domestic servants.

Therefore, support for this sector should include the following:

- Legal counsel and financial support to prosecute test cases, create legal precedents and enforce the law on children's rights,
- Monitor court cases pertaining to children
- Generate a critical mass of lawsuits aimed at protecting children's rights
- Institutionalize human rights training of ministry employees, lawyers, and law students on children's rights and the protection of minors.

Public sector services. The human rights sector cannot adequately respond to improved policies and the need for better coverage and more effective enforcement unless four critically important public institutions are funded at much higher levels, including a significant investment in better qualified

human resources: BPM and the Haitian National Police, OPC, IBESR, and ONM. Support for these public services should be essential features of any donor and government of Haiti strategy to combat trafficking and smuggling of persons, torture and organized violence. Given survey respondent identification of the police as the most widely used service to victims, it is absolutely essential to expand police coverage, including border areas, and integrate a heightened focus on basic police training and ongoing in-service training.

Quantitative baseline survey & replication over time. To orient and adjust program response to changing needs, patterns of restavèk placement should be monitored over time. The PHR household study establishes a replicable baseline for monitoring the proportion of urban households with restavèk children, restavèk children with and without kin ties to household heads, and restavèk children with urban origins.

Additional research on sensitive topics. To protect the rights of children, it would be useful to elicit better information using qualitative methodologies and follow-up interviews on the following topics:

- the recruitment and uses of children as sex workers, including cross border trafficking,
- the prevalence of sexually transmitted diseases and mental health disorders among women and girls in prostitution
- better information on urban households that both send and receive restavèk children,
- inter-generational patterns and consequences of restavèk placement, including interviews with adults reared in restavèk placement,
- movement of restavèk children from house to house in urban areas,
- assessment of services available to restavèk girls including runaways,
- the effects of post traumatic stress on exploited and working children,
- case studies and life histories of restavèk children,
- rapid assessment of rural sending communities for restavèk children and child sex workers,
- updated information on street children, especially secondary cities,
- analysis of victim data collected by service providers,
- treatment of children trafficked to Dominican Republic, including repatriated children,
- more detailed analysis of cases and patterns of organized violence identified by the study.

Targeting high demand restavèk zones for PHR services. The study showed evidence of distinct variations in the geographic patterns of victimization. Given the need to prioritize scarce resources, PHR should more closely target its services to maximize

impact with special attention to high density restavèk neighborhoods in Port-au-Prince and St. Marc, and especially Cité Soleil which has by far the highest proportion of restavèk children.

Targeting restavèk supply zones for services. Supply zones are widely dispersed; however, the Ouest department and the southern peninsula supply by far the largest numbers of children for restavèk placement in the Port-au-Prince metropolitan area, especially Les Cayes, Jacmel, Jérémie and Léogane. The largest single supply center for restavèk children is Port-au-Prince itself.

Children sent to Dominican Republic. Efforts to reach high risk recruitment areas for children sent to the Dominican Republic should target provincial cities, especially Petit-Goâve, Cap-Haïtien, St. Marc and Gonaïves.

Targeting law enforcement and judicial services. The first recourse for victims of violence is far and away the police and the judiciary. Therefore, any serious effort to improve services to victims of violence should give high priority to training and monitoring the police including human rights training, referral services and how to deal sensitively with traumatized victims.

Referrals and services. To increase the level of awareness of services, any information campaigns by project partners should emphasize the specific location of service centers for victims of violence including social, medical and legal services.

High impact grassroots associations. Given the wide spread network of schools and churches, program outreach should prioritize schools and religious institutions as channels for reaching victims and communicating the availability of victim services. In light of survey findings, outreach programs should actively promote parent participation in parent-school associations, including households where restavèk children are present.

Organizational outreach and research strategy. Follow-up research and local organizational assessment in urban communities should focus on a better understanding of survey-identified links between victimization and participation in local organizations. The focus of interest should be how to make better use of local organizational networks to prevent and mediate violence, reach hidden victims, and channel information regarding legal recourse and other support services in the face of rights violations. Higher functioning grassroots organizations offer strength in numbers and may build a denser network of new social capital resources to counteract the threat of organized violence, in keeping with the Putnam (1993) social capital thesis.

Organized violence. Sector partners in violence prone areas should make a special effort to organize watch programs, monitor local rates and risks of murder, rape, and kidnapping, and take grassroots measures to diminish the risk of political violence, including rapid response mechanisms for conflict mediation – especially during periodic electoral campaigns and changes of government.

Adapt program assistance to a wide diversity of partner organizations. The most salient distinctions are (i) public versus private service providers, (ii) grassroots organizations (member-based, reliance on volunteers) versus NGO service providers (paid professional staff), (iii) advocacy groups, and (iv) professional associations (lawyers, psychologists, medical doctors).

Donor efforts to strengthen services should adapt its support to widely varied partner associations linked by shared interests in human rights and victim services. For example, attention to treatment modalities and improved methods for monitoring the impact of treatment applies mainly to a few state agencies and NGO service providers. On the other hand, grassroots organizations are far more numerous, very local, and based on volunteer membership. Grassroots organizations are far better placed than professional service providers to contact hidden victims, share information and accompany victims seeking services.

Given the paucity of social services in Haiti, the Project should work with the full range of professional service providers, victim associations, and advocacy groups, and not limit itself to professional service providers. This should include practical training and organizational development of grassroots associations as a channel for sharing information, accompanying victims in contacting the police and court system, and access to legal, medical and social services.

Information management. Many partner organizations need practical training in data base management, including admissions data. These needs should be discussed with partners with a view to providing technical assistance and training to improve data base management and to explore the creation of a sector-wide data base to chart trends and target program services.

Prevention as a priority. Partner organizations stress the importance of preventive efforts, especially the schooling of restavèk children and sending other unschooled children to school.

Analyze existing data bases. Partner organizations often collect data on victims who benefit from their services; however, these data are generally not analyzed to assess trends or effectiveness of services provided. For example, the Coeur de Jeunes School in Cap-Haitiën has collected information on the geographic origins of restavèk children enrolled in the school. This is a rich data base that warrants social analysis, including follow up interviews in the localities and homes of origin of restavèk children.

Recommendations on targeting victims for services. In light of study findings and partner priorities, the human rights and social service sector should orient future programming as follows:

1. The sector should assign high priority to social services that target child domesticity and sexual assault of minors.

2. The category of unschooled children is by far the most numerous population of children at risk, and should be assigned high priority for program assistance to prevent child victimization and alleviate risk, especially the risk of restavék placement.

3. Donors with an interest in child trafficking and restavèk children should invest heavily in educating the poor, especially all school age children.

4. Services to street children should give first priority to improving services to children-in-the-street who sleep at home, and shelters for children newly arrived in the street including abandoned, lost, or runaway children.

5. For long term, hardened street children of the street, funding sources should increase efforts targeted at prevention, since services to hardened street children tend to be less effective.

6. The vast majority of restavèk children are girls, but services appear to be more available to boys rather than girl restavèk and street children. Therefore, social services should expand services to girls, including shelters for restavèk children and other children fleeing abuse.

7. In response to partner concerns and the lack of well grounded information on the social dynamics of child prostitution, sector support should include study of underage prostitution that builds upon the household survey and other available data, including analysis of data sets available from partner organizations.

8. To ensure more effective referral of rape victims and other hidden victims, including those with a heightened risk of HIV-AIDS infection, the sector should promote systematic collaboration among (i) women's organizations, (ii) medical institutions, (iii) public social service providers, and (iv) specialized HIV-AIDS services.

9. Sector funding should expand support for direct physical accompaniment and ongoing follow-up of victims, including the use of trained volunteers, as a strategy for increasing the number of victims served, especially rape victims and other "hidden" victims, and to diminish the impact of psychological trauma and social stigma in response to sensitive crimes.

CONCLUSION

In the broadest sense, alleviating the risk of trafficking in restavèk children should be guided by the following premises:

- The recruitment of restavèk servant children is intimately linked to poverty, especially for sending households and oftentimes for receiving households as well.
- Donor and government programs directed at reducing the risk of restavèk placement should invest heavily in poverty alleviation and better quality and more widely available education, especially in rural areas.
- Program interventions directed at trafficking in children should retain a focus on the broader issues of children's rights, the wider social problems of child abuse and child labor exploitation, and an emphasis on humane treatment of all children, rather than focusing solely on restavèk placement.

Pertinent program areas include the following:

- Investigation to fill in serious gaps in knowledge of victims to be served,
- Legal reforms and improved law enforcement on behalf of children and against child abusers and the users of children as servants; passage of laws against child trafficking and child domesticity and the strengthening of children's legal rights,
- Significant expansion of public social and human rights services including a much wider service network for the police, especially the Brigade pour la Protection des Mineurs (BPM), the courts and administration of justice, the Office Protecteur de Citoyens (ombudsman), the Institut du Bien-être Social et Recherches (IBESR), and the Office National de Migration (ONM), especially ONM services along the Haitian-Dominican border,
- Prioritizing services in the Port-au-Prince metropolitan area as the most important center for both supply and demand of restavèk children, and the urban community with the highest risk of organized violence, especially during electoral campaigns and changes in government,
- Strong advocacy for binational migration policy reforms and enactment of legislation needed to combat trafficking,
- Universal access to public services that have a strong, immediate impact on the supply and demand of restavèk children, especially access to education and potable water.

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