

HAITI (Tier 2 Watch List)

Haiti is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Most of Haiti's trafficking cases consist of the estimated 150,000-500,000 children in domestic servitude in households throughout Haiti. In addition to experiencing forced labor, these children are vulnerable to beatings, sexual assaults, and other abuses by family members in the homes in which they are residing. Dismissed and runaway children from domestic servitude make up a significant proportion of the large population of street children who end up forced into prostitution, begging, or street crime by criminal gangs in Haiti. Children working in construction and agriculture are also vulnerable to forced labor. Children in some unscrupulous private and NGO-sponsored residential care centers are at a high risk of being placed in a situation of forced labor. Women and children living in Internally Displaced Persons (IDP) camps set up as a result of the 2010 earthquake were at an increased risk of sex trafficking and forced labor. Of the estimated 1.5 million Haitians that entered the camps following the earthquake, some 357,785 remain as of March 2013. There have been documented cases of Dominican women in forced prostitution in Haiti. Haitians are exploited in forced labor in the Dominican Republic and elsewhere in the Caribbean as well as the United States. The groups most at risk of trafficking were Haitians without documentation and those from the lowest income backgrounds, especially women and children. One Haitian government report estimated that the births of more than 10 percent of Haitians were not registered.

There have been incidents of foreigners engaged in the commercial sexual exploitation of Haitian children, including incidents of sexual exploitation and abuse reported by the UN Stabilization Mission in Haiti (MINUSTAH). There were also incidences of child sex tourism; in 2013 a U.S. citizen was convicted in the United States of engaging in child sex tourism at a residential facility in Haiti that provided shelter, food, clothing, and school tuition to Haitian children.

The Government of Haiti does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these measures, such as the identification and assistance of some children in domestic servitude, the continued lack of legislation prohibiting all forms of human trafficking that prescribes stringent penalties on par with rape, as well as a lack of formal protections for victims, remained serious problems; therefore Haiti is placed on Tier 2 Watch List. The government took some action to raise awareness about human trafficking during the reporting period, but with insufficient accountability for trafficking offenders the effectiveness of these prevention efforts was limited. The creation of an inter-ministerial group to address human trafficking and officials' stated commitment to passage and implementation of anti-trafficking legislation may lead to improved results in the future.

Recommendations for Haiti: Enact legislation prohibiting sex trafficking and all forms of forced labor, including domestic servitude, with penalties that are commensurate with those for other serious crimes, such as rape; investigate, prosecute, and convict trafficking offenders,

including persons abusing domestic servants or prostituting children under 18, using available legal instruments; adopt laws or policies to guarantee victims are not punished for crimes committed as a direct result of being subjected to human trafficking; and in partnership with NGOs, adopt and employ formal procedures to guide officials in proactive victim identification and referral of child and adult victims to appropriate shelters and services.

Prosecution

The government did not make discernible progress in prosecuting trafficking offenders during the reporting period largely because Haiti does not have a law or laws specifically prohibiting trafficking in persons. For another year, draft anti-trafficking legislation that pre-dated the 2010 earthquake remained pending in Parliament. There were some laws that could potentially have been used to prosecute some trafficking offenses, such as the Act on the Prohibition and Elimination of All Forms of Abuse, Violence, Ill-treatment or Inhumane Treatment against Children of 2003, though the government did not report any prosecutions or convictions of any trafficking offenders in Haiti under this law or any other laws during the reporting period. The Haitian government noted its use of laws against kidnapping, rape, prostitution, and other offenses to pursue investigations against traffickers and those that exploit victims. However, there were no reports that these investigations led to any convictions. Some NGOs and international organizations reported possible trafficking investigations and prosecutions, though these reports could not be verified by the government. The Brigade for the Protection of Minors (BPM), despite severely limited resources, recorded 94 cases of child trafficking and arrested and transferred 15 adults to state prosecutors, though there was no information available suggesting any of these cases made it to the prosecution stage—raising serious concerns about accountability for human trafficking in Haiti. The absence of a comprehensive anti-trafficking law also contributed to confusion regarding the differences between the crimes of human smuggling, human trafficking, and illegal adoption among elements of the Haitian government and some of its international donors. In addition to the absence of a solid law, other impediments to combating human trafficking included widespread corruption, the lack of quick responses to cases with trafficking indicators, the slow pace of the judicial branch to resolve criminal cases, and scant funding for government agencies. The government did not report any investigations or prosecutions of government employees for alleged complicity in trafficking-related offenses during the reporting period. The government's capacity to provide officials with specialized trafficking awareness training, such as training on identifying and assisting trafficking victims or investigating and prosecuting human trafficking cases, was limited.

Protection

The government made limited progress in the protection of trafficking victims during the reporting period. The majority of victim services are provided by NGOs. NGOs that partner with the Ministry of Social Affairs and Labor also refer the majority of victims to the government's social welfare ministry (IBESR), which documents cases and refers them to law enforcement. The government did not systematically track data regarding trafficking victim identification.

However, the BPM made progress collating data on human trafficking cases at four posts on the border with the Dominican Republic. From May 2012 to January 2013, the BPM registered 52 trafficking cases at these posts. IBESR removed a total of 95 children from situations of forced labor in 2012 and continued to close harmful residential child care centers, removing 756 children from environments where they were exposed to a high risk of human trafficking. A total of 656 of these children were reintegrated into families or foster families, while the remaining 100 stayed in IBESR transition centers awaiting sustainable reintegration options. The government did not report proactive identification or assistance for any adult victims of forced prostitution or forced labor.

The government did not provide direct or specialized services to trafficking victims; however, the government referred suspected trafficking victims to donor-funded NGOs which provided shelter, food, medical, and psychosocial support. NGOs reported that they had good working relationships with individual government officials, and the leadership of BPM and IBESR expressed commitment to helping child trafficking victims during the reporting period despite extremely limited resources—including lack of transportation to investigate cases. Due to budgetary limitations, officials sometimes used personal funds to provide food for child trafficking victims. The government did not have formal trafficking victim protection policies to encourage victims to assist in the investigation and prosecution of trafficking offenders; the government also did not have legal protections to ensure victims were not punished for crimes committed as a direct result of being subjected to human trafficking. The government also did not have provisions to provide immigration relief for foreign victims of human trafficking facing retribution in the countries to which they would be deported.

Prevention

The government made efforts to prevent human trafficking during the reporting period, but the effectiveness of these efforts were also hindered by the lack of a comprehensive law criminalizing human trafficking. In early 2013, the government created an inter-ministerial working group on human trafficking, which was chaired by the Judicial Affairs Director of the foreign affairs ministry, to coordinate all anti-trafficking executive branch initiatives. In June 2012, IBESR launched a trafficking hotline and conducted a campaign to raise public awareness about child labor, child trafficking, and child sexual abuse among other child protection concerns. An international organization subsidized the hotline's initial start-up costs; however, IBESR funded the operating costs and employed 10 workers to manage both the hotline and child protection database. During the reporting period, senior public officials and BPM and IBESR also made efforts to inform the public about child trafficking and sexual abuse. In December 2012, without government funding, Haitian child protection authorities chaired roundtables on child domestic servitude in Port-au-Prince and in the North, Artibonite, Sud, and Sud-Est departments. The government created a national commission for the elimination of the worst forms of child labor, which facilitated two workshops, launched a public awareness campaign on child labor, and highlighted the national day against *restavèk* abuse. Haitian child protection officials provided substantial assistance to a foreign government's prosecution of a

child sex tourism offender who had abused children in Haiti. There were no known measures by the government taken during the reporting period to reduce the demand for commercial sex acts.