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“RESTAVEKS” CHILD SLAVERY IN HAITI:
HOPE SEEMS RIGHT OUTSIDE THE
CHILDREN’S FINGERTIPS

Autumn Barionnette[†]

INTRODUCTION

Although Haiti’s overthrow of slavery and declaration of independence might have won their freedom from slavery from the French, ironically, it did not generate a freedom from enslavement of each other, and the sad truth is over 200¹ years later enslavement of the Haitian children has launched into a direct child human trafficking issue with no end in sight. These children are known in the Haitian community as Restaveks.² This means, “to stay with.”³ Currently, at this minute and hour in Haiti, severely impoverished families are faced with the decision of sending their children away with blinders on that the outcome is forcing them into a life that equates to modern day slavery.⁴ A country that fought tooth and nail to free themselves of slavery now has

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¹ Michaela Alfred-Kamara, *At What Price Did Haiti Win Its Freedom?*, REPORTER (Anti-Slavery International, London, U.K.), Spring 2010, available at http://www.antislavery.org/english/press_and_news/reporter_magazine.aspx. The 2010 Action Plan for National Recovery and Development of Haiti outlines immediate key initiatives that address the countries underdevelopment in which they plan to show their emergence as a better country by 2030.

² *Haiti (Special Case)*, 10 DEP’T ST. TRAFFICKING IN PERSONS REP. 357, 357–358 (2010), available at <http://www.state.gov/documents/organization/142979.pdf>.

³ Beverly Bell, *A Second Slave Rebellion in Haiti: What’s the Worth of a Haitian Child? Part III*, THE WORLD POST, July 8, 2010, available at http://www.huffingtonpost.com/beverly-bell/a-second-slave-rebellion_b_639363.html.

⁴ *Id.*

different battle at the forefront that can no longer be overlooked by the Haitian people and can no longer endure a blind eye of the world.

Haiti's children are sent by their real birth families to other families in hopes of being provided with food, shelter, and an education for the trade-off of doing little housework. These children are forced to give up the opportunity of education due to lack of opportunity, forced to give up the endearment from a parent to a child, never having the opportunity to play and imagine. In the place of love, dreams, imagination, aspirations, the Restavek children are at the mercy of early rises to start their workday, cooking, dressing the other children of the house for school, and cleaning the home.⁵ The problem is that they are not given inadequate food, but are made to sleep on cold filthy floors and are most likely never given the opportunity to go to school or ever shown any compassion or love.⁶ The few that do get to go to school might attend for a year here and there missing several years in between or going for a few weeks or months and then being forced to quit by the families they live with known as the "host" family.⁷ The matron of the host house or the male is habitually very cruel to the Restavek children and punishes them often if not daily with beatings. This goes on in several hundred thousand homes every day.⁸

The domestic enslavement of children in Haiti is an issue that presents a three-fold cause that must be recognized and conquered morally, ethically, and legally. The effect that the need for biological parents to make the decision of sending their children off into the lives of slavery whether knowing they are or not, the continued acceptance of the practice, largely due to the legal loophole of the government law allowing the slavery to occur without punishment such as child cruelty laws, provides a barrier of such treatment and in fact promotes the

⁵ *Id.*

⁶ *Id.*

⁷ The term "host family" is used to designate the family in which the Restavek child is given to stay. It does not describe how the family treats the child or how the child perceives the family to which they are sent. The child is viewed as source of labor, not as a child to be raised and nurtured.

⁸ Bell, *supra* note 3.

cycle.⁹ However, the results of the continued cycle are just as sad as the cycle itself.

Families are forced with the decision to send one or more of their children, usually into a main city like Port-au-Prince, due to the lack of common life needs.¹⁰ These needs are the family's ability to financially survive to feed and support their own children, this includes, food and water, shelter, school, and transportation to school. The most tragic reality is that these families send their children away in hopes of them being provided with the needs they cannot provide, but in reality they suffer more and most times are completely deprived of the most basic civil rights.¹¹

In 2011, the Haitian Government made an attempt to eliminate the Restavek system of child slavery.¹² However, the Haitian Government lacks adequate legislation to address their immense child slavery issue, because there is not an enforced minimum age restriction for domestic service workers.¹³ Therefore, employers "host homes" are easily able to sneak by and avoid any penalties which allow the continuance of child slavery.¹⁴

The solution is to attack the issue from the root which is when the decision by the children's families arises. Therefore making the effort to understand and research the main reasons that put those particular families in the situation, and provide the "life fertilizer" to nourish the families' needs in order to exterminate the desperate need to make the decision in the first place. The internal acceptance of the Restavek process also needs to be tackled in a manner that would allow the Haitian population to understand the severity of treatment and the outcome of the children's lives even once they escape the Restavek life. It

⁹ The term "Restavek cycle" is used to indicate there is a process that occurs to facilitate the Restavek system. The Restavek system is a circle of never ending battle for the children involved that does not end even once they escape the enslavement. The turmoil in ongoing and many times, if left to the streets, it gets worse. Unfortunately, there is a social and class stigma that is attached to being a Restavek child.

¹⁰ Bell, *supra* note 3.

¹¹ *Id.*

¹² *Haiti*, 2011 ILAB FINDINGS ON THE WORST FORMS OF CHILD LAB. REP. 287 (Dep't of Labor 2011), available at <http://www.dol.gov/ilab/reports/child-labor/findings/2011TDA/haiti.pdf>.

¹³ *Id.* at 285.

¹⁴ ILAB, *supra* note 12, at 285.

has always been proven that being properly informed about a situation allows for a better and more accurate response to an issue.¹⁵ This is what this article intend to do. Provide the insight as to the past of the Restavek cycle of life, the current situations which include a true insight on how these children live in 2014 and how the Haitian government and others are currently trying to ameliorate the heartbreaking and real problem. A possible solution for undertaking and tackling the situations in practical and potentially very effective methods will also be presented.

I. SLAVERY: JUST AN INESCAPABLE ISSUE WOVEN INTO THE COUNTRY'S FABRIC?

The island of Haiti is the poorest country in the western hemisphere.¹⁶ Currently, Haiti's population consists of approximately 9.9 million.¹⁷ Haiti became a French colony in 1697,¹⁸ and inevitably slavery has been woven into the fabric of Haiti's culture.¹⁹ For more than a century, the territory was populated by a small group of French colonists who lorded over a mass of mostly African-imported slaves.²⁰ The slaves worked the plantations; the French exported the crops and reaped their profits.²¹ However, on January 1, 1804,²² Haiti was born a free country, making it the "first black"²³ republic in the world and the second oldest

¹⁵ See generally *Misconceptions About Science*, U.C. MUS. PALEONTOLOGY, <http://undsci.berkeley.edu/teaching/misconceptions.php> (last visited Apr. 13, 2014).

¹⁶ U.N. CHILDREN'S FUND, *THE STATE OF LATIN AMERICAN AND CARIBBEAN CHILDREN 2008: CHILD SURVIVAL 7* (MAY 2008).

¹⁷ U.S. Dep't of State, *Haiti*, State.gov 1 (Apr. 7, 2011) <http://www.state.gov/documents/organization/160458.pdf>.

¹⁸ *Haiti*, Library of Congress, One world Nations Online, <http://www.nationsonline.org/oneworld/History/Haitihistory.htm>.

¹⁹ Restavek, Freedom History, FREETHESLAVES.NET, <http://www.restavekfreedom.org/the-issue/modern-history>.

²⁰ *Id.*

²¹ *Id.*

²² Bell, *supra* note 3.

²³ Haiti was deemed the "first black," republic because the black slaves had become soldiers in a victorious revolution, and those who survived demanded as their reward as part of the rich land on which their labor suffered. The plantations were broken up and given to the former slaves thereby establishing Haiti as a nation of small landowners whose isolated countryside remained largely African. Mark Danner, *To Heal Haiti, Look to History, Not Nature*, N.Y. TIMES (2010).

republic in the Western hemisphere.²⁴ Once Haiti finally overthrew their enslavement and won their freedom of slavery from the French when they declared of independence, however paradoxically, it did not prevent the freedom from enslavement of the Haitian children and thus has launched a new born slavery issue for the country of Haiti into a direct human children trafficking issue with no end in sight.

Even though slavery has been illegal for more than hundreds of years, slavery did not disappear. There are 21-30 million people in slavery today.²⁵ However, slavery is not the booming money making industry that some may think. With there being as many as 21-30 million slaves, the slaves trade only makes about \$32 billion dollars in profits.²⁶ The word "only" is used because Americans spend \$32 billion dollars in profits on junk food like potatoes chips.²⁷ Therefore, what most Americans' spend on junk food, most of the slaves in the world, not just Haiti could be freed.²⁸

"The right to protection is an urgent issue for Haiti's children."²⁹ UNICEF estimated an upwards of over 300,000³⁰ children victims to domestic slavery in Haiti today.³¹ Children of this stature are given a distinct name or reference by the term "Restavek."³² This is a derogatory creole term generated by the Haitian population that means, "to stay with."³³ There are additional two to three thousand³⁴ Restavek children from Haiti trafficked for forced slave labor to the Dominican Republic.³⁵

²⁴ Bell, *supra* note 3.

²⁵ Ending Slavery: The Plan to Free the Slaves. FREETHESLAVES.NET, <https://www.freetheslaves.net/sslpage.aspx?pid=328>.

²⁶ Ending Slavery, *supra* note 25.

²⁷ *Id.*

²⁸ *Id.*

²⁹ Bell, *supra* note 3; *see also* International Labour Organization, Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, June 17, 1999, *available at*

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182.

³⁰ J. COMM. REP., 110TH CONG., VOL. 2, COUNTRY REP. ON HUMAN RIGHTS PRACTICES 2619 (Dep't of State 2007), *available at* <http://www.gpo.gov/fdsys/pkg/CPRT-110JPRT41228/content-detail.html>.

³¹ *Id.*

³² *Haiti (Special Case)*, *supra* note 2.

³³ *See supra* text accompanying note 12.

³⁴ *Id.*

³⁵ *Id.*

Children's legal rights in Haiti are set out in several areas of law,³⁶ the Haitian Constitution,³⁷ the National Legislation,³⁸ and the Labor Code.³⁹ The Constitution sets forth the right to education and teaching in Articles 32 through 34⁴⁰, highlighting that the state must make schooling available to all, free of charge,⁴¹ educate by the masses,⁴² and primary schooling is compulsory under penalties by law.⁴³ Under the right to life and health the state recognizes the right of every citizen to decent housing, education, food and social security.⁴⁴ "Family Rights," the Constitution provides that the state, "must protect all families . . . and must endeavor aid and assist mothers, children and the aged,"⁴⁵ and protection of all children by the entitlement to love, affection, understanding, moral and physical care.⁴⁶

The child labor law in Haiti is recorded in a code system.⁴⁷ "Haiti's Labor Code Article 335 states that the minimum employment age in all sectors is 15 years, except in the case of children working in domestic service."⁴⁸ The Labor Code Article 341 sets the minimum employment age for domestic work at 12 years of age.⁴⁹ All working children the ages of 15-18 must be registered with the Ministry of Social Affairs.⁵⁰ "The Labor Code prohibits minors from working under dangerous conditions and prohibits children under the age of 18 from

³⁶ International Human Rights University of Toronto Faculty of Law, *Children's Legal Rights in Haiti: Law and Armed Conflict Working Group*, 8 (2008).

³⁷ *Id.* at 8.

³⁸ *Id.* at 10.

³⁹ *Id.* at 17.

⁴⁰ HAITI CONSTITUTION, 1987, available at <http://pdba.georgetown.edu/constitutions/haiti/haiti1987.html> (last updated: November 22, 2005).

⁴¹ *Id.* at art. 33-1.

⁴² *Id.* at art. 33-2

⁴³ *Id.* at art. 33-3.

⁴⁴ *Id.* at art 22.

⁴⁵ *Id.* at art 260.

⁴⁶ *Id.* at art 261.

⁴⁷ U.N. Children's Fund, *supra* note 16, at 17.

⁴⁸ *Country Reports on Human Rights Practices for 1999-Haiti* (Washington, D.C.: U.S. Department of State, 1999), Section 6d.

⁴⁹ *Id.*

⁵⁰ Republic d' Haiti Ministere des Affaires Sociales, "elements d'Informations sur le Travail des Enfants" (Geneva: Haitian Mission to the United Nations), 1.

working at night in industrial enterprises; penalties for child labor violations are 1,000 to 3,000 gourdes (US\$42 to US\$126)."⁵¹

Article 2 of the 2003 law on child labor sets out a "soft" provision regarding that status of Restaveks: A child may be entrusted to a host family in a relationship of assistance and solidarity, benefiting from the same rights and privileges as the other children in the family . . . and be treated as a member of the host family."⁵² The true effect of this provision for the welfare of the enslaved Restavek children is completely dubious.⁵³

After the catastrophic 7.0⁵⁴ earthquake on January 12, 2010,⁵⁵ approximately more than 3 million⁵⁶ people were affected thereby tremendously exacerbated the Restavek issue. "An assessment after the earthquake found that 51 percent of the houses were safe for habitation, with another 26 percent classified as dwellings that could be made safe with repairs, and remaining 23 percent deemed unsafe for habitation and requiring major repairs or demolition."⁵⁷

II. THE LIES THAT LAY BENEATH THE TRUTH (*MANTI YO KI KOUCHE ANBA LAYVERITE*)

A. *Restaveks Process*

The Restavek system in Haiti constitutes one of the worst and most widespread manifestations of child domestic servitude found anywhere in the world.⁵⁸ The Restavek System process habitually begins with Haitian families enduring significant poverty with several children

⁵¹ JEAN-FRÉDÉRIC SALÈS, CODE DU TRAVAIL DE LA RÉPUBLIQUE D'HAÏTI 143–46 (1992) [hereinafter CODE DU TRAVAIL].

⁵² U.S. Dep't of State, *supra* note 17, at 18.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.* at 1.

⁵⁶ *Id.* at 1.

⁵⁷ *Id.* at 14.

⁵⁸ Anti-Slavery, Submission to the Sub-Commission on the Promotion and Protection of Human Rights, UN Commission on Human Rights, 27th Sess. (May 2002) (unpublished), *available at* <http://old.antislavery.org/archive/submission/submission2002-restavek.htm>.

that are not able to care for all their children.⁵⁹ Children are brought into the system by several different avenues, one being by recruiters that promise the biological families a better life for their children.⁶⁰ Either the host family or the biological family pays the recruiters, or often times there can be a recruiter for both ends. Once, an agreement is made, the biological family sends their child by bus, a scooter type motorcycle called “tap-tap,”⁶¹ back of a pick-up truck which usually hauls about 13 people called a “tap-tap,” and sometimes by a friend with a vehicle or the recruiter. It is amazing how much trust by the biological families is given to complete strangers and the public at large, to allow their young child to travel such a great distance without them. But, it appears that desperate times call for desperate measures and due to the lack of resources and the virtual wide spread acceptance of the Restavek system, the cycle continues.

B. Lack of Resources

Due to the economic and ecologic trends that have been going on in the country of Haiti for decades if not centuries, the rural poverty areas have made it very difficult for the families to provide for their children.⁶² Haiti’s land has been rated as one of the highest ratios in the Caribbean of populated arable land.⁶³ Much of the land is mountainous or deforestation areas and area with very significant soil erosion.⁶⁴ Lack funding or help from the government to change the land reforestation or help for the ecological crisis, encourages the Restavek system to stay in cycle because families feel helpless.⁶⁵ The desperate families are forced to send a selected child or several of their children to the home of a relative,

⁵⁹ See Restavèk Freedom, Restavèk: The Persistence of Child Labor and Slavery ¶18–19 (Oct. 2011) (unpublished submission to the United Nations Universal Periodic Review), *available at* <http://www.ijdh.org/2011/03/topics/law-justice/universal-periodic-review-restavek-the-persistence-of-child-labor-and-slavery-reportrestavek-freedom/#English>.

⁶⁰ *Id.* at ¶18.

⁶¹ Term “tap-tap” was heard from the locals when author took several trips to Haiti in 2006-2013.

⁶² MINNESOTA LAWYERS INT’L HUMAN RIGHTS COMMITTEE, RESTAVEK: CHILD DOMESTIC LABOR IN HAITI 7 (1990), *available at*

http://www.theadvocatesforhumanrights.org/publications_by_country.html#HAITI.

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Id.*

friend, or friend of a friend and many times a complete stranger, in hopes them being afforded the increased opportunity to go to school and eat well.⁶⁶ The Restavek System continues because, families are left with no alternative than to rely in a system that has been in place for centuries.

1. No Public Schools within the Area

Even if these families were to overcome the issues with their land and food shortage, they are still faced with the huge obstacle of lack of school within their area.⁶⁷ Most schools are built within the urban city areas; creates and leaves the issue for the outskirts countryside children with no transportation to get to school.⁶⁸ Many times if there is a school in a nearby enough area for these children, they are more and likely private and the fees are completely unattainable for the impoverished family to ever think about affording. This contributing factor of the Restavek system is addressed later in the article in further detail.

2. Cultural Acceptance and Shift

There is a social norm associated with the Restavek system. "Haitian society has for the past 300 years, been divided into two strata: a tiny, affluent, urban elite and the rural peasants, many of whom in the last 20 years have migrated to the cities where by and large they live marginal lives in the slums."⁶⁹ However, there has been a shift from wealthier families owning Restaveks to more poor families taking them on.⁷⁰ Therefore, the placement from significantly poor homes into slightly less poor homes is going to cause an exacerbation of the issue because most host families do not even have the resources to feed their own children or to send them to school.⁷¹ It can now be inferred that there is a divide of three classes of people, the urban elite, the impoverished urban

⁶⁶ U.N. Children's Fund, *supra* note 16, at 17.

⁶⁷ *Id.*

⁶⁸ See generally, U.S. Department of State, *Haiti, Port-au-Prince: Union School*, www.state.gov, <http://www.state.gov/m/os/1550.htm>. (Also, information obtained by interviews conducted during a personal trip to Haiti by the author in 2011).

⁶⁹ MINNESOTA LAWYERS, *supra* note 62, at 6

⁷⁰ Press Release, *Office of the High Comm'r for Human Rights, UN expert on Slavery Expresses Concern Over Restavek System in Haiti* (June 10, 2009).

⁷¹ See CODE DU TRAVAIL, *supra* note 51.

slums living peasants, and the outskirts rural peasants.⁷² “In fact, the PADF and USAID study found that . . . 11% of host families themselves send their children into Restavek placement.”⁷³ While the government recognizes that the Restavek system is serious and children should not be exploited in this manner, the Haitian community has become accustomed to its practice.⁷⁴ Host families rationalize the Restavek System as they are being generous and the system is beneficial to children that would most likely have to live on the street without food and shelter.⁷⁵ “Where the pigs feast, the children starve” (*Kote kochon fête, timoun yo ap mouri grangou*).

C. *The Truth*

The truth however is that these children are forced to work as live-in child domestic workers to work all day every day at the expense of their education and childhood.⁷⁶ They are particularly vulnerable to beatings, sexual assault and other abuses by their host families.⁷⁷ A host family is the term given to the family that uses a Restavek child in their home as their slave.⁷⁸ Many Restavek children are compelled to 10-to-14-hour workdays.⁷⁹ Unfortunately, not only are their days riddled with hard, hot, physically labored hours, they are “mistreated, neglected, and abused emotionally, physically, and sexually.”⁸⁰

1. The Effects

⁷² The outskirts peasants are also known to be those who live in the country-sides on the island of Haiti.

⁷³ Restavèk Freedom, *supra* note 59, at ¶22.

⁷⁴ Haiti (Tier 2), 1 DEP’T ST. TRAFFICKING IN PERSONS REP. 48, 48 (2001), available at <http://www.state.gov/documents/organization/4107.pdf>.

⁷⁵ See CODE DU TRAVAIL, *supra* note 51.

⁷⁶ See *Id.*

⁷⁷ See *Id.*

⁷⁸ See *Id.*

⁷⁹ United States Department of Labor: Bureau of International Labor Affairs, <http://www.dol.gov/ilab/media/reports/iclp/Advancing1/html/Haiti.htm>. (last visited on March 12, 2014)

⁸⁰ See Restavèk Freedom, *supra* note 59, at ¶12.

Many Restavek children are sent from their families at a young age, sometimes as young as four, and usually do not have any further contact with their family.⁸¹ Therefore it is quite likely that the Restavek children only have a vague notion of their surname or age, or even where he or she comes from.⁸² This results in a child simply relying on the host family, which "owns" him or her; unfortunately, as it is well documented, children are in reality left to depend upon themselves to solve their own problems.

Other effects of former Restavek children that they are either dismissed or simply run away from their abusive host families is that they become street children.⁸³ Street children are exposed to a wide variety of hazards, such as severe weather and accidents, crime, very dangerous gangs, and forced prostitution.⁸⁴ "[B]eyond the devastating impact on the children themselves, the restavèk practice has profound negative repercussions throughout Haitian society in terms of family structure and gender and power relations as well as perpetuating the cycles of poverty and violence in one of the world's poorest nations."⁸⁵

a. Sexually, Emotionally, and Mentally

"The majority, approximately two-thirds, of Restaveks (sic) are girls."⁸⁶ "Female restavèks are particularly vulnerable to the sexual abuse of males in the host family."⁸⁷ If a girl becomes pregnant through the abuse by one of the males in the home, she will generally be released into the streets.⁸⁸ A survey done by the UNICEF revealed that between 2004 and 2006, approximately 35,000⁸⁹ females were assaulted, half of who were under the age of eighteen. Three quarters of Restavek children are

⁸¹ MINNESOTA LAWYERS, *supra* note 62, at 4.

⁸² *Id.*

⁸³ *See supra* text accompanying note 9.

⁸⁴ *See supra* text accompanying note 9.

⁸⁵ *See Anti-Slavery, supra* note 58.

⁸⁶ Restavèk Freedom, *supra* note 59, at ¶13.

⁸⁷ *Id.* at ¶13.

⁸⁸ *See supra* text accompanying note 14.

⁸⁹ Benedetta Faedi, *The Double Weakness of Girls: Discrimination and Sexual Violence in Haiti*, 44 Stan. J. Int'l L. 147, 168 (2008); *see also* UNICEF, Child Alert: Haiti 3 (Mar. 2006), available at <http://www.unicef.org/childalert/haiti/>.

girls and are especially vulnerable to sexual abuse because it is accepted as a sexual outlet for men or boys of the household.⁹⁰ Most times the children suffer from emotionally abuse encompassing neglect and isolation.⁹¹ Many of the Restaveks have stunted child development in which they lack imagination; fail to develop personal dreams, and goals.⁹²

b. Young Country Population

Another significant issue that seems to feed into the Restavek system is that fact that Haiti population is significantly young with the approximately 42% of the population under the age of 15.⁹³

D. Haitian Children's Participation in School

1. Attendance in School

Primary schooling is supposed to be free and compulsory, however due to poverty even free seems too costly to some families.⁹⁴ School expenses for most low income families account for about 40 percent⁹⁵ of their annual income, in which serves as a tremendous financial burden to allocate money to put their children in school.

2. Lack of School

As many as 600,000 or more children in Haiti do not attend school and are illiterate or functionally illiterate.⁹⁶ This astounding number is most likely due to the fact not only Restavek children are not provided with the opportunities to attend school by as addressed above many host families do not have the resources to send their own children to school due to the "dearth" of free public education.⁹⁷ Private institutions,

⁹⁰ Anti-Slavery, *supra* note 58.

⁹¹ See Restavek Freedom, *supra* note 59, at ¶14.

⁹² *Id.* at ¶15.

⁹³ Faedi, *supra* note 89, at 166.

⁹⁴ Interview by U.S. Dep't of Labor Official with Paul Bien, Minister of Education (Aug. 1, 2000).

⁹⁵ Facts on U.S. Government's Work in Haiti: Education. (Dec. 28, 2011).

⁹⁶ *Id.*

⁹⁷ Interview with Paul Bien, *supra* note 94.

account for 90%⁹⁸ of primary schools located in Haiti. However, private schools are neither accredited nor often unregulated.⁹⁹ This means that the families with young children must pay a fee for their children to attend. The enrollment and attendance of schools are only 75 percent¹⁰⁰ full, showing that space is available, however due to lack of funds or lack of transportation limits the ability for children to get to schools.¹⁰¹ The key issue at hand that is adding to the promotion of the Restavek system is lack of schools in the areas that the children in the most need live. To top of the issue of lack of schools in many areas, after the 2010 earthquake about 50 percent¹⁰² of the schools were either damaged or demolished.

Even when there are schools in the area that children could make it to, a shockingly small amount of money prevents children from attending school. There are not supposed to be fees to attend public school, but there are cost of uniforms, books, and the required contribution of 50 gourdes (US\$2)¹⁰³ per school year that prevents many parents from sending their children to school.¹⁰⁴ Whether if public school is actually free is argued for both sides, however even if public schools are free children are not able to get to them due to the area they are located. Most public schools are located in the major cities. The children need to have public schools provided for them in the areas that the majority of Restavek children are coming from. According to the Haitian Constitution children are to be provided with the right to public schools free of charge.¹⁰⁵

Articles 32 through 34 of the Haitian Constitution guarantee children their educational rights.¹⁰⁶ The most important Articles to the Constitution relating to schooling that guarantee specific rights to

⁹⁸ *Id.*

⁹⁹ U.S. Dep't of State, *supra* note 17, at 22.

¹⁰⁰ Interview with Paul Bien, *supra* note 94.

¹⁰¹ *See Id.*

¹⁰² Facts on U.S. Government's Work in Haiti: Education. (Dec. 28, 2011).

¹⁰³ Interview with Paul Bien, *supra* note 94.

¹⁰⁴ *See Id.*

¹⁰⁵ *See* HAITI CONSTITUTION, *supra* note 40, at art. 31-1.

¹⁰⁶ *Id.* at art. 32-4.

children and would drastically diminish the Restavek system if they were actually enforced or really guaranteed are:

Article 32: "The State guarantees the right to education. It sees to the physical, intellectual, moral, professional, social and civic training of the population."¹⁰⁷

Article 32-1: "Education is the responsibility of the State and its territorial divisions. They must make schooling available to all, free of charge, and ensure that public and private sector teachers are properly trained."¹⁰⁸

Article 32-2: "The first responsibility of the State and its territorial divisions is education of the masses, which is the only way the country can be developed. The State shall encourage and facilitate private enterprise in this field."¹⁰⁹

Article 32-3: "Primary schooling is compulsory under penalties to be prescribed by law. Classroom facilities and teaching materials shall be provided by the State to elementary school student free of charge."¹¹⁰

Haiti's adult literacy rate at the time it was last updated in December 2013 was only at 48.7 percent.¹¹¹

E. Documented Stories

Real stories that provide the tragic picture that describes and affords a behind the scenes look into the sad developments of the Restavek life.

1. Cam-suz

Cam-suz is a rescued Restavek child and was fifteen years old when she did an interview recollecting her life as a Restavek.¹¹² Her

¹⁰⁷ *Id.* at art. 32.

¹⁰⁸ *Id.* at art. 32-1.

¹⁰⁹ HAITI CONSTITUTION, *supra* note 40, at art. 32-2.

¹¹⁰ *Id.* at art. 32-3.

¹¹¹ UNICEF. At a glance: Haiti statistics. (Last updated December 27, 2013.)

¹¹² TERRY FITZPATRICK, FROM CHILD TO SCHOOL GIRL: A HAITIAN RESTAVEK'S STORY (2010).

mother sent her when she was only six years old.¹¹³ She expressed how she lived in misery, and remembered getting up at 4 o'clock in the morning, before anyone else would awake to begin chores right away until it was time to wake the children of the house and tend to their needs to get them ready for school.¹¹⁴ Sadly, she would take them to school, but couldn't attend herself.¹¹⁵ Recalling from her memories she states, "I did a lot of work; I would carry water, I would sweep; I would take the children to school [and] they would beat me, they hit me; if I took too long, I would come back and they would beat me."¹¹⁶ Unbelievably, her days would end at one in the morning."¹¹⁷

2. Nehemie

Nehemie, a thirteen year old without living birth parents was sent to live with her aunt and uncle at a young age.¹¹⁸ "She gets up at 6:00 a.m. to light the cooking fire and prepare breakfast—most often cornmeal gruel—for her "family." Afterward she accompanies the three younger of the family's six children to their school. The streets in Cité Soleil are not considered safe. The week before our interview, in the sort of occurrence for which the slum has a reputation, eighteen young men died in a gang war. Returning to the house, while the children are out, Nehemie picks up their used clothes and washes them in a basin of cold water placed on the floor. Later she will press the garments with an iron that has been heated with coals from the charcoal brazier on which she cooks."¹¹⁹

She washes the dishes in the same basin and sweeps the floor. This is a task she repeats many times a day because dust permeates everything in Port-au-Prince. Every day Nehemie must also walk several blocks to the water depot. There she will lift a five-gallon can of water onto her head in order to carry it home. This should be enough for the

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ *Id.*

¹¹⁷ *Id.*

¹¹⁸ BARBARA MCLANTCHIE ANDREWS, *Life is Tough: Children Domestic Labor in Haiti*, (2003) <http://www.worldandi.com/newhome/public/2004/january/clpub1.asp>.

¹¹⁹ *Id.*

household's daily supply, but if it runs out she will have to go back for more.

3. Fabiola

As address previously Restavek girls so often fall victims to sexual abuse to their host families. The girl are frequently times referred to as, "la pou sa,"¹²⁰ in which means that they are there for that. Recalling the la pou sa Restavek life was a girl named Fabiola. She suffered most of her life starting as early as three. She lost her natural mother and was sent to live with her aunt and godmother. However, the household contained other male members in which harmed Fabiola.

One night the godmother's boyfriend tried to rape Fabiola. A neighbor heard her screaming and came to her rescue. Once everyone became aware of the incident, the man lost face and left the home. Fabiola was blamed for the man leaving and her life became more miserable than ever. She was so badly mistreated that a neighbor offered to take her. In the beginning the neighbor treated her decently, but after a time she began to slap Fabiola across the face and beat her. Fabiola eventually ran away from this house and went to live with a woman she barely knew. The woman had a boyfriend that lived nearby and Fabiola was required to take him food every afternoon. The man was a man of authority and had a gun; he knew he could manipulate Fabiola. On one occasion he asked her to get something for him inside his room; he then followed her and attacked her. He threw her on his bed and raped her. He threatened to kill her if she told anyone of the incident. Fabiola was also afraid that no one would believe her story. Fabiola tried to get others to take the food to the man, but when he realized what she was doing he made things worse for her. This went on for two years before Fabiola finally managed to escape.¹²¹

E. Current Laws:

1. Current Rape Laws

¹²⁰ See Restavèk Freedom, *supra* note 59, at ¶13.

¹²¹ See Restavèk Freedom, *supra* note 59, at ¶13.

The penalty for rape is a minimum of 10 years for forced labor, which increases to 15 years if the victim is younger than 16.¹²² Prosecution however is normally not pursued due to the lack of reporting and follow-up on victim's claims and actual sentences once reported are often less rigorous.¹²³ Anecdotal evidence suggests their family members often raped younger girls¹²⁴ Substantial disincentives discourage victims from reporting rapes often times the girls are the ones shun and tacit cultural acceptance more in likely plays the biggest role for the Restavek girls.

2. Current Labor Laws

However, the Labor Code and Laws do not prohibit trafficking of persons.¹²⁵ It also does not require children under the age of fifteen to be a registered worker, therefore sliding by the laws and promoting the Restavek system. The issue here is the articles of law are only protecting the registered for employment of children between the ages of 15 and 18, yet providing a loophole for children younger than 15. In essence the matron of the home that has a Restavek does not have to register the child as an employee if they refer to the child as a commodity of the family in other words, "a family member"; however, not treated as such. Government has tried to implement and enforce child and labor laws regulating the Restavek system called the Institute of Social Well-Being and Research (IBESR), they lack the adequate funding and therefore are unable to function effectively.¹²⁶

3. Avoidance of Law

The Restavek system is acquainted to an avoidance of the law. An employer (matron of the host house) can avoid paying their "Restavek" a

¹²² U.S. Dep't of State, *supra* note 17, at 18.

¹²³ *Id.* at 19.

¹²⁴ *Id.*

¹²⁵ County Reports 1999-Haiti at section 6(d).

¹²⁶ U.S. Dep't of State, *supra* note 17, at 27.

salary or agreed on rights¹²⁷ by simply not equating the child's duties to that of domestic employment and simply avoid registry of a domestic worker due to age. "Slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and seldom and forced or compulsory labor" are all forms of labor implicated in the Restavek system. The term is for the practice of child slavery in domestic setting.¹²⁸ They are usually of the age as early as 4 or 5¹²⁹ and are usually dismissed when they become teenagers.¹³⁰ The inference can be made that the children become Restaveks at such an early age due the lack of registry requirement the Labor Code Article 341 and are dismissed by the time they are of the age of registry.¹³¹ This appears to be a convenient loophole nourishing the Restavek system. However, once released the children's turmoil does not end. These children make up a significant population of street children, where girls are frequently forced to work in prostitution and boys are often forced into committing street crimes in violent gangs.¹³²

4. Government Recognition

The Haitian government does recognize that the exportation of the Restavek children is an increasing problem especially post-earthquake.¹³³ There is a 35 person unit responsible for the protection of children to help remove them from child labor and other dangerous situations;¹³⁴ however 35 people in a population of over 9.9 million cannot be said to be effective. The Haitian government tried to take action in December 1999, when they signed a Memorandum of Understanding with the International Program on the Elimination of Child Labor (ILO-

¹²⁷ The agreement between the family taking the child and the child's birth family is the oral contract stipulating the opportunity of education, food, and care in exchange for the child's light housework duties.

¹²⁸ *Haiti (Special Case)*, *supra* note 2.

¹²⁹ United States Department of Labor, *Findings on the Worst Forms of Child Labor* (2007), <http://www.dol.gov/ilab/reports/child-labor/findings/>

¹³⁰ See CODE DU TRAVAIL, *supra* note 51.

¹³¹ See *Id.*

¹³² See CODE DU TRAVAIL, *supra* note 51.

¹³³ *Haiti (Special Case)*, *supra* note 2.

¹³⁴ U.S. Dep't of State, *supra* note 17, at 28.

IPEC).¹³⁵ There has been outside assistants from programs set up by several religious groups to help withdraw children from abusive households.¹³⁶ July 2007 and the Minimum Age Convention (Convention 138), June 2009, in which prohibit child slavery and protect the right of children to have access to free basic education. However, there is little evidence that this is solving or providing the correct avenue to solve this overwhelming issue. The issue starts with the true facts behind the reason why children become Restaveks in the first place and the process that the family undertakes.¹³⁷

III. THE WAY OUT

Haiti ratified the ILO Convention for the Elimination of the Worst Forms of Child Labor (Convention 182) in July 2007 and the Minimum Age Convention (Convention 138) in June 2009, both of which prohibit child slavery and protect the right of children to have access to free basic education.¹³⁸

F. Enhancing the Movement Against Child Slavery

The Ministry of Social Affairs is working in collaboration with "Service de la Protection de Mineurs" to withdraw children from the life modern day slavery through a programs that have registered several hundred calls, assist with withdraw of children of domestic slavery from abusive situations having some be replaced and reunited with their parents.¹³⁹

Finally it appears the Haitian government is actively taking a role in rebuilding Haiti after the earthquake, which radically increased the already intensifying problem of child labor within Haiti.

¹³⁵ *Id.*

¹³⁶ United States Department of Labor, *supra* note 79 (Due to suspension of Federal government services, this website is not being updated).

¹³⁷ Elizabeth Cohen, CNN Senior Medical Correspondent, *Painful plight of Haiti's 'Restavec' children* (January 29, 2010), <http://www.cnn.com/2010/HEALTH/01/29/haiti.restavek.sende.sencil/>.

¹³⁸ Restavèk Freedom, *supra* note 59, at ¶1.

¹³⁹ Dep't of Labor, *supra* note 79, at ¶4.

G. The Proposed Plan

1. Enforce Current Laws and Make New Ones More Narrowly Tailored

Enacting legislative criminalizing all forms of forced labor, including involuntary domestic servitude, with penalties that reflect the heinous nature of the human rights abuse; in partnership with NGOs, adopt and employ formal procedures to guild officials in proactive victim identification and referral of victims to available services; provide in-kind support for victim services; improve access to quality education for all children.¹⁴⁰

2. Funds from the Earthquake

A way to accomplish the needs of the Haitian people to end the unbreakable Restavek cycle, while also working toward the reduction of poverty, is to use a portion of the vast amounts of monetary aid donated as a result of the 2010 earthquake to promote an educational system of opportunity (train build school, train teachers, an implement a law requiring attendance), and not only write laws and codes on paper but for the government to actually enforce them with penalties that the Haitian people will recognize. The 2010 Action Plan for National Recovery and Development of Haiti outlines immediate key initiatives that address the countries underdevelopment in which they plan to show their emergence as a better country by 2030.¹⁴¹ The 2010 Haitian Government's Plan sounded great but what has really been accomplished?

3. Schools in the Outskirts (Building or making school in the outskirts where the majority of the Restavek children are coming from.)

¹⁴⁰ *Haiti (Special Case)*, *supra* note 2.

¹⁴¹ *Government Republic of Haiti: Action Plan for National Recovery and Development of Haiti*, 36 (March, 2010), available at:

<http://www.ilo.org/gimi/gess/ShowRessource.action;jsessionid=dee4bf3c198b265ae6dba5f4065c28138399c5ca670058e886285097375b6d48.e3aTbhULbNmSe34MchaRah8Tax50?ressource.ressourceId=18481>.

After the 2010 earthquake there were more than 1,300 educational institutions that collapsed or were unstable.¹⁴² Lack of schools was already one of the fore fronting effects that lead to the Restavek system and loosing over 1,300 due to the earthquake only exacerbated the problem. However, the country received more than \$9 billion dollars from the international response to the 2010 earthquake.¹⁴³

4. Encompassing the 2010 Plan

The long-term plan stated to establish free and universal access to primary education. To accomplish this goal the Haitian Government must provide support as stated in their Constitution¹⁴⁴ to ensure attendance. With promised and followed through with support, it would help all families, but most importantly the vulnerable families that are susceptible to the Restavek system. The 2010 Haitian Government Plan stated a concrete promised to establish more than 4,000 shelters, organizing the reception of students in areas that were directly and indirectly affected by the earthquake, setting up packages for each affected area, and for the short term, school fees will be paid by the state.¹⁴⁵ An 18-month budget that provided for education concerns on the 2010 plan was estimated at \$470 million.¹⁴⁶ However, four years later in 2014, it is unknown as to how many school have actually been built.

The government needs to keep with the plan. It appears that the Haitian government needs help managing the monies contributed for the post- earthquake relief and needs help implementing their own plan. Therefore, outside government assistance is the only option at this point or sadly not enough will be accomplished. Outside help should set attainable yearly goals and follow up on the accomplishment of the goals. However, setting goals is not enough, certain appointed people to

¹⁴² International Monetary Fund, *Haiti: Poverty Reduction Strategy Paper – Progress Report*. (2012), available at <http://www.imf.org/external/pubs/ft/scr/2012/cr1275.pdf>

¹⁴³ Guardian News, *Haiti's earthquake generated a \$9bn response– where did the money go?* (January 14, 2013) <http://www.theguardian.com/global-development/poverty-matters/2013/jan/14/haiti-earthquake-where-did-money-go>.

¹⁴⁴ See HAITI CONSTITUTION, *supra* note 40, at art. 32-2.

¹⁴⁵ See Government Republic of Haiti, *supra* note 141, at 36.

¹⁴⁶ *Id.* (Aid was guaranteed to return all students affected as well as those who migrated to other areas, necessary support to teachers and other educational personnel.)

form a group, must be formed to carry out the mission of the yearly goals. This can be accomplished by organizing a board of set amount of Haitian officials that are directly elected for this position. This should be looked at as a government position. Outside government possibly by the UN or other countries that individually want to provide intellectual input must also elect some officials to be on the board to help provide and insure transparency of the monies that are allocated to the mission.

The plan and mission encompasses a set amount of schools being built in a wide range of areas that include a good portion in the outskirt areas that are prone to the Restavek system. The set amount of school must be built by the end of that mission year, whenever the start of the plan occurs. For instance, if it occurs in June, then June of the following year the set amount of schools must be completed. The same board of official directors will be in charge appointing a set of organizers to schedule the different units to complete the task, (i.e. plumbers, construction workers, electricians, roofers, etc.). This could also provide jobs for the people that are struggling in the areas that the schools are being built.

There should be a set of elected individuals in charge of educating the teachers to provide an accredited and regulated education for the children. Their job would include recruitment from possible current colleges and possible recruitment for teacher's aid from the communities, which the schools are built, thereby providing work for those in that community.

a. Combat Poverty

Following the "2010 After the Earthquake Plan" in part, there must be an allocation of the post-earthquake monies to combat rural poverty. Ultimately, the government must directly address the food insecurities and extreme poverty. This affects forty percent of the households in Haiti. In other words, nearly half of the country is concerned about food and the lack of it. Again, this is why families must make the hard decision to ship their children off into the Restavek system in the hopes of their children eating. If they were not able to provide their children let alone themselves with the basic need of food, what would the government have them do? Therefore, the government now equipped with the capital to provide the help, they need to disperse support teams to not only the main cities, but also the outskirts where the

poverty levels are to the point that there is no hope. There are several methods to combat poverty. There are three distinct ways that are recognized by sheer common sense. The first would be to educate the people about their land in order to make their land work for them, instead of sending their fragile children off to work as slaves for less than meager meals if any at all. Next, they can provide families with basic support similar to a welfare system. This is not proposing hand out, money in; this is simply proposing providing the ability to purchase items that the families need to prosper effectively in the long run. These items would include tools, like shovels, fencing, stakes, wood, blocks, and other items of similar need to start development of their land to provide food for themselves and possible to sell to others. This could create jobs and businesses.

5. Transportation

Transportation needs by the children in the outskirt countryside is a huge contributing factor that promotes the use of the Restavek system for many families forced with the decision.¹⁴⁷

Due to many of the Restavek children coming from rural families, not only are they fighting against the need for more schools in their area, they are fighting the opportunity to even get to a school that could be close enough for them to attend. By providing school within the rural area, two issues could be combated with one act. If school are built or even constructed in a matter to just provide a place to get an education, these poor families would not be faced with stacking obstacles in their way of being able to provide their children and even a simple education. Remembering that a significant segment of society is illiterate, being able to provide children with basic education such as reading, writing and arithmetic concepts would equipment these people with the needs that they are most wanting. This may perhaps be a crucial step in combatting the Restavek cycle.

Therefore, along with building schools within the rural communities in which feed into the Restavek system, there needs to be a

¹⁴⁷ *Haiti (Special Case)*, 10 DEP'T ST. TRAFFICKING IN PERSONS REP. 357, 357-358 (2010), available at <http://www.state.gov/documents/organization/142979.pdf>.

transportation method for the children to get to school. Even if the transportation means is a few buses, maybe as few as two to provide transportation from two of the very outskirt areas where a few dozen children live to the area that was chosen for the school to be built in a central location in the rural outskirt area. In other words, the school or schools should be built in a central area in the rural outskirt area so that all the children in that community can make the journey to school on foot and those that are too far to make it on foot should be provided with transportation from a central pick up spot in their area to transport them to their community school or schools.

If the Haitian government argues that their ability to provide children with the “proper” education by building schools and providing the support of paying the fees to attend the schools, as proposed above, the simple implementation of basic education be provided even in make shift in the huge illiteracy level. This basic request cannot be argued with. The elected board can set up a designated plan to immediately set up even tent-like shelters that can be put up on a daily basis to provide basic educational beginnings such as basic arithmetic and reading.

6. Christian Perspective

The Catholic and Christian faith among the Haitian population is strong. With help from the churches, the Restavek System could be effectively challenged and outright diminished greatly. The church can advertise to educate the public of the abuse of the Restavek system and the risks facing Haitian children. Providing a moral understanding to the Restavek system could also help combat the mentality that the system is morally acceptable and tolerable. If Haitians are couched to understand that they are not helping these children but stunting and affecting their lives gravely, thus potentially curving the effect.¹⁴⁸ As addressed above that there has been a slight turn in the recognition by the wealthier families that the current treatment of Restavek children is morally and ethically wrong. This could be due to the effect that wealthier families are more likely to be properly informed. Since the Haitian community

¹⁴⁸ See generally, A Haitian Perspective . . . for your consideration, <http://jgbataille.wordpress.com/tag/jean-robert-cadet-restavek-foundation/>.

involvement with their faith is so great with constant participation and attendance, it would make sense that educating the community in their church could provide proper education about the Restavek system in large volumes, providing that many people are touched.

Missionaries make it a point to educate about God; they must also make it a point to educate the morally internal grasp that the Christian faith feels about treating children or the manner that host families treat the Restavek children. There are several amazing missionaries from the United States that make it a center of their mission to address the Restavek system and document their research, ideas, and results on the internet. They are truly making a dent in the continued cycle; however, they alone cannot put an end to it.

There are current Catholic Outreach organizations that in 2012 raised \$131,600 to help benefit the Restavek children.¹⁴⁹ They developed a partnership between Cross International and Cross Catholic Outreach in Ohio. Money was allocated to benefit special schools that provide Restavek children with an education and daily meals.¹⁵⁰ The annual gala to raise money began seven years ago in order to increase the awareness of the plight of Restavek children in Haiti. Through the years they raised over \$530,000¹⁵¹ toward the cause. "In addition to providing material aid such as food, clothing, shelter, and medicine," this group supports programs that help the poor lift themselves out of poverty and "thus break the vicious cycle."¹⁵² The group works with local pastors, missionaries and churches around the world to help ensure the aid raised reaches those it is intended for and need it most.

Currently there is a National Day for the Elimination of Restaveks held every November 17 since 2006.¹⁵³ There are thousands¹⁵⁴ of Haitian

¹⁴⁹ Cross Catholic Outreach, *Cross International Alliance's Hope for Children Gala raises \$131,600 to benefit Haiti's Restavek children*. (June 18, 2012), https://www.crossinternational.org/pages/page.asp?page_id=222065.

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

¹⁵² *Id.*

¹⁵³ Beyond the Borders, *10 Days Til Nat'l Day for the Elimination of Restavek* (Nov. 05, 2013) http://beyondborders.typepad.com/beyond_borders/2013/11/10-days-til-natl-day-for-the-elimination-of-restavèk.html.

¹⁵⁴ Beyond the Borders, *supra* note 153.

leaders that include pastors from churches that are building a movement to end child slavery. Amazingly, this is a Haitian-conceived, Haitian-led, Haitian-organized event in the hopes of ending the Restavek system. They usually begin the day with a mass at the Episcopal Cathedral of Port-au-Prince and sometimes continue through until November 20.¹⁵⁵ Their movement includes a teachers union, representatives from the Prime Minister's office, and leaders from the Catholic Church, as well as radio and television journalists. They recognize that families do not want to send their children away into the Restavek system, however the families feel that social norms support it and it is in the best interest of their child.

IV. CONCLUSION

H. Combat the Issue by Striking at the Root of the Evil to Lessen the Unbreakable Cycle

The child slavery Restavek system is a never-ending cycle that seems to have its roots within the Haitian culture. For a country that fought so hard to win its freedom from slavery it is unable free itself from itself and unfortunately it is the children of Haiti that are suffering. However, due to the system it is not only the children that are effected by the system but the country itself as a hole feels the effects, through illiteracy, crime, violence, and corruption. Once these Restavek children leave the enslavement they are prone to live their lives on the streets either becoming involved in crimes such as stealing and gangs, or more often the girls fall victims to prostitution possibly increasing the AIDS/HIV statistics within the country.

To combat the Restavek issue it must be attacked at the roots of the problem. People must understand how and why the Restavek system at some point was established and the reasons it flourishes to a never-ending battle.

The problem starts with families that are unable to provide basic essentials for their children, such as food, shelter, and schooling.

¹⁵⁵ *Id.*

Therefore, they are faced with the decision to send one or several of their children to other families in hopes of providing them with a "better" life or opportunity. Sadly, these children better known as "Restaveks" are made to become the new family's essential slave. The new family is often referred to as the "host" family and is often very abusive to the Restavek child. They often do not provide the child with any more food than the child's natural parents would have been able to provide and often times they provide less if at all. Most Restavek children are not provided with the opportunity to attend school, which is one of the main reasons their biological families send them away: they have hopes of them attending school. Many times the host families themselves cannot afford to send their own children to school, so the Restavek child has no hope for attending school.

The Haitian Government at this point seems to recognize that the Restavek system is an issue that needs to be address however, has done little to combat it. They must start with attacking the poverty issue because extreme poverty stricken area is feeding the Restavek cycle. The government must provide even a "simple education"¹⁵⁶ to the affected areas so that the families are less likely to send their young children into the Restavek system. By addressing the root of the problem the families are more likely to feel as though they are able to provide for their children with the "basic essentials"¹⁵⁷ that government already promises is their right under the Haitian Constitution.¹⁵⁸ The government must also actually enforced laws with punishments that the host families would be deterred from the abuse.

The current addition to the problem is that there was a catastrophic earthquake that hit the country causing millions to be affected and increasing the Restavek system dramatically. Now, it has been four years since the earthquake and little has been done to actually put a dent in the Restavek issue. Although, it appears that the illiteracy problem of the country has improved. Literacy alone could help the

¹⁵⁶ "Simple education" refers to basic arithmetic, reading, and writing.

¹⁵⁷ "Basic essentials" refers to the basic needs to live and survive, e.g., water, food, education, and shelter.

¹⁵⁸ See generally HAITI CONSTITUTION, *supra* note 40.

current children of Haiti by promoting the opportunity for societal advancement, even if coming from the Restavek system.

The Restavek system is a cycle that more in likely starts with the culture not being educated enough to understand the moral problem with the system. Ironically, lack of education and poverty feed the system, and lack of morally understanding promotes the system and lack of legal penalties keeps the cycle turning.

Education could even be a source to help combat poverty. It is well known in all countries that one who strives to become educated opens the doors in their life to great things. Educated people tend to be inquisitive to learn how to do certain things that will help them and others prosper.

Once the three main contributing factors are recognized the plan discussed above must be implemented. Although, Haiti had a plan in 2010, no enough has been accomplish in the four years. Therefore, at this point a board needs to be elected with not only Haitian officials but also outside country officials as well to provide guidance and assurance that deadlines are being accomplished. By implementing a board, more committees can be appointed to several different aspects of the countries issues that need to be addressed and very importantly the Restavek issue at hand.

The Restavek system cycle must be put to an end to free the country once and for all from slavery that people of Haiti fought so hard for so many hundreds of years ago to be free from.