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USDOS – US Department of State

2021 Trafficking in Persons Report: Haiti

HAITI: Tier 2 Watch List

The Government of Haiti does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included prosecuting and convicting more traffickers, updating the penal code, forming regional anti-trafficking subcommittees, and continuing to implement a national identification card program. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the documented impact of the COVID-19 pandemic on its anti-trafficking capacity. Impunity and complicity, particularly in high-profile cases, remained serious problems. The government conducted fewer investigations and made fewer arrests compared to the previous reporting period; it also identified fewer victims. The government did not allocate sufficient funding for its anti-trafficking efforts or victim services and did not finalize development of its standard operating procedures (SOPs) for victim identification. The government did not make efforts to combat the system of child domestic servitude (*restavek*). Therefore Haiti was downgraded to Tier 2 Watch List.

PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers, including complicit officials and those responsible for domestic servitude and child sex trafficking. • Fund and continue to implement the national anti-trafficking action plan, in particular funding victim assistance and establishing victim shelters. • Finalize and implement the SOPs for victim identification. • Train police, prosecutors, judges, and victim service providers in victim-centered and trauma-informed formal procedures to identify, protect, and refer trafficking victims to appropriate shelters and services. • Implement a witness protection program and train law enforcement and judicial officials on a victim-centered approach for the treatment of victims and witnesses of trafficking crimes during investigations and court proceedings, especially to ensure they are not coerced into testifying. • Regularly screen Cuban medical workers for trafficking indicators and refer victims to services. • Educate the Haitian public with traditional and social media about children’s rights to freedom and education and ban domestic servitude. • Continue to develop Haiti’s nascent foster care system and alternative residential care for children, and ensure orphanages are properly accredited and registered. • Train more labor inspectors in trafficking indicators, increase worksite inspections for indicators of labor trafficking, and increase collaboration with law enforcement to prosecute labor trafficking cases. • Develop laws or policies to regulate foreign labor recruiters, ensure workers do not pay recruitment fees, and raise awareness among potential migrant laborers. • Implement measures to address the vulnerabilities leading to domestic servitude, including establishment of a minimum age for domestic work and protecting child victims of neglect, abuse, and violence. • Fully implement the national ID program.

PROSECUTION

The government decreased law enforcement efforts. The 2014 Anti-Trafficking (TIP) Law (No.CL/20140010) criminalized sex trafficking and labor trafficking and prescribed penalties of seven to 15 years’ imprisonment and a fine ranging from 200,000 to 1.5 million Haitian gourdes (HTG) (\$2,790 to \$20,950), which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The law provided for increased penalties of up to life imprisonment when the victim was a child.

The government initiated investigations of three trafficking cases during the reporting period, compared with nine trafficking cases each in 2019 and 2018, and two cases in 2017. In 2019, the police Brigade for the Protection of Minors (BPM) reported investigating cases involving 33 defendants for forced child labor. The Haitian National Police border patrol unit (POLIFRONT) and the National Committee for the Fight Against Human Trafficking (CNLTP) authorities reported a total of six arrests during the reporting period, compared to 51 individuals arrested in 35 trafficking cases in 2019. The government reported initiating two prosecutions during the reporting period, compared to one in 2019, seven prosecutions in 2018, and two prosecutions in 2017. The government reported convictions of two traffickers during the reporting period, compared to none in 2019, one in 2018, and three in 2017. In April 2020, a court convicted and sentenced a Haitian male trafficker to seven years’ imprisonment and 15,000 HTG (\$209) fine for exploiting a child in sex trafficking in the Dominican Republic. There were 21 total human trafficking cases pending in Haitian courts at the end of the reporting period, three of which were initiated in the current reporting period. In February 2021, authorities began an investigation into a potential trafficking case

involving a total of 23 Dominican and Venezuelan women. In August 2020, authorities on the Haitian-Dominican border arrested a man for traveling with five children unrelated to him; authorities suspected him of human trafficking. In December 2020, authorities arrested a man at an airport on charges of human trafficking of four children; authorities had not assigned the case to an investigative judge by the end of the reporting period. In July 2020, an investigative judge ordered two orphanage operators from a foreign-operated faith-based NGO charged with trafficking, neglect, and criminal association after an investigation found that the children were being used to solicit funding while care standards were poor. The orphanage was not registered with or accredited by the government, and the children who were at the facility were not reported to the government.

In 2020, BPM carried out 585 investigations for child neglect, abuse, kidnapping, forcible confinement, sexual assault, assault, and child trafficking, among other categories. The brigade did not specify how many of these investigations focused on child trafficking allegations. The investigations included unannounced site visits and closures of nightclubs, residences, and orphanages in cooperation with the Haitian Social Welfare Agency (IBESR). BPM reported 424 cases of law violations related to children in forced labor, trafficking, and illicit activities, but did not disaggregate the trafficking cases. IBESR, in collaboration with the CNLTP, an NGO, and a foreign donor, closed two privately-owned orphanages in Croix des Bouquets during the reporting period due to suspicions of child trafficking and sexual abuse.

Impunity and complicity in high-profile trafficking cases continued to be significant concerns. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses; however, corruption and official complicity in trafficking crimes inhibited law enforcement action during the year. Observers reported allegations that judicial officials in border jurisdictions, such as justices of the peace, sometimes took bribes to free detained suspected human traffickers, which contributed to an environment in which traffickers largely operated with impunity. Authorities took no action during the reporting period against the former president of the Haitian Football Federation, banned for life by the International Federation of Football Association (FIFA) and fined 1 million Swiss francs (\$1.14 million) and procedural costs for the rape and sexual abuse – at times including sex trafficking – of up to 34 females, including at least 14 girls, between 2014 and 2020 in a decision by the FIFA Ethics Committee that was referred for review to the FIFA Appeal Committee at the end of the reporting period. As of the end of the reporting period, authorities also had not acted against ten other perpetrators and accomplices in the case, including the head of the Haitian National Referees Committee who FIFA provisionally suspended for 90 days as part of its ongoing investigation. Furthermore, immunity for high-level officials and difficulty in initiating prosecutions against lower ranking public officials made it difficult to prosecute complicit officials. At the end of the reporting period, an investigative judge had not determined what charges to bring, if any, regarding two August 2020 raids of the La Mansion brothel in which authorities identified 12 female Venezuelan sex trafficking victims. The media reported high-level government officials had patronized the brothel before the raid and some of those involved had political influence. Authorities arrested a driver of the main suspected trafficker but subsequently released him; the judge issued a travel ban against the facility’s owner. The government did not take steps to prosecute anyone in the 2017 Kaliko Beach Club case in which authorities identified 31 trafficking victims, including children. The CNLTP reported some judges did not explain why they did not process some cases, including a case where a justice of the peace investigated an orphanage suspected of sexual abuse and child trafficking but never questioned the suspects.

Authorities and NGOs reported the pandemic had relatively little impact on counter-trafficking efforts, although some courts closed temporarily, and social-distancing restrictions hampered orphanage inspections. From March 2020 to July 2020, government agencies used a rotation system where only some staff physically went to work, thereby limiting the government’s capacity to investigate and prosecute trafficking crimes. The pandemic also exacerbated a backlog in cases that already existed due to general court inefficiency. The justice system experienced multiple strikes by lawyers, judges, clerks, and prosecutors.

During the reporting period, the CNLTP established cross-sectoral anti-trafficking task forces. The task forces identify offenders, facilitate access to trafficking investigations, and follow up on prosecutions. Members of the task forces included judiciary authorities (prosecutors, deputy prosecutors, judges), CNTLP, and BPM. With the assistance of a foreign donor, during the reporting period, the government updated its outdated and complex penal and criminal procedural codes and will implement the new codes over a two-year transition period. Debate continued about some of the new codes’ provisions, while the outdated and overly complex existing codes continued to delay prosecution of trafficking cases. The Superior Council of the Judiciary (CSPJ), charged with independently overseeing the judiciary, did not adequately promote prosecution of trafficking cases. Government officials rarely used the anti-trafficking law to prosecute and convict the perpetrators of exploitation of child domestic workers. The lack of a minimum age for domestic work and exceptions in the laws governing child labor hindered investigations and prosecutions of child domestic servitude.

The government provided in-kind support for a series of training sessions for human trafficking officials in cooperation with international partners. In June 2020, the CNLTP president co-hosted a training with an international donor for nine members of the CNLTP’s task forces regarding the law on trafficking in persons. In September 2020, the Haitian Magistrates’ School trained eight CNTLP members on the anti-trafficking law and the new penal code. In September 2020, an NGO and a foreign donor provided training regarding the 2014 law for 22 members of HNP, IBESR, and the Office for the Protection of Citizens, which led to the formation of anti-trafficking regional sub-committees. In collaboration with INTERPOL and a foreign donor, in December 2020 the CNLTP facilitated training for 23 police officers on the role of INTERPOL and the Haitian police detective service in the prevention of human trafficking. The government worked with the Dominican Republic to identify three Haitian nationals arrested in September 2020 in the Dominican Republic on charges of trafficking in persons and migrant

smuggling. The Haitian National Police signed a memorandum of understanding with a foreign NGO and a foreign technology company to equip officers to use advanced forensic technology to fight human trafficking. The foreign-funded program will equip authorities with best-practice digital platforms and digital forensics training to allow better collection and analysis of information and evidence related to human trafficking. The program will also train investigative judges and members of the national anti-trafficking committee.

PROTECTION

The government maintained inadequate efforts to identify and protect victims of trafficking. Outside observers and government interlocutors noted the government provided limited services to victims of trafficking and largely depended on partners to fund and provide services. POLIFRONT and the CNLTP identified a total of 16 victims during the reporting period, compared with 24 victims POLIFRONT identified and three victims an NGO identified in 2019. The CNLTP and an international organization reported the 16 victims received care. Additionally, POLIFRONT referred 21 minors to IBESR between March and October 2020. Authorities also cared for 32 children from the Croix des Bouquets orphanages at a special transit center while finding them other housing, and a justice of the peace took testimony from the children to confirm the abuse.

The anti-trafficking law tasked the CNLTP with developing SOPs to guide officials in the identification and protection of trafficking victims. In September 2020, the CNLTP, in coordination with an international organization and a foreign donor, relaunched the SOP coordination project, but authorities had still not finalized the SOPs at the end of the reporting period. The law required the government to provide protection, medical, and psychosocial services to victims and to create a government-regulated fund to assist victims, but in the continued absence of a national budget the government remained reliant on international organizations and NGOs to provide most care. IBESR and BPM both reported being severely under-resourced even prior to the pandemic; however, they continued to provide limited services to victims. IBESR offered psychological care and placed trafficking victims in short- and long-term shelters that received some government support, although NGOs provided the majority of the funding. The BPM also provided some services to victims, including medical, psychological, and, along with the Ministry of Justice, legal aid. The Ministry of Public Health provided free health services, including HIV post-exposure prophylaxis, to victims of sexual violence and trafficking as part of its action plan against sexual and gender-based violence. The Ministry of Social Affairs and Labor offered temporary shelter, meal kits, and medical aid to trafficking victims via the National Migration Office and the government’s Social Assistance Fund. The CNLTP indicated that victims received economic assistance and physical security, including guards, in some cases, and authorities also assisted with family tracing and pre-return assessments before returning children to families. IBESR operated a single transitional facility that housed approximately 28 children. Children were typically in this facility until placed with a family member, foster family, or a registered and accredited private orphanage. IBESR reported children did not live in this facility for more than 90 days. All privately run orphanages should be licensed, but in practice some were not. The anti-trafficking law also stipulated money and other assets seized during trafficking investigations should fund services for trafficking victims and the CNLTP; however, there was no evidence this occurred. There was no government agency with overall responsibility for providing care for adult trafficking victims, and the lack of resources and a system for tracking meant the government failed to identify some victims.

The government did not have a formal program to assist victims who returned to Haiti, but authorities worked with other countries’ maritime and airline services to receive and screen returned Haitians for trafficking indicators and facilitated their reintegration with family members. The government, supported by an international organization, screened and provided services to potential trafficking victims identified during migrant interdictions at sea. Observers reported the referral process for child trafficking victims functioned well during the reporting period, as labor inspectors, police, and other governmental actors contacted IBESR and the BPM in relevant cases.

NGOs reported that victim protections codified within the law were extensive and robust. For foreign victims, the law included provisions for voluntary repatriation, temporary residency during legal proceedings and permanent residency if the country of origin could not ensure victims’ safety or well-being; the government did not report receiving any such requests, although it reported being willing to use these measures for specific victims identified during the reporting period. The law mandated that legal assistance must be provided to trafficking victims, and protected victims from liability for unlawful acts their traffickers compelled them to commit. The law allowed prosecutors to pursue claims even if victims withdrew their complaints or refused to cooperate with an investigation or prosecution. Judges could mandate civil restitution for related crimes under Haiti’s civil code without a separate civil process, but there were no awards for restitution made during the reporting period. There were no facilities for video deposition or child-friendly facilities during legal proceedings. Experts noted that the lack of government-run child shelter facilities impeded prosecution because the government’s policy of returning child victims to their families made it difficult to locate witnesses to testify against the accused. The government may have failed to identify some victims due to a lack of formal identification procedures. There were no reports of the government improperly detaining or deporting victims. Authorities temporarily subjected two victims to a travel ban to require them to submit statements and took other measures that may have compromised their security. Authorities did not screen approximately 400 Cuban medical personnel for trafficking indicators.

PREVENTION

The government maintained efforts to prevent trafficking. The president appointed members of the CNLTP, which included representatives from nine agencies, two civil society organizations designated as “counselors,” and one from the Office of the Human Rights Ombudsman. The CNLTP actively monitored trafficking cases in the court

system and sent members to towns outside of the capital to observe the prosecution of trafficking-related cases and advocate for the victims. The CNLTP held trafficking-related working group meetings. The CNLTP's executive secretariat, created in the previous reporting period, was responsible for monitoring trafficking and issuing annual reports, but did not issue any reports during the reporting period. The CNLTP continued efforts, in collaboration with an international organization, to develop an anti-trafficking task force of law enforcement, judicial actors, and IBESR representatives to focus on identification of trafficking cases and victims, support investigations and prosecutions, and support the establishment of CNLTP sub-committees in all ten regions. In cooperation with an NGO and a foreign donor, during the reporting period the CNLTP founded three of these regional sub-committees, which coordinated all civil society and local governmental anti-trafficking activities in the Southeast, Northeast, and Central Departments. The government lacked a national, centralized database, but began developing one with the assistance of an NGO and a foreign donor. The government's 2020 budget included 20 million HTG (\$279,310) for the CNLTP. The 2021 budget passed in September 2020 and allocated 24 million HTG (\$335,170) to the CNLTP. The CNLTP had not yet received any distributions from either budget, which may have been the result of bureaucratic delays; it instead relied on non-governmental partners to fund its activities. In 2016, the most recent year the committee received funding, it received 10 million gourdes (\$139,650). Observers reported the government generally underfunded anti-trafficking efforts. The CNLTP did not have permanent office space or assigned vehicles to conduct work. A foreign donor provided the committee logistical support, including transportation, during field visits. Additionally, although multiple ministries were a part of the committee, the CNLTP reported it did not consistently receive technical support from the ministries, and there was a lack of coordination between ministries. Civil society observers noted some CNLTP members appeared to have responsibilities and priorities separate from trafficking. The government continued to fail to establish a special fund for trafficking in persons as stipulated in the 2014 anti-trafficking law. The fund would support anti-trafficking initiatives and assist victims from the sale of assets seized from traffickers.

During the reporting period, BPM conducted anti-trafficking awareness assemblies for children. During the 16 Days of Activism against Gender-based Violence and the 20th anniversary of the Palermo Protocol, the government led awareness-raising activities for various stakeholders, including families, students, Vodou priests, judiciary authorities, and civil society organizations, on the link between gender-based violence and human trafficking in cooperation with a foreign donor. The government also publicized press releases and conducted webinars and roundtable discussions. The Directorate of Immigration and Emigration (DIE) continued to install the Migration Information and Data Analysis System at the Cap Haitien airport and two official border crossing points with support from an international organization and a foreign donor. The system records incoming and outgoing travelers' biometric data at official ports of entry to strengthen border security and help prevent trafficking. Additionally, the government implemented a separate biometric scanning system at Port au Prince's airport. As part of a border security program supported by an international organization and a foreign donor, authorities conducted training programs on general trafficking, victim identification, smuggling, and relevant laws for at least 100 civil society and state government officials between October and December 2020 at four border areas. In September 2020, the School of Magistrates (EMA), an NGO, and a foreign donor, trained task force members on the socio-cultural context of human trafficking. BPM and an international organization each operated trafficking hotlines. The BPM hotline operated 24 hours a day in both Haitian Creole and French and allowed the public to report child exploitation and abuse cases, including child trafficking. In 2020, the BPM reported 90 calls to its hotline, but did not report how many of these calls were trafficking incidents. The other hotline received 101 calls during the reporting period, of which 28 were regarding children; the hotline operated 24 hours a day and served Creole, French, and Spanish speakers. Additionally, the government set up an online reporting portal with the assistance of several NGOs. The National Migration Office (ONM) published illicit migrant deterrent messaging via public radio and other media platforms; this was the only substantive ONM awareness-raising campaign during the reporting period.

The continued dysfunction of the Haitian civil registry system and weak consular capacity to provide identification documentation left many Haitians at risk of remaining undocumented in the Dominican Republic and subject to deportation – recognized risk factors for vulnerability to trafficking. In the previous reporting period, the National Office of Identification (ONI) began issuing biometric ID cards with unique identification numbers (CIN) to Haitian citizens. In June 2020, the government issued a decree requiring citizens to obtain the new cards. Beginning in October 2020, old forms of identification were no longer valid for access to government services, conduct of civic duties, and obtaining certain professional positions. The government also required the card in order to vote in elections, occupy a public service position, register for school, obtain a passport, and access financial services. Since the decree, ONI carried out a campaign to encourage all Haitian adults to register for the new IDs. The government continued to digitize birth certificates and other vital records, and ONI merged its records with the Civil Registry to improve accuracy and efficiency. As of March 2021, approximately 4.3 million of an estimated six million Haitian voters had registered for the required ID.

The government had no clear strategy for conducting labor inspections. Although the labor code required recruiters and businesses to obtain a license and did not allow them to charge fees, Haiti did not have effective laws or policies to regulate foreign labor recruiters, prevent fraudulent recruiting, or plans to raise awareness of the risks for potential migrant laborers. The government lacked staff and resources to inspect worksites for indicators of labor trafficking, although the government trained at least 10 labor inspectors to detect forced labor in labor sites. However, authorities reported being unable to conduct any inspections in 2020 due to the pandemic. The government reported IBESR staff and labor inspectors had not received sufficient training on child labor issues, despite a study indicating that more than 286,000 children were working in domestic service, some of whom were likely exploited in forced labor. The government did not report or publish data on child work, child labor, or the worst forms of child labor. According to an international organization, a labor Child Protection Working Group coordination meeting was

supposed to be held monthly between enforcement agencies with the participation and technical support of international child protection partners, but was unable to meet monthly due to the pandemic. Authorities reported improved coordination on child labor cases over the reporting period, but international organizations stated coordination functioned at a minimum due to the pandemic and continued political unrest. The government did not report proactive measures to prevent trafficking by its diplomats although the 2014 anti-trafficking law provided strict sanctions for public officials complicit in trafficking. The government did not make efforts to reduce demand for commercial sex acts. Authorities did not make efforts against sex tourism. No explicit prohibition existed in Haitian law against Haitian nationals engaging in sex tourism abroad.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Haiti, and traffickers exploit victims from Haiti abroad. Most of Haiti’s trafficking cases involve children in forced labor in domestic service, commonly called *restavek*, who often are physically abused, receive no payment for services rendered, and have significantly lower school enrollment rates. At the end of the reporting period, NGOs estimated between 150,000 and 300,000 children worked in domestic servitude. Many children flee these situations and become street children, facing further risk of re-trafficking. The number of street children likely increased in 2020. “Orphanage entrepreneurs” operate unlicensed orphanages where children are trafficked. At the end of the reporting period, only 105 of the total 754 orphanages housing 23,723 children were either licensed or becoming officially licensed, and 398 were considered high-risk for child safety. Approximately 80 percent of children in orphanages have at least one living parent, and almost all have other family members. Female foreign nationals, especially citizens of the Dominican Republic and Venezuela, are particularly at risk for sex and labor trafficking in Haiti, including on social media. Emerging practices include “bride-buying,” in which men pay between \$100 to \$200 to the families of girls as young as 14. Traffickers also target: children in private and NGO-sponsored residential care centers; Haitian children working in construction, agriculture, fisheries, domestic work, begging, and street vending in Haiti and the Dominican Republic; IDPs, including those displaced by Hurricane Matthew, and gang violence; Haitians living near the border with the Dominican Republic; including those who are stateless or at risk of becoming stateless; Haitian migrants, including those traveling to or returning from the Dominican Republic, The Bahamas, Turks and Caicos, Brazil, Mexico, or the United States; and LGBTQI+ youth often left homeless and stigmatized by their families and society. Haitian adults and children are at risk for fraudulent labor recruitment and forced labor, primarily in the Dominican Republic, other Caribbean countries, South America, and the United States. According to NGOs, international child sex tourism occurs in Haiti, with the primary tourists being from the United States and Europe. Although the impact of the pandemic in Haiti was not severe, the temporary closure of schools and pressure due to economic difficulties exacerbated vulnerability. The pandemic also likely increased risks of trafficking for approximately 220,000 Haitian migrants in the Dominican Republic who returned to Haiti, and for other Haitian migrants throughout Latin America unable to proceed in their journeys due to health restrictions. A December 2020 survey found that many Haitians lacked basic knowledge about human trafficking and the resources available to get help; 71 percent of respondents were unable to differentiate between human trafficking and gender-based violence, only 18 percent knew of a phone number to report a suspected trafficking crime, and just three percent had heard of the CNLTP.

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