

Restavek Freedom Foundation

Input for the Report of the Special Rapporteur on Slavery
to the 77th session of the General Assembly

1. *What is your understanding of the term "informal economy"?*

The informal economy is any form of generating income that is not reported to the state and provides no protections to workers.

2. *What are examples of informal employment in Haiti?*

Street vendors, child laborers, domestic help, and day laborers of all kinds are examples of informal employment – often hired per day, with cash. Likewise, vocational trades such as construction, furniture making, tailoring, car repair, etc. are frequently managed as small family enterprises operated out of homes or roadsides, on cash, without government oversight. Women selling various foods and small goods from small spaces in an open-air market (“Madanm Sara”) are a classic form of informal employment in Haiti. Many farming families act as seasonal market vendors when they take their own crops to these markets and sell them.

3. *In which sectors (e.g. domestic work, agriculture, manufacturing, street vending, rubbish collection, among others) does labour exploitation take place? Please provide details on the nature and extent of such exploitation, including forced/bonded labour, domestic servitude and child labour, including its worst forms)?*

Restavek is a form of modern-day slavery, and a restavek can be a child as young as four years old all the way through adolescence. These children have usually been given over by their parents to a person or “host” family who agrees to educate and care for the child in exchange for a few light household chores. However, children in restavek end up doing nearly all the household labor, including tasks that are destructive to their physical development, never attend school, and are regularly subjected to emotional and physical abuse. They are often denied access to what they need to thrive as children, including adequate food, rest and play. Short- and long-term effects on the child in restavek include stunted growth due to malnutrition, depression, anxiety, self-esteem and eating disorders, and emotional trauma. Isolation and lack of education, social skills, and job training reduce their chances to become productive and integrated members of their society.

Girls in restavek mostly work in household chores but frequently help the women in the house with their informal sector work, such as running a market stand. Boys in restavek can also be in household chore-focused positions but are more likely to work primarily in agriculture for the host family. As the percentage of the population dwelling in urban and peri-urban areas steadily increases, the percent of boys in restavek who work primarily in agriculture is expected to decline.

4. *What percentage of the workforce is in the informal sector/economy in your country?*

Please note the attached research report dated September 12, 2019 from the Research Directorate, Immigration and Refugee Board of Canada. From page 6 of that report,

“the informal sector was the source of 77.1 percent of jobs in the [Port-au-Prince] metropolitan area, 69.5 percent of employment in other urban areas, and 26.7 percent in rural areas” (Herrera, et al. June 2014, 125: original source listed in that report)

5. *Who is employed in the informal sector in your country? Please provide details with regard to gender, sexual orientation, race, ethnicity, age, nationality, as well as social and/or economic status. Are some categories of workers affected by contemporary forms of slavery more than others? If so, please explain.*

Because the informal sector is so large in the Haitian economy, a wide range of people of all genders, ages, and most social status’ find work in it. For all but the upper class, it is a typical and accepted source of employment and income. People from the mountains and other extremely rural areas have often been stigmatized and poorly treated. It is widely believed that these “mountain people” (“moun mon” in Kreyol) are discriminated against in hiring and more likely to be taken advantage of. Restavek Freedom does not have solid statistics to prove or disprove these widely held beliefs. As more and more rural people move to the cities, however, this stigmatization may become less of an issue.

Children in extreme poverty are more likely to be sent into restavek child domestic servitude than children from more economically secure families. The best estimates are that 60% of children in restavek are girls, which correlates closely with the percentage of girls among the children in Restavek Freedom’s Child Advocacy program.

6. *What are the main factors in the informal economy which push workers into these practices (e.g. a lack of employment contract, access to employment benefits and protection, complaints mechanisms, and wider regulation/protection by States)?*

Many of these workers lack formal education or strong literacy skills. Due to their lack of influence and economic status they remain vulnerable to exploitation. People in the informal sector often lack personal means to travel daily to formal job sites. Much of the available unskilled work with local businesses is short term and ad hoc. All these factors push workers out of competition for scarce formal – sector jobs and into the informal economy.

Significantly, the informal economy reduces financial costs for business owners and workers, both of whom are often barely making ends meet. Haitian requirements and costs to formally register a business are complicated and costly, so most small businesses simply do not register and then operate in the informal sector. With many formal jobs being low-paying, workers in those jobs cannot

both cover essential expenses and also pay the taxes enforced in the formal sector. Thus they prefer to work informally and avoid taxes in order to have marginally higher take-home pay.

Government entities including the pension system (ONA) are widely seen by Haitians as being rife with corruption. Often from personal or family experience, workers have no faith that they will receive pensions, employment benefits or employee protections even if they pay for them through taxes and fees. Many workers thus prefer to avoid taxes, benefit premiums, and pension system charges by working in the informal sector and having their pay undocumented.

7. *Are contemporary forms of slavery in the informal economy more prevalent in rural or urban areas? Please provide details.*

It was believed that rural children were at more risk of restavek child servitude due to the paucity of schools in their home areas, leading them to move to a city family in hope of getting an education. The classic scenario reported internationally is that an impoverished rural family sends a child to a wealthier, urban family as a restavek in hopes of giving them access to schooling which does not exist or is not accessible in their home area.

As Restavek Freedom's Child Advocacy program has grown, it has detected two trends which show restavek child servitude is a broader and more complex problem than first reported internationally. The increasing urbanization of the country has led to larger numbers of extremely impoverished urban families, who are now sending children into restavek with other urban families. Secondly, as our program expands into rural areas previously viewed as simply 'restavek-sending areas', we are discovering that a larger than expected number of children are in restavek within these rural areas. These children are apparently sent into restavek locally due to their family's inability to feed and clothe them, or else to satisfy the household labor needs of a relative, as much as for the possibility of access to school.

8. *What legislative and other measures are in place to address the informality of employment in your country?*

None that we are aware of, though the informal economy per se is not a focus area of Restavek Freedom.

9. *What kind of complaint/grievance mechanisms exist for informal workers to address violations of their human rights, including contemporary forms of slavery?*

There are few if any mechanisms that exist for informal workers to address violations. Some NGOs work on violations of human rights but there is no formal way for a victim to address these violations. The Brigade Protection des Mineurs is

trying to fulfill its role as a protector of children. It lacks sufficient resources and emergency care options to be widely available and effective for those caught in restavek child servitude.

10. Is the labour inspectorate in your country mandated to inspect the informal sector and to take action in case abuse/labour exploitation is detected?

Not that we are aware of.

11. What kind of financial, legal or other assistance exists for victims/survivors of contemporary forms of slavery in the informal economy?

Some Non-Governmental Organizations (NGOs) will take on these legal fights but we have not interacted with any financial or legal assistance that exists through the government. Staff members of l'Institut du Bien-Être Social et de Recherches (IBESR) and of the Brigade de Protection des Mineurs (BPM) will investigate cases of abuse in domestic servitude and may testify in court. However, they rarely initiate, or carry forward unassisted, legal proceedings concerning children in restavek. Both depend on NGOs to provide ongoing support to children in restavek.

12. What role, if any, do civil society organisations and trade unions play in preventing informal workers from being subjected to contemporary forms of slavery in your country? Please provide examples.

There are trade unions for workers such as informal public transportation workers, but collective bargaining in the informal sector is not strong. Sector-specific strikes to air grievances and demand higher wages are not uncommon. The success of those strikes varies widely.