Ca' Foscari
University
of Venice

MASTER'S DEGREE

In COMPARATIVE INTERNATIONAL RELATIONS

FINAL THESIS

CHILD LABOR AND SLAVERY: THE CASE OF THE HAITIAN RESTAVÉK SYSTEM

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Academic Year
2022 / 2023

ABSTRACT

La presente tesi magistrale si propone di fornire un'analisi accurata del lavoro minorile, fenomeno ancora oggi persistente a livello globale, utilizzando principalmente un approccio interdisciplinare. Nonostante i numerosi studi condotti sull'argomento, in diversi periodi storici e in diverse aree geografiche, e nonostante l'implementazione di diversi programmi educativi e di inclusione sociale, ancora oggi non si riescono ad eliminare totalmente le diverse forme di lavoro minorile globalmente diffuse. Al contrario, gli ultimi dati elaborati dall'Organizzazione Internazionale del Lavoro (ILO) presentano una situazione stagnante in termini di miglioramenti e progressi, se non addirittura un aumento in termini assoluti di bambini impiegati nel mondo del lavoro: è di 160 milioni il numero stimato di bambini costretti a lavorare nel mondo.

Tuttavia, non sempre è possibile conoscere ed analizzare fino in fondo l'estensione del fenomeno e comprenderne la gravità in determinate situazioni. L'insieme di fattori sociali, culturali ed economici gioca un ruolo determinante nella complessità del fenomeno. Molti dei paesi più poveri ed in via di sviluppo non forniscono dati ed informazioni precise né attendibili e, nella maggior parte dei casi, non viene considerato il lavoro afferente al mercato nero ed informale.

Oltretutto, quelle forme di lavoro leggero, ossia quella categoria di lavori considerati adatti per i bambini in quanto ritenuti non pericolosi per la loro sicurezza e salute, possono in realtà rivelarsi essere tra le peggiori forme di lavoro minorile. Tra gli esempi più esplicativi si possono citare il mondo dell'agricoltura ed il lavoro domestico. In entrambi i casi, le prestazioni dei bambini spesso nascono internamente, per aiutare marginalmente il proprio nucleo familiare. Tuttavia, si tende a non considerare l'esposizione dei bambini a sostanze e fenomeni particolarmente rischiosi, come il continuo utilizzo di prodotti nocivi ed il sovraccarico delle ore lavorative.

Il focus della presente tesi magistrale verte su Haiti, prima repubblica nera al mondo, costituitasi grazie alla rivolta di schiavi neri d'origine africana, dove, però, vige oggigiorno una specifica pratica

di lavoro minorile domestico ben radicata nella cultura e tradizione della nazione: il caso dei bambini *restavèk*.

La precarietà e povertà di Haiti, insieme ai continui disastri ambientali che hanno colpito il Paese negli ultimi anni, hanno portato numerose famiglie, specialmente nelle zone rurali, a non disporre dei mezzi e delle risorse necessarie per sostenere i propri figli e garantire loro beni primari ed il diritto all'istruzione. Per questo motivo, molte famiglie delle aree rurali di Haiti spesso decidono di mandare i propri figli a vivere in città, solitamente presso la casa di parenti e/o conoscenti. In cambio dell'accoglienza e delle cure ricevute, i bambini *restavèk* devono aiutare nelle faccende domestiche ed in tutti i servizi necessari al sostentamento della famiglia ospitante.

Il termine creolo *restavèk* deriva dal francese *rester avec* e significa letteralmente "stare con". L'espressione indica esattamente la condizione in cui i bambini *stanno con* una famiglia diversa da quella d'origine con la speranza che questa possa dare loro la possibilità di migliorare le loro condizioni presenti e prospettive future. Tuttavia, il ruolo di molti bambini *restavèk* molto spesso si concretizza nella violazione e privazione dei loro diritti umani. I bambini *restavèk* vivono per servire la famiglia ospitante, costretti a svolgere lavori domestici estenuanti e percorrere lunghi tragitti per procurare alla famiglia beni vitali come l'acqua – la mancanza di infrastrutture nel Paese costringe buona parte della popolazione all'approvvigionamento giornaliero di tali risorse. Di conseguenza, viene loro spesso negato il diritto all'istruzione, al gioco ed alla salute e benessere mentale.

Il presente lavoro si articola in quattro diversi capitoli, ognuno dei quali approfondisce gli aspetti generali del lavoro minorile, fornendo un'analisi dettagliata del caso dei bambini *restavèk* non solo descrivendo le loro condizioni e privazioni, ma anche approfondendo lo sfondo storico haitiano ed il quadro giuridico, facendo riferimento sia alle leggi interne che alle convenzioni internazionali firmate e ratificate dal Paese.

Il primo capitolo esamina e descrive il fenomeno del lavoro minorile, sottolineando la difficoltà nel determinare le caratteristiche del concetto universalmente. La definizione di bambino cambia di paese in paese in base agli aspetti sociali e culturali oltre che economici degli stessi. Inoltre, verrà

approfondito lo studio di teorie e di modelli economici per cercare di comprendere le cause alla radice del fenomeno e per implementare regolamentazioni che permettano di eradicare il lavoro minorile.

Tendenzialmente, la scelta di ricorrere all'impiego dei bambini nel mercato del lavoro dipende dalla volontà dei genitori, che molto spesso trascurano l'idea e volontà dei bambini. Allo stesso modo, diversi teorici hanno sviluppato modelli in cui la prevalenza di uno specifico fattore – nella maggior parte dei casi rappresentato dalla povertà – determina l'impiego di bambini nel lavoro. Ciononostante, è bene sottolineare ancora una volta che la persistenza del fenomeno ha diverse ragioni e motivazioni, impossibili da sintetizzare in un unico modello che si adatti universalmente ad ogni caso. Per questo motivo, prima di applicare regolamentazioni e/o barriere aventi come obiettivo la protezione dei bambini e l'eradicazione del lavoro minorile, bisognerebbe condurre analisi molto accurate, mirate ad un territorio ben circoscritto, per evitare di peggiorare ulteriormente la situazione.

Il secondo capitolo vuole approfondire la peculiarità della storia di Haiti, i cui effetti sono talvolta ben visibili nelle caratteristiche odierne del Paese. Tra i primi ad arrivare sul territorio in questione vi furono i francesi, che colonizzarono quella porzione di terra che chiamarono *Saint Domingue*. La ricchezza della colonia nella produzione di zucchero e caffè, prodotti sempre più richiesti dagli europei e dai nordamericani, contribuirono alla formazione di una società basata sullo sfruttamento degli schiavi per l'aumento della produzione e la massimizzazione del profitto dei coloni. Alla fine del XVII secolo, Saint-Domingue era la colonia più ricca al mondo e la sempre più crescente richiesta di manodopera fu soddisfatta dalla tratta di schiavi provenienti dall'Africa: nel 1780 circa, l'élite composta da 60.000 bianchi dominava e sfruttava 500.000 schiavi neri.

Tuttavia, le classi sociali nella colonia non erano sempre ben definite, e anche all'interno degli stessi gruppi etnici vi erano distinzioni. L'élite bianca era costituita dai primi francesi, possessori di terre e di schiavi, denominati *grands blancs* (grandi bianchi); tra i bianchi, vi erano anche i *petits blancs* (piccoli bianchi), ossia i francesi arrivati solo successivamente nella colonia per cercare la loro fortuna. Quest'ultimi erano meno abbienti ma per via della loro etnia si ritenevano superiori alla *gens de couleur* (gente di colore), un ulteriore gruppo elitario formato da proprietari terrieri e di schiavi, le

cui origini erano però miste: solitamente, oltre agli schiavi affrancati, questa classe sociale era formata da ricchi imprenditori nati da padre bianco – da cui molto spesso ereditavano i beni – e da madre nera. In fondo alla piramide sociale vi erano infine gli schiavi neri d'origine africana, i quali erano considerati mera proprietà da possedere.

L'unicità della storia di Haiti risiede nella rivolta degli schiavi neri che, non avendo nessun modello politico-ideologico da seguire, si ribellarono contro i loro oppressori – inizialmente – unicamente per la loro libertà. Dal 1791, una serie di rivolte nate dal basso inizia a stravolgere la supremazia dell'élite bianca: nasce così la rivoluzione haitiana, evento fondamentale per la storia dei diritti umani. Violenti scontri, conflitti e massacri si susseguono sul territorio della colonia – in cui gli schieramenti e le fazioni cambiano continuamente – fino al 1804, anno in cui viene dichiarata l'indipendenza di Haiti, prima repubblica nera al mondo nata dalla rivolta degli schiavi.

Tuttavia, i primi anni della nuova repubblica sono caratterizzati da una forma di isolazionismo diplomatico, principalmente da parte degli Stati Uniti e Francia. Questa condizione ostacola la crescita e lo sviluppo di Haiti che non solo deve far fronte al processo di ricostruzione dopo anni di guerre combattute sul proprio territorio, ma deve anche rinunciare alla centralità fino ad allora avuta negli scambi commerciali e pagare delle ingenti somme di denaro, in particolare alla Francia.

Il terzo capitolo tratta nello specifico il caso studio del sistema *restavèk*. Dopo aver descritto la diffusione del lavoro minorile nel Paese, il focus verterà sulle condizioni dei bambini *restavèk* e su tutti gli attori e fattori coinvolti nel sistema. È bene sottolineare ancora una volta che non tutti i bambini haitiani che vivono presso altre famiglie sono bambini *restavèk*, così come non tutti i bambini *restavèk* subiscono maltrattamenti disumani. Ciononostante, sono numerosi i casi in cui i bambini *restavèk* subiscono vere e proprie violazioni, privazioni ed abusi sia a livello fisico che morale.

Sulla base di racconti autobiografici e di analisi condotte sul campo da parte di vari esperti, emerge che molti bambini *restavèk* sono trattati come schiavi. Ore e carico di lavoro estenuanti, insieme a vere punizioni fisiche, sono spesso le condizioni a cui i bambini *restavèk* devono sottostare. Inoltre, sono stati denunciati episodi di abusi sessuali, soprattutto ma non solo, nei confronti di alcune

bambine *restavèk*. Per via del radicamento del fenomeno nella cultura haitiana, non è facile conoscere con esattezza il numero di bambini *restavék* nel Paese. Diverse fonti stimano il coinvolgimento di un numero di bambini che arriva a 500.000 nel sistema *restavèk*, di cui una maggiore percentuale è costituita da bambine.

Il quarto ed ultimo capitolo si pone l'obiettivo di analizzare il quadro giuridico nazionale e le convenzioni internazionali che il governo haitiano ha firmato e ratificato nel tempo. In particolare, verranno descritti gli articoli che fanno specificamente riferimento alle violazioni e condizioni precedentemente denunciate nel caso dei bambini *restavèk*. Viene espressa profonda preoccupazione dai vari comitati che si occupano di monitorare l'implementazione delle varie convenzioni a livello nazionale concernenti la protezione dei diritti umani dei bambini. Il governo haitiano non sempre ha redatto ed inviato i report richiesti sul progresso e sull'applicazione di leggi e meccanismi che definiscono le regole del lavoro minorile.

Altresì, oltre a descrivere le iniziative promosse dal governo locale, verrà menzionata l'importanza della cooperazione internazionale per lo sviluppo e per il lancio di programmi educativi e di inclusione sociale. Numerose organizzazioni internazionali, organizzazioni non governative così come stati esteri hanno finanziato molteplici programmi a sostegno del governo haitiano per migliorare le condizioni del lavoro minorile. Nello specifico, verranno analizzati i punti principali di un programma educativo rivolto non solo ai bambini *restavèk*, ma anche ai giovani disoccupati in corso di svolgimento a Jérémie da parte di una ONG italiana e gli *outcome* desiderati dall'implementazione dello stesso.

Concludendo, ciò che emerge è che analisi dettagliate su un fenomeno ben preciso e circoscritto, sono necessarie per procedere ed agire per l'eradicazione del lavoro minorile. Allo stesso tempo, il coinvolgimento di attori esterni è sicuramente necessario per apportare miglioramenti ad una specifica parte della popolazione. Tuttavia, senza una vera e propria strategia coordinata dal governo nazionale, difficilmente si riesce ad eradicare il fenomeno, come nel caso dei bambini *restavèk*.

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LIST OF ABBREVIATIONS

ILO International Labour Organization

NGO Non-Governmental Organization

NEET Not in Education, Employment or Training

UNICEF United Nations International Children's Emergency Fund

IPEC International Programme on the Elimination of Child Labour

PREGRESA Programa de Educación, Salud y Alimentación

HDI Human Development Index

LAC Latin America and Caribbean

PADP Pan American Development Foundation

UPR Universal Periodic Review

CRC United Nations' Convention on the Rights of the Child

CEACR Committee of Experts on the Application of Conventions and Recommendations

IBESR Institut du Bien-Etre Social et de Recerches

BPM Brigade for the Protection of Minors

CNLTP National Committee for the Fight Against Trafficking in Persons

IOM International Organization for Migration

FMSI Marist Foundation for International Solidarity

INTRODUCTION

Latest data on child labor reports the persistence of it as a widespread phenomenon at the global scale. For this reason, the present dissertation aims at shedding light on the conditions many children are obliged to live in around the world and their severe human rights deprivation.

Most recent data on child labor, provided by the International Labour Organization (ILO, 2021), depicts a stagnating, if not worsening, situation. Over the last four years no decrease in the percentage of children employed in child labor has been measured. On the contrary, the number of children in child labor has increased in absolute terms: in 2020 the estimated number of children in child labor rose to 160 million.

Despite the thriving literature on the topic and the recognition from the international community of it as a global problem to be solved, it is complicated to provide an exact definition of child labor and to directly act to eradicate it. Both the interpretation of child and labor may vary according to cultural, social and economic factors all over the world. Similarly, it is not simple to investigate on the phenomenon given that especially low-income countries do not provide reliable data and that hidden and informal forms of child labor are common practice.

As a consequence, precise targets have to be established in order to conduct thorough research and to attempt to tackle the human rights violations occurring within a specific context. Eventually, policy implementations require constant monitoring and deep knowledge of the cultural, social and economic context to best address programs and plans of actions to foster the development of the country.

Therefore, this thesis provides an interdisciplinary approach aiming at deepening the understanding of child labor, specifically focusing on the Haitian context and the *Restavèk* system, a practice of child domestic labor well rooted in the tradition of the country. This Haitian common practice has often resulted in serious inhumane treatments that has been compared to a form of slavery. Regardless of the actual exactness of framing the *restavèk* system within the definition of

slavery, this dissertation's main purpose is to shed light on the severe deprivation of human rights many Haitian children are subjugated to.

Data and main characteristics of child labor as a global phenomenon will be the focus of the first chapter of this dissertation. A general introduction to the concept of child labor, referring to its general definitions and the different forms it can take will be firstly provided. Beyond the most hazardous forms of child labor, the covert and hidden forms of it will be mentioned, with a specific focus on agriculture and domestic work. It will be stressed out the difficulty in broadly and generally measuring the phenomenon as well as in eradicating it. Policy implementations and economic barriers targeting child labor may result ineffective or even disastrous if thorough research is not previously conducted.

Furthermore, a review of economic models and theories will be conducted, in attempting to explain the reasons of the current persistence of child labor, especially in some specific regions of the world, together with the description of its roots and origins. The agency of children and the role of parents – and households more in general – in the decision-making process is not always equal and is decisive in the employment of children in child labor. Therefore, the dichotomy preference vs. constraint will be questioned and analyzed.

Despite poverty has been commonly pointed out as the major determining cause of child labor, it is not the only factor influencing the presence of children in the labor market or generally in working activities. Several models go beyond the "unitary model" – although not totally rejecting it – and postulate a multiple equilibria approach. Different actors and factors have to be taken into account together with existing relations among them in order to better understand that process that pushed children into child labor.

Predictably a unique model that fits every country and every single case does not exist. Microdata and variables do not only differ from country to country, as well as from regions to regions, but they also are often unknown and almost impossible to acknowledge.

Child labor is also determined, or at least strongly influenced, by education. Education is a fundamental factor that may help prevent the phenomenon. Consequently, lack of free educational

system and good quality schooling may result detrimental for the future and possibilities of many children coming from low-income families in regions where such services are not publicly provided.

The second chapter of this thesis will provide a historical background on the formation process of the Republic of Haiti. Haiti is not only the country where the case study of the present dissertation, i.e., the *restavèk* system, is located in. Haiti is also the first free black republic born after the rebellion of at that time slaves. Some of the *ante litteram* values and principles of freedom originated from the Haitian revolution are tendentially obscured by mainstream academic literature.

Since the very first years of the foundation of the French colony, initially named *Saint Domingue*, Haiti and its resources have always been used in order to meet European needs and desires. From this social and economic subjugation, a real plantocracy system developed in the country. A great majority of the Haitian territory had been used for the plantation and cultivation of global goods that especially rich Europeans craved for. The vast plantations needed an always higher number of workers to improve and accelerate the productive process. As a consequence, an impressive number of slaves was constantly imported from Africa to *Saint Domingue* in order to support and maintain the plantocracy system.

Saint Domingue was conferred the titles of "Pearls of the Antilles" and "Eden of the Western World" because of its rich production of mainly sugar and coffee. An overwhelming majority of these produces came from the French colony; this fact had determined the formation of a society based on exploitation of slaves. At the end of 1780, about 30.000 whites dominated the society and controlled about 500.000 slaves.

Additionally, different ethnic groups and some sorts of rivalry existed among them. The white elite was composed of the *grands blancs*, different from the *petits blancs*; the latter were not as wealthy as the former, but considered themselves superior to the slaves, representing the bottom of the society, and the *gens de couleur*, the free people of color. During the different stages of the Haitian revolution these different social groups fought both with and against each other.

The event which triggered the Haitian revolution was a real rebellion started in the North of the colony in 1791. The revolt stemmed from slaves who initially fought for their freedom more than for their ideals. From that moment on, a series and intertwining of events unfolded, until 1804, year of the Haitian Declaration of Independence.

In the aftermath of the Haitian revolution and independence, a sort of isolationism had been addressed to Haiti, the first free black Republic born after the uprisings generated by slaves. This initial condition, combined with the natural disasters and the political instability that have invested the country, makes Haiti one of the poorest countries in the world.

The third chapter provides a detailed analysis of the *restavèk* system, a form of child domestic labor widespread in Haiti. The Creole term *restavèk* comes from the French phrase "rester avec", which means to stay with: poor families who cannot afford to take care of their children, not being able to grant them basic needs and rights, such as that of education, send them to other households hoping that their children's life conditions and future possibilities improve. In exchange, *restavèk* children offer domestic service in the new household.

Usually, the phenomenon concerns poor families coming from rural areas who send their children to richer families, mostly relatives, living in urban areas. Thus, *restavèk* children allegedly have the possibility to be more comfortably raised and to be properly educated. However, it is not always the case. On the contrary, *restavèk* children have a negative connotation. If in some cases the system has effectively helped some children in improving their living conditions, in other cases *restavèk* children have been seriously exploited and both morally and physically abused.

The difference between the original family and the hosting households are not always that evident. Receiving households may also live in very poor economic conditions and therefore use *restavèk* children to run daily errands and to provide, mainly but not only, domestic services. For example, the lack of basic infrastructure in the country usually makes the supply of water and electricity a *restavèk* child's responsibility, who have to daily travel long distance in order to procure these basic needs for the hosting family.

The general conditions of *restavèk* children and the serious human rights deprivation they are constantly are faced to will be described also on the basis of personal biographies and experts who have worked on the field and have thoroughly studied the phenomenon. Due to the covert nature of the phenomenon, and the social perception of a *restavèk* not even as a child, makes it impossible to exactly acknowledge the number of children living in these conditions. Estimations on the number of *restavèk* children range from 150.000 to 500.000, to whom the ones living in the Dominican Republic have to be added. The phenomenon is estimated to involve a greater number of girls and is massively present in Port-au-Prince, specifically in Citè Soleil.

Once again, the peculiarity of the phenomenon does not let study it properly. Not every child living in a household different from the parental one is a *restavèk* child. And not every *restavèk* child employed in domestic labor suffers from inhumane treatments. However, what has been in many cases defined as a form of slavery certainly represents a real violation of human rights.

Therefore, the fourth and last chapter of the dissertation attempts to place the phenomenon within the legal framework, referring to national and international conventions signed and ratified by the Haitian government and that fall within the scope of children's human rights protection and enhancement.

The violations of both international and domestic laws the Haitian government is undergoing by perpetuating the *restavèk* system will be mentioned. In addition, the numerous social inclusion and educational programs taking place in Haiti thanks to the cooperation among the national government, international organizations and non-governmental organizations will be described. Similarly, the limits and the fallacy of some of these programs will be pointed out.

A specific focus on education will be provided. Education is fundamental in attempting to improve general conditions and to eradicate child labor. For the purpose, a program aiming at improving the educational system in Jérémie, implemented by an Italian NGO and addressed to *restavèk* children as well as NEET youth and teachers, will be described.

Predictably, the eradication of the *restavèk* system, well rooted in the Haitian culture, as well as any other form of child labor, requires thorough and *ad hoc* analysis before effectively implement social policies and programs targeting it.

CHAPTER I

CHILD LABOR AS A GLOBAL PHENOMENON

1.1 Introduction to child labor

Child labor is a global phenomenon that has been deeply analyzed by many and various fields of study which base their assumptions on different data, theories, and parameters. Despite the thriving literature concerning child labor, it is a complicated task to provide a precise and single definition, and to exactly estimate the number of children working around the globe. This is due to the different forms of child labor that can take place, almost impossible to be systematically categorized; and, even more, for the many existing conceptions of child that vary according to cultures and traditions. In addition, many low-income countries, where nowadays most of child labor is located, do not provide reliable data. However, what emerges from the latest report conducted by the International Labour Organization (ILO) together with the United Nations Children's Fund (UNICEF) is that child labor persists to be a global problem. Not only the percentage of children in child labor has not been reduced over the last four years, but the number of children in child labor increased in absolute terms by more than 8 million, reaching a total of 160 million children in 2020 (Child Labour: Global Estimates 2020, 2021, p. 8).

The common imagery associates child labor with inhuman working conditions for little or no wages some children are obliged to experience; even though it may be a scenario, it is an inadmissible form of exploitation for everyone, disregarding the age of the worker (López-Calva, 2001, p. 59). For this reason, even if the exploitative character of the work had to be eliminated, child labor would affect the child and his/her entire life anyway. Indeed, child labor is usually defined as an economic activity harmful to the health and wellbeing of children (Edmonds and Pavcnik, 2005, p. 200). If some forms of child labor are undoubtedly hazardous, in which children are seriously exposed to life-threatening dangers, there are also some other "hidden" forms, which are generally underestimated;

a concrete example is domestic work, which in some cases is deemed to be a typical activity a child must do on a daily basis, no longer just a form of helping in the household (López-Calva, 2001, p. 66).

Thus, when dealing with child labor, the potential exposure to physical risk is not the only element that has to be examined; many other correlated factors which make child labor morally and educationally harmful must be considered. More generally, according to the definition provided by the ILO and the International Programme on the Elimination of Child Labour (IPEC), child labor refers to any deprivation of childhood, dignity, as well as physical and mental development. It pertains to work that:

> is mentally, physically, socially or morally dangerous and harmful to children; and/or interferes with their schooling by depriving them of the opportunity to attend school; obliging them to leave school prematurely; or requiring them to attempt to combine school attendance with excessively long and heavy work (What is child labour, 2012).

The definition thus provides different and blurred interpretations. What is deleterious for a child varies according to traditional perspectives, and the definition of who is a child is not a fixed concept. Some countries consider childhood on a chronological basis, whereas others give greater importance to social aspects; the parameters adopted to define adulthood change from country to country, and even within a country, there is not always a unique threshold that determines the end of childhood, e.g., in some African countries, a person of a certain age may be allowed to get married, yet without the right to vote and/or to join the military (Satz, 2003, p. 298).

Nevertheless, the international community has recognized the phenomenon of child labor as a global problem to be solved. Starting from the United Nations Convention on the Rights of the Child, the first international agreement whose scope falls within the protection of the rights of children and reaching the current Agenda 2030 for Global Development set by the UN, the elimination of child labor has always been assigned a certain degree of importance in the international arena. As a matter of fact, the Sustainable Development Goal number 8 of the Agenda 2030 targets economic growth

and decent work for all; as far as it concerns children, the goal 8.7 aims at eliminating the worst forms of child labor and fixes the 2025 as the International Year to end child labor of any kind. (Latin America and the Caribbean, 2017). Whether 2025 will definitely eliminate child labor seems to be unlikely, especially if the results of the latest report conducted by the ILO together with UNICEF are analyzed. The Covid-19 pandemic is the proof that any period of crisis could easily alter the situation, changing the circumstances and putting at stake the efforts previously undertaken.

The ILO has been trying to set some standards worldwide, through conventions and recommendations, in order to better frame the concept of child labor. The ILO fundamental conventions regarding child labor are Convention No. 138 on Minimum Age and Convention No. 182 on the Worst Forms of Child Labour. In the same manner, two ILO recommendations are essential to foster the protection of children's rights: recommendation no. 136, which concerns youth employment generally, and recommendation no. 190 on the worst forms of child labor.

The ILO excludes light and protected work from the concept of child labor, indicating the minimum age range that allow children to enter some specific economic activities or household services, more generally to get legally employed; it denounces hazardous work which can also refer to hazardous household service, and all the worst forms of child labor, such as slavery, human trafficking, pornography and forced recruitment in armed conflicts.

Notwithstanding the efforts and the progress made during the passing of years, child labor is far away to be globally eliminated. As mentioned before, from 2016 to 2020 global progress had been stagnating and the real number of children in child labor even increased. Among the 160 million children in child labor (63 million girls and 97 million boys), 79 million were employed in hazardous work, a real threat to children's safety, physical and moral development. Child labor is surely a global problem, but in some regions the phenomenon is more prevalent and highly widespread. For example, in sub-Saharan Africa 87 million children are in child labor, followed by Northern Africa and Western Asia; high rate of child labor is also present in regions such as Pacific Asia, Latin America and the

Caribbean, despite some important improvements have been effectively achieved (Child Labour: Global estimates 2020, 2021, p. 21).

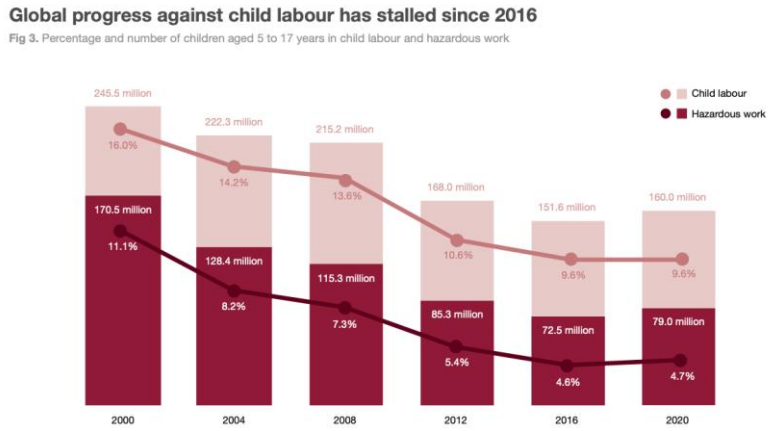


Figure 1 Percentage and number of children in child labor. Source: Child Labour; Global estimates 2020, trends and the road forward.

Deeply analyzing the data collected by the report, realized by conducting surveys on households, it appears that almost 90 million children are aged 5 to 11, 35.6 million children have an age between 12 and 14, while children aged 15 to 17 amounts to 35 million.

The major employment of working children takes place in rural areas and, not surprisingly, agriculture is the sector in which child labor occurs the most at a global level. It is true that the distribution of child labor in different economic sectors vary across countries. However, except for Latin America and the Caribbean and Europe and North America, agriculture acquaints for the largest number of working children. Moreover, child labor in agriculture is not particularly distinguished by a specific gender prevalence. In fact, boys and girls are employed in agriculture at nearly the same rates, whereas other sectors, namely services and industry, are characterized by different gender distribution. If girls are mainly employed in services, which encompass domestic work, boys work more likely in industries, in which activities such as construction, mining and manufacturing are embedded. (Child Labour: Global estimates 2020, 2021, p. 37).

Agriculture is not commonly counted among the hazardous forms of child labor. Yet, as children grow up, their tasks and responsibilities increase. Thus, the expansion of the activities carried out by

children results in higher exposure to risks and dangers; when child labor surveys are launched, it is common to see report of injuries deriving from agricultural activities and the use of farm machineries. Additionally, children working in agriculture are eventually exposed to other types of risks, such as the use of poisoning chemicals and pesticides, as well as threats from animals, continuously neglected wounds, and climate vulnerability (Edmonds and Pavcnik, 2005, p. 208).

Research has recently demonstrated that agriculture is one of the less protected working sectors and, consequently, one of the most dangerous industries in the world. For example, in the United States, the number of casualties caused by incidents coming from the agricultural industry is dramatically high, representing the second most common cause of death among the youngest workers (Ramos, 2018, p. 236).

Child labor is not a newborn phenomenon that characterizes developing countries only. The existence of working children can be found in different countries at different historical periods. The mass presence of children integrated in the economic life of a country can be traced back to the era of the Industrial Revolution, in which people of all ages used to work in factories in industrialized Europe (Basu, 1999, p. 1083). But even before the process of industrialization, small European households based their subsistence on the working participation of every single member of the family, especially in agriculture, but also in manufacturing enterprises, or employed as servants or laborers in other family's home. The technological progress of the Industrial Revolution increased the request for skilled laborers, and in particular in its second stage of skilled workers; therefore, workers needed to be educated to serve the industrial production; this change was not immediate and was possible thanks to the expenses of the families who had to transform their economic relations with their children (Minge-Kalman, 1978, p. 455-457).

De Vries (1998) thoroughly describes the broad concept of *industrious revolution*, the changes in the household consumption and economic behavior which pushed the first industrial revolution in northwestern Europe in the *long eighteenth Century* (1650-1850). In particular, the author focuses on household decisions' impact on consumption and production. A higher number of family members

engaged in economic activities led to an increase in waged work. Thus, both the supply of market-based production and consumption expanded. The household's interaction with the economic market, it is argued, generated because of the intrinsic nature of northwestern European nuclear family and European Marriage Pattern: a newborn couple marries – late in age – and forms a new unit; children leave the household in their teens, working and providing services for other households until their marriage.

Parallelly, Third World countries nowadays experience the highest rate of children in child labor; the phenomenon can derive from multiple causes, among which that of poverty prevails. Beyond the actions and measures undertaken by international organizations such as ILO and UNICEF, and local governments to impose legal working standards, implementing trade sanctions, and bans if the production of specific items occurs through the employment of children, different social activists have been globally widespread. One of the most powerful instruments used by activists has been product boycotts (Doepke and Zilibotti, 2010, p. 2). Thus, even privates can decide to hinder the imports and exports of items produced through child labor, items that must be labeled in order to be recognized.

The consequences of such actions definitely impact the conditions and wellbeing of children, but to what extent and whether positively or not, is not that simple to predict. Some scholars traditionally question the productivity of bans and trade restrictions, as they could worsen the *status* of poverty; the latter, being in most cases the cause of child labor, could aggravate the situation, putting at stake the safety and integrity of a larger number of children. On the contrary, other scholars claim that the effects on the long run may be efficient to eradicate child labor. Another school of thought instead believes that the best and effective solution to eliminate high rates of child labor is just economic growth (López-Calva, 2001, p. 64). Evidently, policy implementations and interventions in such a delicate field require accurate research and analysis before being effectively applied (Basu, 1999, p. 1084). Additionally, some scholars may consider the setting of international standards as a hidden tool used to implement protectionist policies; there is the belief that children entering the labor market

in developing countries actually create a form of "social dumping": the employment of children and the social condition of developing countries are responsible of an unfair competitive advantage that lower the production costs (López-Calva, 2001, p. 62; Ray, 2000, p. 348). Because of the heterogeneous character of child labor, some scholars argue that uniformed policies and international standards are detrimental: targeting all kinds of child labor in the same way may lessen the capacity to target the worst forms of child labor, not being able to address policies and sanctions primarily on them (Satz, 2003, p. 297).

More importantly, before analyzing the context and implementing new policies, a thorough study of the roots and real causes of child labor is fundamental to eradicate it.

1.2 Child labor and economic models

What and who pushes children to work is sought to be acknowledged to have a better understanding of the framework. It would be too simplistic and misleading to individuate a single model, which fits every country, and exactly portrays child labor. However, what can be said is that parents, and households more generally, play a crucial role in determining the access of children into the labor market.

As a matter of fact, in most of the cases parents themselves are the ones employing their children to work with them for a paid wage or within the household; indeed, a sort of substitution pattern between domestic work and market exists: if the head of the household is employed externally, household activities will be carried out by children who replace the parent (Edmonds and Pavcnik, 2005, pp. 202-204).

Considering children as morally and legally developing, and not totally developed yet, parents – or caregivers – have special paternalistic obligations to protect, nurture, and educate children; they must pursue their children's interests and act on their behalf.

More than that, the preferences vs. constraints dichotomy can be questioned, i.e., whether parents push children into child labor because they are forced to or because they rather prefer it; research has shown that the households' decisions are constraints based (López-Calva, 2001, p. 66).

Parents who live in really poor conditions are forced to send their children to work. Indeed, it is argued that even non-working children, in case the household faces really difficult economic times, may leave school in order to help the family, and in the event that the family conditions improved, they would go back attending school. In these cases, given the tempestive and contingent necessity households face to overcome the period of crisis, children could also work for no wages (*ibid*, p. 66).

Conversely, it is worth stressing that the poverty axiom has been criticized by many scholars. Indeed, it is argued that poverty is not the main determinant of the presence of children in the labor market, and a real connection between them does not exist. As a matter of fact, some schools of

thought claim that, in some rural areas, the wealthier the landowner, the more incidence of child labor will exist. Households that own or use very large land extensions, in comparison to other families with little or no lands, may prefer not to send their children to school, but rather consider more profitable and productive to make them work. Another approach concerning the starting of a new business operates in the same way: households who start a new business will prefer to employ their children, being their labor more productive, instead of sending them to school (Basu and Tzannatos, 2003, p. 159). Similarly, high-income households can employ their children in the internal labor market predicting long run improvements. In the traditional industrial sector, children may be employed internally as a sort of apprenticeship. Thus, children have the possibility to improve their skills and to be able, in the future, to reach the status of the parent, i.e., that of the owner (Scoville, 2002, p. 718).

Moreover, many scholars assume that children's agency is very weak; they rarely decide how to allocate their time, depending on their parents' choices who exercise authority over them (Satz, 2003, p. 298). Other scholars claim that the economic activity performed by children in labor market results from internal bargains and power struggle. There are two main bargaining models, namely the intra-household bargaining and the extra household bargaining.

In the intra household bargaining, theorized by Moehling in 1995, the household decides the amount of child labor to be offered; more importantly, every member of the family has a sort of decisional power in the decision-making process of the household, which is based on the income he/she earns. Therefore, even children have a say in the household, whose final decision regarding the amount of child labor to be offered results from the inner bargaining. Simply put, the aim of the household, the maximization of the welfare, is pursued considering every family's member thought and consideration (Saad-Lessler, 2010, p. 327).

On the contrary, Gupta in 1998 formulated another model in which children have not any decisional power in the amount of child labor offered; the only agents contemplated in this model are the parent and the employer. They decide the wage and working hours of the children, considering

child labor activity only as a tool they own. The parent uses child labor in order to maximize the household general utility and welfare, whereas the employer only aims at profit maximization (*ibid*).

A further model which attempts to describe child labor determinants and roots is that of Basu (1998) who evaluates multiple equilibria and does not reject the "unitary model", i.e., the fact that the decision of pushing children to work only falls within the scope of the parents: household and family wealth are the primary determinants. The model is based on two weak assumptions which can be translated into the *luxury axiom* and the *substitution axiom*.

The luxury axiom asserts that parents will push their children into the labor market only if in the absence of the income earned by the children, the consumptions of each family member drop dramatically. The substitution axiom, in turn, equally depicts adult and child labor from the employer's point of view: the work done, and the wage earned, by an adult and a child is the same. These two main assumptions are able to potentially generate a multiplicity of equilibria. Generally, parents would not send their children to work if their wages were above a certain level of subsistence; however, if their income happens to fall below this specific level, thus being too low, they are forced to do so.

Subsequently, it can be generally argued that the reasons that push parents to make their children work have not to be analyzed alone; a multilevel approach that includes poverty, local labor market and regionally offered educational facilities is needed (Webbink, Smits, de Jong, 2011, p. 820). The classically deemed main determinants of child labor are two, namely the poverty and the education level of the households; the poorer the family, the more likely their decision to send children to work.

However, as already stated, Webbink, Smits and de Jong (2011) provide a multilateral approach-based model in which different determinants are embedded and studied simultaneously.

This model is based on research conducted in 221 different districts within 18 distinguished countries.

This model is mainly based on four pillars:

1. The context in which a child lives has three different levels: household, local, national.

2. Parents or caregivers decide whether to push children to work or not.
3. The decision is influenced by different factors at different levels parallelly.
4. The effect of these influences varies in relation with the different contexts.

The figure of the child is located at the center with his/her features and the four possible scenarios he can experience: paid work, work and school, school, idle (the concept of idle may actually encompass domestic work – so unpaid – which has been excluded by the economic literature for a long time). The decision of pushing children into the labor market is determined and influenced by three different conditions, namely resources, structure and culture, which in turn are respectively linked to the economic literature, the studies based on structural factors, and the ones conducted on the cultural sphere.

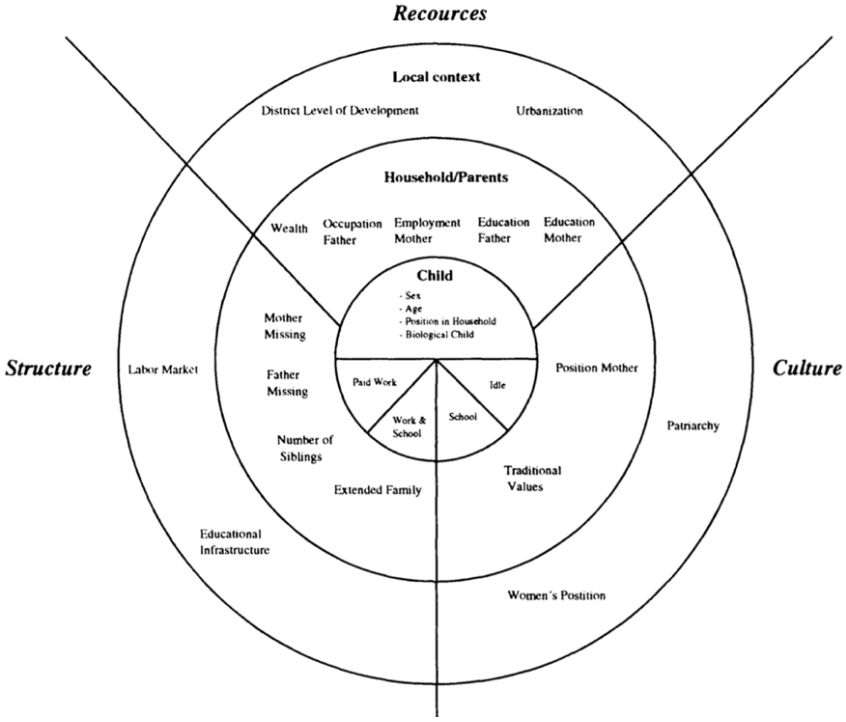


Figure 2 Multilateral approach-based model determining child labor. Source: Household and Context Determinants of Child Labor in 221 Districts of 18 Developing Countries.

The resources considered in this multilateral approach primarily refer to the income and wealth of the household, as well as the parental degree of education. The presence of children in economic

activities is not only correlated to the *status* of poverty of the household as aforementioned, but also on its level of the education: parents who have reached a certain degree of education want at least the same for their children. Moreover, the educational level of the local community may play an important role in pushing parents to foster and promote their children's education.

With regard to the structure, some other factors come into action. For example, the number of siblings in a household differently affect the distribution of resources within the family; the consequences of a large family may a double-edged sword: on the one hand the resources are unequally distributed, thus forcing some children to work and others to attend school; on the other hand, more children means more contribution in the family income, then granting every child some schooling time. Another important factor is represented by the experience of a missing parent which may require more workforce within the family.

Lastly, the cultural sphere may influence the parents' value, the different role they have within the household and the community, thus shaping their likelihood whether to push their children into the labor market or not. Generally, it is stated that women's empowerment has positive effects on the overall wellbeing and education of children, both boys and girls.

Beyond the attempt to develop an economic model which tries to study and explain the decision-making process, the characteristics and determinants that cause child labor, there is not a single way to understand child labor and its logics. Many variables and microdata, not only vary from country to country, but in some cases are not completely available or are almost impossible to be counted and collected. From these difficulties stem the impossibilities to precisely tackle the issue of child labor and the consequent weak policy implementations to totally eradicate it, or at least to improve the current and global situation and circumstances.

Some of the models analyzed so far consider the altruistic character of the parents obvious. Some scholars depict parents' decisions to send their children to work as a constraint; if they had the possibility to choose, enough wealth and welfare, they would rather prefer to send their children to school. However, the resort to child labor, whose wage is comparable to that of an adult, and which

is needed to exit the instable economic conditions of the household, is not the only possible option. The shrinkage of the household is also contemplated as a solution to overcome the economic instability. Therefore, parents could decide to abandon their children, or directly to sell them as slave or to borrow them against their will (debt bondage). Together with child prostitution, these are cases in which not only children are isolated from the original household and forced to do some activities against their will, but they are also the only ones who can do it: these are fields of the external labor market in which the substitutivity character of child and adult labor does not occur. A practical example is Thailand and its sex industry: the sexual service purchased is the child (Scoville, 2002, p. 716).

1.3 Child labor and education

As mentioned before, child labor still persists to be a global phenomenon deemed to negatively affect the childhood of many people around the world. The theoretical literature, the set of international standards and policy implementations give evidence of the general quest for the total eradication of child labor at a global level. The presence of children in the labor market is considered to be harmful for many reasons, and – the lack of – education is usually pointed out as one of the many detrimental consequences. Usually, when dealing with child labor, the only possible alternative children are deemed to have despite working is that of school enrollment and attendance. Poverty is surely one of the main determinant factors which cause child labor and, in some cases, also result in the denial of the right to education. Anyway, if children's only pursuits were work and education, and if child labor were only a consequence of poverty, then it would be enough to concentrate policy on eradicating poverty in order to simultaneously address both the child labor and education problems (Strulik, 2013, p. 246).

Consequently, many and various variables have to be taken into account in order to understand the presence of children in child labor rather than in schooling; and more than school enrollment, school attendance should be analyzed and examined together with the wealth of the household and its composition, the quality of local schools, the local community degree of education, the opportunity costs, and the labor market (Orazem and Gunnarsson, 2003, p. 17).

As previously argued, in many cases child labor is determined by the household's decision which stems from a condition of necessity and constraint: according to many studies and empirical data, parents would prefer not to send their children to work, but they are forced to do so in order to reach a specific subsistence income and welfare (Basu, 1999; López-Calva, 2001).

However, whether child labor actually displaces children's school attendances or not is totally ambiguous and therefore questioned by many scholars. Many academics argue that they are not mutually exclusive. What is ascertained, and considered common knowledge, is that fostering economic development and civil progress requires human capital accumulation rather than physical capital

accumulation (Cigno, 2012, p. 61). In fact, it is also children's education that drives economic progress and development. For example, some Asian countries experienced extremely rapid economic growth while promoting basic education for everyone.

Being out of school at a very young age may be detrimental for children whose chances and possibilities to improve their economic and social conditions, as well as to enhance the quality of the work they do both in young and adult wage, are drastically reduced. A consistent percentage of working children is out of school (even though at their age school is compulsory): according to the report conducted by the ILO together with UNICEF, more than one third of children employed in child labor are out of school. More precisely, more than a quarter – nearly 28 per cent – of children aged between 5 and 11, and more than a third – about 35 per cent – of children aged between 12 and 14 employed in child labor do not attend school. (Child Labour: Global Estimates 2020, 2021, p. 9).

The data just mentioned are the most recent ones available up to date. Global estimation for the years following 2020, the year in which the Covid-19 pandemics began, depict an even worse scenario: the new educational methods, above all remote learning due to the contingent necessity that pushed people to stay at home, could not reach all students around the world. It is estimated that 463 million students had not been reached during the years of the pandemic. Furthermore, the new crisis and the emergency that created more economic instabilities surely increased the risk of child labor intensification (*ibid*, pp. 62-63). Indeed, during and after emergencies education opportunities may be insufficient or completely inexistent, thus causing school dispersion and an augmented probability that children enter the labor market or, even worse, children are unwillingly involved in child trafficking, early marriage constriction, and many other harmful practices (No to child labour, 2015, p. 1).

Schooling affects in many ways a person's work, life, social and health related decisions. It helps people avoid riskier behaviors. Oreopoulos and Salvanes (2011) examine the nonpecuniary benefits of schooling both in the labor market and outside the labor market. Schooling helps people have a happier life, being highly satisfied with their jobs; at the same time, schooling improves children's capabilities to make healthier decisions. However, school enrollment, and eventually attendance, have not to be analyzed alone.

Time allocation between work and study has been deeply analyzed and studied. Data have been collected with the aim of providing an explanation and the relation between the two factors. Yet scholars have different arguments in favor and against the work and study correlation.

Edmonds and Pavcnik (2005) claim that the time spent by children in working is not necessarily incompatible with that one spent in attending school: children employed in labor market work spend about 26 hours to work per week; similarly, children working in the family business/farm or are employed outside the household for no wage spend about 27 hours per week; finally, children carrying out domestic work spend on average less hours working, about 16 hours per week. Data gathered by UNICEF declare that working hours, despite being consistent, do not deprive school attendance for working children. However, what emerges from the data is that children attending school spend less time working. In addition, children who do not work perform better than working ones.

For this reason, a negative correlation between work and study is there. However, the negative correlation between work and study has been immediately criticized and questioned by many scholars who defines it as controversial. Indeed, it may also be possible that children who are not capable of getting great grades and good performances decide to quit school and go to work instead.

Moreover, a problem of moral hazard exists. School attendance is deemed to be necessary for children's present and future wealth perspectives. However, school attendance only is not enough to guarantee the final achievement and good scholastic performance. Time spent by children outside school is fundamental to achieve a certain degree of education; yet it is not public information easy to acknowledge. As a matter of fact, children who are not employed outside the households may be requested to help within the family; sometimes, these kinds of activities constitute a form of covert child labor that hinders children's right to study and idle. Indeed, children who attend school but have not enough time and energies to be spent in doing homework or studying, or who fall asleep during lectures because of the hard work they were obliged to do, will not have great results in scholastic performances (Cigno, 2012, pp. 62-63). Indeed, research conducted in different countries has shown a close correlation between absenteeism, high numbers of children quitting school, as well as grade repetition, failures, and low scholastic achievements. Thus, school

attendance is more useful in indicating children's exposure to schooling than just school enrollment (Kumar and Saquib, 2017, pp. 299-300).

As argued before, parents are determinant in choosing their children's future. Research has demonstrated that the educational degrees of the parents positively influence school enrollment and attendance of their children. They offer their children the right environment to study, recognizing the importance of studying; they know better the labor market possibilities and can be part of a network; they are aware of the benefits education provides with future earnings' perspective (*ibid*, pp. 307-308). Moreover, the number of the members of the household can be decisive in determining whether a child has to study or to work. In families composed of many children, usually older children are required to work or, especially girls, to take care of their younger siblings (Huebler, 2008, p. 11).

Another element which clearly influences time allocation decisions between work and school is the local community, its degree of education and its vision on it. The community destabilizes every existing correlation between factors. Child labor, schooling and wealth are not interconnected in this case: the only determinant factor is the community approval. Surely, the community point of view and eventually approval is determinant only if the parents want to give it a certain degree of importance. Therefore, it may happen that high-income families may decide not to send their children to school if the community considers it a negative action; on the contrary, poor and low-income families, regardless of the community ideals on schooling, may decide to send their children to school anyway. The community approval is not fixed over time; it may also vary thanks to policies against anti-schooling norm. So many variables, such as the intergenerational links and other extensions of the model, have to be taken into consideration (Strulik, 2013, pp. 255-256; 269).

In addition, the economic model elaborated by Basu foresees that the ban of child labor would imply the decline of labor supply, thus making adult marginal productivity and consequently wages increase. This way, many households with a greater income will not be obliged to send their children to work in order to reach a certain degree of subsistence (Satz, 2003, p. 303). However, Basu also argues that legislations providing minimum salaries for adults can cause general adult unemployment. Hence, considering child

labor a substitute of adult labor, the former will intensively increase (Explaining the demand and supply of child labour, 2007, p. 10).

Once again, it is important to stress that specific bans may actually worsen the situation, pushing family to take some more dangerous choices, making their children flow into the black market or into hazardous work; it is better for children to attend school part-time than nothing at all. Bans and policies have to be carefully redacted and implemented, considering the hidden consequences and children's human rights that may be at stake (*ibid*).

One kind of interventions typically deployed in places with high incidence of child labor is cash transfers. This type of interventions aims at improving children's welfare mainly targeting poor households with children. Yet, their effects are not precisely determined, hence empirical data are needed to define the influence they assert in achieving their objectives. Cash transfers can influence child labor in two ways, namely modifying the inclination toward school enrollment and attendance, and modifying the returns to child labor. Furthermore, cash transfers can be unconditional and conditional (de Hoop and Rosati, 2014, p. 204). The only difference between the two is that conditional cash transfers, as the term itself may suggest, have to be invested in selected actions specifically designated by programs. Empirical research on data from different countries has demonstrated that unconditional cash transfers only marginally affect schooling and child labor. On the contrary, conditional cash transfers may be more effective in increasing school enrollment and attendance, and in decreasing child labor. If we consider school and work mutually exclusive, the conditioning of the cash transfers on schooling may actually result in the shadow price reduction of schooling. Yet, increased school attendance does not automatically translate into a reduction of child labor: work is not necessarily a substitute of schooling or, even more, it can be the time spent in idle that decreases (Skoufias et al, 2001, pp. 46-47).

Although every conditional program has single consequences and effects, from a broader point of view it can be argued that conditional cash transfers tendentially help the reduction of child labor. In addition, different studies have shown that conditional cash transfers affect in the same way children of different ages (even though it is known that the older the child, the more the attractiveness of the child labor market.

Conversely, it has been found a differentiated effect of conditional cash transfers by gender (see Table 1). Table 1 shows the change in the probability of involvement in economic and household activities by boys and girls as a consequence of conditional cash transfer programs. Observing the results displayed in the horizontal axis, what has been estimated is a higher reduction of boys' participation in economic activities than that of girls. However, girls are more likely to be employed in household services. Thus, the influence of conditional cash transfers on activities performed by girls can be biased and underestimated if we only focus on the impact on economic activities (de Hoop and Rosari, 2014, pp. 217-219).

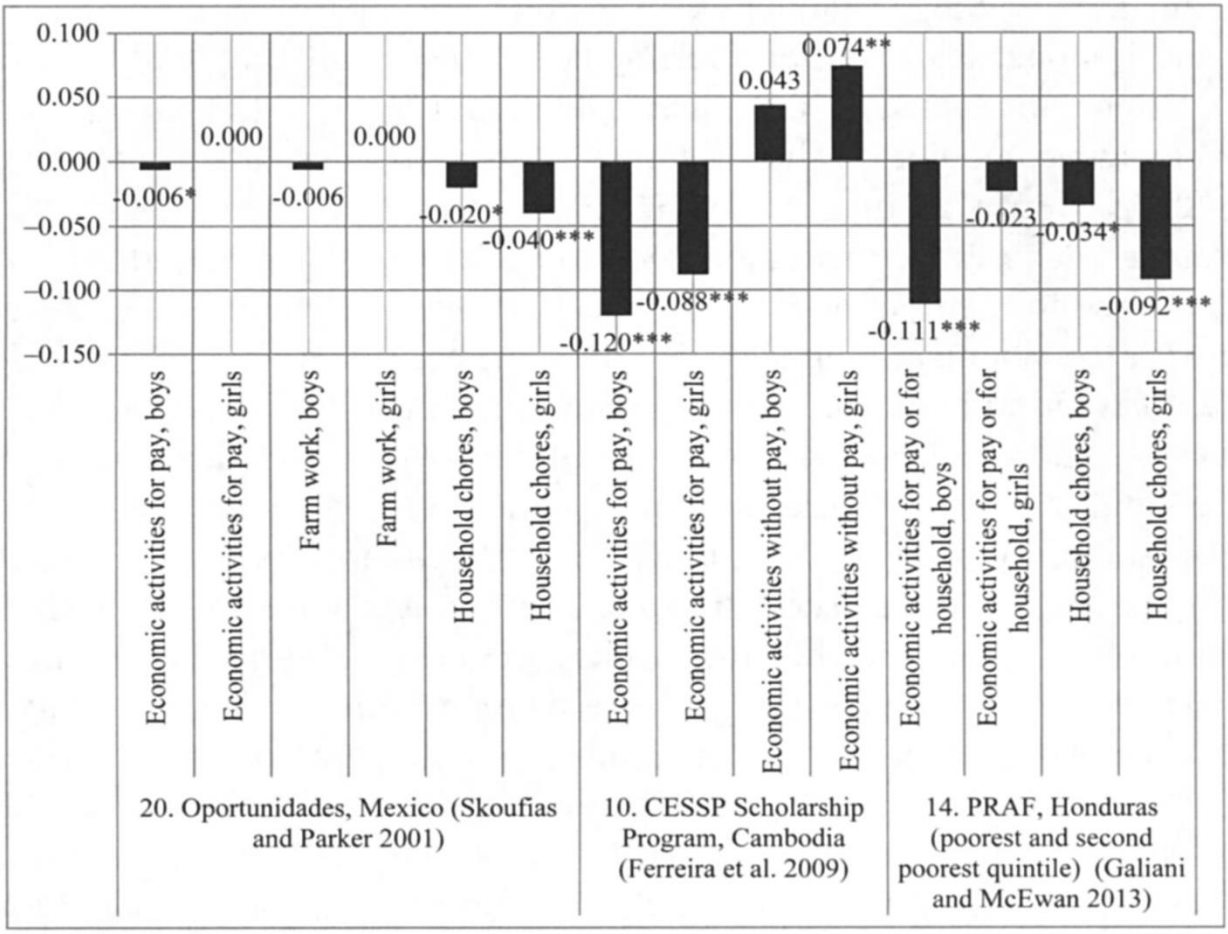


Table 1 *Boys experience greater reduction in economic activities, whereas girls in household activities.*

In the vertical axis the different level of involvement labor activities is indicated. The horizontal axis displays the change on involvement in economic and household activities by gender after the flow of cash transfer programs. Source: Cash transfers and child labor.

Latin America has been one of the global regions in which different programs aiming at eradicating poverty through higher number of investments in human capital development and education, but also health and nutrition have been launched. Thus, the importance of human capital and education has been recognized, and initiatives have been seized to improve the economic status of households and send children to school rather than to work. One of the first, pioneering program to be implemented was Mexico's PREGRESA (*Programa de Educación, Salud y Alimentación*). The program, launched in 1997, provided poor families with cash transfers to be invested in human capital development, i.e., in education, health and nutrition. The program, which has been addressed to always poorer households, has resulted in an overall increase of school attendance and reduction of child labor. Particularly, while reduction of child labor for boys varies according to ages, PREGRESA has resulted in a drastic reduction of domestic work for girls of all ages. In addition, different studies of PREGRESA have estimated that the program does not affect adults' wage and work. Thus, cash transfers are effectively destined and focused on the benefits of children.

Although many critiques and questions to the concrete success of the program remain still open, the overall cost analysis of the program shows that it has a cost-effective administration, and that it succeeds in reducing the presence of children in child labor, increasing at the same time the rate of school attendance for both boys and girls – yet in a diversified manner.

Ganimian and Murnane (2016) conducted a thorough review of the existing studies to collect evidence, aiming at helping policy makers in order to foster school enrollment and attendance. In doing so, they reached four many conclusions:

1. Minor costs of school attendance and major schooling options lead to an increase in attendance, but not necessarily means an increase in student achievement;
2. Informing parents about school quality and economic returns of schooling influence parents' decisions and children's achievements;
3. An increased number of resources help students have better achievements if they modify children's daily experience at school;

4. Incentives improve student achievement and teacher effort from very low levels; however, low-skilled teachers need to have guidelines in order to reach minimum level of acceptable education.

Ganimian and Murnane (op. cit) collect studies according to how they try to solve a specific problem. In the classification criteria model, the starting point is children's enrollment in school and learning, representing the final objective of school systems. Afterwards, they classify the actions undertaken in order to reach the final aim. On the one side, interventions that increase the demand for education are represented: on the other side, the actions which increase and improve the supply of education are listed. Thus, demand and supply are represented, together with their subcategories. Lastly, they categorize the strategies that eventually increase the demand for and improve the supply of education. These strategies may appear not completed; they represent the educational interventions that have been evaluated up to the date of their research according to their interpretation and impact evaluations analyzed.

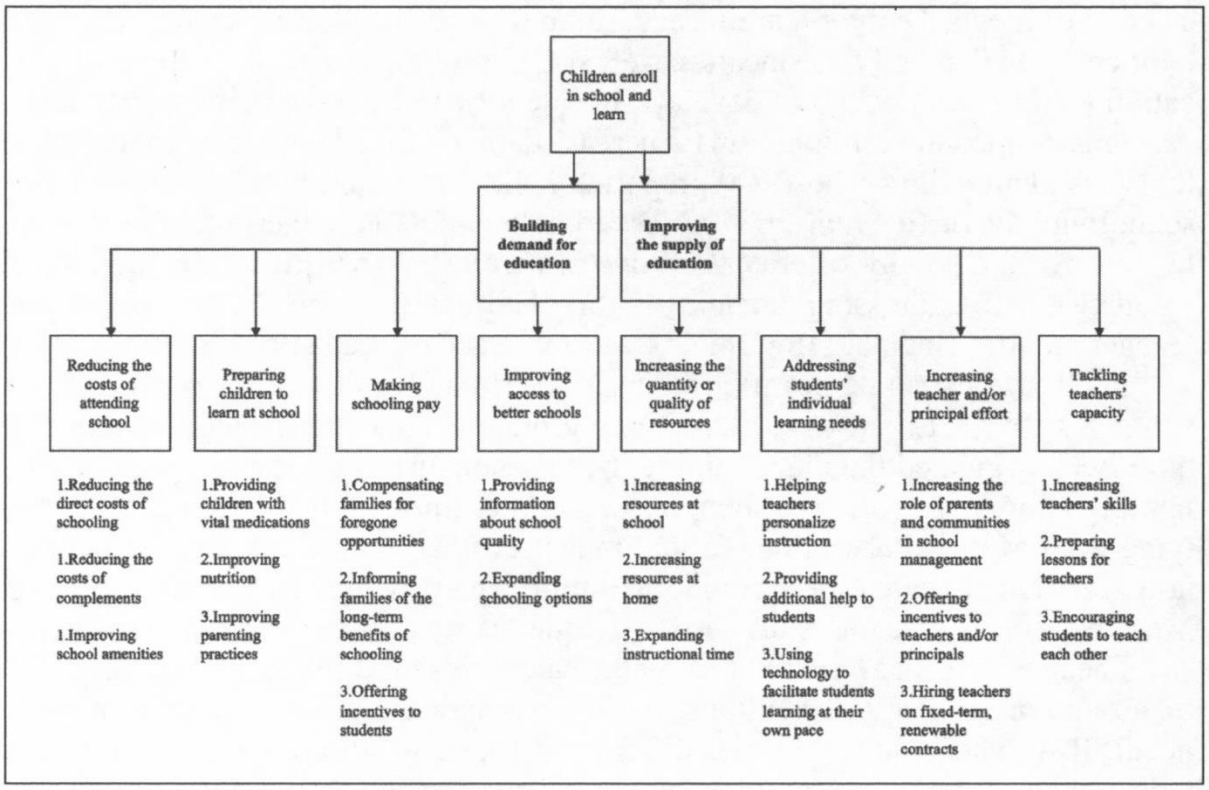


Figure 3 Classification criteria of impact evaluations of educational initiatives. Source: Improving Education in Developing Countries: Lessonf from Rigorous Impact Evaluations.

The main ways to build the demand for education resulted in the reduction of the costs of attending school and the reduction of the direct costs of schooling. For example, fees elimination or the construction of new schools in areas which have always lacked educational buildings. Thus, a higher number of students, both girls and boys, had greater possibility to enroll and attend school, especially thanks to the reduction of their daily commute and the facilitations provided by new and closer schools. What else created the demand for schooling has been the improving of school amenities, such as free meals for students, vital medications and nutrition. Moreover, initiatives addressed to parents, namely informing parents of the long-term benefits of schooling or compensation and incentives, have increased the demand for education (Ganimian and Murnane, 2016, pp. 724-733).

Parallelly, some initiatives have been taken in order to improve the provision of education. The quantity and quality of resources in schools and inputs for students have augmented, as well as tools and educational means students are allowed to take home. Another kind of strategies implemented to increase the provision of education has been a sort of personalization addressed to students: every student has his/her own individuality, weakness and strength; hence, personalized instruction is best desired – size reduction of classrooms has resulted in one of the best practices to achieve this kind of educational strategies. Successively, additional help provided to students which encompass both new technological facilities, more engagement from parents and local communities in school, and more attention destined to teachers have been recognized as fundamental actions to improve the supply of education (Ganimian and Murnane, 2016, pp. 733-743).

The elaborated review and evaluation the two authors conducted demonstrate once again that education is a broad and extremely complicated issue. Some steps forward and progress can surely be made; yet, precise analysis of the student population, thus taking into account both the country and the local community, as well as many influencing variables, is required before effectively acting and promoting some kinds of initiatives.

In the final analysis, it is important to reiterate that child labor can take very different forms. Framing child labor is not an easy task: the characteristics of child labor vary from country to country

– and even within countries. Due to the peculiarity of the phenomenon, it is therefore almost impossible to effectively have clear and precise data, and to be able to take specific actions to solve the problem globally. Though, what is commonly acknowledged is that child labor continues to be a real global problem that concerns, yet differently, every part of the globe.

More importantly, the line between child labor and slavery is a very blurred one. As above mentioned, even the forms of child labor not considered hazardous may easily have the features of slavery. The "new", or modern, slavery is characterized by unpaid labor, the use of violence, coercion, and exploitation (Manzo, 2005, p. 522).

For the purpose of this dissertation, the concept of modern slavery will be addressed in the following chapters. In particular, the phenomenon will be contextualized in Haiti, where a system of forced child labor occurs: the *Restavek* system.

CHAPTER II

HISTORY OF HAITI – LAND OF ENSLAVEMENT, COLONIALISM AND EXPLOITATION

2.1 Historical background of Haiti

The unique and exceptional characters that define the nowadays Republic of Haiti are the result of its eventful and complex history. Still today, the traces of Haitian historical vicissitudes are reflected in the instability, both social and political, which reigns in the country. Despite Haiti only covers a tiny percentage of the global territory, it has always been invested a certain degree of attention in the international arena for its flourishing resources and ideals. Yet, the narrative often obscures the positive sides of its history, mainly focusing on the negative image prevailing nowadays.

Haiti can be quintessentially considered "the land of enslavement, involuntary migration and displacement; the history of colonialism, foreign intervention, forced isolation, and economic exploitation" (Clitandre, 2011, p. 146). The history of Haiti is truly singular and exceptional, representing the only place in the world in which a real revolution stemming from the bottom of the society – the slaves – took place, thus becoming the first free and independent black nation in the New World (*ibid*).

The historical roots of Haiti can be traced back to 1697, when the French acquired the western portion of Hispaniola, the first Spanish settlement in the New World. Through the Treaty of Ryswick, the French started to own a portion of the island located in the Caribbean Sea and gave it a new name: Saint-Domingue (Saye, 2010, pp. 71-72). The territory of Saint-Domingue was divided into three provinces by the French authority, namely North, West, and East; Cap-Français and Port-au-Prince were the main administrative centers, while many new cities were founded along the coast, for

example Cayes, in order to favor trade routes and shipping lanes with major European ports (Popkin, 2020, p. 18).

The French colony became in late eighteenth Century the richest one in the entire globe. Saint-Domingue alone carried out 50 percent of the total production of sugar and coffee, new items cherished and purchased in the Americas and especially in Europe. Indeed, the flourishing territory was known worldwide as the "Pearl of the Antilles" or "Eden of the Western World" (Ferrer, 2012, p. 40). More precisely, between 1780 and 1790, in the coastal regions of the colony, two-fifths of the total amount of sugar available in the world was produced, whereas its mountainous areas were destined to the production of coffee and represented more than 50 percent of the global production. For this reason, France considered its Caribbean colony truly strategic, accounting for about 40 percent of its foreign trade (Rodríguez, 2015, p. 286). In 1789 in Saint-Domingue there were about 700 sugar plantations, 3000 coffee plantations and similarly 3000 indigo plantations, the latter being purchased by Europeans to dye textiles blue, especially used for military uniforms (Popkin, 2020, pp. 18-19).

The abundant richness of Saint-Domingue was the major cause of its demographic growth. By 1687 Saint-Domingue's population was only composed of 4411 whites and 3358 black slaves; the trend was doomed to sharply increase, and a real escalation took place: in 1715 there were 6668 whites and 35.451 slaves, the latter reaching a totality of 79.545 only fifteen years later. At the end of the 1780s, in Saint-Domingue there were about 60.000 whites and 500.000 black slaves. The estimated proportion was the following: twelve black slaves for every white person (Popkin, 2020, pp. 15-18).

The importance of Saint-Domingue in producing sugar and coffee, the most demanded items from rich Europeans, and its subordination as a French colony were the major causes that triggered a broad exploitative society which deprived many people of their freedom and enjoyment of human rights, thus becoming slaves to be purchased and owned. Sugar and coffee plantations were really profitable

but demanded a huge workforce. For this reason, the French started – and deepened – the commerce of slaves to be used in exploitative work.

The social structure of Saint-Domingue was hierarchical, dominated by about 25.000 whites. Similar number of free persons of mixed blood occupied an intermediate position in the social pyramid, whose bottom was represented by a large population – about 500.000 – of slaves from Africa or African descent (Knight, 2000, p. 108; Rodríguez, 2015, p. 286).

Many authors have attempted to provide a thorough description of the exploitative character of Saint-Domingue in which slavery was not simply a widespread practice, but rather was the fundamental basis of the entire society. Haiti may be considered the representative model of a slave society, based on the hegemony of the whites and more broadly on plantocracy, in which race and the condition of belonging prevailed in order to determine the social status (Lavoie, Fick and Mayer, 1995, p. 371).

As mentioned before, the apex of the social pyramid was constituted of white people that, although numerically inferior if compared to other social classes, were able to govern and dictate their rules. They used to block any possible revolt: they threatened to use the European arms at their disposal in case the social order happened to be disturbed. The European white population was composed of old settlers and young new people who escaped from France seeking for their fortune and aiming at becoming rich plantation owners in the New World. As a matter of fact, a real distinction between them existed: the old settlers were called the *grands blancs* (French for "the great whites"), who owned vast and extended plantations, slaves, and villas with expensive pieces of furniture coming from Europe; they were high officials, merchants, and represented the economic and political power of the island (Rodríguez, 2015; Popkin, 2020). On the contrary, the new French were labeled as the *petits blancs* (French for "small whites"): they risked their lives for the high probability of getting ill from new diseases contracted once arrived in the New World and, more importantly, were not given any privileges; they had to fight to affirm themselves in the society (Popkin, 2020, pp. 29-30).

However, even though the *petits blancs* were not wealthy and powerful in their society, they considered themselves racially superior to the free people of color, also called *gens de couleur*. This social class was mainly constituted of people of mixed blood: usually European men had some relations with women of African origins – and not *vice versa* – and later freed their lovers and heirs. Due to their race and their legal condition as property owners – and not being deemed property themselves – they were also called *mulattos* and/or *affranchis*, French term which designated the act of freeing (Chatman, 2000; Lavoie, Fick, Mayer, 1995; Saye, 2010).

Thus, some free people of color constituted an important economic elite of the society in Saint-Domingue; they were rich entrepreneurs, they could be part of the rural police, and, more importantly, they could inherit the father's heritage, thus becoming rich plantation – and also slave – owners. Nevertheless, the French feared that the successful and rich class of the free people of color could challenge and actually threaten the authority of the French colonists. Thus, starting from the 1760s new laws were introduced to limit and deny the *gens de couleur* a social ascent: they could not perform a wide variety of professions anymore, such as medical and legal ones, started not to be allowed to wear stylish clothes and jewelries. However, these new laws were not always applied; yet, the free people of color, despite their wealth and education, were not allowed to govern and/or to have high military positions (Popkin, 2020, pp. 31-34).

As aforementioned, the economics of plantation represented the real fortune of the owners in Saint-Domingue, who wanted to enlarge their business and therefore needed always more workforce. Slaves constituted a low-priced labor force, easy to manage and dominate. In order to fulfil their labor needs, plant owners started to import an increasing number of slaves, reaching about 30.000 units per year in the late 1780s (Rodríguez, 2015, p. 285).

Slaves in Saint-Domingue were organized in team groups named *ateliers* and were governed and guided by other slaves called *commandeurs*. Women were employed in sowing and harvesting, while men had more specialized tasks in particular in sugar processing. Children too were introduced in labor activities as soon as possible. The majority of slaves was employed in hard, exploitative and

physical activities that occurred in the plantations. However, some of them were asked to provide domestic work and, only women, to work as nurses. In addition, slaves were not granted meals from their owners; they were given some portions of land that, after the exhausting and long lasting daywork, they had to cultivate and take care of. The consequence of the exploitative scheme is of course widespread malnourishment that, together with the new diseases contracted in the New World, caused a really low rate of survival (Popkin, 2020, pp. 20-22).

Alternatively, some slaves attempted to escape and flee from the plantations and the exploitative conditions they asserted. Despite the physical violence and the threats of hard punishments addressed to the *marrons* (from *marronage*, fleeing slaves), some of them, extremely exhausted, found their last resort in escaping from the plantations, attempting to reach the city, blending and immerging themselves within the free people of color.

Life conditions were considerably different for urban slaves. In cities, just like in plantations, slaves were assigned hard and physical tasks (for example, they loaded and unloaded ships). Beyond that, in some cases they had the possibility to acquire handicraft skills and work as artisan somewhere else; and if they earned enough money, they could even buy their freedom. For this reason, *marrons* arriving in the city had the possibility not to be noticed among urban slaves. Conversely, punishments destined to *marrons* that were later caught were extremely brutal: the *cachots* were some dungeons in which punished slaves were obliged to stay in the dark; they were tied, or, in some cases, they were scarred in order to be recognizable (Popkin, 2020, pp. 26-31).

Additionally, the dominating white elites in Saint-Domingue hindered any form of interactions and cultural exchanges among salves in order to avoid the fostering of cooperation and eventually the creation of coalitions. As a matter of fact, slaves of different plantations could not meet each other. In practice, however they did so secretly, and, beyond the fusion of various cultural and religious symbols and rituals, a new and unique religion was developing: the *vodou* (Popkin, 2020, p. 25). Religion is a typical tool used by colonists to dominate and to put under their rule a people, the latter

voided of its proper culture and religion. French colonists as well had to spread the Catholic faith and everyone in Haiti had to be baptized.

As it will be argued later in this dissertation, the French *Code noir* (Black Code), established in 1685, dictated law about religious issues as well. The first fourteen articles of the *Code* concerned Catholic faith: Catholicism was the only possible religion to be taught in Saint-Domingue and its diffusion among slaves was mandatory (Chatman, 2000, p. 146). Indeed, two different groups of slaves were indicated and distinguished by the *Code*: on the one side there were the *negres creoles* (black creoles), i.e., black slaves of Catholic faith and born in Saint-Domingue; on the other side, there were the *negres bossales*, African slaves newly arrived in present-day Haiti who were not baptized at the time of their arrival (Saye, 2010, p. 74).

Skin-color of people living in Saint-Domingue, before and immediately after the revolution, was a peculiar factor that played a specific role in the society. As analyzed before, in Saint-Domigue there were racial and social distinctions both between and within groups. The whites were divided into *grands blancs* and *petits blancs*, whereas the black population was constituted of *negres creoles* and *bossales* on one side, and *gens de coulour*, among whom there were *mulattos* and *affranchis*, on the other side (*ibid*). The *petits blancs* considered themselves racially superior to the other non-whites social group; however, they were less wealthy and educated than the free people of color, who, in turn, considered themselves superior to the black slaves. The social and cultural prosperity of the free people of color was seen as a threat by the whites, who then sought to limit and hinder their ascent (Knight, 2000, p. 108).

The *Code noir* was introduced by Louis XIV in 1685 and concerned the regulation of slaves in the French colony. The laws entailed in the *Code* treated African salves as mere property of white masters and considered the condition of slavery as necessary and indispensable, therefore permitted. A detailed list of limitations and duties addressed both to slaves and their owners, as well as *mulattos,* was described. Slaves could do nothing without the consensus of their owners who in turn had to transmit them the Catholic faith – the latter has not to be considered as a recognition of the slaves as

human beings, but as a manipulatory tool (Chatman, 2000, pp. 145-146). In parallel, slave masters had to follow some arrangements which explained the way in which slaves had to be treated. It was stated that white masters had to provide clothes to their slaves and violent punishments and mutilations were completely unacceptable and inadmissible. However, as already said before, dreadful and lifechanging punishments were reserved for slaves who attempted to flee, such as the *marrons*, or who tried to oppose to the commands of their superiors (Chatman, 2000; Popkin, 2020).

A specific section of the *Code* indicated the actions slaves could undertake in case of mistreatment and abuse of power from their masters. Slaves could denounce to local authorities, named *procureur-général,* in case slave masters did not observe their duties. In practice, it often happened that protests and complains raised by slaves were totally ignored: local authorities pursued the state's interests and objectives, so they seldom heeded salves' complaints (Chatman, 2000, p. 146). On the other hand, it is argued that slaveowners sometimes omitted to notice some breaches of the *Code* by slaves and pretended nothing had happened. The kind of *Code* violations admitted were of little relevance and only served as a means of negotiation and mitigation, thus avoiding an overall disappointment and eventually the outbreak of riots and general violence (Knight, 2000, p. 109).

The *Code noir* and its laws were also addressed to the free people of color and *mulattos*, who could own lands and slaves, yet without the permission to enter legal professions and higher position in the military, the latter being jobs strictly correlated to race (Chatman, 2000, p. 146).

Moreover, it is worth stressing that the *Code* has been repeatedly updated and, in some respects, it has also been modified. For example, in 1784 and 1785 the French government issued two orders which restricted the abuses of slave masters who had to specifically register the rations of food given to their slaves; in addition, the regulations let slaves complain in cases of denial of the rights they had was confirmed. This provoked mistrust among white slave masters who considered the motherland despotic and, some of them in particular, were inclined to fight and unleash an uprising (Popkin, 2020, p. 36).

The broad discontent among colonists and their deteriorating relations with France, the general antagonism that characterized every social and racial classes, an antagonism between and within groups in Saint-Domingue, together with the spread of new revolutionary ideals coming from other parts of the world laid the foundations for the outbreak of a real revolt and rebellion: the *Haitian revolution*.

2.2 The Haitian Revolution

The history of human rights and democracy cannot be discerned from the successful revolution that took place in Haiti starting from 1791 onwards. The first uprisings unleashed by salves in the northern part of Saint-Domingue rapidly spread all over the colony and finally resulted in a unique historical event: a concrete slave revolution that led to the abolition of slavery and the formation of the first modern black state in the New World (Dubois, 2003, p. 83). The birth of Haiti as an independent state had not previous model to follow; in the Americas, it was only preceded by the American independence of 1776 in which slavery went on being legitimized and normalized. Instead, in Saint-Domingue the revolution originated from the slaves, thus bringing forth a new revolutionary economic, political, and social model (Knight, 2000, p. 103).

Interestingly, the Haitian revolution inspired an unprecedented, new model of society also thanks to the influences and changes that were taking place both in the Atlantic and in the Old World. Indeed, the Haitian revolution should be analyzed jointly with the American and French revolutions. As a matter of fact, the very first signals of rupture of the well-established slave trade, and more generally of the slave system, stemmed from the revolution of the *Black Jacobins* rather than from British and/or French declarations and laws (Blackburn, 2006, p. 643).

While the French and American revolutions have been thoroughly studied, and real evidence from the agents of the revolution existed, the study of the Haitian revolution has lacked written documents directly coming from the main protagonists and detailed historical sources. Thus, the information and sources at our disposal are likely to be biased.

Starting from August 14th, 1791, a series of *voudou* gatherings and conspirations in order to organize a landmarking rebellion took place. On 22 August 1791 the black slaves of the northern province of Saint-Domingue succeeded in generating a huge protest which eventually built the path to the Haitian revolution and, later, to its independence. With the aim of fighting against their oppressors and the entire slave system, they acted by destroying the plantations: about two hundred

sugar, twelve hundred coffee and multiple dozens of indigo plantations were burned and/or heavily damaged (Fick, 1998, pp. 2-3). Exactly in the suburbs of Le-Cap, slaves guided by Boukman – who can be considered the first leader of a series – set fire to the plantations while slaves in the nearby cities were ready to start the massacre of whites. The remaining slaves in the plain had to complete and end the massacre. The 12.000 slaves present in Le-Cap, half of whom were men, almost succeeded in the total destruction of the plantations and in the overthrow of the whites (James, 1991, p. 86).

The white colonists had warned the motherland about the possibility that the revolutionary ideals originating from the French revolution could have reached Saint-Domingue and could have served as an input to boost a new kind of awareness and dissatisfaction among black slaves. Yet, the submissive character of the slaves and the inferiority the colonists attributed to them made the whites neglect the remote possibility of a rebellion (Popkin, 2020, pp. 49-52). It was *unthinkable*, especially from a Eurocentric approach, that a slave rebellion of that intensity could have broken out and that could have later led to the abolition of slavery and to the creation of a new black state of ex-slaves – also for these reasons the Haitian revolution has not been paid due attention (Fick, 1994, p. 129).

However, the slaves of Saint-Domingue did not give birth to a revolution based on new ideals of democracy, government, and principles of human rights – at least in the first phases of the revolution; nor had they prefixed a new political and economic model to replicate and to implement. They just wanted to overthrow their masters because of the oppressions and brutalities they experienced on a daily basis in the plantations (Fick, 1998, pp. 3-4)

The timing of action was optimal: after the French revolution of 1789 and the limits imposed by the metropolis to white colonists in Saint-Domingue, the relationship between the two counterparts were deteriorating (*ibid*). Moreover, before the uprisings of 1791, the white colonists who tried to defend their authority and control on the colony, armed themselves as well their slaves. Both *grands blancs* and *petits blancs* united themselves to challenge their new and old enemies: the motherland France on one side, and the free people of color on the other (Rodríguez, 2015, p. 286).

Contemporarily, free people of color initiated another revolt – not linked to the one stemming from the slaves in the North – which aimed at eliminating the racial barriers that had prevented them to occupy specific and high positions in the plantation system. The free people of color, being slave- and plantation owners themselves, did not desire the dismantling of the system; in September 1791, at the end of the protest that free people of color fought together with their slaves, they succeeded in making white elites draft a treaty in which they confessed the oppression, the abuses and the violations they committed against them (Popkin, 2020, pp. 55-56).

The violent protests caused the destruction of vast plantations and territories, and the imprisonment – and actually killing – of many white masters as well. At least at the beginning of the revolution, as mentioned before, the insurgents only wanted to overrule the white tyranny and oppression; they did not prefix a change of government, nor could they think of a real dismantlement of the plantocracy. This general condition was immediately confirmed when Jean-François and Biassou, the two main black leaders, attempted to negotiate and to come to terms with the Colonial Assembly: they asked for the amnesty of all the slaves, freedom of 50 leaders and about 400 of officials, and the elimination of some punishments such as the whip and the *cachots*; in turn, holding an influential position, they would have resent everyone to work in the plantations (Fick, 1998, pp. 4-5). Different attempts of negotiations were made, but an agreement was not to be found. On the one side the two black leaders, namely Jean-François and Biassou, were accompanied by the later governor of Saint-Domingue, Toussaint Louverture; on the other side, the commissioners sent by the French National Assembly to restore the situation in Saint-Domingue joined the Colonial Assembly (*ibid*). The two black leaders begun to evoke the flourishing ideals of the French revolution, also referring to the French endorsement of the Declaration of the Rights of the Man, but did not succeed in their intent (Dubois, 2003, pp. 96-99).

Black leaders understood their military, political and economic instability would translate into a protracted period of warfare – which would have lasted 13 years – in which different strategies had to be applied, also according to the different situations and conditions: if the North was mainly

characterized by the slave revolts and uprisings, in the West and in the South the conflict between the free people of color and the whites was taking in place; there, slaves were employed by both armies (Fick, 1998, p. 6).

The 4th of April 1972, the French recognized the equality between whites and people of colors. While France was becoming the land of *liberté* and *égalité*, in the colony of Saint-Domingue these two principles only referred to whites and free people of color – slaves were excluded (Popkin, 2020, pp. 70-71). Therefore, a new slave revolution originated in the South in 1792 when free people of color's rights were recognized by the French, while slaves, who fought at their side, only had to return to the plantations. As a matter of fact, a new revolt broke out in which slaves asked for an improvement of their conditions – and not the total abolition of slavery – and the freedom of some of the leaders and higher officials. Like the previous rebellion which took place in the North the year before, they were denied these requests (Fick, 1998, p. 9).

What emerged in those years was the ascent of the free people of color. The French commissioners Sonthonax and Polverel allied themselves together with the free people of color to fight against the insurgent slaves. If in the first phase their attack resulted victorious, in the end they were not able to completely defeat the black movement in 1793. On the contrary, the commissioners and the free people of color asked for the help of the slaves when the white extremists organized a revolt – because they could not accept the equality of the black people of color – and started to collaborate with the British, who entered the war together with the Spaniards. In this occasion, all the slaves ready to fight militarily were recruited by the French commissioners and the free people of color to face the white extremists; in turn, they would have had freedom. The revolt took place in Cap-Français and resulted in a real chaos and a huge blaze, the biggest in the history of the Americas. The French commissioners succeeded, and it was the very first time that some French officials granted freedom to some former slaves – in this case, only to the one who combatted. The two commissioners needed the support of the slaves of the North and therefore granted freedom also to the wives and children of the black fighters, who had to continue to work in the plantations. The two commissioners thought the

insurgents would have thus supported their expeditions. However, the insurgents had their own ideas and, as Toussaint declared in a letter, were at that time loyal to the Bourbons (Popkin, 2020, pp. 72-83).

During the turbulent early years of the revolution, in particular 1793 in which various kinds of alliances between and within the different social groups in Saint-Domingue took place, the great qualities of leadership of a former slave had emerged: Toussaint Louverture.

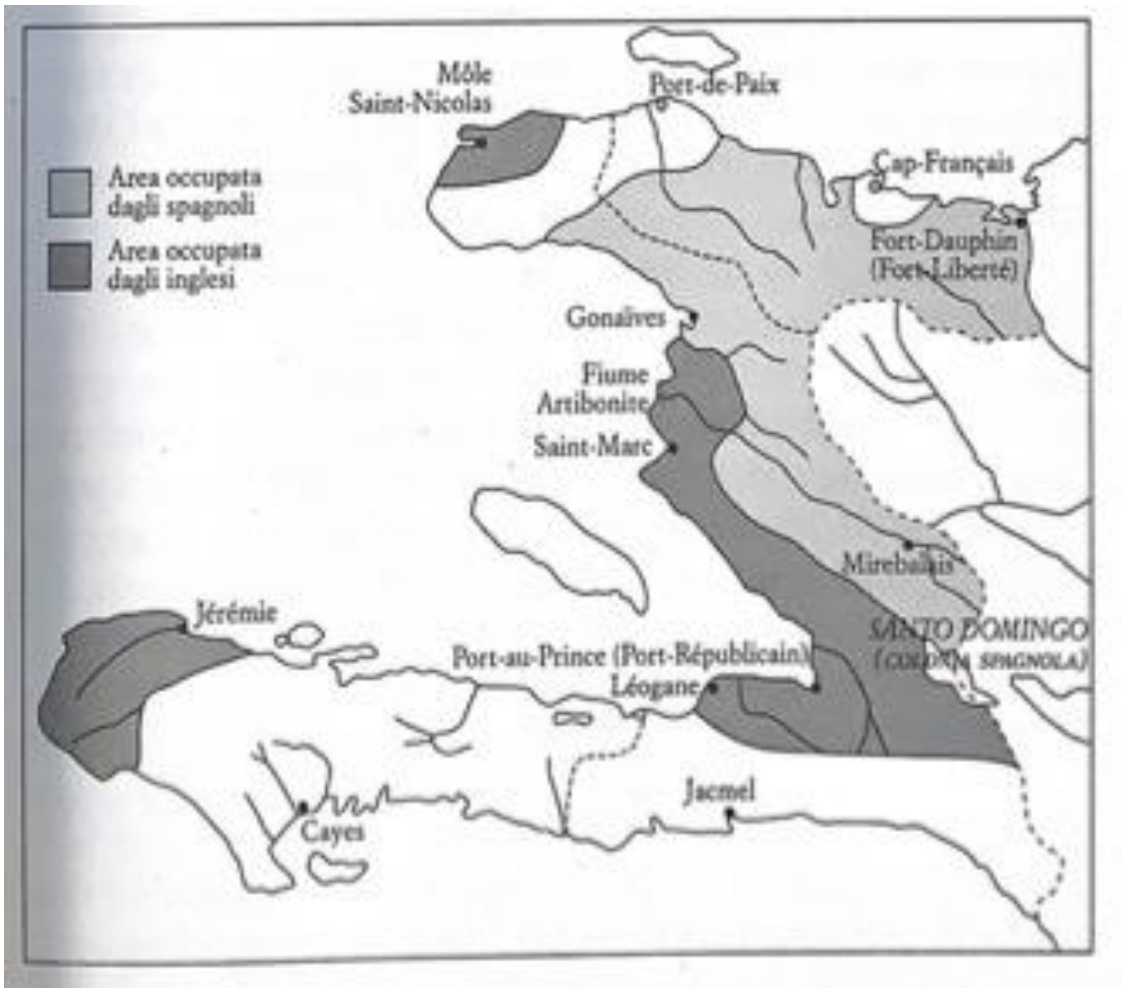


Figure 4 Lands occupied by British and Spanish troops by May 3, 1794. Source: Haiti - Storia di una rivoluzione.

Toussaint Louverture was born from an African couple of slaves coming from the same tribe. Therefore, he grew up as a slave, but thanks to his qualities he had the possibility to have some specific works and tasks that permitted him to have an education. He could read and write French, got acquainted with general culture and developed his own progressist and revolutionary thoughts. His knowledge together with his brilliant mind and his physical strength made him a great military leader who was able to organize a rebellion carried out by non-structured slaves and, more importantly, after his change of position, to expel both British and Spanish troops form Saint-Domingue, who were increasingly occupying vast parts of the territory (Fuertes, 2010, pp. 292-293).

Figure 4 is an image extracted from the book written by Popkin (2020), which depicts the situation of Saint-Domingue on May 3rd, 1794. Lighter grey colored zones represent the lands and territories occupied by the Spaniards, while darker grey colored zones show the British possession in Saint-Domingue at that time.

The strategies applied by Toussaint Louverture and other black leaders, which let them control different territories against French authorities, and the first abolitionary actions undertaken by the two French commissioners in 1793, led to the decree of *16 Pluvôse An II*, issued on February 4, 1794, by the French National Convention and which abolished slavery not only in the motherland, but also in all the colonies. This move had of course a hidden strategic purpose, i.e., that of pleasing the black insurgents in order to have them on their side against the foreign occupations (Blackburn, 2006, p. 646). Later in 1796 Toussaint Louverture was designated lieutenant governor and in 1797 commander in chief. As anticipated before, after different negotiations with the French authority, he considered Saint-Domingue a French territory and, in 1798, thanks to his army composed of white, *mulatto* and black high officials, upon whom he imposed his authority, he was able to expel British and Spanish troops. Despite his consideration of Saint-Domingue as a French land, he acted and operated in the international arena, for example with the United States and Britain, as the leader of an independent and sovereign power (Blackburn, 2006, p. 647).

In 1801 the black leader drafted and established a new – the very first Haitian – Constitution in which revolutionary ideals were finally written down. Together with the new Constitution, Toussaint Louverture appointed himself governor for life; he was also entitled to name his successor (Fick, 1998, p. 10). The first article declared that Saint-Domingue belonged to the French Empire, but it had its own special laws. Moreover, it was particularly specified that slavery was completely abolished and could not even exist in the territory of Saint-Domingue, the latter inhabited by free and French people, regardless of race and skin-color (*ibid*). The new Constitution was of significant relevance: after almost ten years of wars and violent protests, in which the alliances and the cooperation between the different social and racial groups of the colony continuously changed, Toussaint Louverture not only had to take the lead of the hardly damaged new-born nation, but also attempted to unite whites, blacks and *mulattos* into a unique nation whose economy and prosperity were dramatically decreasing (Gaffield, 2007, p. 86).

As far as concerns the restoration of the Haitian economy, many scholars tend to stress the ambiguous characters of Louverture, his diplomacy and his economic choices. It is true that he was a former slave himself, and that he fought in the name of abolition of slavery and freedom for everyone. Yet, it is also remarkable that, as a governor, he was in favor of mercantilist principles and thus favored a sort of re-establishment of the prerevolutionary plantocracy. Even though there no longer were slaves in the territory of Saint-Domingue, former slaves had to go back and work in their loathed plantations. Louverture aimed at restoring the international trade of the products that had made the French colony one of the richest in the world, especially with the United States, and succeed in it: after years of destructions and general economic crisis, in 1801/1802 the numbers of Haitian exports – except for coffee – abundantly augmented (Fick, 1998, p. 12; Girard, 2009, pp. 91-93).

However, the first Haitian Constitution only lasted for about a year, in which an apparent solution and stability were deemed to be found. Suddenly, in 1802, Saint-Domingue was invaded by the French General Leclerc, Napoleon's brother-in-law. This event definitely aroused the wrath of the former slaves and their quest for complete independence: new revolutionary forces were determined to fight

in order to obtain it (Gaffield, 2007, p. 88). Despite the principles of *liberté, égalité, fraternité* constituted the French *motto* and symbolized the main values after the Revolution, Napoleon wanted to reacquire his authority over and his possession of the colony of Saint-Domingue (Girard, 2005, pp. 55-56).

The French invasion of Saint-Domingue in 1802 was an essential step to achieve Napoleon's final goal: his project envisaged the establishment of the French supremacy over a territory that extended around the Mexican Gulf; therefore, the reconquest of Saint-Domingue was fundamentally important. Although the territory of Saint-Domingue, which embedded some newly acquired Spanish lands, belonged to the French empire, it had its own Constitution and was thus not totally under the French control (Popkin, 2020, p. 144).

This invasion is the empirical proof that while the revolutionary and Enlightenment thoughts were wide spreading from France to the colonies and, more generally, all over the world, France's and Napoleon's only objective was the re-formation of a vast Empire under his influence. As a matter of fact, on 7 October 1802 Leclerc explicitly declared "Il faut détruire tous les nègres des montagnes, hommes et femmes, et ne garder que les enfants en bas de 12 ans" [We need to destroy all the blacks from the mountain, both men and women; only children younger than 12 years old have to be preserved] (Arzalier, 2004, p. 36).

Toussaint Louverture's project of Saint-Domingue as a French nation inhabited of three different social and racial classes, previously in contrast against each other, was totally dismantled between February 1802 and November 1803. Since the arrival of the French troops guided by Leclerc to the coasts of Saint-Domingue, the most violent massacres in the history of present-day Haiti took place. Furthermore, a general dissatisfaction was spread all over the colony, both among the former slaves, who had to go back to work in the plantations, the whites, and the free people of color, who had been previously deprived of their powers. Consequently, it is not totally clear how the different classes responded to Toussaint Louverture's incitement to fight and resist against the tens of thousands French. Indeed, different cities and parts of Saint-Domingue only partially opposed to the entrance of

Leclerc. The two main oppositions and resistances happened in the two biggest cities, Cap-Français and Port-au-Prince, guided respectively by Christophe and Dessalines (Popkin, 2020, pp. 151-162).

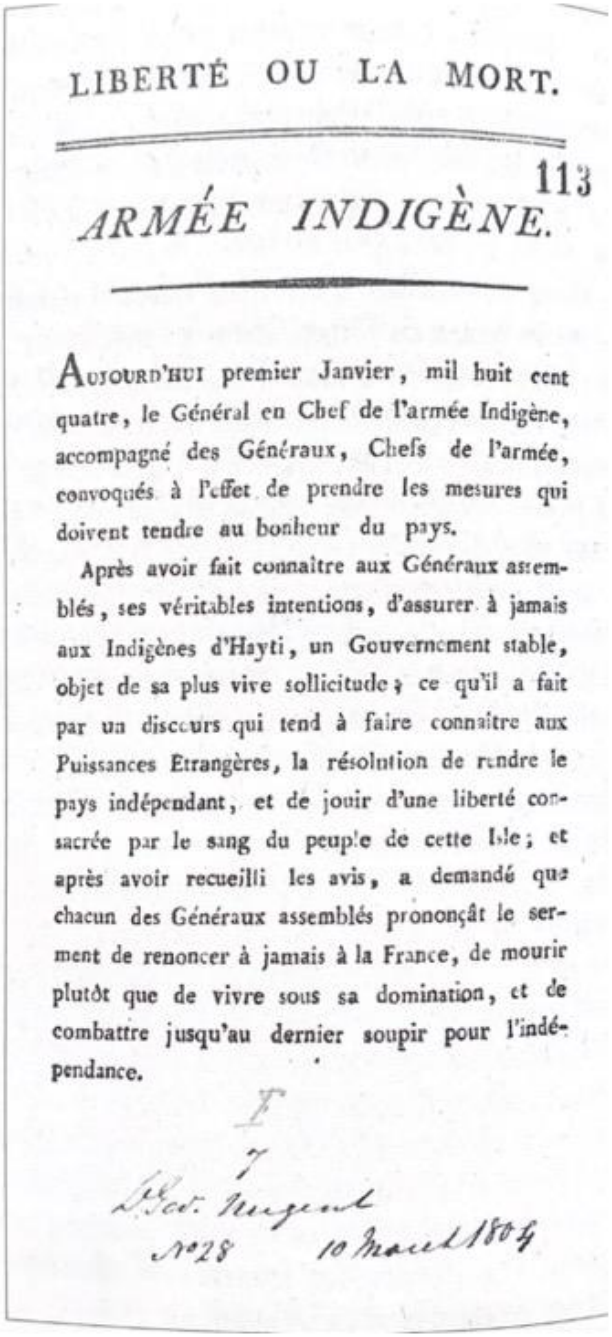
The two years after the Leclerc's expedition of 1802 in Saint-Domingue were characterized by extreme cruelty and violence which resulted in general massacres from both sides. Despite the imprisonment of Toussaint Louverture in May 1802, unscrupulously caught and sent to France where he untimely died, the black resistance then coordinated by the new general Jean-Jacques Dessalines defeated Leclerc's troops, assassinating about 50.000 men, among whom Leclerc himself in January 1802. Finally, Leclerc's expedition commissioned by Napoleon was revealed to be a failure, both because of slaves' resistance and the yellow fever epidemics which provoked the death of many French soldiers. The former slaves' victory against the French found the path towards the new, independent Haiti. Precisely, on 1 January 1804 Jean-Jacques Dessalines formally declared the independence of Haiti, the final step of the revolution started in 1791, the different fights and civil wars (Blackburn, 2006, p. 647; Girard, 2005, p. 65; Knight, 2000, pp. 112-113).

Figure 5 is an original copy of the Declaration of the Haitian independence of 1804. This original source, found in 2010 by the American scholar Julia Gaffield, is of relevant importance. The Haitian Declaration of independence is second only to the American Declaration of independence of 1776, and the first one which asserts the right to govern to a non-white population (Popkin, 2020, p. 178).

The text of the Declaration, written in French, announces the birth of the new Haitian nation. It proclaims to the other foreign powers that Haiti is an independent state, ruled by a stable government, freed by the blood of its population. The freedom and the independence from France of Haiti will be defended until death – a concept implied in the title of the document: *liberté ou la mort* [freedom or death] (*ibid*).

The Declaration of independence and the consequent formation of the new state was not immediately accepted and recognized in the international scenario. France officially recognized Haiti as a sovereign state in 1825, while the United States legally recognized the new state only in 1862 (Jenson, 2009, p. 93). The late recognition of Haiti may be the result of xenophobic fears the whites

had. The Haitian revolution provoked a complete reversal of the society. Europe and North America could not accept this condition in which black people and former slaves, the lowest rank of the society, could become equal and independent, autonomously governing their country (Knight, 2000, p. 105).



LIBERTÉ OU LA MORT.

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ARMÉE INDIGÈNE.

AUJOURD'HUI premier Janvier, mil huit cent quatre, le Général en Chef de l'armée Indigène, accompagné des Généraux, Chefs de l'armée, convoqués à l'effet de prendre les mesures qui doivent tendre au bonheur du pays.

Après avoir fait connaître aux Généraux assemblés, ses véritables intentions, d'assurer à jamais aux Indigènes d'Hayti, un Gouvernement stable, objet de sa plus vive sollicitude; ce qu'il a fait par un discours qui tend à faire connaître aux Puissances Etrangères, la résolution de rendre le pays indépendant, et de jouir d'une liberté consacrée par le sang du peuple de cette Isle; et après avoir recueilli les avis, a demandé que chacun des Généraux assemblés prononçât le serment de renoncer à jamais à la France, de mourir plutôt que de vivre sous sa domination, et de combattre jusqu'au dernier soupir pour l'indépendance.

Figure 5 Haitian Declaration of independence, 1804. Source: Popkin, 2020, p. 178.

2.3 Post-independence Haiti

Scholars of Haitian studies have defined Haiti as *something alien*, something *exceptional* for its revolution and its nowadays general conditions (Clitandre, 2011, p. 147; Saye, 2010, p. 72). Many researchers have attempted to clarify and precisely define the character of Haiti and its government. Some of the prevailing theories and definitions concerning Haiti depict the state as despotic, authoritarian, and military based. Since the very first years of the Revolution, the different elites ruling the country have exploited the masses, recruiting them to fight in order to fulfil their aims and objectives. *Ad interim* governments – sometimes not even really lawfully established ones – have imposed their rule and will without considering people's opinions nor needs (Saye, 2010, p. 72).

Evidence of the Haitian dependency on the continuous use of the military force, and of the existence of a prevailing elite which imposes its supremacy over the population, can be found in the so-called *politique de doublure* system. The *politique de doublure* was firstly implemented in 1843 to control the predominant black Haitian population and lasted until the 21st Century. The *politique de doublure* consisted in letting black generals being nominated presidents, but actually they were *mulatto* elites who ruled and governed the state (Saye, 2010, pp. 73-74).

The outbreak of the first revolts that later led to what we nowadays frame as the Haitian revolution was an outstanding, challenging and symbolic victory, albeit its controversial and negative aspects. The bottom of the society was able to unite and militarily organize themselves to change their life conditions, thus later being able to originate *unthinkable* thoughts: abolition of slavery and decolonization, two conditions of dehumanization that many subdued peoples all over the world have been obliged to live in (Fuertes, 2010, p. 12). Furthermore, it is important to stress that rights not only have to be conquered; they also have to be defended. Beyond the direct contrast of colonial powers and the massacres deriving from it, Western powers, fearing the spread of these new ideals in other colonies, decided to apply different strategies to isolate Haiti. As a matter of fact, the US and other European countries provided some specific indications addressed to Haiti: a "diplomatic quarantine"

and a *cordon sanitaire* were the punishments destined to the new state of Haiti, based on the pretexts that the inhabitants of the very first black republic were criminals and dangerous (*ibid*). Moreover, also from an economic point of view, France obliged the new republic to pay 150 million francs and to halve the trading tariffs. A new era of different domination was starting; the numerous debts stemming from the early years of the black republic make Haiti one of the poorest countries in the entire globe nowadays (*ibid*). Together with the natural disasters that have hit Haiti by the passing of time, economic stability and prosperity seem to be unreachable for the Haitian population.

These conditions generate a general and popular dissatisfaction which turn into the resort of unfair and dangerous practices that violate human rights. In particular, the following chapter of the present dissertation will focus on the *Restavèk* system, a common practice that forces many Haitian children to work and to be deprived of their fundamental human rights.

CHAPTER III

THE *RESTAVÉK* SYSTEM

3.1 Child labor in Haiti

The general conditions permeating Haitian society constitute a real threat to the wellbeing of its inhabitants and, more drastically, of children. Haiti is remarkably characterized by poverty and inequality. It lacks basic infrastructures and provides limited access to welfare and education systems. As already being said, the history of Haiti, both before and after its independence, has been related to exploitation and subjugation. Moreover, different international factors and actors have contributed to hindering the process of development and flourishing of the country, therefore rendering Haiti an extremely poor and inequal society. The situation has even worsened because of the natural disasters that have hit the country. As a result, the unstable circumstances reigning in Haiti have predictably become more evident, making Haiti a country "not fit for children" (Hoffman, 2012, p. 102).

Subsequently, Haiti is nowadays invested a higher degree of attention in the international scenario. Beyond the intervention of the United Nations, a surprisingly high and increasing number of NGOs is located in Haiti, aiming at improving the stability and the general conditions of the country. It is estimated that the number of NGOs located in the Haitian territory varies from 3.000 to 10.000 units; the widespread presence of NGOs conferred the country the title of "the Republic of NGOs" (Hoffman, 2011, p. 157).

According to the Human Development Index (HDI) of the United Nations, Haiti is positioned in the "low human development category": its HDI value in 2021 was 0.53, ranking 163rd out of 191 countries and territories (Human Development Reports, 2022). Moreover, Haiti has a negative primate being the poorest country in the LAC region (Latin America and the Caribbean), and one of the poorest globally. In addition, in 2022 poverty in Haiti likely reached 62% of the population

considering a basis of $3.65 per day. If we consider the extreme poverty line of $2.15 per day, the percentage reaches 32% of the total population (The World Bank, 2022).

The common and international imagery depicts children in Haiti as "vulnerable orphans", lacking their own agency, and thus in need of being saved and rescued. Particularly, in the aftermath of the earthquake of 2010 a higher degree of attention in the international arena has been destined to Haitian children. However, the situation is hard to be completely tackled: many children considered to be orphans were not really orphans; the extreme poverty of their families forced them to send their children to orphanages (Hoffman, 2011, pp. 155-158). Additionally, it is estimated that in Haiti there are more than 750 orphanages hosting more than 30.000 children. Among the existing orphanages in Haiti, only 129 of them own a legal license, and the majority of them does not meet domestic care standards (Findings on the Worst Forms of Child Labor - Haiti, n.d., pp. 1-2).

Children in orphanages, in camps for internally displaced people after the different earthquakes that have devasted the country, and sometimes in NGOs' centers, are exposed to hazardous work. They can become exploited victims within domestic borders, but it may also happen that they are forced to move to other Caribbean countries, in particular to the neighbor country, the Dominican Republic: in some cases, children cross the border in order to rejoin their families who had previously left Haiti for economic and work purposes; in other cases, children are accompanied by an adult who pretends to be the parent, who later force children to exploitative work (Cooper, Diego-Rosell and Gogue, 2012, p. 3; Findings on the Worst Forms of Child Labor - Haiti, n.d., pp. 1-2).

It is estimated that the number of Haitian children crossing the border and reaching the neighbor country amounts to more than 2.000 annually; it is asserted that Haitian children mainly work in the sugar cane industry. Their work is mostly characterized by coercion, punishments, and the supervision of *buscones*, Dominican term used to define the intermediaries of the trafficking process (Smucker & Murray, 2004, pp. 3-4).

Child labor is widely spread in Haiti. It is estimated that children around the age of 6 tendentially start to work in order to support the family's livelihood. In particular, the worst forms of child labor

take place in the country, varying from human trafficking, sexual exploitation, and hazardous work occurring in agriculture, domestic services and in streets (*ibid*).

Despite the historical struggles, and later the breakout of a landmarking revolution which led to the foundation of the first black republic in the world, and which led the path, or at least helped, towards the abolition of slavery worldwide, a covert form of child slavery still persists to be present in the country. The absence of basic infrastructure and services in the country has caused the persistence of cheap or even free forced labor (Learn - restavek freedom - ending child slavery in Haiti 2021).

Table 2 indicates the main sectors in which children work, and the principal activities and tasks they carry out. Before analyzing the data concerning the employment of children in working activities, it is fundamental to stress that, as explained in Chapter 1, it is difficult to collect precise information on the process, especially if we consider that the main sources are legal contracts of employment – which do not exist in many cases – and that Haitian government did not indicate a specific minimum age for certain working activities (Findings on the Worst Forms of Child Labor - Haiti).

Table 2 Employment of child labor in Haiti in different sectors and activities. Source: Findings on the Worst Forms of Child Labor - Haiti, n.d.

Table 2. Overview of Children's Work by Sector and Activity

Sector/Industry	Activity
Agriculture	Raising livestock (5)
	Fishing (1,2,5,6)
Industry	Construction (1,2,6)
Services	Domestic work (2,7)
	Selling alcohol† and tobacco (1,5)
	Street work, including vending, begging, and washing cars (1,2,6-8)
Categorical Worst Forms of Child Labor‡	Forced labor in domestic work, agriculture, street vending, and begging (1,2,7-9)
	Use in illicit activities, including by criminal groups in drug trafficking, sometimes as a result of human trafficking (5,7,9,10)
	Commercial sexual exploitation, sometimes as a result of human trafficking (7,9,11)

† Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.
‡ Child labor understood as the worst forms of child labor *per se* under Article 3(a)–(c) of ILO C. 182.

Children working in agriculture may be exposed to harmful substances, such as pesticides, as well as they could injure themselves due to the extremely long working hours and the use of specific tools. The presence of child labor in agriculture constitutes one fourth of the total workforce employed in such activities; their labor force is particularly found in cultivation of pistachios, rice, corns, and peas (Cooper et al., 2012, p. 3).

Furthermore, widespread poverty also led many children to live in precarious conditions. As a result, children are easily exposed to human trafficking, sexual abuses, and production of pornography. In particular, one of the most common forms of child labor in Haiti is domestic work.

As a consequence, Haitian society meets both "push" and "pull" factors that boosts child domestic work, one of the most common forms of child labor. On the one side, "push" factors concern inequalities, both socially and economically, limited or absent access to education, lack of family and loss of parents. On the other side, "pull" factors mainly refer to a cultural and economic context, characterized by non-availability or scarcity of resources, in which children are thought to be the most adequate supplying labor force needed to meet the demand of household work (Kennedy, 2014, p. 757).

A study conducted in 2015 revealed that there were about 286.000 children employed in domestic work. Children, both orphans and non-orphans, are forcedly sent to work as servants in other households. In many of the cases, domestic child work has the characteristics of the worst forms of child labor: children are usually exploited, physically and sexually abused by some members of the household, who may be relatives and/or third-party employers. Thus, what is deemed to be just domestic work tends to actually turn into slavery and human trafficking. Sometimes it may happen that children flee from these exploitative measures they are obliged to live in, thus risking being trafficked again, or working in streets where they try to survive living under extreme weather conditions, begging, vending, and washing cars (Cooper et al, 2012, pp. 3-4; Findings on the Worst Forms of Child Labor - Haiti, n.d., p. 2).

Another study dating back to 2014 estimates that 25% of Haitian children between 5 and 17 years old resides in a household different from the biological one; 21% of these children is believed to live with relatives, whereas 4% live with strangers, i.e., third party not related to the parents of the children (Sommerfelt, 2014, p. 13).

However, it is simultaneously arduous, yet fundamentally important, to try to keep trace of the numbers of children involved in such abusive and exploitative trafficking labor. Child laborers are both the most *invisible* and *vulnerable*. Not all cases of child labor are cases of human trafficking and slavery. It is argued that they could really improve their living conditions and access education by providing their labor force. At the same time, they could easily be exploited, mistreated, and denied any human rights, without even having the possibility to have their voices to be heard (Levison & Langer, 2010, p. 125).

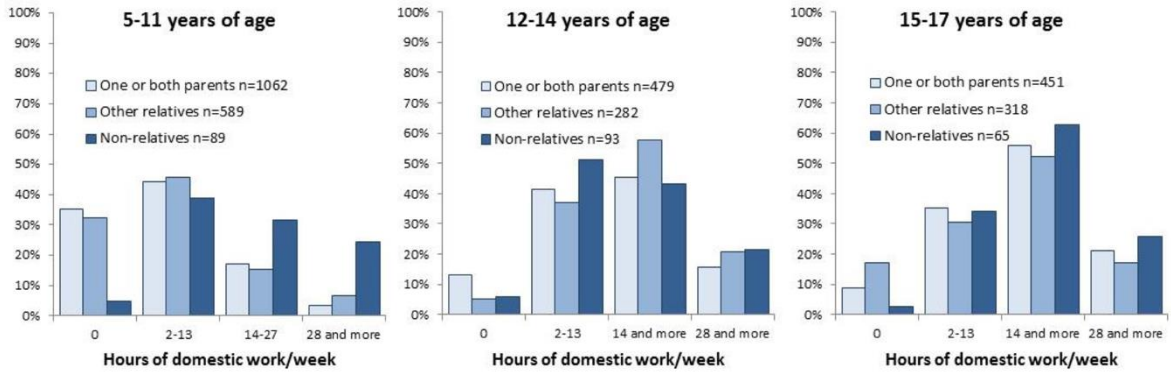


Figure 6 Hours of domestic work for week of children living with one of both biological parents, with relatives, and with non-relatives. Source: Sommerfelt, 2014, p. 46.

Figure 6 indicates that almost every child in Haiti is involved in domestic service. Especially children older than 12 years old provide and do domestic work with no major differences regarding the members of the household they live in, i.e., whether they live with one or both birthparents, with relatives or with stranger third party (Sommerfelt, 2014, p. 46).

The common practice of child domestic work in Haiti, beyond being illegal under 15 years old according to the Haitian Labor Code (2017), and under some circumstances which frames domestic work as one of the worst forms of labor, may actually represent a form of modern child slavery. It is a complex system that actually hides exploitation, abuses, and general violations of children's human rights, known as the *Restavèk* system – the term *restavèk* also used to indicate child laborer. The following sections of this chapter will attempt to deeply describe the features of this existing system and the conditions many children are obliged to live in.

3.2 The *Restavèk* system

The term *restavèk* derives from a Creole phrase that, similarly to French *rester avec*, means "to stay with". What can appear to be a single and "inoffensive" term actually may depict a complex system of child domestic labor and exploitation. Indeed, the term *restavèk* is nowadays used to define and indicate a child laborer employed in domestic work, in which abusive and exploitative practices occur as a normalized custom in Haitian society (Suárez, 2005, p. 29).

The term *restavèk* is not the only existing Haitian word used to indicate child laborers. While the other terms encompass in the terminology the age and gender of the child, the term *restavèk* describes the anonymity of children, their condition as mere servants. The human aspect is eradicated from the word. The child *reste avec* the family. The child only stays with the family, he/she is not part of the family (Mon travail à moi, 2002, p. 10).

The Pan American Development Foundation (PADP) provides a definition that can be useful to start approaching the phenomenon. Accordingly, a *restavèk* is:

> An unpaid child servant living and working away from home… [who is] treated in a manner distinctly different form children born to the household (PADP in Kennedy, 2014, p. 757).

A more detailed definition of *restavèk* is provided by Nadine Augustin Paul, a child advocate working for the non-profit organization "Restavek Freedom". Her description is more direct and overtly denounces the inadmissibility of the phenomenon, which has the features of a new, covert form of slavery. Indeed, in depicting the phenomenon, she states what follows:

> A restavek is an abused child in a family who is not his or her biological family. This child was given to a host family in the hope of a better life, such as receiving education, food and housing in exchange for doing chores. However, because the child is vulnerable (considering

> the state of their biological family), the host family does not meet any of this child's basic rights. ... Restavek is a modern kind of slavery where none of the fundamental rights of the International Convention are applied to the child's lifestyle, which is not appropriate for this child's biological, emotional and social development (Introduction to the restavek system, 2021, p. 7).

Despite the existing laws, both at the domestic and international level, and which will be later described in this dissertation, this customary practice of exploitation and abuse persists in Haiti. Hosts, well aware of the difficult applications of the law in Haiti, of their complicity with social structures, and the general contempt these children are invested with, willingly decide how to (mis)treat *restavèks* (Lubin, 2002, p. 45).

Usually, *restavèks* come from the rural areas of the country, generally poor families, who send their children to provide domestic work in richer, urban households. The phenomenon is then widespread in middle and low-middle classes, and in deeply poor periphery of the capital, Port-au-Prince. Children do not have a real remuneration for their work. In theory, they are given back the possibility to live at higher and better standards of subsistence, thus having the possibility to live in a healthier environment and to attend school. In practice, in most of the cases families who host the new children – often being relatives – do not provide the hoped-for compensations. On the contrary, urban families, whose wealth is higher than the biological ones, but anyway not characterized by huge differences, exploit the children, denying them the possibility to attend school. *Restavèks* are forced to work hard for long hours and happen to be physically, sexually, and emotionally abused (Restavèk: the persistence of child labor, 2011).

Different scholars have attempted to describe the causes and roots of the phenomenon, taking into consideration different aspects and factors. For example, there are several theories that differ in the identification of the voluntary and mandatory choice of becoming a *restavèk*. Even though it has

become part of the Haitian culture, traditionally domestic services have been introduced during the American occupation of the country which dates back to 1915 (Mon travail à moi, 2002, p. 14).

On the one side, Hoffman (2011) reports her informal conversations with 60 *restavèks* who considered positively the fact of leaving the parental house. Based on their own experiences of poverty, and of impossibility of attending school till that moment, they only viewed the abandonment of the original family and household as a chance, a new opportunity to improve their life conditions as well as their education. Thus, they do not act as agency-lacking children; they rather autonomously, and willingly, decide to move and work for another household, without the involvement nor obligation of an adult (p. 159).

On the other side, a 2011 report submitted to the United Nations, a Universal Periodic Review (UPR), by *Restavèk Freedom* thoroughly describes the process of transfer from the family of origin to the new "host family". If at the beginning of the spread of the phenomenon the transfer only happened between the two different families, thereafter other actors begun to be part of the process which took always more the form of human-trafficking. In fact, host families looking for *restavèk* may hire and pay an intermediary, also called *koutchye*, whose task it that of finding and procuring children to be employed in domestic labor in the asking families. The agency nor the free will of the child is mentioned. In most of cases, the child is even removed from the original family without having the opportunity to meet them ever again (Restavèk: the persistence of child labor, 2011).

Another element worth being mentioned in order to attempt to describe the origins and roots of the *restavèk* practices regards Haitian traditional and extended family of rural areas: the *lakou*. Despite the process of globalization which may have lessened the impact of the phenomenon, it still plays a significative role in the country. According to this tradition, different households may happen to live together, or at least share several ownings and responsibilities. In this way, different forms of relationships among the extended family members exist (Hoffman, 2012, p.107). In accordance, on the basis of the dialogues Hoffman (2012) had with approximately 30 *restavèk* children, it was found out that after the loss of one, or both parents, no matter the gender, children's custody was usually

given to a female relative of the mother, most commonly the sister. It could happen that the child grew up in the aunt's household or that the aunt, acting as an intermediary, started to look for a new household who could host the child among the network of relatives. Thus, the author underlines the importance of kinship surrounding the *restavèk* practices (pp. 107-108). According to a study conducted in 2009, it was estimated that the overwhelming majority of children had kinship relations with the head of the new household – the degree of kinship was not of relevant importance since relatives were not always close ones. Only about 22% of *restavèks* lived in a household whose members were not relatives (Cooper et al., 2012, p. 4).

It is argued that due to the kinship relations biological family and host family most of the time have – if not properly relatives, in some cases there is at least a connection between the two families – the eventual characteristics and features of a slave relationship are not that identifiable and evident. (Introduction to the Restavek system, 2021, p. 3). Considering the traditional form of slavery, the figures of master and slave are typically distinguished. In this case, slavery is hidden and covered by the familiar environment children live in. As a matter of fact, *restavèk* children interviewed by Hoffman (2014) did not recognize the existence of a master nor of an owner. Rather, they indicated their belonging to the entire household. For example, when asked to draw their family, children usually represented a mixture of units which surely reminds to the *lakou* (pp. 101-102). Clearly, children usually named their "master-caregivers" aunt, uncle, godmother, godfather (Introduction to the Restavek system, 2021, p. 3).

According to some formal and informal experts, albeit only representing a minority of the ones interviewed by Cooper (2012), the phenomenon is deemed to still persist nowadays because of the intrinsic nature and history of the country. The colonization period, the plantocracy, and the slave society that had dominated the country for long times have mentally and culturally shaped nowadays' Haitians (p. 19).

Howbeit, the primary factor that pushes family of origin to send their children to work as domestic laborers for other wealthier, urban households is the desired improvement of their children's living

conditions. Conscious of their poverty and unaffordability to provide basic needs and access to school, caused by the loss of a head member of the household, a disability, or basically by the impossibility to find an employment, the biological nucleus' only available option is to send their children away. Even from an economic perspective, considering that children provide domestic services without being paid, and that in some cases the ties with the parents of birth are completely interrupted, the final aim is not the maximization of the profit, but the expectation of better and improved living conditions for their children (Cooper et al., 2012, pp. 19-20).

Haiti not only is one of the poorest countries in the globe, but it also has one of the highest birth rates worldwide. Consequently, children are likely to belong to a large household which lacks enough resources to be redistributed among family members. The difficulties children encounter in their early ages are aggravated by the fact that the majority of national primary schools are located in the urban centers of the country. As a result, school attendance seems to be a privilege only a few children have, while poverty goes on being hard to eradicate. For these reasons, biological parents who care for their children send them to other households in Haitian cities, where they are promised to have better shelter, food, clothing, and education (Learn - restavek freedom - ending child slavery in Haiti 2021).

If on the one hand "push" factors concerning the *Restavèk* system can be easily explained by the impossibility of sending families to provide their children with adequate basic needs and education, the motivations of receiving families may be many and various, sometimes also overlapping (Cooper et al., 2012, p.21).

A first "pull" factor that motivates the choice of receiving families to host a new child in the household is related to the necessity of providing shelter and nutrition to a child after a dramatic, lifechanging event. Before the development of the *restavèk* phenomenon, and its increasing features of what can be compared to a system of modern slavery, families originally hosted children who had lost one or both parents, after a natural disaster or any other serious adversity. Once again, in most of cases children hosted in the new households had kinship relations (*ibid*).

In some other cases, receiving families decided to welcome new children at home because of a feeling of loneliness, thus relying on the company the new child would have apported in the house. Further reasons that have pushed families to host orphan and/or vulnerable children merely concerns the desire to help people who had lived a catastrophic event that had made them in desperate need of help (Cooper et al., 2012, pp. 21-22).

Nowadays, the prevailing "pull" factor is fundamentally economic. Although previously mentioned cases had not cheap and/or free labor as primary objective, in the end new children anyway helped in carrying out daily activities and chores. Original pull factors that do not involve slave relationships, abuses, and exploitations of children, happen to be a reality still existing nowadays.

However, it is not always the case. As mentioned before, urban families may have wealthier living conditions and simpler access to school than sending families. Yet, the overall precarity that reigns in the country, and the widespread poverty deriving from it, makes it difficult also for families living in the cities to have stable and wealthy living conditions. As a matter of fact, the lack of general and functional infrastructures needed to provide the supply of basic services (for example procurement of water and electricity) forces people to daily yield for such services. The numerous errands and activities needed to be carried out daily in order to survive, combined with the high rates of unemployment which drastically lower households' income, pushes many urban families to be dependent on free child labor (Restavèk: the persistence of child labor, 2011). Thus, even if in the end there is a dynamic change of social class – an important aspect of Haitian society since its very first development – there is not always a real improvement. Smucker and Murray (2004) exhaustively and briefly describe the social class change as follows: "from rural to urban; from poor to less poor" (pp. 28-29).

In fact, receiving families may have serious difficulties in adequately take care of their biological children. Sometimes they cannot afford to properly provide them food and clothing. Predictably, some families do not have the possibility to send their children to school due to the scarcity of free and public education. It is also argued that a small but anyway consistent percentage of receiving families

(11%) send in turn some of their children to serve in other households (Restavek: the persistence of child labor, 2011).

Lastly, what emerges is that children's decisional power is dramatically scarce, if not totally absent. Even though Hoffman (2012) reported children's positivity and enthusiasm in leaving the parental house to improve their living conditions anywhere else, generally children could not decide about their life, nor were they informed about where they were going (Cooper et al, 2012, p. 22).

As compensation of their work and services, receiving families have some obligations to respect. Servant children should help in chores as if they were in their parental home – it is common culture to provide some help starting from the age of 6 in the Haitian culture –, and the hosting household should provide children adequate food, clothing, shelter, and access to education, the basic needs a family would provide for their children. Host families bear responsibility of children's life. Although persuaded by social pressures to send children to school, receiving families tend to neglect it. Most of children do not attend school, or they can only do so for a limited, shorter time in comparison to other students. For example, they may only be allowed to attend afternoon and evening classes (*op. cit.*, pp. 26-27).

In addition, once a child leaves his/her parental house, he/she will never know whether they will ever meet in the future. Conventionally, it is asserted that children should have the possibility to meet their parents once in a year. It has been noted that on these occasions, receiving family tend to buy the children new clothes, as well as give them money or presents to be offered to biological parents. This way of acting shows the intention of host households to self-portray them positively, avoiding generating suspect about the general satisfaction and welfare of their children (Smucker & Murray, 2012, p. 27).

In other circumstances, children have not been allowed to visit their parents. Determining factors may vary, and usually depends on the unwillingness of receiving families. Be it for the unwillingness to spend money for the journey, be it for the willingness to spend time travelling with the child, on

many occasions children have been denied the possibility to ever meet their parents again. In other contexts, children had nowhere to go due to the loss of both their parents (Cooper et al, 2012, p. 28).

3.3 *Restavèk*: numbers and conditions

The *Restavèk* system is well rooted in the Haitian culture. Yet, as it is for the case of child laborer generally, *invisible* and *vulnerable*, it is extremely difficult to collect exact data, information and to properly act to eradicate the problem. It is also complicated to understand and define whether a violation of children's human rights is taking place. Sometimes the *restavèk* practices have effectively improved living conditions of some children coming from very poor families. On other occasions, children have worked for other, non-parental households without having been labeled as *restavèks*: not every child living with relatives or strangers is a *restavèk* (Hoffman, 2014, p. 100; Smucker & Murray, 2004, p. 116). Moreover, in Haitian – and more broadly in Caribbean – society, characterized by fosterage practices and great union of extended family, it is hard to determine with accuracy who bears responsibility over children's life. The borders between primary, adoptive, and extended families are blurred lines, thus complicating the possible individualization of child laborers and *restavèks*. (Hatløy, 2005, p. 12; Smucker & Murray, 2004, p. 15).

Despite the widespread custom of Caribbean societies to have children living with other relatives or strangers, far away from their parents and village of birth, a typical Haitian proverb implicitly explains the mistreatment most of them are likely to be subjected to. The proverb – in Haitian Creole – claims as follows: *Lè w'ap benyen piti moun, lave yon bò, kite yon bò*. Citing the translation provided by the UPR submitted by Restavek Freedom, it means "when you bathe someone else's child, wash one side, leave the other side unwashed". Therefore, it is predictable that receiving families will address less attentions to the children they are hosting in their households compared to their biological ones. Additionally, from this starting point, as it will be described later in this section, severe forms of abuse and exploitation have characterized the ongoing phenomenon.

The result is the almost total impossibility of having a clear overview on the phenomenon, as well as the number of children it involves. Consequently, different scholars have attempted to conduct both

qualitative and quantitative research in order to seek to frame, and eventually denounce, the abusive and exploitative system.

Before thoroughly describing the living conditions of *restavèk* children, and the strenuous activities they have been daily assigned to, an overview on the numbers and data regarding children's involvement in the system will be tryingly provided.

According to the UPR submitted by Restavèk Freedom to the United Nations in 2011, it is claimed that the number of *restavèk* children residing in Haiti varies from 150.000 to 500.000, to whom presumably 3.000 more children living in the Dominican Republic have to be added.

Hatløy (2005) attempts to shed light on children employment in domestic work. Her research is based on data coming from three different questionnaires extracted from the Haiti Living Conditions Survey (p. 12) Despite the large participation of the sample population, it is not simple to get acquainted with domestic child work in Haiti due to the reluctance of families to admit the presence of *restavèk*, or of domestic child laborer in general, in their households. Thus, the author only generally talks about child domestic workers in Haiti, defining them according to three main factors (*op. cit.*, p. 13):

1. They do not live with their biological parents: it was asked about the relationships members of the household had, if children were living with their biological parents, and for how long had they been living with the new household. It resulted that 20% of children did not live with their biological parents.
2. They are assigned domestic caseload inappropriate to their age: it questioned school attendance and enrollment, and if any, to which level. It emerged that 75% of children did not have an adequate level of education.
3. They have a low level of education in relation to their age: it was investigated the time spent daily by children in chores, meals preparation, adults' assistance, agricultural activities and water transportation. More than three fifth of children had inappropriate workload for their age.

Based on the combination of the three criteria, it can be stated that 7% of the boys and 12% of the girls from an age range of 5 to 18 are domestic child laborers (*op. cit.*, p. 15).

According to Smucker and Murray (2004), available information about servant children is biased for the reasons earlier mentioned in this chapter: not every child living outside the household necessarily is an unpaid domestic laborer. Starting from the 1982 census, the authors summarize and relay the estimations made by different reports on the numbers of *restavèks* living in Haiti. The number indicated by their table (see Table 3) have to be then related to the Haitian children's population – of 2004, year of the publication – which amounts to more than 2 million out of a total population of 8 million (pp. 15-17).

Table 3 Collected estimates of restavèk servant children from 1982 to 2002. Source: Smucker and Murray, 2004.

Number	Year	Source
109,000	1982	IHSI/IBESR
240,000	1984	Clesca
109,000	1990	Dorélien
200,000	1993	UNICEF
130,000	1993	IPSOFA
300,000	1998	IPSOFA
87,000	2000	EMMUS-III
173,000	2002	FAFO
400,000	2002	cited by M. Aristide

The authors commented on the data they collected, claiming that the numbers of *restavèk* servant children are misreported. In some cases, such as in EMMUS-III, they claim the incidence of *restavèk* servant children is underreported (*ibid*).

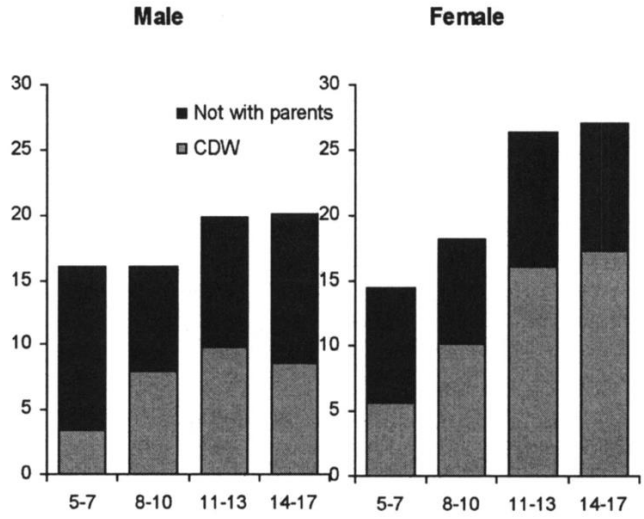
Kennedy (2014) reports the number of *restavèk* servant children amounting to approximately 300.000. Although the phenomenon does not solely concern urban centers, it is true that an

overwhelming majority of the cases are located there. Indeed, the author claims that in-between 2007 and 2008, 225.000 children out of 300.000 were residing in urban centers. Port-au-Prince, the Haitian capital city, is the most interested area of the country: more than one third of the families interviewed were housing a *restavèk*, reaching a peak of 44% in the metropolitan area of Citè Soleil, the biggest slum of Port-au-Prince (pp. 757-758). Thus, Citè Soleil constitutes the Haitian area with the highest proportion of *restavèk* servant children (Restavèk: the persistence of child labor, 2011).

A resolution promoted and backed by the European Parliament of 2018 condemns the practice of *restavèk* and estimates that the number of children involved amounts to 400.000, 60% of whom is constituted of young girls (Modern day child slavery, 2018).

3.3.1. *Restavèk*: a gendered system

Table 4 Age and gender distinction of child domestic workers (CDW) and children living without their parents. Black bars depict the percentage of children living without their parents, while grey bars concern child domestic workers. Source: Hatløy, 2005.



The major presence of servant children in urban centers mainly coming from rural areas of the country is not the only remarkable and typical feature of the actors of the phenomenon. Indeed, gender too plays a fundamental role in determining the employment of child laborers. According to the UPR conducted by Restavèk Freedom, it is estimated that two thirds of *restavèk* children are girls. In

addition, they are likely to be more exposed to abuses from male members of the receiving households. It is thus likely to be implicit that the presence of servant girls in the house only serves for this kind of scopes (Restavèk: the persistence of child labor, 2011).

In describing who a *Restavèk* is, Cadet (1998) clearly states that "girls are usually worse off". Female servant children sometimes happened to be sexually abused also by the other teenage members of the receiving families. In the event the girl becomes pregnant, her punishment is to be immediately abandoned and "thrown into the streets like garbage" (*ibid*).

However, even though sexual abuses and violations mainly occur against female children, it is worth stressing that they are not isolated cases, and that male child domestic workers too may be sexually abused. As a matter of fact, Sepúlveda (2020), by providing a literary analysis of the novel "Saisons sauvages", written by the Haitian author Kettly Mars, describes the sexual tendencies of a men towards both young boys and girls. He, in turn, had been previously adopted as *restavèk*, and had been forced by the head of the household to provide sexual services in a homosexual club (p. 120). This episode shows the common practice of using *restavèk* children, both boys and girls, for sexual services, abuses and exploitations.

As stated by Hatløy (2005), studies have estimated that *restavèk* practices are likely to be gendered. Child domestic laborers are mainly girls aged less than fourteen, of which 20% is even younger than ten years old (p. 11). Table 3 indicates girls aged more than ten years as the most prevalent segment of child domestic workers in Haiti; in-between 16 and 17% of young girls whose age varies from eleven to eighteen years old. The percentage of male-child domestic workers falls to 8-10%. As demonstrated in Table 3, the distinction in ages only concerns child domestic workers, not children residing in households different from their biological one (*op. cit.*, p. 15).

Moreover, it is more probable that female child domestic workers live in cities and urban centers than their male counterpart: 50% of *restavèk* girls live in urban centers, and only 25% of male child domestic workers live in the city (*op. cit.*, p. 16). On this topic, also Hoffman (2011) has commented and reported an estimation realized by a study: almost two thirds of the *restavèk* population of the

Haitian capital city are composed of girls. Conversely, the ratio based on gender tends to be more uniform in rural areas (p. 164).

The prevalence of *restavèk* girls in urban centers may also explain why, according to Smuck and Murray (2004), girls are more likely to be provided with education (p. 27). While boys may be mainly employed in agricultural tasks that require more working hours, thus restricting the availability of free time to be spent for education and school attendance, girls living for the majority in cities may have more favorable conditions for schooling and education. Beyond that, there seems to be a propensity from richer households to receive young girl domestic workers, whereas the presence of male child domestic workers does not vary according to the income level of the households. Similarly, girls – both domestic workers and the ones living away from their biological parents – are more likely to be hosted by households whose heads have higher degree of education than their biological households. If the level of education of households receiving girls and the ones receiving boys is compared, it is found that 63% of male child domestic workers live in households whose heads have no education at all; conversely, percentage of girls living in non-educated households decreases to a range that varies from 41% to 45% (*op. cit.*, p. 17).

Despite this alleged inclination of receiving families more likely to send girls to school rather than boys, the overall Haitian scenario is not characterized by gender equity. On the contrary, in 2015 Haiti's gender equity index was as low as 0.8; furthermore, if we consider the enrollment rate in universities and/or colleges, what emerges is that only 6.5% of Haitian youth go on with their study, and the number of students based on gender is represented by a ratio of 3 boys to 2 girls. General poverty, corruption, and lack of gender-related policies has put for a long period woman in a subaltern position. Lack of general instructions in many and various fields has tended to exclude women from the labor market and has limited their access to education. However, due to the exigencies deriving from widespread poverty in the country, women too have played an important role in the division of labor. Yet, in most of cases women only could accede the informal market. Thus, Haitian women have been obliged to face a higher number of obstacles in comparison to the male counterpart. The high

fertility rate too has limited the opportunity of women to access education, training, and labor. At the same time, the lack of sexual education, of contraception, as well as the illegality of abortion until 2005 – has provoked the "feminization of HIV/AIDS in Haiti (Padgett & Warnecke, 2011, pp. 539-540).

Furthermore, violence against women had been common practice in Haiti; it had been used as a means of control and manipulation; despite the illegalization of rape, it still seems to persist to be a traditional family practice. Also, financial and environmental crisis, respectively of 2008 and 2010, have deepened the already existing social and economic inequalities (*op. cit.*, pp. 540-541).

3.3.2. Living conditions of *Restavèk* children

One of the first testimonials concerning the condemnation of the *Restavèk* practice as a violation of children's human rights comes from Jean-Robert Cadet, a former *Restavèk* himself. In 2002, he wrote an autobiography titled *Restavec: From Haitian Slave Child to Middle-Class American*. Despite the difficulty in remembering the traumatic memories of his past full of sorrow, he describes in 19 different sections the story of his life as a *Restavèk*; his *Restavèk* life begins in a peculiar way, different from the great majority of other *restavèks*. He was born from a *blanc* (as he writes in the first line of his book), rich man and a black woman who previously worked for him. After the death of the mother, the father refuses to recognize Jean-Robert as his son, sending him to work for his former mistress. The lady mistreats Jean-Robert, abusing him both physically and emotionally, bringing him up as a child slave, a *Restavèk* (Suárez, 2005, p. 27).

In the first pages of his book, the author describes his anxiety and terror of living with Florence, his "adoptive mother", the way she treated him, and the chores he was obliged to do. He was luckier than other *restavèk* children because he could attend school, even though only partially. However, Florence did not have any intention to spend money for him: he was not given the possibility to own books; his only way to learn at school was to memorize and copy from other students' book exercises

and lessons; even though he had been selected, he could not take part in shows because after schooling hours Florence would have locked him at home – actually outside, in the yard till night – or would have borrowed him to some of her friends to provide once again domestic services. The situation worsened when Florence's son married and moved in with his new wife. From then on, he started to be terrorized not only by Florence, but also of any possible beatings and humiliations coming from the new couple (Cadet, 1998, pp. 4-15)

Generally speaking, he distinguishes three different groups of children: the elite, the very poor, and finally the *restavèk*. In describing the *restavèk* children, he states as follows:

> Restavecs are treated worse than slaves, because they don't cost anything and their supply seems inexhaustible. They do the jobs that the hired domestics, or *bonnes*, will not do and are made to sleep on cardboard, either under the kitchen table or outside on the front porch. For any minor infraction they are severely whipped with the cowhide that is still being made exclusively for that very purpose (Cadet, 1998, p. 4).

Jean-Robert Cadet had experienced tortures typically destined to domestic slave children. He had been dramatically deprived of his human rights. He knew he was a *restavèk*, he knew he had no voice to be heard, nor a place in the house and in society. In fact, he did not have a proper bedroom nor a bed: he usually and systematically had to prepare his bedding under the table of the kitchen. On various occasions, he had been hardly beaten, with whatever Florence – or someone else – had nearby. He sometimes risked choking or losing sight from one of his eyes. After Florence had moved *à l'etranger* (French term meaning "abroad"; in Haitian tradition it tendentially indicates New York, Paris, or Montreal – in this exact case the place where the owners moved is New York), Jean-Robert had to move several times, always serving as a *restavèk* in different households, until he met a man who knew his parents and told him for the first time the story of his life. On that occasion, her mother was not described with the offences and insults that habitually came out from Florence's mouth; on

the contrary, she was described as a truly beautiful woman. The man happened to closely work with Jean-Robert's father and exactly knew where he lived.

Thus, he was able to reach his biological father, and decided to meet him. The reaction was not what Jean-Robert had been longing for. He was surprised of his vision, and in fact ashamed of him.

However, differently from what could have happened to many other *restavèks*, he had not been totally abandoned. Jean-Robert, even though his father never recognized him, had the possibility to go to the US to rejoin Florence and her son's family. Once in the US, behind closed doors he returned to be *de facto* a Haitian *restavèk*. The situation did not change. He had to serve everyone in the house, do the chores, and could speak only if spoken to first. He went to school only because the owners found out it was mandatory for minors to attend school in the US. For his school attendance, and consequently for his diminishing hours dedicated to domestic services, he was considered to be a burden for the household. He was even asked to pay a rent, until he was finally kicked out of the house. However, thanks to the help of some professors who tutored him, who acknowledged his living conditions, he was able to receive subsistence benefits and to live on his own (Cadet, 1998).

Unsurprisingly, his life has been characterized by awkward moments in which he did not know how to behave. He joined the army, graduated, and occupied different and respectable job positions (even though on some occasions his skin-color had been considered a problem, and racist insults had been addressed to him). However, he went on not being able to stay with other people in a dining room – the only times he was allowed to stay inside was to clean it –, nor he knew what to do with a birthday cake bought on his honor – he had never celebrated his birthday before; in fact he has never known if the birthdate on his passport corresponded to the real one. Even after his wedding, and the creation of his new – actually first – family, he continued having the same nightmares of his childhood as a *restavèk*.

In his conclusion, he denounces the crimes against humanity the practice of *restavèk* can entail. Also, he could not conceive nor comprehend how is it possible that his people, the Haitian one, who

revolted against the system which rendered them salves, could inflict the same punishment to their heirs:

> Restavec slavery is wrong. It is the worst crime imaginable, because the victims are incapable of resisting their adult predators. It is a crime against nature as well, because the child's very rights to life—to belong, to grow, to smile, to love, to feel, to learn, and to be a child—are denied, by those whose ancestors were slaves themselves (Cadet, 1998, p. 183).

Restavèk servant children can be dehumanized: they only have to serve their owners without even talking. They occupy "the lowest possible servile status" (Smuck & Murray, p. 21). Commonly, they can speak only if spoken to first, being allowed only to answer to the owners' questions and demands. Any trivial mistake is immediately and severally punished (Cadet, 1998).

As Jean-Robert Cadet had been refused by his father, who never recognized him, many *restavèks* have not a surname, nor are they overtly presented to the society. Most of times receiving families did not want other people to know they were related to a *restavèk* (Restavèk: the persistence of child labor, 2011).

Once the child is trafficked – because the circumstances could indeed recall the practice of human trafficking and slavery – the child immediately starts to work for the owners. Normally, a *restavèk* is the first one waking up and the last one going to bed – eventually he/she has one. Thus, the working hours tend to typically vary from ten to fourteen per day. Plenty of activities have to restlessly be carried out by *restavèk* children. Cooking, making and unmaking the table, washing dishes, cleaning the house, and doing the laundry are typical in-house tasks. Then, *restavèk* children can be often requested to wash their owners' car, to sweep the yard, and, due to the lack of infrastructure, *restavèks* are habitually asked to fetch water, to run errands, and to *walk* other children of the household to school (Cadet, 1998; Restavèk: the persistence of child labor, 2011).

Whatever the owners require, *restavèk* children will obey. Fetching water may require long and distant walks, while usually five gallons or twenty-four pounds have to be balanced on head; beyond

washing and cleaning, they usually have to neaten both human and animal waste. Basically, *restavèks* have to carry out the overwhelming majority of the chores of the household. Sometimes they may be just asked to help receiving families; in fact, it is more probable that they actually are the only one daily carrying out domestic chores. A Haitian Creole phrase used to denominate *restavèk* children perfectly fits to describe the exploitation, the implicit and forced obedience of *restavèks*. *La pou sa*, meaning "there for that", tacitly depicts the exploitative character of the phenomenon (Introduction to the Restavek system, 2021, pp. 8-11).

Restavèk children can be identified and recognized also for their physical conditions and appearances: they are not bought adequate clothes, and they are heavily malnourished; as Jean-Robert Cadet narrates, many are only allowed to eat leftovers most of time. It is estimated that 15 years old *restavèks* are shorter, about 4 cm, and are 20kg lighter in comparison to other children (Cooper et al., 2012, p. 30; Restavèk: the persistence of child labor, 2011).

An informal expert interviewed by Cooper et al. (2012), straight depicts *restavèks* as follows:

> They don't sleep; they don't eat when they are hungry; they don't have time to study; [and] they are beaten, downcast, touched inappropriately or physically abused by the young sons of the head of household (p. 30).

If receiving families let them attend school, they have anyway to combine both their tasks at home and their homework (also considering the commute to go to school). As a result, the timetable of school entrance was not a fixed one for some children: they entered school only when they were done with what came first. Few – if any – hours per day are destined to idleness, play and leisure. Some children are not allowed to go out if not for running errands. In the scarce free time they had, they rested and/or watched other children of the household; on the other hand, especially in the evening, some children had some free hours to be spent with friends outside. (Cooper et al., 2012, p. 32).

Some of the receiving families interviewed by Cooper et al. (2012) tended to minimize and to elude some questions: they did not think the activities assigned to the children were difficult nor dangerous, and when asked what would have happened if a child refused to carry out some tasks, they would have hesitated before denying any kind of punishment. In reality, in most of cases children are beaten and sometimes also whipped (p. 33). These kinds of punishment align with the conception some people have of these children. Although only a segment of the population, someone did not even conceive *restavèks* as humans and addressed them awfully. These features do not actually differ from the description of a slave. However, popular thinking has finally been starting to realize these children are like any other child (*op cit.*, pp. 34-35).

Living conditions of *restavèks* are not only characterized by exploitation, but also of sexual and moral abuses which can take place in various ways. Sexual abuses sadly represent a common practice *restavèk*, especially but not exclusively girls, are exposed to; there exists different stories of cases of rapes and of abuses by other member of the households, as well as threats and manipulations to force them (Restavèk: the persistence of child labor, 2011).

Hatløy (2005) attempted to gather information about health and illness, hours of sleep and workload, as well as punishments and education. Despite the results did not show relevant differences between child domestic workers and other children – affirming anyway that data can be biased because of the total disinterest and negligence receiving families have towards *restavèk* – the author argues that nutrition and education programs should be implemented for every child in Haiti, no matter their social status. Yet, she is well aware that the analysis of psychological repercussions on child domestic workers is missing (p. 24).

A *restavèk*'s life thus is an extremely hard one. They are isolated and marginalized in society and sometimes they are not even conceived as human beings. Physical, emotional, sexual, and moral abuses rest imprinted in *restavèk*'s mind forever. Yet, the psychological consequences are generally not deepened nor analyzed by the academia. The future of a *restavèk* is comprehensively problematic. Childhood traumas are transferred to other generations in the event former *restavèks* form a new

family, with some episodes of abuses and particularly lack of affection. Furthermore, once free, *restavèks* are predictably inclined to enter the very dangerous and risky world of the street (Kennedy, 2014, pp. 758-759).

Kennedy (2014) conducts a study concerning the aftermath of *restavèks*, and analyses the existing programs which help both children, and eventually original families, to re-start a new life. What has emerged from the survey is that when mentioning former *restavèk* children, the general thought and vision of them were automatically linked to street boys and girls, thus being more likely exposed to violence, use of drugs, and bad habits more in general.

Moreover, also from a behavioral perspective, the repercussions of former *restavèks* are evident. Beyond lacking imagination and self-confidence, ex servant children tendentially have a continuous feeling of uneasiness. In Haitian Creole, this feeling of protracted sadness, fear, constantly mulling over their bad memories, is commonly named *malalèz*. As a consequence, their discomfort and fidgeting push them engaging violent behaviors, going on stealing, servicing others, and neglecting self-care and personal hygiene (pp. 763-764).

CHAPTER IV

LEGAL FRAMEWORK

4.1 *Restavèk* and the legal framework

The concept of slavery is an extremely complex and unresolved one. Albeit its historical abolitions, which took place in different periods around the world, and the symbolic view of it as a phenomenon of the past already surmounted and disappeared, new forms of slavery may covertly take place around the world. In this sense, the case of Haiti is emblematic. Despite its formation as the first free black republic, born after a revolution generated by at that time slaves, practices of *de facto* slavery may be found out occurring in the country.

The up-to-now analyzed case of the *Restavèk* system is a cultural structure well rooted in Haitian tradition of care responsibility division. It is true that in some instances less fortunate children happened to have benefited from the ongoing system, effectively improving their living conditions and being able to re-start to think of a better future for them. However, it has been the case for most of children that their reception in the new households has proven to become mere subjugation and unfair treatments. The conditions in which many children have been obliged to live in may recall the same features of slavery. Forced and unpaid domestic labor, denial to school attendance, and arbitrary punishments are some of the characteristics these practices have encompassed.

Whether it can be properly defined as and framed within the new forms of modern slavery or not, children's human rights violation is what has empirically happened in many cases.

Stemming from the United Nations' Universal Declaration of Human Rights of 1948, historical landmark of human rights protection and enhancement, Haitian governments have also ratified national and international treaties and conventions on the protection of human rights and, more relevantly for the present case, of children's human rights (Restavèk: the persistence of child labor, 2021).

The following section of this dissertation will attempt to schematically summarize the international conventions the Haitian governments have signed and/or ratified that fall within the scope of children's human rights and its protection. In particular, in analyzing the legal framework, specific articles and references that recall the violations the *Restavèk* system entails will be mentioned.

Considering the United Nations' conventions and optional protocols on children as the starting point of the analysis, it can be noted that the Haitian government signed the United Nations' Convention on the Rights of the Child (CRC) on 26 January 1990 and ratified it on 8 June 1995. According to article 2 of the CRC, States Parties should act in order to respect and ensure children's human rights against any kind of discrimination, among which social origin and status are mentioned.

Conversely, Haitian government on 15 August 2002 signed the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict but has not ratified it yet. States Parties which have ratified the Optional Protocol in question shall exempt every person under the age of 18 to be coercively recruited in national arm forces and to be involved in hostilities; they shall attain to Article 38 of the CRC in terms of minimum age for voluntary recruitment in armed forces, i.e., 15 years old.

As far as concerns the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, which enables children with the right to appeal to an international mechanism that falls within the scope of their interest in case the domestic mechanism fails to address it, Haitian government has neither signed nor ratified it. Instead, Haiti both signed and ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OHCHR). Article 2(a) of the Optional Protocol states as follows:

> Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration.

Moreover, Article 3 of the Optional Protocol particularly provides a list of all acts and activities that, no matter whether they happen at a national or transnational level, have to be ensured by the

penal law of States Parties in the context of sale of children, among which the transfer of children for his/her engagement in forced labor is mentioned.

As repeatedly stated in previous sections of these dissertations, the practice of the *Restavèk* system, and above all the transfer of children from the original households to other relatives' and/or acquaintances' houses, is typically Haitian, and Caribbean more generally. However, in some cases, a sort of sale of children (which may even involve the action of intermediaries) who are later coerced to work as child domestic workers in the new households, is what many *Restavèk* children have experienced in Haiti.

If we zoom on the process of transfer of *restavèks* from their parental households to the new ones – or also from Haiti to the neighboring countries, such as the Dominican Republic – as well as the possible involvement of external intermediaries and the activities they are obliged to carry out, a breach of this article could be noted.

Another instrument of international law to prevent violations of children's human rights in Haiti is the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The Protocol, known as the Palermo Protocol, supplements the United Nations Convention against Transnational Organized Crime, ratified by Haiti in 2011. Article 3(a), in defining trafficking of persons, include, among others, the recruitment of persons based on the abuse of a position of vulnerability for exploitation. The latter embeds the concept of forced labor, slavery and similar practices (Sommerfelt, 2015, p. 13).

Proceeding with the analysis of the legal framework, Haitian governments have also ratified some ILO Conventions. Before directly describing ILO Conventions on child labor, it is important to note that Haiti ratified in 1958 the Abolition of Forced Labour Convention (ILO, 1957). Accordingly, each Member of the International Labor Organization cannot make use of forced or coerced labor of any kind, for any reasons.

Haiti is part of the Minimum Age Convention (ILO, 1973) and the Worst Forms of Child Labour Convention (ILO, 1999). ILO Minimum Age Convention (1973) attempts to establish a threshold

under which children of a certain age should not work in order not to endanger their safety and health. Yet, it is not easy to exactly define who a child is, and a specific age under which labor has to be inadmissible. This is due to the social and economic characteristics that differ from country to country. Generally, people are allowed to work only after the 18th year of age; children are allowed to undertake jobs that do not jeopardize their living conditions and health at the age of completion of compulsory schooling or anyway after the 15th year of life. However, in accordance with the Organization, some countries whose economy and education are not properly developed, and after real demonstration and empirical proof of these conditions, may lower the threshold to 14 years old.

To put it simple, what emerges is that no single threshold on the minimum age can be irreversibly fixed. Member states have to establish, together with the ILO, national policies. By the passing of time, always in cooperation with the ILO, countries shall make adjustments to their domestic law as long as they progressively increase the minimum age formerly established for children to work. Predictably, the aim of the Organization is to act gradually, and to adapt to different national contexts in order to finally eradicate child labor worldwide.

Worst Forms of Child Labour Convention (ILO, 1999) considers a child every person under 18 years old; it enlists and describes the worst forms of child labor. It encompasses, among others, all forms of slavery or similar practices, namely sale and trafficking of the child, serfdom, and forced or compulsory labor; use of children for prostitution and/or pornography, his/her involvement in the sale and/or trafficking of drugs; every work that, if carried out by a child, harms his/her health, safety and morality. Mechanisms of periodic control, as well as programs to eradicate these forms of child labor have to be established, examined and revised. One of the solutions proposed by the Convention to eradicate the phenomenon is the basic access to education which has to be completely free.

Predictably, education, which will be dealt with later in this chapter, is one of the fundamental key-tool to prevent, and in case also eliminate, the persistence of child labor and its worst forms.

The ratification of the abovementioned conventions symbolizes the formal commitment of Haiti to adopt international labor standards and to preserve health, safety and morality of children.

Nevertheless, the harmonization of the Conventions' principles in domestic law, as well as the practical application of them, is not automatically implied by the ratification. The different Committees on the Conventions ratified by Haiti on the topic of child labor have denounced the negligence of Haitian government to submit due periodic reports and its inactivity on the implementation of the Conventions. There is a tendency to consider the lack of action from Haitian governments to be rooted in the general instability which reigns in the country and consequently in the numerous contingencies and challenges they have to face. General violence, political instability, widespread poverty and natural disasters that have periodically hit the country are among the main factors from where precarious living conditions for a great majority of the population originate.

As far as concerns the Convention on the Rights of the Child, Haiti submitted the first periodic report on the implementation of the Convention in the country in 2002. It is only after eleven years that Haiti submits another report: in 2013, Haitian government handed a combined second and third periodic report on the Convention. It is stressed that, once again, the delay on the redaction of the reports in these years had not generated from the unwillingness of Haiti to engage in the implementation of the Convention, but due to the several emergencies that have concerned the country (Consideration of reports, 2015, p. 6).

The report aims at stressing the propension of Haitian government to implement the principles of the Convention in domestic law, also on the basis of the Committee's comments on the initial report. Parallelly, the report provides an explanation to the obstacles it had faced in doing it. In fact, even though further steps are needed to be done, new national measures in accordance with the articles and principles of the Convention have been adopted. Among the decrees adopted by Haitian government, it can be mentioned the abolition and prohibition of violence, ill-treatment and inhumane treatment against children; the prohibition of the corporal punishment of children; the establishment of the National Office for Partnerships in Education (*op cit.*, pp. 7-8).

Among all the recommendations of the Committee to adopt legal measures concerning the non-discrimination principle, the pursue of the best interests of the child, the respect for the views of the

child, and the right to life, survival and development, a focus on the children's right to identity and birth registration is provided. Moreover, the Committee manifested its concern on violence occurring within the family context and, more pertinently for the purpose of this thesis, on the condition of children who are separated from their parents and that are employed in domestic service. The Committee recommended Haiti to impede the separation of children from their parents if not differently established by a competent authority. In any case, the best interest of the child has to be pursued, special assistance has to be provided for children – no matter whether just temporarily or not – separated from their parents and ensure that the child's voice is heard in the decision-making process (*op cit.*, pp. 18-27).

In the comment on the combined second and third periodic report on the Convention, a specific a mention to *restavèk* is provided in terms of right to education. The Committee clearly embeds the status of *restavèk* children in the definition of "vulnerable children", to whom specifically designed and adequate curricula have to be adapted in order not to exclude them from schooling and access to education (*op cit.*, p. 46).

Similarly, deep concern has been shown from various ILO Committees on the lacking reception of reports from Haitian government in due time. Committee of Experts on the Application of Conventions and Recommendations (CEACR), an ILO body, has examined with the tools and knowledge at its disposal the precarious conditions reigning in Haiti and the effective application of Conventions from the government. The instable conditions prevailing in Haiti have caused a serious of emergencies and challenges that consequently led to the neglect of and inattention towards human rights protection and basic needs supply to a great portion of the society.

More in depth, going on with the analysis on child labor and the specific features of the *restavèk* system, the CEACR adopted in 2021 and published in 2022 an Observation and a Direct Request referring to the legal basis of ILO Convention No. 182. Beyond the concern of the Committee on the sale and trafficking of children taking place in Haiti, with a focus on the Haiti-Dominican Republic

borders as well as the higher involvement of young girls as target of the phenomenon, the participation of children in illegal activities and in the worst forms of child labor is mentioned.

On top of that, the Committee shows clear and real concern towards the condition of child domestic workers, accurately referring to *restavèk* children. What has been up to now described is one of the main concerns of the CEACR observation and examination of the respect and application of the ILO Convention 182 on Worst Forms of Child Labour. The Committee states that a seriously high number of child domestic workers still persists to be present. It also estimates that about one child in ten in Haiti works as *restavèk*. Additionally, the Committee refers to other concluding observations drafted by other UN bodies which illustrate the physical, moral and sexual abuses these children are subjected to.

Accordingly, the Committee declared as follows:

> *[...] deplores* the exploitation of children under 18 years of age in domestic work performed under conditions similar to slavery and in hazardous conditions. *The Committee firmly urges the Government to take immediate and effective action to ensure that, in law and practice, children under 18 years of age are not engaged as domestic workers under conditions similar to slavery or in hazardous conditions. In this respect, it urges the Government to take the necessary measures to amend the provisions of the national legislation, and particularly section 3 of the Act of 2003, which allow the continuation of the practice of restavèk. The Committee also requests the Government to take the necessary measures to ensure, as a matter of urgency, that thorough investigations and prosecutions are conducted of persons subjecting children under 18 years of age to forced domestic work or to hazardous domestic labour, and that sufficiently effective and dissuasive penalties are imposed in practice. Lastly, the Committee requests the Government to provide information on the results achieved in this regard.*

Urgent and immediate legislative action is what is required by the Committee to eradicate the use of *restavèk* children. In particular, article 3 of the domestic Act of 2003 is questioned. Article 3 refers to the widespread practice of welcoming children in a household different from the natural one in spirit of solidarity and help. However, the Article only mentions the importance of equal treatment

among all the children of the households, lacking a mechanism of control and sanctions in case of breaches of these provisions (Le Moniteur, 2003, pp. 1-4).

The Committee also refers the urgent need of *ad hoc* social rehabilitation and reintegration programs. Former *restavèk* children have to be physically and psychologically assisted. Otherwise, as before mentioned in this dissertation, former *restavèk* children's most predictable scenario is street life, thus being involved in crimes, prostitution and begging.

The Committee further envisages access to free and basic education as the best solution to avoid the engagement of children in the labor market and consequently in the worst forms of child labor. Haitian government provides extremely inadequate educational services and therefore is asked to guarantee free and basic education to everyone.

The Direct Request of the CEACR (2022) on the Convention on Worst Forms of Child Labour Convention, among others, requires the Haitian government to provide information and results of the Action Plan launched together with ILO and UNICEF in order to eliminate child labor and to tackle domestic work by implementing international labor standards.

Likewise, the Direct Request of CEACR on the ILO Minimum Age Convention, beyond confirming the urge of the Haitian government to implement new measures to be taken in order to completely eradicate child labor, focuses on the importance of education, recommending some legal adjustments in the domestic sphere. Namely, the Committee suggests the redaction of an updated list of the forms of hazardous work a revised regulation that raises the minimum age of employment from 14 to 15, thus aligning it with the age of completion of compulsory schooling.

Additionally, Table 7 further provides a summary of laws and regulations on child labor, offering a comparison between the domestic labor code and its alignment or misalignment with international standards. However, the domestic legislative system may predictably result fallacious. For example, the breach of the law on the minimum working age solely applies for children legally employed. Thus, children absorbed by the informal market, not owning a legal agreement, are completely excluded by the jurisdiction, and are eventually not protected by the law. Similarly, Haitian labor code

does not encompass within the worst forms of child labor agriculture, domestic work and other economic sectors which may reveal to be seriously dangerous for children's health, morality and safety (Finding on the worst forms of child labor, 2021, pp. 4-5).

Table 7 Haitian laws and regulations on child labor and a comparison to international standards. Source: Finding on the worst forms of Child labor, 2021, p. 4.

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	No	16	Articles 2, 340, 513, and 515 of the Labor Code; Article 10 of the Law Organizing and Regulating Labor (39,40)
Minimum Age for Hazardous Work	Yes	18	Articles 10, 333–335, 513, and 515 of the Labor Code; Article 2 of the Act on the Prohibition and Elimination of All Forms of Abuse, Violence, Ill Treatment, or Inhumane Treatment Against Children (Act of 2003) (39,41)
Identification of Hazardous Occupations or Activities Prohibited for Children	No		Articles 333–336 of the Labor Code (39)
Prohibition of Forced Labor	No		Articles 4, 513, and 515 of the Labor Code; Article 2 of the Act of 2003; Articles 1.1.,11, and 21 of the Anti-Trafficking in Persons Law (39,41,42)
Prohibition of Child Trafficking	Yes		Article 2 of the Act of 2003; Articles 1.1, 11, 12, 15, and 21 of the Anti-Trafficking in Persons Law (41,42)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Article 2 of the Act of 2003; Article 281 of the Penal Code; Article 1.1, 11, 12, and 21 of the Anti-Trafficking in Persons Law (36,41,42)
Prohibition of Using Children in Illicit Activities	Yes		Articles 47-51 and 72 of the Law on the Control and Suppression of Illicit Drug Trafficking; Article 2 of the Act of 2003 (41,43)
Minimum Age for Voluntary State Military Recruitment	No		
Prohibition of Compulsory Recruitment of Children by (State) Military	Yes		Article 268 of the Constitution (30)

4.2 Haitian law enforcement and obstacles in eliminating child labor

The abovementioned conventions, together with the observations and direct requests provided by the competent Committee, imply, at least formally, the intention from the Haitian government to protect children's human rights, condemning abuses, inhumane treatments and any possible form of slavery or similar practices. However, due to the many crises and disasters ongoing in the country, both natural and political ones, Haitian jurisdiction has mostly failed in addressing the phenomenon, often not being able to effectively protect and enhance children's human rights.

Current situation in Haiti is unsurprisingly characterized by instability. The repercussions of the events which took place in 2021 can still be experienced in nowadays' Haiti. From a political perspective, the death of President Moise in 2021 provoked general vulnerability and precariousness, the latter being also reflected in the widespread of violence and armed conflicts. On the other hand, 2021 earthquake has had detrimental consequences within the population who has attempted to engage in reconstruction processes. Besides, new cases of cholera, together with food insecurity and an increase in malnourishment rates have been reported in the country (Haiti Humanitarian Situation Report, 2023, pp. 1-2).

Notwithstanding, Haiti has attempted to establish mechanisms and organs whose main purpose is to ensure the respect of domestic regulations and laws on child labor. An example is the creation of the *Institut du Bien-Etre Social et de Recerches* (IBESR – Social Welfare and Research Institute) of the Ministry of Labour and Social Affairs (Findings on the Worst Forms of Child Labor, 2021, p. 5). IBESR theoretically provides an emergency number to be contacted in order to denounce and complaints about children's protection requests. Moreover, IBESR contributes in conducting labor analysis, thus reporting eventual breaches and/or anomalies regarding children's conditions, particularly addressing the labor market (*op cit.*, pp. 5-6).

Also, the CEACR's Observation on ILO Worst Forms of Child Labor Convention (2022) suggests the Government a major disclosure on the initiatives and programs of IBESR, with regard to the possibility of social reintegration and rehabilitation of *restavèk* children.

IBESR launched in 2000 SOS Timon as a tool to help the population complain about children's human rights violation. It was a hotline taking calls from citizens who wanted to report abuses and/or anomalies, and to request child protection. Of the 200 calls received, only partial support could have been offered. Inspectors may have had the possibility to stop the ongoing violation by educating the members of the hosting households or to free the child and remove him/her from the new host family.

However, as it is in most of cases for Haiti, no sufficient data nor resources have been provided. IBESR claims inspectors have been offered inadequate formation, thus not being capable to acquire the necessary competences to conduct child protection inspections (Finding on the worst forms of child labor, 2021, pp. 5-6). Moreover, it is worth noting the IBESR's agency is more – if not only – applicable in the metropolitan area of the Capital Port-au-Prince, denying rural areas and peripheries the possibility to make use of this complaint and social assistance mechanism (*ibid*).

As far as child labor and criminal law enforcement are concerned, it is worth citing also the Brigade for the Protection of Minors (BPM). It strictly cooperates with IBESR and, due to the scarcity of resources and human capital, with NGOs operating in the country. It deals with investigations concerning the worst forms of child labor, which are later submitted to national authority and communicated to the IBESR (Finding on the worst forms of child labor, 2021, p. 5). The lack of fundings and resources negatively impacts the agency of the Brigade. Again, inadequate formation of inspectors, as well as the lack of basic resources ranging from transportation to economic support to the staff, limit the Brigade's sphere of action and consequently hinder its possibility to succeed in rescue children from the worst forms of child labor. It has been communicated that among the new employees, only 12% of them had the possibility to be formed and to gain adequate skills. In this case too, the hotline is mainly, almost exclusively, available in Port-au-Prince metropolitan area, thus augmenting disparities between city and rural zones. (*op cit.*, p. 6).

Further efforts have been made from the Government to tackle the ongoing phenomenon of child labor in the country and to enhance the protection of children's human rights. Numerous national committees and working groups have been created in order to plan and manage the government's action on the issue. These panels and working groups often receive technical assistance form competent international organization, e.g., ILO, UNICEF and IOM, and are composed of government, private sector and unions representatives. They provide different kinds of services, including support in policy drafting, monitoring systems, programs approval and implementation, as well as the launch of information campaign and collaborative forum.

Some of the main committees are the National Tripartite Committee for the Elimination of the Worst Forms of Child Labor which, for example, informed and advertised people on the phenomenon of child labor during the World Day Against Child Labor; the Child Protection Working Group which together with several partners and stakeholders frequently organize round table to discuss and exchange best practices to implement child protection; the National Committee for the Fight Against Trafficking in Persons (CNLTP) whose tasks do not only involve the prevention of child trafficking, but also the protection of victims. As a matter of fact, the CNLTP launched in July 2021 a new initiative titled "Standard Operating Procedures for the Identification and Accompaniment of Victims of Trafficking in Persons". It is an operative tool which supports the process of identification of the victims and their reintegration in the society afterwards. As the name of the Committee itself may suggest, it deals with victims of human trafficking; however, its action is also addressed to the identification of children in domestic work, children in orphanages and children employed in labor trafficking (*op. cit.*, p. 7).

For the purpose, the government has also developed a specific policy concerning child labor. The National Social Protection and Promotion Policy primarily attempts to tackle and limit negative repercussions deriving from social and economic crisis. Thanks to the cooperation with different partners, among others the World Bank and the World Food Program, direct transfer of cash and/or food to more exposed households are implemented. In addition, it promotes the supply of childcare

services, the formation and education of youngers formerly employed in the labor market, as well as the fostering of employment and employability. However, despite the engagement of the government, data on the initiatives effectively launched are not available. Hence, it is not known which, and to what extent, projects have been initiated, implemented and – if any – which results have been obtained (*ibid*).

Ultimately, what emerges is the impossibility of the Haitian government to act and to implement domestic laws, regulations, policies and plans of action related to children's human rights enhancement and protection. As far as concerns child labor, and the specific case of *restavèk* children, it is worth pointing out the peculiarity of the phenomenon. Beyond the repeatedly mentioned scarcity of resources and funds that limit the fight against the phenomenon, combined with the continuous contingencies and challenges that hit the country's stability, the difficulties in improving the conditions many children are obliged to live in also derive from a cultural bias.

The *restavèk* system is alimented by the constant poverty that subjugates households, the lack of education and cultural acceptance. Parallelly, poverty generates consequential conditions which further hinder the attempts to the elimination of the phenomenon. Namely, inadequate resources to maternal care and high reproductive rate that reflect in large family size and limitation of parental responsibility, combined with general unemployment are circumstances that boosts the continuous perpetuation of this Haitian common practice (Restavèk: the persistence of child labor, 2011).

It is argued that many host families do not recognize children in domestic service as *restavèk* children. Similarly, in most of cases they are not even aware they are violating the law. Considering that most *restavèk* children are 12 years old, even though they happened to be paid for their domestic work and were well treated by host families, they would not be allowed to enter the labor market at that age (*ibid*).

Conversely, widespread public opinion favors to sustain and maintain the system, considering it as the best and only option many children have to exit from absolute poverty. This ideology is so

rooted in the Haitian culture that violence and abuses are commonly omitted – or not even perceived as such – from the narrative (*ibid*).

The diffusion of the *restavèk* system, the human right's violations in most of cases deriving from it, and the incapability of the government for the abovementioned reasons to stop it, have drawn the attention of international actors, both governmental and non-governmental ones, that by the passing of time have started to act in order to contribute to eradicate the phenomenon. However, the lack of centrality in the coordination process and the missing of a national strategic plan to be followed and implemented, led to partial changes and the impossibility to overcome and solve the problem at national level.

4.3 Educational programs for social inclusion and elimination of child labor in Haiti

Numerous programs have been implemented in Haiti in order to seek to promote social inclusion and to guarantee child protection. The increased attention on the Haitian situation has led to the development of social programs funded and carried out not only from the national government, but also from international organizations and non-governmental organizations. However, the role of the national government is central in fulfilling the prefixed goals. In fact, social programs enacted in the country are plagued by fluctuating funding, sometimes lack specific focus and field of action and are hampered by weak and inadequate governance (Haiti: Selected Issues, 2020).

Therefore, the high number of programs, together with the involvement of many organizations and partners, does not suffice in reaching out a significant portion of the population. It is estimated that in 2012 only 8% of the Haitian population benefited from non-contributory social assistance through direct transfers of grants and/or food. One of the main reasons that causes the failure of social inclusion programs and their low coverage rate is the lack of a national central strategy. The process of program implementation is particularly fragmented, with numerous ministries and public agencies intertwining, that the final result is inefficiency (*ibid*).

It can be stated that social spending on education has improved over time, even though episodes of fraud are recurring, namely the creation of "fake" schools and inexistent beneficiary students. On the contrary, the positive improvements in educational outcomes mainly derive from programs which financed the access to school, canteen and fee reduction and/or waiver. Among others, one of the most successful educational programs has been the *Programme de Scolarisation Gratuite et Universelle*, French for program of free and universal schooling (*ibid*). The main purposes of this program have been to facilitate free access to primary school attendance of children from 6 to 12 years old; guarantee free access to students attending public schools; extend public schooling offers; improve the quality of education (Lamaute-Brisson, 2015, p. 14).

Another worth citing educational program implemented in Haiti has been the *Ti Manman Cheri* (TMC). It consists of direct cash transfers to mothers or, in their absence, to tutors with conditionality clauses: money is directly transferred if enrolled children attend school – specifically public schools or local and community schools in case of the absence of public ones (*op cit.*, p. 17).

However, available data on the level of education in Haiti are not positive. According to Human Rights Watch (2022), 50% of Haitian from 15 years old is illiterate. The root of the high illiteracy rate in Haiti may be found in the scholar system. Only 15% of schools in Haiti is public, thus representing a reason for exclusion to schooling for the great majority of pupils coming from low-income households. The privatization of schools, together with the destruction of plenty of buildings because of the 2021 earthquake, the spread of the Covid-19 pandemics, general violence hitting the country and the new emerging cases of cholera have denied the right to too many children to adequate schooling – or have even led to total exclusion from it (World Report 2023, 2023).

Beyond the scarcity of economic resources destined to finance public schooling, a collateral phenomenon is usually generated from and within numerous households. For example, families with two children and scarce financial means to send both the children to school may decide to "split" two educations in one: taking turns, both children go to school. However, this method results to be inefficient, leading to the increase in grade repetition rates. Children constantly skip classes and thus inevitably fall behind. In turn, repetition leads to an augment of schooling costs which end in the parental final decision to renounce to send their children to school (Education and Conflict in Haiti, 2010, pp. 2-3).

Language too may represent an obstacle to education. Both French and Creole are national languages in Haiti. However, considering that French is the language used for administrative purposes, thus essential for every Haitian to be a full citizen, classes are mainly taught in French. Predictably, people who can only speak Creole, usually poorer households, are disadvantaged in their learning process (*op cit.*, p. 3).

Moving on with the description of social programs, it is worth stressing out that numerous countries have contributed in launching and developing social and educational programs in Haiti in order to help the national government to deal with the ongoing phenomenon and to try to limit its continuous spread (Findings on the worst forms of child labor, 2016, p. 7).

Additionally, some of the most recent programs that target child labor and its eradication in Haiti are the following ones. The Government Child Shelter, Census, and National Child Protection Database provides assistance and support, through the IBESR, to orphanages and shelters and attempts to gather information about more vulnerable children. Although IBESR's attempt to precisely gather data and information, it fails to completely frame the situation. In particular, it is not able to collect fundamental information, such as the presence of displaced street children and children employed in domestic work. Furthermore, the Special Program of Free Education (POSGATE), which substituted the National Free Education Program, attempts to reduce and/or eventually eliminate school fees to make education affordable to children coming from poor households. In addition, it provides accelerated courses to more easily let students with serious learning gaps catch up (Findings on the worst forms of child labor, 2021, p. 7).

As it is common in Haiti, UNICEF too has helped the domestic government to redefine and improve the education and health system, as well as children's social inclusion and protection in the country. UNICEF fundings in 2021 covered more than 80.000 Haitian students in the supply of school materials and provided strong support to students at their final state exams. The program also helped in the reconstruction process of classrooms and different school sections especially after the 2021 earthquake, beyond offering tutoring to displaced students in order to accompany them through the different stages of education and to limit early school-leaving (*op cit.*, p. 8).

The World Bank invested about $30 million to assist the management of domestic education system and help in capacity building process on the topic. Further targets are improved educational setting and environment, promote and augment numbers of enrollments in specific public and private primary schools (*ibid*).

In almost all these cases, research has failed in periodically reporting data on the situation, thus not being able to acknowledge whether such programs have been implemented and, if yes, to what extent and to what results has it led. What is more, several reports claim that despite the numerous programs attempting to address the worst forms of child labor in Haiti, their scopes alone do not suffice to entirely tackle the extent of the phenomenon, especially if belonging to domestic work, agriculture and trafficking of child.

The intertwined cooperation between national governments and international organizations is not the only one existing in Haiti. Widespread poverty and the natural disasters that have hit the country, and the human rights' crisis deriving from these events, have attracted numerous NGOs which have implemented different programs in substitution or together with the agency of the government and/or international organizations.

The following section of this dissertation will attempt to describe the action of an Italian NGO which is currently implementing an educational program that seeks to fight child labor and improve *restavèk* children's conditions.

The Marist Foundation for International Solidarity (FMSI) is an international non-governmental organization whose aim is to protect and defend the rights of children and adolescents as well as to enhance and improve their living conditions all over the world. Up to date, FMSI has launched and carried out over 400 development projects in 67 different countries on 4 continents. Their emergency projects are mainly addressed to vulnerable and most exposed people and communities worldwide.

Currently, a specific program named *Education and training opportunities for children domestic workers, vulnerable youth and teachers in Jérémie* is taking place in Haiti. As already said, child labor and the practice of the *restavèk* system is widespread and well rooted in the tradition of the country due to the economic contingencies many families have to face. Thus, the lack of resources makes most of Haitian families incapable of meeting the direct and indirect costs of education (Education and Conflict in Haiti, 2010, p. 2) and hence prefer to send their children to other households for better opportunities and a better future. Yet, *restavèk* children in most of cases are

deprived of their right to education and, instead of gaining new and improved living conditions, end up as one of the most vulnerable and excluded groups of the society.

Consequently, what can be deduced from the initial premise and aim of original families is that the high rate of early school leaving in Haiti does not reflect a total disinterest of Haitians towards education; rather, it is an economic constraint deriving from the unfortunate lack of necessary resources and means. Therefore, the FMSI's aim is to implement an educational program which offers new training opportunities for *restavèk* children, youth and teachers as well. The initiative targets both formal school re-entering and integration through the spread of knowledge and the promotion of capacity building in order to shape and improve youth's employability skills.

The FMSI's educational program is based on three main funding pillars: equity, inclusion, and diversity. These three values and principles are necessary in order to implement an innovative approach capable to deal with the Haitian context characterized by continuous challenges and emergencies. As a matter of fact, this kind of approach will eventually lead not only to the improvement of the educational system, but also to the increase and strengthen of security.

Additionally, another problem concerning the Haitian educational system is related to the insufficient and inadequate education teachers themselves receive. They often lack both necessary training and do not have essential learning tools at their disposal.

For the abovementioned reasons, the FMIS's plan of action attempts to address all the spheres of the educational system and foresees 3 main outcomes:

1. Increase access to education and enhancement of children's rights, particularly for *restavèk* children. Usually marginalized and vulnerable, *restavèk* children need to be helped by facilitating and improving their enjoyment of basic human rights and by reducing stigma on their role and position in the society.
2. Increase access to job opportunities for youth, especially referring to NEETs (acronym for youth not in employment, education, or training) and youth regularly enrolled in the national school system by improving their knowledge and skills.

3. Enhance access to diversified and qualified job opportunities for teachers by improving their knowledge and skills.

Each outcome envisaged by the educational program has a specific indicator which measures its impact and the results obtained:

1. Considering the duration of the educational program amounting to 1 year, the indicator related to outcome 1 measures the results in terms of the number of *restavèk* children who finalizes a new enrollment in the national educational system. Starting from a baseline of 0, the prefixed target equals 30 new students to be enrolled within the implementation of the project.
2. The indicator for the outcome 2 measures the results in terms of percentage of young people provided with the possibility to improve proper skills and to shape their knowledge in order to broaden their schooling reintroduction and to ameliorate their future career path. In this case, from 0 as the baseline, the prefixed target is to reach 80% of young people empowered during the year of the project implementation.
3. Similarly, the indicator for the outcome 3 measures the results in terms of the percentage of teachers provided with proper education and skills among the targeted groups for diversified and qualified job opportunities. Setting a baseline of 0, the target for outcome 3 amounts to 80% of qualified teachers to be reached during the year of the project implementation.

The implementation of the educational project is currently ongoing in the Haitian city of Jérémie. Therefore, there are no available data up to date to measure the eventual impact and results of the plan of action in the living standards and conditions of the beneficiaries. Surely, the implementation of the projects is of fundamental importance, representing a real and concrete step towards the improvement, on a local basis, of the Haitian educational system and the enhancement of youth's and *restavèk* children's human rights protection.

The *restavèk* system and, generally, the widespread practice of child labor in the country represents a serious phenomenon that requires massive attention and direct action. Despite the numerous and various attempts from different agencies to tackle and solve the phenomenon, still precarious and inhumane conditions concern a vast portion of Haitian children.

The Haitian republic, since its very formation, has suffered from political, economic and natural difficulties that have hindered the prosperity and the development of the country. The continuous subjugation has made Haiti one of the poorest countries in the world and, as such, evident reflections can be found in the circumstances many people are currently obliged to live in. Hence, direct and international programs aimed at the improvement of social and economic conditions of the country are needed.

What has emerged from the research is that international attention on Haiti, and specifically on the phenomenon of child labor, has increased over time. Different countries, international organizations and NGOs have effectively launched initiatives and programs, sometimes directly supporting the national government. However, single and fragmented programs do not succeed in eradicating the phenomenon at national scale. The lack of centrality and of a precise strategic plan from the national government result to be detrimental for the improvement of the circumstances.

Therefore, international cooperation programs should also, and probably mainly, target development plans at national level. Without central stability it is almost impossible to effectively implement, together with other international actors, programs that succeed in the eradication of abuses and human rights violations. However, this does not imply that each program of social inclusion is ineffective alone. Every single action that practically targets huma rights' enhancement and protection represents a step forward in the improvement of social conditions.

CONCLUSION

The aim of this dissertation has been to shed light on the phenomenon of child labor and, particularly, on the *restavèk* system, a form of child domestic labor well rooted in the Haitian culture. The interdisciplinary approach used in order to conduct a thorough analysis of the phenomenon has been useful in finding out the difficulties and limits to exactly tackle the human rights violations innumerable children have been obliged to face.

The first description of theories and economic models concerning child labor have demonstrated the impossibility in finding a unique model that fits every country as well as a specific factor that universally determines child labor. Numerous social, cultural and economic variables have to be taken into consideration in order to precisely analyze the features of the phenomenon in a specific country. However, even within the same country, some factors may play a more or less relevant role in determining the evolution of the phenomenon. More than that, it is worth stressing that reliable and exact data are not always provided, nor are they that easy to be investigated and analyzed.

It is also risky to provide specific and narrow definitions: it has been shown that light work, i.e., work that does not harm children's health, safety and morality, may actually result in what can be defined as the worst and hazardous forms of child labor. For example, agriculture and domestic work are widespread practices of child labor in certain countries. However, even though in these cases children's function is just deemed to be that of a helping hand, in reality, children may actually end to be exposed to serious dangers for their health, safety and morality. Once again, accurate analysis – even though it is not always possible to be conducted – represents the best option to be evaluated before defining a specific phenomenon and, later, to implement policies and social programs.

On the one side, the historical background of Haiti analyzed in this dissertation has the role of locating the case-study of the *restavèk* system within its natural context in order to better understand its culture and tradition. On the other hand, the case of Haiti is emblematic and the historical overview stresses the importance of constantly monitoring human rights' enhancement and protection. Haiti

has been the very first free black republic born after the revolution originated by slaves who could not accept their subjugation and their submission to exploitative conditions. Yet, in a country that has fought against slavery like no other country had previously done before, *de facto* forms of slavery are still persistent and target the most vulnerable and fragile portion of the population: children.

In the case of the *restavèk* system a combination of cultural, social and economic factors is responsible for the perpetuation of the system. The starting point of the analysis of the phenomenon is Haitian instability. It initially originated in the aftermath of the Haitian declaration of independence. States such as United States and France did not immediately recognize the new-born state of Haiti, which underwent a first period of diplomatic isolation.

These primary conditions, combined with the economic difficulties the country had to face once free and independent, the political instability that has plagued the development of the country and finally the natural disasters that have repeatedly hit the state, have seriously impacted and hindered the development and prosperity of Haiti. Thus, general poverty and lack of supply of basic needs and services from the government are one of the main factors that make Haitians extremely vulnerable.

As a consequence, practices of child labor and human rights violations are widespread in the country. The general abuses and inhumane treatments many *restavèk* children continuously face are not always acknowledged or, more importantly, are not always perceived as such.

The analysis of the legal framework that falls within the scope of children's human rights protection and that targets the elimination of child labor, especially the worst forms of it, demonstrates the at least formal intention the Haitian government has to solve the problem and to protect children. However, the continuous challenges and contingencies the government has been faced to have led to general neglect. Haitian government has failed to submit mandatory reports that monitor the application of international standards concerning children's human rights in due time for years. Predictably, domestic laws are not always respected, and international articles and conventions signed and ratified by the country are not always totally implemented at national level.

International cooperation has proven to be fundamental in the implementation of social programs aiming at eradicating the phenomenon of child labor. International organizations, non-governmental organizations as well as foreign countries have collaborated with the Haitian government in launching specific programs that have actually improved the conditions many children have been obliged to live in. Yet, the lack of a national strategy and of an action coordinated by the Haitian government have resulted to be insufficient to completely deal with the phenomenon. If on the one side the programs launched by external actors have surely helped to improve capacity building in specific areas, it has failed to eradicate the problem at a national scale.

Thus, the role of education has been often pointed out as a fundamental tool in order to eradicate child labor. Improvements of the educational system and specific training programs which target the different layers of the society are indispensable to solve the problem.

It has already been said that the *restavèk* system is well rooted in the Haitian culture and even though in some cases the practice has happened to be successful in improving some children's living conditions, it cannot be denied that in other cases severe human rights violations and abuses have occurred. For this reason, deeper investigation processes and broader initiatives to spread awareness on the topic should be put into practice.

The development of new policies, plans of action and social inclusion programs should follow thorough analysis conducted in the field. International cooperation plays a key role in financially and structurally help the Haitian government to invest especially in terms of capacity-building. The eradication of the *restavèk* system, and of child labor more in general, can be reached through the combined actions of different actors – such as international organizations, non-governmental organizations and foreign countries – coordinated by the central government.

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