



FORUM
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THE IMPACT OF ARMED VIOLENCE
ON CHILDREN IN HAITI

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THE IMPACT OF ARMED VIOLENCE ON CHILDREN IN HAITI

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The Forum on Children and Armed Conflict is one of five working groups of Peacebuild – the Canadian Peacebuilding Network - and is coordinated by the International Bureau for Children’s Rights. The goal of the Forum is to improve protection for the security and rights of children threatened by armed conflict by enhancing the work of individual NGOs and professionals in the field. Activities of the working group include: information-sharing, policy analysis and dialogue with government departments, links to UN and international coalitions working on these issues, research and capacity-building activities, and raising awareness in Canada.

This paper was mandated by the Forum on Children and Armed Conflict (CAC) operating under Peacebuild, formally known as The Canadian Peacebuilding Coordinating Committee. It was developed as a reference point for the CAC’s discussions with civil society organizations and the Canadian government on the situation of children and youth affected by armed violence in Haiti and the identification of the best strategies to provide relevant protection of their rights.

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Report on Children and Armed Conflict: Implementing the Paris Principles

Discussion Paper on Children and Armed Conflict and the Pact on Security, Stability, and Development for the Great Lakes Region

Young People in Colombia: Background Discussion Paper

Rationale

Since the departure of President Aristide in February 2004, the Canadian government and Canadian NGOs have played leadership roles in international efforts to re-establish security and stability in Haiti and to assist in longer-term reform and reconstruction efforts. The timing of this paper is critical as Haiti enters a post conflict reconstruction phase that is attracting major donor interest.¹ The country is experiencing a relative return to stability and, if able to comply with the Inter-American Development Bank's criteria for full donor relief, could be eligible for debt relief as early as 2009.² The cycle of instability and fragility could quickly return to Haiti if the pool of available economic resources was to shrink, and purchasing power of the poor further erodes. The fragile nature of this stability was seen in the April 2008 rioting over food prices in Port au Prince. Haiti's young bureaucracy and political leadership face numerous and mounting demands for accountability, transparency and efficiency in provision of services. Within this macro-context, an explicit attention to children and youth not only makes good development sense, with about half of the population under 18 years, but failure to include children and youth in mainstream development processes could jeopardize the country's fragile stability.

The timing of this report is also geared to maximizing important child rights policy opportunities - reporting to the Committee on the Rights of the Child which is estimated to occur in June 2008, discussion on a draft resolution of an International Arms Trade Treaty approved by the UN Disarmament Committee in 2006, and the chance to influence UN Resolution 1612 monitoring and reporting mechanism on grave violations to include an examination of these issues in Haiti, with the aim of prevention.

The paper begins with a brief background on the situation in Haiti, followed by an overview of child rights issues related to children and Armed Violence in Haiti. It then analyses Canadian government and NGO actions in Haiti. The paper ends with key policy recommendations aimed at the Canadian government and the international community.

¹ UNICEF Humanitarian Action. UNICEF March 2006.

http://www.unicef.org/infobycountry/files/Haiti_DU_22Mar06.pdf

² Enhanced Heavily Indebted Poor Countries (HIPIC) Initiatives – Preliminary Document. International Development Association and International Monetary Fund. Republic of Haiti. August 15, 2006

Setting the Context

1.1 A history of instability and social exclusion

In early February 2004, armed violence broke out in the city of Gonaive, and in the following days fighting spread to other cities. After the rebellion in February, the insurgents took control of most of the northern part of the country. Despite diplomatic efforts, the armed opposition threatened to march on the Haitian capital. On February 29, 2004, President Jean-Bertrand Aristide resigned and left the country. Within hours, Boniface Alexandre, President of the Supreme Court, was sworn in as interim president in accordance with the constitutional rules of succession. On the same day he requested support from the United Nations, which included an authorization for international troops to enter Haiti. Pursuant to that request, the UN adopted resolution 1529 authorizing the Multinational Interim Force (MIF).³ Having determined that the situation in Haiti continued to constitute a threat to international peace and security in the region, and acting under chapter VII of the UN charter, the Security Council, by its resolution 1542 of 30 April 2004, established the United Nations Stabilization Force in Haiti (MINUSTAH) and requested that authority be transferred from the MIF to the MINUSTAH on June 1, 2004. The mission of MINUSTAH has been extended until October 2008.

Most donor governments classify Haiti as a “fragile state” based on its governance, security, economic and environmental characteristics.⁴ Haiti has traditionally suffered from weak governance stemming from an authoritarian political culture and public institutions monopolized by partisan loyalists for personal gain. This notwithstanding, traditional family and religious networks served as a check on criminality and as enforcers of social norms. However, weak civil society organizations are increasingly co-opted by political, pressure and economic interests, creating the conditions that fuel the rise in organized crime such as kidnapping, human trafficking and the drug trade, all of which are eroding the traditional family networks. Ineffective state institutions provide little counterbalance to these challenges, while the cycle of “winner-take-all” politics provides continued motivation for manipulating disenfranchised children and youth and illegal armed groups for political ends.⁵

About 55% of Haiti’s population are children and youth under the age of twenty. With

³ www.un.org/News/Press/docs/2004/sc8015.doc.htm

⁴ A fragile state is a state that is particularly vulnerable to internal and external shocks and domestic and international conflicts. In a fragile state, institutional arrangements embody and perhaps preserve the conditions of crisis: in economic terms, these could be institutions that reinforce stagnation or low economic growth, or embody extreme inequality etc; in political terms, institutions may entrench exclusionary coalitions in power. <http://www.crisisstates.com/download/drc/FailedState.pdf>

⁵ According to a USAID Conflict Management and Mitigation assessment in Haiti conducted in 2006.

unemployment at 70% and an illiteracy rate of 49%, most of them are uneducated, unskilled and left vulnerable to various forms of manipulation⁶.

Facts about Haiti⁷

- Population: 9 million (2007 est.). Seventy-three percent live in extreme poverty: no access to sanitation, half without potable water, and limited access to electricity. Two thirds do not have food for a daily meal. One percent of the population, of European descent, owns half of the country's wealth.
- Capital: Port-au-Prince
- Life expectancy: 60
- 0-14 years: 42.1% (male 1,846,175/female 1,817,082)
- 15-64 years: 54.4% (male 2,313,542/female 2,426,326)
- Mortality rate for children under 5: 125 per 1,000
- Children per woman: 4.2
- Literacy: 49%
- Doctors or medics per 100,000 people: 8
- Unemployment: 80%
- Percentage of urban/rural population living on less than one dollar a day: 65/80

1.2 The stabilization and reconstruction phase

The MINUSTAH mission was established with a broad mandate to secure a stable environment within which the constitutional and political process in Haiti can take place⁸. The goal of this mission is to assist in the monitoring, reconstruction and reform of the Haitian National Police consistent with democratic policing standards, to support comprehensive and sustainable Disarmament, Demobilization and Reinsertion (DDR) programs for all armed groups, including women and children associated with such groups, as well as weapons control and public security measures. The mission mandate also includes the restoration and maintenance of the rule of law and institutional strengthening, public safety and public order in Haiti through the provision of operational support to the National Police and Coast Guard.⁹ The Canadian government's contribution to MINUSTAH has been focused primarily on the electoral process and on building police capacity.

As of December 2006, Haiti completed its first full round of democratic elections, which were regarded by the international community as being free and fair. As a result, Haiti has experienced renewed donor confidence and heavy investment, including

⁶ www.haitiinnovation.org/en/2007/12/11/report-card-haiti-and-world-unesf-2007-progress

⁷ www.unesco.org and CIA The World Fact Book <https://www.cia.gov/library/publications/the-world-factbook/geos/ha.html>

⁸ www.un.org/News/Press/docs/2004/sc8083.doc.htm

⁹ <http://www.un.org/Depts/dpko/missions/minustah/index.html>

commitments from the Canadian Government, the second largest donor to Haiti after the United States and before the European Union.¹⁰ The Government of Haiti is fully engaged in the planning stage, with heavy demands and high expectations placed on its relatively young bureaucracy and political leadership. It has developed a National Strategic Framework for Growth and Poverty Reduction and held donor roundtables to pledge for support. An important advance in terms of child rights and protection for Haitian children is the 5 year National Plan of Action for Children in Difficult Situations and Vulnerable Children announced by the Ministry of Social Affairs and Labor in December 2005.¹¹

1.3 On-going armed violence in urban “hot spots”

Following the elections of February 2006 and the inauguration of President Rene Preval, expectations for considerable reduction in violence and improvements in the quality of life were high. However, with the exception of a short period of respite from August to October 2006, a result of discussions by the President with gang leaders in Cite Soleil, the criminal activity, violence, rapes, kidnappings as well as armed attacks on MINUSTAH Force continue to this day.¹² There have also been several documented incidences involving MINUSTAH soldiers killing civilians. Examples of this include, in July 2005, 30 civilians, including children were killed in the neighborhood of Boise Neuf and in February 2007, a family was attacked in Boston neighborhood by the soldiers of the MINUSTAH that resulted in the death of two young girls.¹³

While promising gains have been made in terms of stabilization and return to democracy, grave violations of human rights, in particular children’s rights, continue at alarming rates. Much of the conflict is concentrated in a number of urban “hot spots.”¹⁴ These areas, while physically isolated from the rural ones, are intrinsically linked as many children and youth are sent as migrants (including *restaveks*) to work or be placed in a home of an urban relative or acquaintance. The political violence has had a severe impact on children, particularly the most vulnerable. According to UNICEF, approximately 1,000 children are working as messengers, spies and even soldiers for armed gangs in Port Au Prince and as many as 2,000 children a year are trafficked to the Dominican Republic, often with their parents’ support.¹⁵

If the available economic resources continue to shrink as a result of environmental

¹⁰ The United States is Haiti’s largest donor with a 2006 pledge of almost \$210 million over one year, Canada is the second largest with a pledge of \$500 million over 5 years. The European Union is the third largest donor at \$293 from 2008-2013. World Report 2007. Human Rights Watch.

¹¹ Ministry of Social Affairs and Labor, Plan National de Protection: Enfance en situation difficile ou de vulnérabilité, December 2005.

¹² United Nations Disarmament, Demobilization and Reintegration Resource Centre. <http://www.unddr.org/countryprogrammes.php?c=80>

¹³ MINUSTAH accused of second massacre. www.haitiananalysis.com/politics/minustah-accused-of-second-massacre

¹⁴ These are areas where armed violence, crime and lawlessness abound in Haiti. Some of the hot spots include Cite-Soleil, Martissant, La Saline, Carrefour, Bel-Air etc

¹⁵ <http://www.unicef.org/chinese/infobycountry/haiti.html>

degradation, stagnant economic development, and a growing pool of available recruits into armed violence - the unemployed, uneducated, and politically alienated youth, the cycle of instability and fragility could quickly return to Haiti. As long as Haitians, both the marginalized and the powerful, feel systematically excluded, these ingredients for instability will periodically boil over into violence as various segments of the society pursue extra-legal means to achieve their political and economic ends.

The armed violence of 2004 that resulted in the departure of President Aristide saw a significant increase in armed violence on the streets. This violence has created an environment where illegal armed groups, many with apparently strong links to political parties, are systematically targeting children. A “child soldier” is any person under 18 years of age who is part of any kind of regular or irregular armed force or armed group in any capacity.¹⁶ Armed gangs in Port au Prince frequently control territory and recruit children as fighters, spies, informants, gun and drug carriers. Children are murdered, maimed, raped and abducted by these illegal armed groups¹⁷. Kidnapping in Haiti is an industry that generates considerable income for the gangs who control much of Port-au-Prince, funds which in turn are used to buy more arms and fuel other criminal enterprises. The sharp increase in instances of kidnapping that occurred towards the end of 2007, while anticipated, demonstrated that the capabilities and persistent intent of the criminal gangs that are still operating throughout Haiti, and in particular around Port-au-Prince, are still a real security concern going into 2008.¹⁸

Even with a newly elected government in place, violence in Haiti ranges from confrontations between various armed groups in the city and the Haitian National Police and UN Stabilization Mission in Haiti (MINUSTAH), to extensive kidnappings and sexual violence. The number of patients treated at four Doctors Without Borders medical structures in Port-au-Prince gives an indication of the human consequences of this relentless, low-intensity urban conflict. Since December 2004 to date, Doctors Without Borders has treated more than 7,000 people for violence-related injuries including more than 3,000 gunshot victims — nearly 1,000 women and children — and 2,600 stabbing victims.¹⁹

¹⁶ Children Associated with Armed Groups. UNICEF Child Protection Information Sheet.

¹⁷ UN General Assembly, Report of the Special Representative of the Secretary General for Children and Armed Violence S/2007/503. Newspaper reports: www.the-spark.net/np737402.html - news.bbc.co.uk/2/hi/americas/3743376.stm

¹⁸ Overseas Security Advisory Council <https://www.osac.gov/Reports/report.cfm?contentID=79687>

¹⁹ 9th Annual Top 10 Most Underreported Humanitarian Stories of 2007. Beyond the Headlines, January 9, 2007. MSF-USA Special Report.

Overview of Children Rights Issues in Haiti, Particularly for Children Affected by Violence

2.1 Broad range of child rights violations

Child rights indicators in Haiti are amongst the worst in the Western Hemisphere. The country is ranked 146th of 177 countries in the 2007/2008 UNDP Human Development Index Rankings.²⁰ The issues pertaining to children affected by violence in Haiti must be seen within a broader context of extensive child rights violations, with a deep, historical past. Given the instability of the Haitian state for almost four decades, children have been excluded from some of the gains relative to international norms. With about 85%²¹ of the schools in Haiti run privately, there are high drop out rates, limited quality control, and gender gaps in all levels of education. In 2006, UNICEF State of the World's Children indicated that there were 22,000 children; more than one child in 10, who died under five years of age, life expectancy at birth is 60 years.²² An estimated 50% of children did not receive routine immunization, close to half of primary-school aged children did not attend school, and 80% did not go to secondary school. The illiteracy rate for the total population is 49%. The quality control of education in Haiti is very low, with many fee paying, low quality private schools, an under-funded public primary education system that is unable to offer adequate access or quality in rural and poor areas, and a shortage of teachers in rural areas.

Internal trafficking of children for domestic labor remains Haiti's major form of trafficking.²³ Extreme poverty and the ongoing chronic economic crisis in Haiti have compelled most Haitian children from rural areas, especially girls, to work to support their families. Children are placed with urban families to carry out domestic work in exchange for education and economic opportunities. However these promises are rarely honored. Instead domestic children are forced to work long hours in appalling conditions, are often mistreated and do not receive financial compensation. There are an estimated 300,000 children in domestic service known as "restavèks" (live with – restent avec) in Haiti today.²⁴ That means that approximately one out of ten Haitian children are involved in domestic work of which three-quarters are girls.²⁵ Initially, restaveks were placed with affluent families who provided them with food, health care and some education. These affluent families have been shamed out of using restaveks in recent years, yet the poor continue to send their children to live with relatives in the major cities. The new recipients of restaveks are themselves in very precarious living

²⁰ UNDP Human Development Index Rankings 2007/2008. <http://hdr.undp.org/en/statistics/>

²¹ Report of Haitian Ministry of Education and Professional Training of January 2007 page 16

²² <http://www.unicef.org/sowc08/docs/sowc08.pdf>

²³ Project to counter the trafficking of children in Haiti. IOM.2006

²⁴ National Coalition for Haitian Rights (NCHR)

²⁵ UNICEF http://www.unicef.org/infobycountry/files/Haiti_DU_22Mar06.pdf

conditions and are unable to take care of the children that they receive. Some families send their children to orphanages and other institutional care centers that are often ill equipped to provide them with a nurturing environment. A UNICEF-funded study into restavek children in Haiti revealed that of the 850 restavek children contacted by the study, 77% of those who had reached the age of 15-17 years of age had never been to school.²⁶

Cross-border trafficking of children has also been a documented problem, with certain areas being most prone to trafficking and risky migration. Many children live in squalid shantytowns known as "bateyes" in the sugar sector, become victims of sexual exploitation in tourism industry, work as domestic servants, or in construction work in the Dominican Republic (DR) which is economically more prosperous.²⁷ Haitian children who end up in the DR have no one to protect their rights, can access only limited services, face discrimination and are often further exploited and abused. Lacking documentation and the illicit nature of the trafficking and migration makes it difficult to know the exact number Haitian children working in the Dominican Republic.²⁸ The Haitian and DR governments have yet to acknowledge the scale of the problem, and the continuous movement of migrant and trafficked children in DR is a source of inter-governmental tension.

Haiti's Labor Code (Article 335) states that the minimum employment age in all sectors is 15 years of age, except in the case of children working in domestic service. The Labor Code (Article 341) sets the minimum employment age for domestic work at 12 years of age. All working children between the ages of 15 and 18 must be registered with the Ministry of Social Affairs. The Ministry implements a program called *SOS Timoun*, under which it works in collaboration with the "Service de la Protection de Mineurs" to withdraw children from abusive households. Since its inception, the program has registered 250 calls from institutions, police commissariats, distressed children, individuals, and radio and television stations. The program has withdrawn 240 children, including children in domestic work. Of the child domestic servants withdrawn from abusive situations, 19 were sent to a receiving home or shelter, while 14 were reunited with their parents.²⁹

The situation of children in institutional care centers is also of great concern. An estimated 200,000 Haitian children are waiting for placement in institutional orphan care. Haitian care centers are shelters for vulnerable children, often housing children

²⁶ Growing Up Alone: The Hidden Cost of Poverty. Maggie Black 2000.

²⁷ U.S. State Dept Trafficking in Persons Report, June, 2007

²⁸ Haitian Children Sold as Cheap Labourers and Prostitutes for little more than \$50- Dominican Republic Accused of turning a blind eye to thriving trade in Youngsters. Gary Younge in Santo Domingo Thursday September 22, 2005, [The Guardian](#)

²⁹ Haiti. U.S. Department of Labor Bureau of International Labor Affairs April 2008

whose parent (s) are poor as well as those who are abandoned, neglected or abused by family guardians. A few centers are able to offer technical vocational training to prepare youth for a better future. There are also reports of child prostitution in Port-au-Prince and concerns raised through reports of international adoptions for illicit ends, with 1,000 children adopted each year by foreigners.

The Ministry of Social Affairs and Labor has the authority and the mandate to protect children. Significant advances have been made by the Ministry of Social Affairs and Labor under the 5-year National Plan of Action for Children in Difficult Situations and Vulnerable Children. The Plan includes strategies to reduce child domestic work, combat child trafficking, and rehabilitate children involved in armed groups.³⁰ However, the government lacks resources and capacity to promote the Convention on the Rights of the Child (CRC). One indication of this is that the Ministry has approximately 12 social service workers working throughout the Port-au-Prince Metropolitan area.

There are a number of strong initiatives in legislation promoting and protecting the rights of children, many of which date back decades. For instance, the Haitian law of July 31, 1952, obliges the government to take care of children, and to remove them from the dangers of adult prisons when they are in conflict with the law. The laws of November 20, 1961 further state that children apprehended by police would be kept separate from adults and that judicial authorities commit to perform medical and psychological exams to determine the state of the children and provide appropriate assistance. Despite this stipulation and in total disregard of article 37 of the CRC, Haitian children are still incarcerated without appropriate instruction, with adults and for extremely long periods of time³¹. In 2006, the UN Office of the Special Representative of the Office of the Secretary-General for Children in Armed Conflict, reported violations against children by the National Haitian Police, including the illegal detention of children and sexual abuse of female children while in custody, as well as the reports of execution and mutilation of street children during police operations.

The Haitian Children's Code was finalized in 2003 to bring an alignment between the legislation and the Convention on the Rights of the Child (CRC). It was also designed to harmonize all laws regarding children as some of them are currently within the Civil Code based on the Napoleon Code. The Children's Code was submitted to the Government in 2003 but has not progressed since the departure of Aristide. The Haitian Coalition for the Defense of Child Rights (COHADDE) currently has the code on its agenda and will support its passage through Parliament.

³⁰ Ministry of Social Affairs and Labor, Plan National de Protection: Enfance en situation difficile ou de vulnérabilité, December 2005

³¹ National Network for the Defense of Human Rights (RNDDH), November 2007

2.2 Recruitment and involvement of children in armed violence

Children in Haiti, particularly in urban hot spots, have grown up in a culture of impunity, armed violence and illicit activities. As a result, this behavior has become normalized. It should be noted first and foremost that these children are victims before being perpetrators of violence. Thanks to progressive definitions and vocal advocacy work much of international law does apply to the current situation in Haiti, where in an absence of "traditional" war, urban gangs with political agendas use children to carry out crimes and fight against state authorities.³² The first point in Article 77 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977 states: Children shall be the object of special respect and shall be protected against any form of indecent assault. The Parties to the conflict shall provide them with the care and aid they require, whether because of their age or for any other reason. In the case of Haiti, although children were initially used by groups affiliated to political parties, the motivation today is more for economic than political motivations.

Children who are involved in armed violence are either attracted or pushed to it by factors beyond their control. Some of the pull factors include opportunities to make a living. The leaders of armed groups lure children to their activities with financial and material resources. In addition to providing resources to children, involvement in armed groups also provides them with a sense of status, power and belonging and rewards courageous or daring activities.³³ In many cases mothers spend long hours away from home trying to provide for their children and fathers are often absent, they have either abandoned the family, or have left to earn a living abroad. The natural protective environment of the family is diminished due to these realities. Another pull factor is the image of invincibility that guns provide. Most of the children attracted by guns have spent time on the streets and have been subjected to many forms of abuse. They see the gun as a source of power not only for their protection but as revenge on society for all the sufferings that they have endured. Even more important is the lack of protection from others who are armed and threatening, including the police.

While some children are attracted to the armed violence by the above factors, there are many who are equally pushed to it. Some leaders of armed groups use these children as human shields when they undertake dangerous operations. In some cases children are drugged and sent into dangerous situations where they commit atrocities in order to survive. Children who reside in dangerous quarters are often pushed by their peers to

³² The Special Needs of Women and Children in Conflict. MINUSTAH. July 2005

³³ www.oxfam.org.nz/imgs/pdf/ca_haiti.pdf

join them in their gang activities. Most street children also take drugs to survive the hardship of their environment. Once on these drugs, the children become fearless and easily lured into gangs. These gangs then teach them how to manipulate dangerous weapons. The absence of role models at home also renders some children vulnerable to gangs and their activities. According to UNICEF, there are about 50,000³⁴ children in institutional care in Haiti with poor living conditions and poor education that does not prepare them for the future. Many of these children are subjected to abuse and end up running away from home and some end up joining gangs.

Whether pulled and/ or pushed into armed violence, the Haitian child is extremely vulnerable today. The absence of basic infrastructure (education, health, economic, security) and a long history of violations against children's rights, are all conditions that point to a bleak future for the Haitian child, and a large pool of vulnerable children from whom illegal armed groups will have no shortage of potential recruits.

Discussion

The ease with which children and youth are pulled and/or pushed into involvement in armed violence and armed groups is evidence of how marginalized and socially excluded Haitian children and youth have become. If they continue to remain outside the engagement processes, repetition of exclusionary practices of previous periods is almost guaranteed to occur. Article 12 of the CRC expresses that "States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child."

The creation of spaces to participate in mainstream community engagement and rebuilding efforts and providing meaningful opportunities to express their views would improve the options available to children and youth. Working with the Haitian government and civil society to improve awareness and compliance with the Convention of the Right of the Child are important factors as is finding alternatives for children and youth. Likewise, investments in providing widespread, quality and relevant education for all Haitian children, and particularly those vulnerable to recruitment needs to be accelerated. The longer a child is outside of school, the harder and more costly it becomes to enroll and maintain that child in school. Another point for discussion is consideration of issuing the Haitian Government with an opportunity to start to monitor and report on the recruitment of children into armed violence and gangs

³⁴ UNICEF Policy Brief on the Institutional Care of Children in Haiti, April 2007

prior to becoming a UN resolution 1612 annex country. This would enable a more transparent tracking of grave violations and enable follow-up support for victims.

2.3 Abduction, killing and maiming of children; attacks on schools

The UN Secretary General's Report on Haiti to the Security Council in 2007 stated, "In pursuant to Security Council resolution 1780 of 2007, the Security Council recognizes the grave violations committed against children affected by the armed violence in Haiti; and requests for their continued protection as set out in Security Council resolution 1612 of 2005."³⁵ The abduction, killing and maiming of children continued even after the 2004 crisis that followed the departure of President Aristide. As the crisis died down, armed groups affiliated with political groups converted to criminal activities and started engaging in attacks, theft, kidnappings, rape and other atrocities against children, women and other innocent people.

Criminal groups often resort to the kidnapping of children because they are easy prey and pose little resistance. Children are also targeted because the criminal groups know that parents would do anything and everything to gain their release. Almost invariably, the ransoms demanded are paid. However, because children are vulnerable and often helpless, the police are often deployed in large numbers to rescue them. When this happens, and even after ransoms have been paid, criminal gangs are reluctant to bring the children for fear of being confronted by the police. This explains, in part, why some children are killed even after ransoms have been paid.

More than 120 kidnappings took place in December 2006 with 20 of them during the Christmas weekend alone.³⁶ Some of these occurred at schools, or on the way to and from schools. Although the trend slowed down after that month, an average of 25 people are still being kidnapped in Haiti each month. Official statistics from the Haitian police show that 33 people were kidnapped in January 2008.³⁷ Private and NGO sources collect information on abductions and maiming but are not turning the data over to police and UN officials. The magnitude of the problem is much more than officially reported.

The killing, maiming and kidnapping of children is not a recent occurrence in Haiti. On April 19, 2004, UNICEF Haiti released a report that revealed the impact of political violence on Haitian children, based on an assessment conducted in partnership with Save the Children Canada, Save the Children USA, World Vision and Plan International.

³⁵ UN Secretary General's Report on Haiti to the Security Council (2007)

³⁶ www.ijdh.org/pdf/RoundupDecember23-January_2006.pdf

³⁷ Source PNH/UNPOL, Alerte Haiti report of January 2008

The national assessment indicated that the conflict had a severe impact on Haiti's children, particularly the most vulnerable, such as the 2,000 living in the streets of Port-au-Prince, and the more than 120,000 girls who work as domestic servants in Port-au-Prince. The assessment was conducted in 31 areas throughout the country and demonstrated that in more than 15% of the surveyed areas, children were reported to have been killed in the violence, while in a third of surveyed areas children were reportedly wounded by gunshots or beaten by armed groups. The number of child rapes increased significantly in the urban areas where violence was the most extreme. In one instance, a local human rights organization reported that nine girls were raped in the town of Cabaret over the course of only two days.

The survey also showed that armed groups recruited children in almost a third of the surveyed areas. Many children who participated in violent activities reported fearing retribution for their actions. With a few exceptions, Haitian children appear to have been touched by fear and insecurity. In more than 70% of the surveyed areas, families fled the violence to seek refuge in safer areas. In 8 of the 10 cities, school students received death threats aimed at preventing them from attending school or participating in public events. Francoise Gruloos-Ackermans, UNICEF Representative in Haiti, said that the report confirms UNICEF's assessment during the crisis that the exceptional vulnerability of Haiti's children almost guaranteed that they would bear the brunt of the suffering.³⁸

Discussion

Canada has made significant investments in strengthening the rule of law, criminal justice, jails, and police services in Haiti. It is important to ensure that these investments target juvenile justice, and that there is more comprehensive victim/witness protection and support, particularly for young victims of violence, abduction and maiming.³⁹ Greater commitment to the full and effective implementation of UN resolutions 1780 and 1612 in the Haitian context should be considered within Canada's whole-of-government approach and as a signatory to the Paris Commitments. More targeted research is needed on attacks on schools in Haiti and a policy of zero tolerance adopted by the international community and Haitian Government.

³⁸ West's most neglected children bear brunt of Haiti's upheaval. UNICEF. 2004

³⁹ It is recognized that the US State Department has recently launched a project aimed at supporting Victims of Violence in certain urban hot spots in Haiti, but that mainstreaming this into Canada's justice interventions would further this effort.

2.4 Children and small arms

“Even in societies not beset by civil war, the easy availability of small arms has, in many cases, contributed to violence and political instability. These, in turn, have damaged development prospects and imperiled human security in every way.”⁴⁰

In just one medical mission in Port-au-Prince, some 1,400 people were admitted with gunshot wounds between December 2004 and October 2005. “We’re still receiving three gunshot victims a day. And there are more who go to the general [university] hospital — or who are killed,” said the mission’s head, Ali Besnaci of Médecins sans Frontières. “This is like a war. There are always confrontations between the gangs and the UN peacekeeping force, MINUSTAH”. Many, if not most, of the victims have been innocent civilians.⁴¹

The World Bank reports that deaths and injuries from youth violence constitute a major threat to public health and social and economic progress in Haiti.⁴² Youth are disproportionately represented in the ranks of both victims and perpetrators of crime and violence. According to Andreas Brandstatter, the UN mission’s child-protection advisor, many children under 18 are recruited into armed groups. In early 2005, as many as 600 belonged to two major armed groups in the Cite-Soleil neighbourhood.⁴³

Arms control remains a long-term challenge. Haitians have a constitutional right to own a registered gun for the protection. As a result, Haitian culture values guns and associates them with strength and masculinity. The unregulated aspects of arms control such as the arms trafficking, continues to be a destabilizing presence in Haiti. Trafficking, supported by linkages with Haitian gangs in the US, continues to provide groups with the financial means to arm themselves and remain in business.

The presence of small arms in Haiti not only jeopardizes human security, it also affects the future aspirations of Haitian children. The prolonged violence has increasingly involved children, either directly or indirectly, in the gun trade. Supporters of various

⁴⁰ Statement by The Secretary-General At The Ministerial Meeting Of The Security On The Question Of Small Arms, 24 September 1999.

⁴¹ A Call for Tough Arms Control – Voices from Haiti. Oxfam International. January, 2006

⁴² High levels of crime and Violence threaten Caribbean growth and prosperity. World Bank. <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/LACEXT/HAITIEXTN/0,,contentMDK:21317627~pagePK:1497618~piPK:217854~theSitePK:338165,00.html>

⁴³ A Call for Tough Arms Control – Voices from Haiti. Oxfam International. January, 2006

political movements are often armed to intimidate their opponents as was apparent following Aristide's return from exile in 1994. His departure again in 2004 saw another spike in armed violence and the use of small arms. There are about 210,000⁴⁴ small arms (mostly pistols and revolvers) in circulation in Haiti today. This figure, according to the Report on The Economic of Small Arms Demand, produced by the Bonn International Centre for Conversion, "corresponds to about one firearm per ten households on average, although the elite households own more than one weapon."⁴⁵

There are an estimated 350,000 people who live in extreme poverty in Cité Soleil. According to the World Bank statistics, there are approximately 111,906 school age children living in Cite-Soleil. Only about 50% of the children in Cite Soleil, aged 4 to 16, attend school.⁴⁶ This area of Port-au-Prince has been a magnet for poor migrants arriving from the countryside with nowhere else to go. In recent years it has also become a refuge for groups engaging in violence in other parts of the capital and a known area of heavy concentration of small arms.

In November 2005, Malya, a woman living in Martissant, a neighborhood in Port-au-Prince stated, "when there are guns, there are more victims. Before it was the macoutes⁴⁷ and former soldiers who had the guns, now, it's the people who live in your own neighborhood who commit the violence."⁴⁸ The proliferation of small arms continues to cost the lives of innocent men, women and children despite the presence of the UN Stabilization Mission in Haiti (MINUSTAH). Armed groups in the poor areas, some loyal to former President Aristide, some loyal to rival political factions, and some to illegal criminal groups, have battled against the Haitian National Police (HNP) and UN military, and against each other. In these battles, criminal leaders have often used children as human shields resulting in high casualties. Many of the victims have been innocent civilians, particularly women and children.⁴⁹

Haiti produces no firearms itself except for homemade 'Creole' guns, which are usually crude redesigned handguns or rifles. While civilians are in possession of pistols (0.38s, 9mm) and revolvers (homemade Creole), armed groups possess semi-automatics firearms (such as M16s, M14s, PMKS, Uzis).⁵⁰ The legal export of small arms to Haiti

⁴⁴ Report on Illegal Arms Trade in Haiti published jointly by Oxfam Great Britain, Amnesty International and the IANSA on January 9, 2006 in London.

⁴⁵ <http://www.bicc.de/publications/papers/paper51/paper51.pdf>

⁴⁶ World Bank.

<http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/LACEXT/HAITIEXTN/0,,contentMDK:21102029~pagePK:141137~piPK:141127~theSitePK:338165,00.html>

⁴⁷ Macoutes also called ton-ton macoutes was an armed militia used by the Duvaliers to control political dissidents in Haiti during their reign.

⁴⁸ The Call for Tough Arms Control – Voices from Haiti. Small Arms Survey. 2006

⁴⁹ The Crisis Group Latin America/Caribbean Report No. 13, 31 May, 2005

http://www.crisisgroup.org/library/documents/latin_america/13_spoiling_security_in_haiti.pdf

⁵⁰ <http://www.bicc.de/publications/papers/paper51/paper51.pdf>

over the past two decades has been comparatively limited, due to a variety of Organization of American States (OAS), UN and US arms sanctions and the comparatively modest needs of the erstwhile armed forces.⁵¹ Most arms are smuggled into Haiti from neighboring countries in the region, including from the United States.⁵² Over the past decade several countries including Brazil, France, Italy, the UK, and the United States have licensed the transfer of arms to Haiti. According to the Small Arms Survey report published in October 2005, “when large legal and illegal shipments of small arms are reported into Haiti, they are soon accompanied by the outbreak of armed violence.”

The USA has been the largest supplier of legal and illegal arms to Haiti since the 1980s. However, following the military coup in 1991, the US government imposed an arms embargo on Haiti but allows for exceptions to be made for the authorization of transfers of some US arms on ‘a case-by-case-basis’. Since the appointment of Prime Minister Latortue in March 2004, there have been several of these transfers, including the supply in 2004 of 2,600 weapons to the HNP, which has been implicated in human rights violations. An additional sale to the HNP of pistols, rifles, and tear gas worth US\$1.9m was also approved in 2005.⁵³ In October 2006 an International Arms Trade Treaty draft resolution was approved by the UN Disarmament Committee, which committed to seek the views of Member States on creating a comprehensive, legally binding instrument, establishing international standards in the trade on conventional arms.⁵⁴

Discussion

Canada in recent years played an important policy role in pushing for control of small arms. For instance in 2002, Canada committed \$1 billion over ten years towards the “Global Partnership Against Spread of Weapons and Materials of Mass Destruction” making Canada the leader within the G8 on this initiative. Canada has also been involved in the UN Program of Action on Small Arms and Light Weapons, Negotiations in 2005. On December 2006, the United Nations General Assembly voted in favor of taking the first steps towards a legally-binding Arms Trade Treaty (ATT) to establish ‘common international standards for the import, export and transfer of conventional arms’. The UN resolution 61/89, adopted with the resounding support of 153 countries, including Canada, is a landmark step towards a more effective regulation of the international arms trade.⁵⁵ Canada should also consider strengthening its commitment

⁵¹ Securing Haiti's Transition: Reviewing Human Insecurity and Prospects for DDR. Robert Muggah. The Small Arms Survey. 2005

⁵² The Call for Tough Arms Control-Voices from Haiti. The Small Arms Survey. 2006

⁵³ A Call for Tough Arms Controls – Voices from Haiti. Oxfam International. January 2006.

⁵⁴ International Arms Trade Treaty Aim Of Draft Resolution . General Assembly GA/DIS/3335. October 2006

⁵⁵ Assessing the feasibility, scope and parameters of an Arms Trade Treaty (ATT): An NGO perspective. February 2007. ATT Steering Committee of NGOs

to stop the proliferation of small arms and their trade into Haiti by addressing this with the Governments of known supplier countries. Strengthening of the UNDP Disarmament initiative is also needed. This strategy combines national firearm legislation reform with a community-based pilot project to reduce armed violence, through a combination of community-based and individually-targeted interventions in exchange for firearms.⁵⁶ Without addressing the issue of small arms in Haiti, the major investments in stabilization being made by the Canadian Government are at significant risk.

2.5 Disarmament, Demobilization and Reintegration of Children Affected by the Armed Violence

Disarmament, Demobilization and Reintegration (DDR) is only one of the many tools required to improve the security situation in these volatile neighborhoods. Basic law and order must be restored so that rampant criminal activities will not be allowed to continue. DDR initiatives are complex given that parties to the process often have competing interests. In the case of Haiti, the process is further complicated by the lack of clearly defined belligerents in the armed violence. There are members of the former military who need to be disarmed. There are also criminal groups that are affiliated with political parties but also assert their autonomy with resources acquired from the illicit drug trade. The process is equally hampered by legislation that makes it difficult for children to give up their weapons. Haitian law does not protect children once they give up their weapons because the law defines minors as being less than 16 years of age.⁵⁷ International law considers those less than 18 years of age as minors. Children who are forced to commit acts of violence through the use of arms are afraid to give up their weapons because the police will turn around and arrest them.

The success of the 2006 elections depended on MINUSTAH's DDR campaign. In theory, DDR offers both sides of the political conflict in Haiti the chance to hand over their arms in exchange for amnesty and reintegration. While the former military were offered more than \$12 million US dollars as a buy-out for their loyalty to the process, Lavalas remained as demonized and destitute as the day the UN began its mission of Haiti with a mandate to "restore democracy."⁵⁸

The Security Council, in its resolution S/RES/1702 of 15 August 2006, recognized that conditions for conventional DDR do not currently exist in Haiti and requested

⁵⁶ BCPR Strategic Review. Coordinated and edited by Ryan Nichols. Small Arms Survey, February 2006

⁵⁷ This age discrepancy was noted in UN Secretary General's Report to the Security Council and by the 32nd Committee on the Rights of the Child under concluding observations for Haiti.

⁵⁸ www.haitiaction.net/News/HIP/12_17_5/12_17_5.html

MINUSTAH to reorient its DDR efforts towards a comprehensive community violence reduction program including assistance for initiatives to strengthen local governance and the rule of law and to provide employment opportunities to former gang members, and at-risk youth (S/RES/1702).⁵⁹ The target for DDR activities in Haiti is illegally armed gangs and groups throughout the country, with a particular focus on the urban areas of Port au Prince. The program also targets children and women involved in these gangs and groups and extends its support to include the beneficiary's immediate family.

Under MINUSTAH's comprehensive community violence reduction program, the community is organized through democratically elected Committees for the Prevention of Violence and for Development (CPVD). Representatives from youth, women, elders and adult men are empowered to become active and efficient partners to the National Police and Local Authorities in the fight against armed violence. This comprehensive effort is coordinated by the National Commission for Disarmament, Dismantlement and Reintegration (NCDDR).⁶⁰

There are five complementary axes of interventions for the DDR program in Haiti of which one is "youth associated with armed groups – disarmament, reintegration and prevention." The Integrated DDR Section supports the implementation of projects targeting the youth in Cité Soleil, Bélair and Martissant. The aim of the initiatives is to engage youth through basic services and counseling during the evenings and at night, as well as to profile youth associated with armed groups.

On 12 September 2006, UNICEF and MINUSTAH signed the Memorandum of Understanding agreeing to work under a common policy. UNICEF and other organizations involved in the demobilization and reinsertion program in Haiti have broadened their beneficiary base of children involved with armed groups, to those who have been raped, wounded, witnessed violence and those whose parents have been killed, wounded or victimized in one way or another as a result of the armed violence. However, according to the UN lead agencies for children in Haiti, the DDR of children – Including mechanisms for prevention of recruitment and the use of children by armed groups - will not be supported by the UN agencies before a formal commitment by the Government, and without agreement from security forces and judicial authorities not to arrest, prosecute or detain children solely for their association with armed groups. As Haiti has not been officially classed as a conflict environment, it is as yet undecided if children associated with armed groups should be defined according to the Cape Town Principles. In the meantime children and youth are left waiting for support to

⁵⁹ Haiti. United Nations Disarmament, Demobilization and Reintegration Resource Centre. <http://www.unddr.org/countryprogrammes.php?c=80>

⁶⁰ <http://www.unddr.org/countryprogrammes.php?c=80>

materialize. The integrated DDR program declined assistance to children due to the absence of framework between the GOH and the UN system represented by the UNICEF. Negotiations are underway and it is hoped that this issue will be resolved shortly. Integrating the children associated with armed groups is an essential component to successfully address the armed violence in Haiti.

These issues are illustrated by the case of a Haitian organization, Zakat Zanfan, that works with street children who had agreed to work with DDR authorities at MINUSTAH and in return, the UN promised to assist the community with development projects including providing food for the most vulnerable, especially hungry children in the neighborhood. According to Robert Montinard, a community organizer for Zakat Zanfan, the UN promised training, education and jobs and after the workshops emphasizing the importance of ceasing violence, many of the armed children gave up their arms. To their dismay, 28 of those who participated in the workshops and had given up their arms were arrested and thrown in jail⁶¹. UN peacekeeping forces efforts of disarming both by seizures and buy-back options have cost a lot of money yet have managed to retrieve only one percent of the non-MINUSTAH arms in the country.⁶² The disappointment in the DDR process is due in part to the low levels of trust by Haitians in the process, the slow implementation schedule, and the constant re-grouping and relocation of armed groups after they demobilize. MINUSTAH, UNICEF and other NGOs are making slow progress in demobilizing and reintegrating children in some of the most difficult neighborhoods around Port-au-Prince. In Bel-Air for example, MINUSTAH started dialogue with armed groups and some of them turned in their weapons. Young people in countries emerging from conflict are both a force for change and renewal in the country, and simultaneously a group that is vulnerable to being drawn into renewed violence. To manage their expectations and direct their energies positively, special attention has to be focused on involving youth in catch-up education programs that improve their ability to earn an independent livelihood, restoring their hope in a better future and developing their capacity to contribute as upcoming leaders, entrepreneurs, parents and caregivers.⁶³

One of the major drawbacks of the DDR process has been the weak nature of the demobilization and socio-economic reinsertion activities for children and youth leaving them with few economic opportunities. Technical and vocational training programs have tended to be traditional sectors, which provide few sustainable work opportunities, while there are limited accelerated learning programs for these children

⁶¹ Haiti Information Project (HIP) Special Report by Isabel MacDonald

⁶² <http://www.bicc.de/publications/papers/paper51/paper51.pdf>

⁶³ Youth and DDR Module. The United Nations Disarmament, Demobilization and Reintegration Resource Centre <http://www.unddr.org/iddrs/05/20.php>

and youth. The risk of re-recruitment of reintegrated children and youth into armed violence remains high if they are unable to find alternative ways of earning a living. Once this starts to happen, it would be more difficult to convince others to give up their arms.

Discussion

There is a need for a reflection on lessons learned from the current DDR initiative in Haiti to identify where the greatest challenges are going forward and to determine how to engage youth in a more meaningful way. The Canadian Government and donor community should examine the possibility of larger scale investments in alternative economic opportunities both for those demobilized and those at risk of recruitment. Engagement of the vast potential of the Haitian diaspora in Canada and the US should be encouraged in this process, as this group undoubtedly provides a significant motor of the Haitian economy through regular remittances.

2.6 Police and Justice

While MINUSTAH has made significant headway with the promotion of peace in Haiti, much is still to be accomplished. Advances in police reform remain a priority as demonstrated by UN Security Council Resolution 1743 (2007) which extends the MINUSTAH mission and its support of the Haitian National Police (HNP) until October 2008. The capacity of the HNP remains below the level required to ensure law and order in Haiti. Skill levels are basic, the links between politics and policing need to be addressed in terms of re-orienting the relationship between police and political elites as well as the relationship between police and society, and institutional development is incomplete and fragile. The lack of key resources continues to limit the capacity of the HNP to operate outside of Port-au-Prince. MINUSTAH acknowledged that it would take another four years for the HNP to reach a force of 14,000, the minimum number of recruits for basic policing duties.

The human rights and security situations in Haitian prisons remain well below international standards.⁶⁴ As of August 2007, more than 6,000 detainees were held in 17 prisons in an area that, in accordance with international standards, should accommodate no more than 1,088 inmates. As of July 2007, 82.5% of prisoners were pretrial detainees (90.4% male, 5.3% female, 3.6% male minors, 0.7% female minors).

As mentioned throughout the report, crime and urban violence are a major concern for Haitians. Improvements in the security situation have brought the weaknesses of the

⁶⁴ Haiti, Human Rights Challenges Facing the New Government. Amnesty International

judicial system to the forefront, as law enforcement, court and prison systems do not have the capacity to manage the influx of persons arrested and detained. Particular concerns continue to be generated by reports of arbitrary arrests, unlawful police custody, ill treatment and excessive use of force. At the same time, victims remain fearful of reporting abuse, particularly girl victims of sexual abuse and violence, due to the weak nature of victim support services and protection.

A large number of children continue to be negatively affected by the police and the justice system. The holding of minors in prolonged pre-trial detention remains a source of concern. Lisa Quirion, a correctional officer from Montreal, is in charge of the 16-person UN team assigned to Haiti's prisons. She once discovered an eight-year-old girl inside a prison for women. The child had been left alone with a baby, and there was an accident that killed the infant. The girl was accused of murder. On a more recent visit to the same prison, a 13-year-old girl was found who has been jailed since 2006, without a trial.⁶⁵ Other concerns have been raised regarding protection of child victims and witnesses of abuse. ⁶⁶On a more positive note though, the Juvenile Court of Port-au-Prince resumed in January 2007 with support from the MINUSTAH, UNICEF and the Consultative Commission on Prolonged Pretrial Detention.

Discussion

As mentioned in section 2.3, Canada has made important investments in strengthening the rule of law, criminal justice, jails and police services. Canada should support efforts to build links between youth and local police. As impunity remains a challenge, and under-reporting of gender and sexual based violence, strengthening of victim protection services is needed, include child victims of crime and abuse.

2.7 Sexual exploitation and abuse of children in relation to the armed violence

In most instances of armed violence, armed gangs and groups have used rape and other forms of sexual assaults and exploitation as a weapon against women and increasingly against boys and girls. While Haiti is no exception, there seems to be no end insight given the historical and protracted nature of this problem. Added to this is the problem of sexual exploitation with the MINUSTAH forces.

At its most fundamental, sexual violence describes the deliberate use of sex as a weapon to demonstrate power over, and to inflict pain and humiliation upon, another human

⁶⁵ Haiti : Are We Helping. Michael Petrou. Macleans.ca April 7, 2008

⁶⁶ Save the Children Canada internal discussions on victims of child abuse have raised a number of such concerns in November 2007

being.⁶⁷ Thousands of children, especially girls have been sexually assaulted for years in Haiti but at no time has this been more prevalent than during the current period (2004-present day) of armed violence and generalized insecurity. A random survey of households in Haiti conducted between February 2004 and December 2005⁶⁸ found that, during this period:

- About 35,000 women were sexually assaulted with more than half of them girls below the age of 18 years. Although criminals were the most identified perpetrators, officers from the Haitian National Police accounted for 13.8% and armed anti-Lavalas groups accounted for 10.6% of identified perpetrators.
- Kidnappings and extra judicial detentions, physical assaults, death threats, physical threats and threats of sexual violence were also commonly perpetrated against women, especially young girls.

A report issued in November 2005 by the “Concertation Nationale Contre les Violences Faites aux Femmes” revealed an increase in the number of reported rapes between 2003 and 2005. The report also claimed that gang rapes accounted for 33% of all rapes reported between 2004 and 2005, and that 47% of reported rapes were against girls under the age of 18. Indeed, studies undertaken at the GHESKIO research center in Port-au-Prince showed that despite an overall decline in HIV nationwide, the proportion of infected young women has risen.⁶⁹ As most of the rapes occur in poor neighborhoods, parents are unable to provide medical care to their children. Traumatized children receive no counseling and carry the scars of the assaults with them as a reminder of their horror.

In 2006-2007, 189 UN soldiers, police, and civilian employees were sanctioned for crimes involving sexual abuse and/or violence. In the first 10 months of 2006, 63% of the incidents of reproachable conduct on the part of these troops were related to acts of sexual aggression. To mention just two examples, this was the case when an 11 year old girl was raped by soldiers in front of the Presidential Palace, and when a boy, less than 14 years of age, was raped at a UN naval base.⁷⁰ In November 2007 over 110 Sri Lankan peacekeepers were expelled from Haiti due to allegations of sexual abuse, misconduct and rape of Haitian girls.⁷¹ Some of the women and girls who became pregnant as a

⁶⁷ Dying of Sadness. Gender, Sexual Violence and the HIV Epidemic

⁶⁸ UNICEF conducted the survey in collaboration with Save the Children Canada and USA, Plan International and World Vision.

⁶⁹ Thirteen Haitian health professionals officially created the Haitian Study Group on Kaposi's sarcoma and Opportunistic Infections (GHESKIO), on May 2, 1982. It is the first research group on human immunodeficiency virus infections (HIV) formed after the Centers for Disease Control recognized AIDS

⁷⁰ RedeBrasil <http://www.rbrasil.org.br/content,0,0,1752,0,0.html>

⁷¹ www.khaleejtimes.com/.../theworld/2007/

result of these violations have tried to claim reparations from the Sri Lankans in order to enable them to support the cost of raising these children.

Women's groups in Haiti who bring forward charges of rape to criminal court have reported being intimidated, harassed and threatened which in turn has fuelled more under-reporting. A series of recent pedophile cases, involving alleged perpetrators from Canada, US, and Haiti, indicates a greater openness to address these issues by the Government of Haiti. Many such cases involve individuals who run orphanages, or children's centers in the name of charitable work. The number and grave nature of these forms of gender based/sexual violence, often against girls, is indicative of the large scale of this issue and its persistence over the years.

Discussion

The monitoring and implementation of relevant international laws and UN Resolutions are critical. "Zero tolerance" for breaches of codes of conduct should be minimum requirements for individuals who have signed on to the humanitarian code of conduct and the peacekeepers code of conduct. The Government of Canada and other donors supporting development assistance in Haiti should invest in stronger training programs for their partners (local and international organizations, peacekeepers, and Government partners) on child protection, including conducting independent audits. Likewise, the capacity of the Ministry of Social Affairs to carry on this function needs to be strengthened considerably. The controversial topic of claims for reparations for victims of sexual violence requires broader debate in the Haitian context.

Analysis of Canadian actions in Haiti

Since the departure of President Aristide in February 2004, the Canadian government and Canadian NGOs have played a leadership role in international efforts to re-establish security and stability in Haiti and to assist in long-term reform and reconstruction efforts. Haiti is the leading beneficiary of Canada's development assistance in the Americas, and the second largest in the world. Canada has pledged \$555 million over five years (2007-2012) to support the reconstruction and long term development of Haiti. A young government and fragile state institutions affect Haiti and contribute to making the delivery of aid a challenge. However, it is critical to support peace, stability, and to improve the lives of the almost nine million Haitians who are caught in a vicious cycle of poverty, instability and conflict. The Canadian government is applying the "3-D" (Diplomacy, Defense and Development) approach in Haiti. The test will be to determine how this approach works with the Organization for Economic Cooperation and

Development and Development Assistance Committee (OECD-DAC) guidelines for fragile states.

In February 2007, at the Paris “Free Children from War” Conference, the Canadian government, along with 57 other countries, committed to stopping the unlawful recruitment and use of children in armed violence. The Paris Commitments outline detailed guidelines for protecting children from recruitment and for providing assistance to those already involved with armed groups or forces. They will complement the political and legal mechanisms already in place at the UN Security Council, the International Criminal Court and other bodies trying to protect children from exploitation and violence.⁷² Amongst the articles, the Canadian government agreed “to spare no effort to end the unlawful recruitment and use of children by armed forces or groups in all regions of the world, i.e. through the ratification and implementation of all relevant international instruments and through international cooperation.”⁷³

3.1 Department of Foreign Affairs and International Trade (DFAIT)

The Government of Canada has formulated a multi-dimensional response to the challenges of failed and fragile states. The International Policy Statement commits Canada to a four-pronged approach:

- More rapid deployment of capable military and police forces for stabilization operations.
- Postwar governance assistance in areas like security sector reform.
- Postwar socio-economic recovery through development cooperation
- Preventing state breakdown through diplomacy and long-term development.

This strategic approach has put Canada at the forefront in offering security assistance, development aid and diplomatic support in Haiti, most recently playing a critical role in assisting with preparations for the February 2006 national elections, with \$29.5 million in support as well as sending 300 election observers.

Activities funded by DFAIT have had a direct impact on the protection and promotion of children’s rights. By providing police officers and troops to secure Haiti, Canada is helping to curb the violence. Child trafficking is a well-documented problem in Haiti and by providing assistance to the Haitian immigration services; Canada is helping to address the problem. Canada also supports The National Council for Disarmament,

⁷² UNICEF. Child Protection from Violence, exploitation and abuse – Paris Conference. www.unicef.org/protection/index_38242.html

⁷³ Paris Commitments – consolidated version. February 2007.

Demobilization and Reintegration (NCDDR) which rescues children from armed gangs and militia who manipulate them and expose them to grave danger and abuse.

3.2 Canadian International Development Agency's (CIDA) Development Strategy towards Haiti

CIDA has been both a trusted and valued donor to Haiti with increased commitments for the coming years. Minister Oda's trip to Haiti in September 2007 and associated funding commitments are a reflection of this. Despite considerable investments, the situation of children affected by armed violence remains alarming. A development strategy with a children's rights approach is required in Haiti's Country Strategy, as has been done in other country strategies such as Colombia. This would enable greater focus on issues of children's rights throughout the sectoral strategies (education, health, governance) and better children's rights mainstreaming with Government of Haiti and donor community roundtable discussions. The government of Haiti is in the process of preparing its report to the Committee on the Rights of the Child. The development strategy for Haiti should squarely address gender based violence for women and girls and build upon CIDA's strength in addressing gender equality.

In its policy document "Improving Aid Effectiveness" CIDA calls for enhanced direct investments in the systems and programs of developing countries themselves, rather than channeling such assistance through international agencies. In the Haiti context, there is considerable evidence that the expectations of the donor community on the newly elected government are high, with multiple and competing priorities being faced by a very young civil service with limited reach. Serious consideration should be given to making medium term investments in strategic sectors through alternative means.

CIDA's own education strategy has four pillars, one being the need for providing education in situations of conflict and emergencies. Haiti's Ministry of Education's limited capacity to absorb donor funding or meet Fast Track Initiative planning requirements should not pose a barrier to Haitian children's right to free education. For every year a child is out of school, it becomes more costly and more difficult to reintegrate them back in to school. Given the arguments presented in this paper, rapid yet widespread quality investments in education (formal, non-formal, accelerated learning and technical vocational training) along with economic re-integration are essential for both preventing recruitment into armed conflict and avoiding re-recruitment. This is needed in both rural areas and in urban hot spots, as poor children and youth migrate from rural areas where services are limited to join the ranks of the street involved, and become prone to recruitment.

Community schools currently provide essential schooling to Haitian children but are dependent upon poor communities ability to mobilize funds or on external NGOs for support. CIDA, in its discussion with the MOE, should encourage inclusion of the payment of salaries of community school teachers. Access to free, quality education is not only a fundamental right but its denial and on-going exclusion is also a long term threat to the country's stability and development. CIDA should promote the adoption of INEE Minimum Standards for Education in Emergencies in Haiti in its discussions with the MOE as these standards provide a framework for quality within a context of fragile state or changing contexts.

Donor coordination and harmonization are key to CIDA's work in Haiti in order to make good on the principles advanced in Canada's strengthening aid effectiveness policy. This means being able to work collaboratively, not just with Canadian departments and non-governmental organizations, but also managing and enhancing a productive working relationship with other donors, institutions, partners, once the decision for allocation has been made.⁷⁴ CIDA anticipates having its new strategic approach in place by the fall of 2008, and is encouraged to integrate issues of children's rights systematically.

3.3 The roles of Non-governmental Organizations (NGOs) and Haitian Civil Society

Haiti is the host to many Canadian and international NGOs. There are over 60 Canadian and international NGOs present and although many of them are concerned with promoting and protecting children's rights, the priorities tend to be basic survival issues of food, shelter, health care, education and extreme poverty. While most of the assistance has been short-term humanitarian, there has been a shift toward mid and long-term development efforts since 2004. This shift included an increased focus on protecting children's rights.

There is significant focus on the 300,000 children who have been entrusted to host families by parents who are unable to provide them with the necessities of life. Canadian organizations such as Oxfam-Quebec are strengthening schools through literacy and basic education in impoverished neighborhoods of Cite-Soleil and La Saline. Plan International promotes spaces for children to discuss issues affecting them and their peers, including the topic of armed violence, through a Children and the Media

⁷⁴ The Challenge of Fragile States. Ric Cameron, Senior Vice President, Canadian International Development Agency

program. Others have introduced innovative programs that encourage children to stay in school and even those who have dropped out of school to return. One such program is the *Rewrite the Future* program championed by Save the Children.

Other organizations have focused on building the capacity of Haitian public and private sector institutions to promote children's rights. Underlying capacity building is the exercise to strengthen the institutional structures required to promote children's rights. A lot of work is accomplished through the "Canada-Haiti solidarity initiative". This initiative will provide an opportunity for about 220 Canadian volunteers, including members of the Haitian Diaspora in Canada, to get personally involved in Haitian organizations or institutions promoting children's rights.⁷⁵

In response to the growing number of children affected by the armed violence, many organizations are working to strengthen democracy, good governance and social inclusion. Youth parliaments help 20,000 young people learn more about democracy, child rights and how youth can influence change. Some of these organizations are involved in child trafficking issues as well as peace education. While most of these programs have a direct impact on children, their delivery does not directly address the issues of armed violence as it affects children on a daily basis in Haiti.

Haitian organizations address issues related to the protection and promotion of child rights and children in armed violence. Some are working directly with children to keep them from joining armed gangs or extracting them from the gangs through after school sporting activities and providing educational opportunities. One such organization is Athletic of Haiti that works with 1,300 children in Cite-Soleil.⁷⁶ Others are involved in advocating for children's rights especially children who are in conflict with the law, caught up in domestic child labor and in institutional care. Some have focused their attention on adults, especially political and civil society leaders whose actions have a direct impact on children. They emphasize the need to respect children's rights and how their actions directly or indirectly affect children. This type of work is particularly important in a society where politicians often resort to the use of violence to achieve results.

Many of these organizations face similar threats to their work. Haitians are accustomed to a culture of impunity where people generally do not report violations for fear of retaliation. A principle concern is the identification of the perpetrators of violence which

⁷⁵ CECI Reports. www.ceci.ca/ceci/en/what_we_do/solidarite_canada_haiti/solidarite_canada_haiti.html

⁷⁶ Athletique d'Haiti organizes after school sporting events for in hot spots and provided a hot meal. The organization also runs two schools and builds play-grounds in impoverished neighborhoods in Port-au-Prince

puts children and their families at risk and reinforces the culture of impunity. From an institutional perspective these organizations face a lack of government support in bringing violators to justice. It is not uncommon that the violators are government employees and police officers.⁷⁷ Access to vulnerable populations is also a challenge due to security. Several of the NGOs surveyed indicated that their approach is to address the underlying causes of child rights violations and their involvement in armed violence. While this approach would eventually reduce the supply of children for these activities, there remains a need to deal with the thousands of children and youth who are already involved or affected by the armed violence. Failure to do so may contribute to creating poor role models for others and only help perpetrate the practice. As local civil society develops and is strengthened, it can play a key role in early warning and prevention by demanding a more prominent role and leadership in the political environment, often dominated by political elites.

Policy Recommendations

The following policy recommendations are presented to support the rights of children affected by armed violence in Haiti:

1. Support for independent child advocates working with human rights organizations at the department level

If children and youth continue to remain outside the engagement processes, repetition of exclusionary practices of previous periods is almost guaranteed to occur. Independent child advocates are important instruments to promote and monitor the Convention on the Rights of the Child (CRC) and its Optional Protocols at national, departmental and local levels. This will include the involvement of children themselves in national and decentralized planning processes.

1.1 Canada should, in the development of its new strategy for assistance to Haiti, identify, financially support and build the capacities of existing, credible human rights organizations in Haiti to ensure the presence of independent child advocates in at least 5 of the ten departments by 2010.

2. Use all available means to support monitoring and reporting efforts on violations of child rights during armed violence, including the unlawful recruitment or use of children.

⁷⁷ Haiti Security and the Reintegration of the State. International Crisis Group Latin America/Caribbean Briefing N°12 .30 October 2006

The Canadian government is a strong proponent of UN Resolution 1325, the first resolution passed by the Security Council that specifically addresses the impact of war on women, and women's contributions to conflict resolution and sustainable peace. The Canadian Government also supports UN Resolution 1612 which introduced a robust monitoring and reporting mechanism for children in armed violence. Governments can put pressure on Haiti through diplomatic channels and UNICEF to promote action towards the full and effective implementation of resolutions 1325 and 1612. Any UNR1612 mechanism in Haiti should include the involvement of civil society groups, and confidentiality protocols to encourage reporting of such abuses. Governments should support Haiti's commitment and actions once violations are reported to support victims, prevent further abuse and punish those responsible.

2.1 Canada, in coordination with UNICEF, should provide financial assistance for capacity building at the country level to ensure that community based organizations are equipped and skilled to monitor and report violations.

3. Sexual exploitation and abuse of children in relation to the armed violence

Thousands of Haitian children, especially girls have been the victims of gender based violence (GBV) for years but at no time has this been more prevalent than during the current period, 2004 to present. A large portion of GBV comes from the security sector.

Canada should promote a zero tolerance enforcement of the humanitarian code of conduct and the peacekeepers code of conduct for Canadians who work with organizations that receive funding from the Canadian government.

3.1 Canada should provide updated child rights and child protection training for Canadian Peacekeepers and police as well as establish strict procedures to monitor and report on violations with clear disciplinary actions to be taken against violators.

3.2 As a minimum, all partners funded or supported by Canada should show they have established child protection codes, training and audit protocols.

4. Protection and promotion of the rights of children and young people

As noted earlier, issues with the DDR process for youth in Haiti include the short-term nature of the reintegration process, the priority given to adults, the lack of faith and transparency in the DDR process itself, and the limited opportunities for children and youth at risk of recruitment.

4.1 Canada should undertake an audit of investments in the Haitian DDR program with a focus on the projects targeted at youth to address current bottlenecks and commit to make children and youth a priority in the allocation of resources, planning and implementation of DDR programs.

4.2 Canada should financially support the design and implementation of remedial programs including accelerated learning programs combined with support to other broad-based primary and secondary education programs with reduced costs for parents.

5. Strengthened Commitment to stop the proliferation of small arms and their trade into Haiti

As mentioned earlier in the paper, arms' trafficking continues to be a destabilizing presence in Haiti. Such trafficking, supported by linkages with Haitian gangs in the US, continues to provide groups with the financial means to arm themselves and remain in business. Children are recruited by the armed gangs and are made the innocent victims of the violence.

5.1 Canada should strengthen its commitment to stop the proliferation of small arms and their trade into Haiti by addressing the issue with the Governments of known supplier countries, especially those within the G8.

5.2 Through its current work with the Haitian National Police (HNP), Canada should provide financial assistance and technical expertise to evaluate the breakdown in HNP police structures to quarantine guns that include: provisioning, stockpiling, storage and the marking/tracing of guns, and follow-up with an improvement strategy.

5.3 Canada should fully engage with the UNR 61/89 Arms Trade Treaty (ATT) process that it signed on to in October 2006, through its representatives at the UN and the Group of Governmental Experts mandated by the UN General Assembly resolution 61/89 in order to promote a timely approval of the ATT.

Bibliography

National Network for the Defense of Human Rights. State of Children in Conflict with the Law. December 2007

The Lancet Study conducted by UNICEF in collaboration with Save the Children Canada and Save the Children USA, Plan International and World Vision International. Published in August 2006

“Small Arms Demand in the Caribbean: Special Report Focus on Haiti and Youth Issues. June 2003

CIDA Reports: Canada-Haiti Cooperation-Interim Cooperation Framework Results (April 2004-March 2006)

Canadian Government New Releases: Canada helping to improve living conditions in Haiti (February 22, 2007 Report)

CIDA New Release: Canada announces Seven Sustainable Development Projects for Haiti: info@acdi-cida.gc.ca

USAID Conflict Management and Mitigation Assessment in Haiti, 2006

UN Secretary General Reports on Haiti: s/2006/592 of July 2006; s/2006/1003 of December 19, 2006; s/2004/908 of November 18, 2004; s/2004/698 of August 30, 2004; s/2004/300 of April 16, 2004

UN Security Council Report of February 2007

Centre de Gestion des fonds locaux de la coopération canadienne en Haïti
Cadre de Coopération Intérimaire ; Thème : Education Jeunesse et Sports. Bilan de Mise en œuvre. Juin 2004-décembre 2005

UNICEF Policy Brief: The Institutional Care of Children in Haiti: April 2007
Processus d’Elaboration du Document et Stratégie Nationale pour la Croissance et la Réduction de la Pauvreté. Ministère de la Planification et de la Coopération Externe (MPCE) : 26 Janvier 2007

Sécurité Communautaire en Haïti Par le Renforcement des capacités des Collectivités Locales en Gestion des Conflits dans le Contrôle des Armes légères. Document de Projet : Décembre 2006 par UNDP

Control Risks Haiti Task Force (HTF): Intelligence briefing: August 16, 2007

Commission Nationale de Désarmement de Demantèlement et de Réinsertion (CNDDR) du Ministère de la Planification et de la Coopération Externe (MPCE)
The Uses of Children: A Study of Trafficking in Haitian Children by Glenn R. Smucker and Gerald F. Murray: July 14, 2004

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