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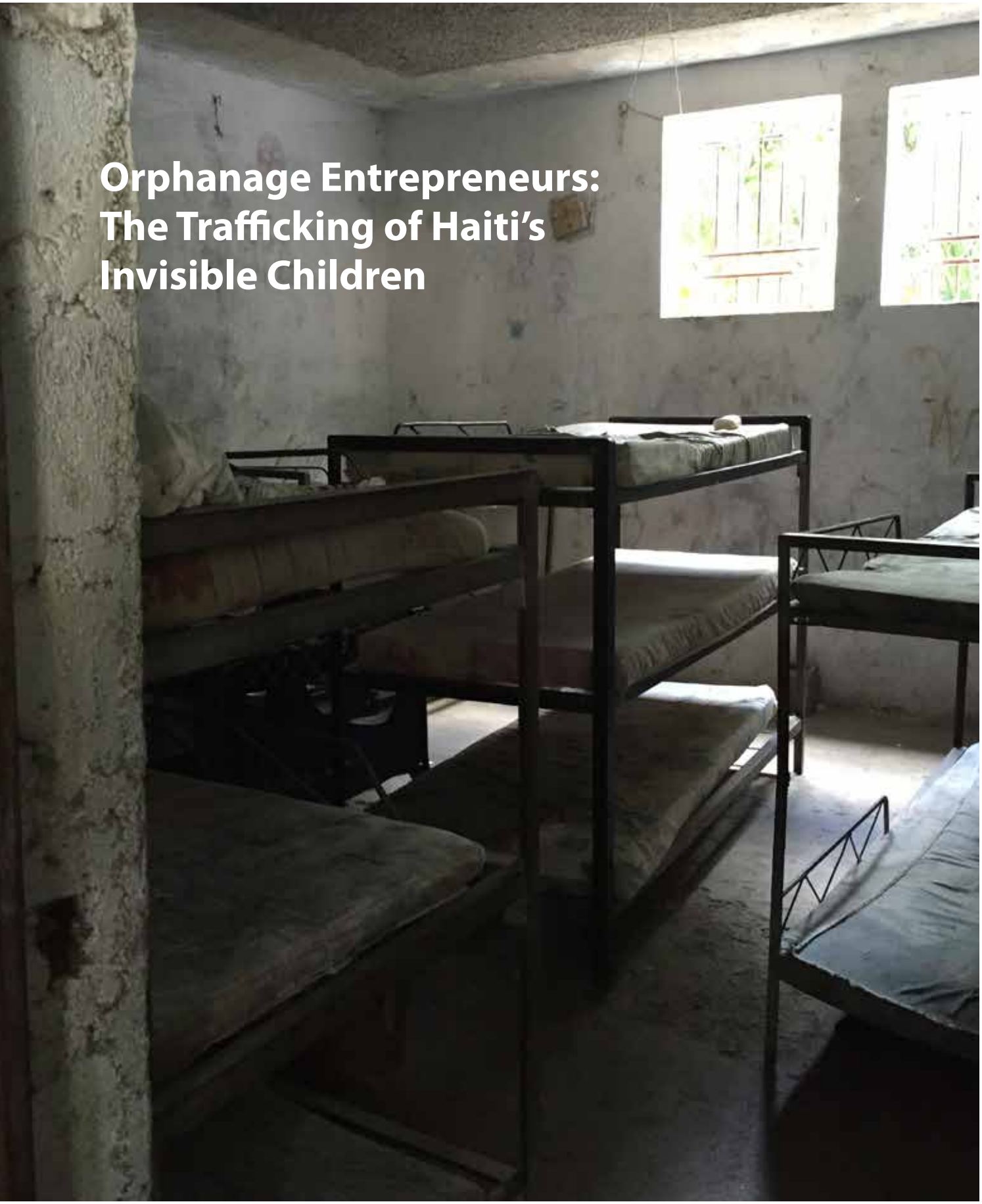
Orphanage Entrepreneurs: The Trafficking of Haiti's Invisible Children



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Executive summary

An estimated 32,000 children live in orphanages in Haiti. More than 80% are not orphans. 80 years of research demonstrates the harm caused by raising children in institutions. As a result, most countries in the developed world moved away from this form of care decades ago.

The Haitian government has prioritised reducing reliance on orphanage care, to ensure children can be raised in families. They have also prioritised addressing trafficking in children, another significant concern in Haiti.

However, well-intended donors and volunteers from the United States, Canada and Europe support Haitian orphanages on a large scale. It is likely that tens of millions of dollars are sent to orphanages in Haiti every year, through numerous streams, including cash transactions, making it difficult to track the money.

The availability of such funding, and the desire of well-intended people to help 'orphans', is driving the establishment of orphanages purely for profit. Only 15% are officially registered. The rest operate outside the law and therefore do not publish accounts or budgets. There is no official system to record children entering or leaving orphanages.

Evidence is emerging from developing countries of orphanages which traffic children. Some orphanages in Haiti are established with the best of intentions and strive to provide adequate care. However, the case evidence in this report suggests that a trend has developed of Haitian orphanages which are trafficking children. The evidence demonstrates a consistent pattern of behaviour, including:

- Orphanage 'directors' pay 'child-finders' to recruit children for the orphanage. In some instances, families are paid to give their children away. In others they are deceived into believing their children will receive an education and have a better life. The orphanage uses the children to persuade donors to give them money. The sums received are far in excess of the money spent on looking after children.
- In many cases, children are neglected and abused in the orphanage. There is witness evidence of children disappearing or dying without record. Criminal investigations and prosecutions of such cases are rare.

Lumos, together with the government authorities are in the process of closing three orphanages where children had been trafficked. More than 75% of the children could be reunited with their families with a little support. Other children will be placed in foster care and young adults will be supported on to independent living.

The costs to support children to live with their families are considerably lower than keeping them in orphanages.

A holistic, joined up plan is needed to remove all children from harmful orphanages and place them in safe, loving family environments, ensuring they are included in school and have access to healthcare and an adequate standard of living.

Key recommendations

The Government of Haiti should strengthen the child protection system and judicial approaches to trafficking in children, including: develop an independent inspection system; develop a system for tracking children in care; increase the number of social workers and improve their training; prioritise children trafficked in orphanages within the Anti-Trafficking Strategy.

Multilateral and bilateral government partners (including the United Nations, the European Union and the US government) should support the Haitian government to strengthen child protection and address child trafficking, including: ensure their own funds are not used to maintain or establish orphanages; encourage other donors to do the same; invest in health, education and community support services; invest in the government's child protection department (IBESR) and the Anti-Trafficking Committee; support the implementation of the strategy to close the orphanages with the worst conditions; ensure none of their own personnel, including UN peacekeepers, volunteer or invest in orphanages.

Donors currently funding orphanages should ensure their partner orphanage is not involved in harmful or illegal practices. They should support the orphanage to transition to the provision of community based services that make it possible for the children in the orphanage to live in families.

Donors thinking of funding orphanages should research the needs in the local community, talk to experts and redirect their funds to family preservation and community development programmes.

Volunteers should not take part in short term volunteering in orphanages, which is harmful to child development. They should research and find an ethical volunteering agency. They should seek opportunities in community development and family preservation programmes. Anyone currently volunteering in an orphanage who has concerns about harmful practices should consider ceasing their placement and contact the relevant authorities or ask advice from organisations working locally on family preservation or community development.

Purpose of this document

There are an estimated 32,000 children in orphanages in Haiti.[1] More than 80 percent have at least one living parent. Most are there for a complex combination of reasons – poverty, disability, housing, and a lack of access to health and education services. But it is becoming clear that, since the 2010 earthquake, the good intentions of some international donors and volunteers have driven the development of the orphanage system. And that system is actively, unnecessarily and in many cases illegally, separating children from families and exposing them to risk of harm, abuse, and trafficking.

This document attempts to set out the scale and shape of abuse and trafficking in Haiti's orphanages. It presents evidence that demonstrates patterns rather than isolated incidents. It presents specific case evidence from across Haiti, provided by eye witnesses from Haiti, the United States, Canada, and Europe. Finally, it provides evidence of – and guidance for – the solution. It documents and outlines how children can be safely removed from harmful orphanages and, where possible, reunited with their families. Finally, it provides a roadmap for ending this practice in Haiti.

A forgotten history

In 1909, President Theodore Roosevelt hosted the first White House Conference on the Care of Dependent Children, which focused on ending the institutionalisation of children. The outcomes provided the foundations of social welfare and family strengthening initiatives in the United States, concluding that "children should not be removed from their families except for urgent and compelling reasons, and, if necessary, poor families should receive financial aid to support their children. Children who had to be removed from their families should be cared for by foster families…"[2]

Experiments with placing children with foster families in the United Kingdom began 130 years ago.[3] Australia, Canada, New Zealand and many European countries moved away from orphanages from the 1950s onwards, often due to serious abuse in residential institutions.[4]

Fast forward 100 years from the White House conference and we find a developed world that rejected orphanage care decades ago because of the harm caused to children, but that enthusiastically supports the export of the orphanage system to the developing world. Having forgotten our own histories of developing child protective systems, it would appear that many people have come to perceive orphanages as a social good, or at least a necessity. They are neither.

Having forgotten our own histories of developing child protective systems, it would appear that many people have come to perceive orphanages as a social good, or at least a necessity. They are neither.

1 L'Annuaire des Maisons d'Enfants en Haïti, (2013), Publication de l'Institut du Bien Etre Social et de Recherches, http://www.ibesr.com/fichier/Annuaire%20Corrige%202012-2014%20version%20juillet.pdf

2 Hart, Hastings H., Francis J. Butler, Julian W. Mack, Homer Folks, and James E. West (Committee on Resolutions). 1909. *Proceedings of the Conference on the Care of Dependent Children*. Washington, DC: U.S. Government Printing Office.

3 http://www.bbc.co.uk/news/uk-37201440?ocid=socialflow_twitter&ns_mchannel=social&ns_campaign=bbcnews&ns_source=twitter

4 Please see: The Royal Commission into Institutional Responses to Child Sexual Abuse (n.d.) Findings. https://www.childabuseroyalcommission.gov.au/public-hearings/findings [accessed 30 August 2016]. Also, see: The Law Commission of Canada (2000) Restoring Dignity Responding to Child Abuse in Canadian Institutions. https://www.attorneygeneral.jus.gov.on.ca/inquiries/cornwall/en/hearings/exhibits/Peter_Jaffe/pdf/Restoring_Dignity.pdf 9 [accessed 30 August 2016].

Nevertheless, according to an American online survey conducted by Kidsave in 2012, over a third of Americans still believe that orphanages, if well run, can provide "just fine" for the overall well-being of a child.[5]

In 2015 the United States gave generously to charitable organisations - US$373 billion.[6] Clearly, not all donations are for orphanages, but no credible research evidence exists to estimate the amount donated to orphanages annually.

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Over 15 months, using a basic tracking system for news articles with the keywords "orphanage" and "Haiti", Lumos identified more than 130 US-based churches, faith-based organisations and individuals, that had donated to institutions in Haiti. This included in-kind gifts – from toys and blankets to buses for the orphanages – as well as funds. Reported cash amounts were mostly under US$10,000, with some as high as $100,000, $500,000 and $800,000. In many cases, the amount of money raised was not disclosed in the news article. However the 16 that did report (12% of 130 organisations) had sent a total of $1,781,000. This cursory search is likely to be the tip of an iceberg and further research is required. But it is clear that, in spite of the evidence of the harm caused by institutionalizing children, funding orphanages in Haiti is popular among international donors and faith-based communities.

The harm caused by institutionalisation

Globally, an estimated eight million children live in institutions because they are poor, have a disability, or belong to a marginalised group.[7] More than 80 percent are not orphans. Whilst most orphanages are established with the best of intentions, over 80 years of research from across the world has demonstrated the significant harm caused to children in institutions who are deprived of loving parental care and consequently suffer life-long physical and psychological harm.[8]

Babies in particular fail to develop normally without one-to-one interaction, and research demonstrates the severe impact of institutionalisation on early brain development.[9] Children who are removed from institutions after the age of six months often face severe developmental impairment, including mental and physical delays.[10] The outcomes of institutionalisation are dire. Long term effects of living in institutions can include severe developmental delays, disability, irreversible psychological damage, and increased rates of mental health difficulties, involvement in criminal behaviour, and of suicide.[11] Put simply, children need families to flourish.

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5 Unpublished Research. Kidsave, Congressional Coalition on Adoption Institute, et al, 2012.

6 http://money.cnn.com/2016/06/14/news/charity-donations-americans/

7 The number of residential institutions and the number of children living in them is unknown. Estimates range from 'more than 2 million' (UNICEF, Progress for Children: A Report Card on Child Protection Number 8, 2009) to 8 million (Cited in: Pinheiro, P, World Report on Violence against Children, UNICEF, New York, 2006). These figures are often reported as underestimates, due to lack of data from many countries and the large proportion of unregistered institutions.

8 Berens & Nelson. *The science of early adversity: is there a role for large institutions in the care of vulnerable children?* The Lancet. 2015. Available from: http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(14)61131-4/abstract

9 Bucharest Early Intervention Project, Caring for Orphaned, Abandoned and Maltreated Children, 2009. Available at: https://www.crin.org/docs/PPT%20BEIP%20Group

10 Michael Rutter (1998), Development catch-up, and Deficit, Following Adoption after Severe Global Early Privation, http:// journals.cambridge.org/action/display-Abstract?fromPage=online&aid=10487&-fileId=S0021963098002236 and See Lumos factsheet: How institutions are harmful for children, 2014, for more details.

11 United Nations General Assembly (2006) Report of the independent expert for the United Nations study on violence against children. A/61/299 p. 16. http://www.unicef.org/violencestudy/reports/SG_violencestudy_en.pdf ; Please also see: Pashkina quoted in Holm-Hansen, J., Kristofersen, L. B and Myrvold, T. M. (eds). (2003). Orphans in Russia, NIBR –rap-port Vol 1, p 83.

Violence and abuse in children's institutions

Reports from many countries across the world demonstrate that institutional care puts children at increased risk of violence, abuse, and neglect by staff, officials, volunteers, and visitors responsible for their wellbeing. Documented abuse includes torture, beatings, isolation, restraints, sexual assault, harassment, and humiliation.[12] Even in institutions without harsh disciplinarian regimes, children are often neglected. Children in institutions frequently have no access to education or recreation and are sometimes left in their cribs for long periods without human contact or stimulation. Children in orphanages and institutions are six times more likely to be victims of violence than their peers raised in families.[13]

Children with disabilities in institutions are at even greater risk of abuse.[14] There is considerable evidence of reported physical, emotional and sexual abuse, discrimination, and violence, including food deprivation, electroshock therapy without anaesthesia, and routine hysterectomies for young girls.[15] One study of children under three years of age who were discharged from institutions found that 28 percent of children with disabilities were in fact 'discharged' because they had died.[16] The mortality rate was 100 times higher than for children without disabilities.

12 United Nations Secretary General's Study on Violence Against Children, "Violence against Children in Care and Justice Institutions," Chapter 6, 2006, http://www.bettercarenetwork.org/sites/default/files/Violence%20Against%20Children%20in%20Care%20and%20Justice%20Institutions.pdf, p.175; http://www.unicef.org/ceecis/UNICEF_Report_Children_Under_3_FINAL.pdf pg 53

13 CRIN, "Armenia: Child Abuse Violence Still Common in Orphanages, Boarding Schools," https://www.crin.org/en/library/news-archive/armenia-child-abuse-violence-still-common-orphanages-boarding-schools.

14 Mental Disability Rights Initiative, The Hidden and Forgotten: segregation and neglect of children and adults with disabilities in Serbia, Belgrade, 2013. Also see: Mental Disability Rights International, Hidden Suffering: Romania's Segregation and Abuse of Infants and Children with Disabilities, 2006.

15 United Nations General Assembly (2006) *Report of the independent expert for the United Nations study on violence against children.* A/61/299 p.16. http://www.unicef.org/violencestudy/reports/SG_violencestudy_en.pdf

16 Browne, Kevin, C. E. & Hamilton-Giachritis, R.(2005), *Mapping the number and characteristics of children under three in institutions across Europe at risk of harm.* Birmingham: Birmingham University Press (in collaboration with EU/WHO), p.22.

Institutionalisation and trafficking

There is a strong, but largely unrecognised, connection between institutionalisation and trafficking. Firstly, institutionalised children are at high risk of becoming victims of trafficking compared with those raised in families[17] and, secondly, children recovered from traffickers are often placed (back) in institutions by the authorities, reinforcing the trauma they suffer. This creates a vicious circle for trafficked children and additional risks to their peers in institutions. This response also effectively penalises the child for their victimisation and can place them at greater risk: the specific institutions where trafficked children are placed are often known to the traffickers, who will target them there for re-trafficking.

Next Generation Nepal (NGN), who work to reconnect trafficked children in Nepal with their parents, found a direct link between orphanage trafficking, institutionalisation, and voluntourism.[18] New evidence suggests many children in orphanages globally are taken from their families by recruiters and sold to orphanages for the purpose of profit.[19] In May 2014, 600 children rescued from two Indian railway stations were allegedly being trafficked from their homes in Bihar and Jharkhand to an orphanage in Kerala. 43 people were arrested and charged with child trafficking offences.[20]

Children living in residential institutions are more likely to go missing than children in families.[21] There is a significant relationship between missing children and trafficking, meaning that children missing from institutions are at serious risk of trafficking and exploitation.[22]

17 Kane, J., (2005). Child Trafficking – The People Involved: *A synthesis of findings from Albania, Moldova, Romania and Ukraine.* International Labour Office. http://www.humantrafficking.org/uploads/publications/ipec_balkana_05.pdf ; International Organisation for Migration (2007) Protecting Vulnerable Children in Moldova.

18 Punaks, M. & Feit, K. (2014).The paradox of orphanage volunteering: Combatting child trafficking through ethical voluntourism. New York, USA: Next Generation Nepal, p.14.

19 Doore, K.E.V. (2016). Paper orphans: Exploring child trafficking for the purposes of orphanages. The International Journal of Children's Rights. Volume 24, Issue 2, p.378.

20 Swamy, Rohini. 2014, "Nearly 600 trafficked kids rescued from Kerala", *India Today,* 28 May, available at: http://indiatoday.intoday.in/story/600-trafficked-kids-rescued -from-kerala/1/364115.html.

21 European Commission. (2013). *Missing Children in the European Union: Mapping, Data Collection and Statistics.* http://ec.europa.eu/justice/fundamental-rights/files/missing_children_study_2013_en.pdf

22 Information collected by FRANET: Hungarian Central Statistical Office. (2013). Yearbook of welfare and statistics, 2011 [Szociális Statisztikai Évkönyv], Budapest: KSH, see table 5.24.
See also: Commissioner for Fundamental Rights. (2012). Report No. AJB-2731/2012, p.2. www.ajbh.hu/documents/10180/143247/201202731.rtf/06c12e69-536a-4b7a-a09b-b3847334ee18.
See also: House of Commons, Home Affairs Committee. (2009). *The Trade in Human Beings: Human Trafficking in the UK Sixth Report of Session 2008–09.* London: House of Commons

What is an 'Institution'?

Since most children in orphanages are not orphans, the term 'institution' is preferred to describe harmful residential care facilities. The size of an institution matters, but is not the only defining feature. 'Institutional care' is understood to be any residential care where 'institutional culture' prevails. Institutional culture, in terms of children, has been defined as follows. Children are isolated from the broader community and compelled to live together. Children and their parents do not have sufficient control over their lives and over decisions which affect them. The requirements of the organisation itself take precedence over the children's individual needs. As a result, children cannot form attachments crucial to healthy physical and emotional development. This definition usually includes large residential homes or orphanages (more than six or eight children) but also smaller facilities with strict regimes, facilities for children who have committed minor offences, residential healthcare facilities, and residential special schools.[23]

What is trafficking?

Trafficking is defined by the UN Office on Drug and Crime (UNODC) Palermo Protocol as: "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, or fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments of benefits to achieve the consent of a person, having control over another person, for the purpose of exploitation."[24] Forms of trafficking include, inter alia, commercial sexual exploitation of women and children, trafficking for labour and other forms of exploitation, within and across national borders and the trafficking of illegal immigrants.

Human trafficking is a growing problem in Latin America and the Caribbean, a region of major source, transit, and destination countries for trafficking victims. UNODC estimates that the share of victims trafficked for forced labour in the region (44 percent) is higher than in Europe and Central Asia.

What is child trafficking?

Under international law, child trafficking is "the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploiting the child."[25] A child has been trafficked if he or she has been moved within a country, or across borders, whether by force or not, with the purpose of exploiting the child.

The International Labor Organization estimates that 1.2 million children are trafficked each year.[26] However, children trafficked through institutions are not yet documented and included in that figure.

23 European Commission. (2009). *Report of the Ad Hoc Expert Group on the Transition from Institutional to Community-based Care.*

24 United Nations 2000, Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons

25 See UNICEF. (2007). *Note on the definition of 'Child trafficking'* http://www.unicef.org/southafrica/SAF_pressrelease_notetrafficking.pdf

26 International Labour Organization (2002) *Every Child Counts: New Global Estimates on Child Labour* http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=742

Children in orphanages and institutions in Haiti

In Haiti, an estimated 32,000 children live in approximately 760 residential institutions or 'orphanages'.[27] According to a 2013 study by the government department responsible for children, the Institute for Social Welfare and Research (IBESR):

- Less than 15 percent of the institutions are officially registered with the Haitian authorities;
- More than 80 percent of these children have at least one living parent;
- The primary reason for their admission to institutions is poverty and a lack of access to basic health, education and social services;
- The orphanages have been classified as 'green' (meeting minimum standards), 'yellow' (meeting some of the standards but requiring improvement) and 'red' (failing to meet any standards, requiring immediate closure).[28]

Orphanages in Haiti are predominantly privately run, and funded, for the most part, by foreign donors – often small foundations, NGOs, churches, or individuals. Whilst the construction of institutions is an understandable response to natural disaster, research increasingly demonstrates this is not the best approach and that institutions, once established, proliferate long after the disaster.[29] Their existence can act as a 'pull factor', where parents place their children into orphanages in order to access basic services.

Increasingly, case evidence demonstrates that many of the 32,000 children could be at home with their families if basic health and education costs were covered.

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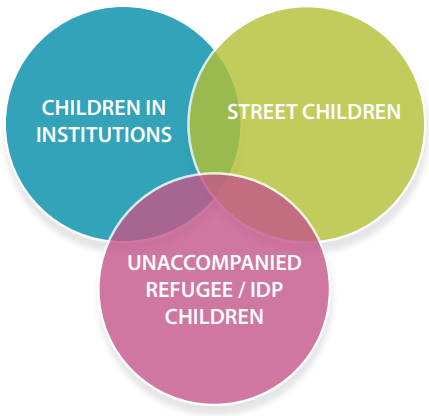
Children outside families - increased risk of vulnerability



MORE THAN 80% ARE NOT ORPHANS

SIGNIFICANTLY INCREASED RISK OF:

- Being trafficked
- All forms of abuse
- Mortality (especially disabled children)
- Conflict with the law
- Mental health difficulties

27 L'Annuaire des Maisons d'Enfants en Haïti, (2013), Publication de l'Institut du Bien Etre Social et de Recherches, http://www.ibesr.com/fichier/Annuaire%20Corrige%202012-2014%20version%20juillet.pdf

28 L'Annuaire des Maisons d'Enfants en Haïti, (2013), Publication de l'Institut du Bien Etre Social et de Recherches, http:// www.ibesr.com/fichier/Annuaire%20 Corrige%202012-2014%20version%20 juillet.pdf

29 Better Care Network, ChildFund Alliance, Consortium for Street Children, Family for Every Child, Keeping Children Safe, Maestral International, Plan International, Retrak, Save the Children, SOS Children's Villages, Terra des Hommes, Terra dos Homens and World Vision. (2013). Protect my future. Why child protection matters in the post-2015 development agenda. London: Family for Every Child; Doyle, J. (2010).Misguided Kindness: Making the Right Decisions for Children in Emergencies. Save the Children UK

A country is more likely to become a source of human trafficking if it has experienced political upheaval, economic crisis, or natural disaster, all of which are endemic to Haiti.

Trafficking in Haiti

Haiti is a source, transit, and destination country for forced labour and sex trafficking. Most of Haiti's trafficking cases involve children.[30] According to the 2016 Global Slavery Index,[31] Haiti ranks eighth globally for modern day slavery, of which human trafficking is a defining factor. Experts conclude that a country is more likely to become a source of human trafficking if it has experienced political upheaval, economic crisis, or natural disaster, all of which are endemic to Haiti.

Children living outside families (in residential institutions and on the streets) are at an increased risk of trafficking. A growing body of case evidence suggests that governance of institutions is so poor, and tracking of children in the care system is so weak, that children are at a high risk of being trafficked. This makes institutionalised children in Haiti one of the most vulnerable groups in the community.

In June 2016, The US State Department issued its annual congressionally mandated report on human trafficking. The report categorises countries into four "tiers" according to the government's efforts to combat trafficking. Countries that do not cooperate in the fight against trafficking (Tier 3) are subject to US foreign assistance sanctions. According to the report, Haiti has not made significant efforts to meet minimum standards and has therefore been placed on Tier 3.[32]

30 U.S. Department of State (2016) Trafficking in Persons Report 2016, pp. 190-192. http://www.state.gov/documents/organization/258876.pdf
31 Walk Free Foundation (2016) The Global Slavery Index 2016 http://assets.globalslaveryindex.org/downloads/Global+Slavery+Index+2016.pdf
32 U.S. Department of State (2016) Trafficking in Persons Report 2016, pp. 190-192. http://www.state.gov/documents/organization/258876.pdf

The international and national legislative and policy framework

The international, legal framework for the right to live and grow up in a family environment

The UN Convention on the Rights of the Child (CRC) states that children have the right to know and be cared for by their birth families and not to be separated from their parents (arts. 7 and 9). Parents have the primary responsibility to raise their children; the State is obliged to support parents to fulfil that responsibility (art. 18). Children have the right to protection from harm and abuse (art. 19), to an education (art. 28) and to adequate healthcare (art. 24). Children should be able to enjoy these rights while living in their family. Where their family cannot provide sufficient care, despite the provision of adequate support, the child has the right to a substitute family (art. 20).

The Guidelines for the Alternative Care of Children (A/RES/64/142) also call on States to ensure families have access to support for their caregiving role.[33] The Guidelines state that, "every child and young person should live in a supportive, protective and caring environment that promotes his/her full potential. Children with inadequate or no parental care are at special risk of being denied such a nurturing environment." Moreover the UN Convention on the Rights of Persons with Disabilities (CRPD) emphasises the rights of children with disabilities to be raised in their families and included in their schools and communities.[34]

Haiti was among the first countries to sign the CRC on the 26th of January 1990 and ratified it on 8 June 1995. Ratification of the CRPD followed in 2009.

The Minimum Standards for Child Protection in Humanitarian Action (2012) require systems to monitor the situation of girls and boys who may be at risk of violence and neglect. This may include children in residential care; children with disabilities; separated children; children on the streets; or children formerly associated with armed forces or armed groups.[35] The goals call for preserving family unity, understanding that residential care facilities are often a pull factor leading to family separation. The Standards also state that in emergencies, institutions or residential care services "should only be considered as an alternative care option for the shortest possible time".[36]

The international legal framework on trafficking

In 2000, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol) was adopted, supplementing the UN Convention against Transnational Organized Crime (UNTOC). The Palermo Protocol came into force three years later and is the most important international instrument to combat trafficking.

States have a responsibility to prevent trafficking, to investigate and prosecute traffickers, and to assist and protect victims. A major obstacle in the fight against trafficking is the lack of adequate legislation at national and regional levels.

Haiti ratified the Palermo Protocol against child trafficking in 2009. In 2014, Haiti ratified the CRC's Optional Protocol which prohibits the sale of children, child prostitution and child pornography, where the "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" (art. 2 (a)).

The EU legal framework on prohibiting funding of institutional care

The EU has recognised the harm that institutionalisation causes and has played an instrumental role in the efforts to end this form of care. In 2013, the EU passed a Regulation which effectively prohibits the use of European Structural Funds for the maintenance, renovation or construction of large residential institutional settings.

33 Guidelines for the Alternative Care of Children (2009) A/RES/64/142 http://www.unicef.org/protection/alternative_care_Guidelines-English.pdf

34 UN (2006) UN Convention on the Rights of Persons with Disabilities. United Nations, New York.

35 Child Protection Working Group. (2012). Minimum Standards for Child Protection in Humanitarian Action. http://www.unicef.org/iran/Minimum_standards_for_child_protection_in_humanitarian_action.pdf, p.125.

36 Ibid.

Legislative and Policy Framework in Haiti

The Haitian authorities have made considerable strides towards improving the policy and legislative framework regarding child protection, institutionalisation, and trafficking. The following developments are welcome and timely.

Strengthening child protection

- In recent years, the Institute for Social Welfare and Research (IBESR) made considerable improvements in regulating adoption and reducing opportunities for trafficking children under the guise of international adoption.[37]
- IBESR's national child protection strategy (2016-2018) has four key priorities: combatting trafficking of children, deinstitutionalisation, combatting violence against children, and strengthening the managerial capacity of IBESR.

Addressing trafficking

- In June 2014, Law No. CL/2014-0010 was passed, which prohibits all forms of human trafficking and prescribes penalties of 7 to 15 years' imprisonment. According to the 2016 Trafficking in Persons report, no convictions have taken place to date. The law also requires institution managers to inform IBESR when children leave an institution and where they go. However, 85 percent of institutions remain unregulated, so this frequently does not happen.
- In December 2015, the Haitian Government inaugurated the National Committee for the Fight Against Trafficking in Persons, to coordinate anti-trafficking activities and to prevent and combat trafficking in all its forms.

Research evidence on institutionalisation and trafficking of children in Haiti

In Haiti many children are still placed in families as domestic labour – restaveks – which is considered to be a form of trafficking. However many more children are separated from parents to be placed in orphanages and adopted illegally, or used to raise funds from private, often faith-based donors, for "businessmen posing as benevolent orphanage owners."[38] In these orphanages the welfare of the children is secondary to the profit motive of its managers. As yet this practice has still to be recognised as trafficking.

In 2014, a volunteer at a Haitian orphanage reported that children were being used to secure donations from charities and American churches, while the 75 children within its walls lived in appalling conditions without access to food and sanitation.[39] She noted that in-kind donations were sold by orphanage staff, and that her orphanage was only one example of the many orphanages in Haiti operating primarily as businesses.[40] In an early 2011 example that resulted in an arrest, the director of the Son of God orphanage in Port-au-Prince, Maccene Hypolitte, was suspected of involvement in child trafficking based on allegations by US missionaries. In addition to noting the disappearance of donated goods and accusation of child maltreatment, Hypolitte is reported to have offered to only let a missionary take a child away to receive medical care in exchange for a payment of $2,000.[41]

37 UN Committee on the Rights of the Child (CRC), *Consideration of reports submitted by States parties under article 44 of the Convention, Combined second and third periodic reports of States parties : Haiti,* 9 March 2015, CRC/C/HTI/2-3, available at: http://www.refworld.org/docid/56a096e14.html [accessed 30 August 2016]

38 Oxford Human Rights Hub, "A Form of Child Trafficking in Haiti: The Orphanage Business," December 17, 2013, http://ohrh.law.ox.ac.uk/a-form-of-child-trafficking-in-haiti-the-orphanage-business/

39 "Young Canadian reunited Haitian 'orphans' with parents," Reuters, July 27, 2014, http://www.reuters.com/article/us-haiti-orphans-idUSKBN0FW0DK20140728.

40 "Young Canadian reunited Haitian 'orphans' with parents," Reuters

41 "Haiti closes orphanages for child neglect," Associated Press, October 21, 2011, http://www.huffingtonpost.com/huff-wires/20111021/cb-haiti-orphanage-closed/.

In another publicised case, a US citizen and her Haitian mother faced child-trafficking charges after they handed over two children from the orphanage they ran in exchange for $20,000 in cash.[42] Though these cases garnered some local and international press, child welfare workers lack the resources and training to investigate the several hundred orphanages for these and other kinds of abuses.

In addition, experts have begun to argue that the movement of a child from their family to an orphanage under false circumstances should be classified as child trafficking under international law.[43] Some orphanages actively recruit children from families or parents may willingly send them to "orphanages" to access supposed services.[44] In 2009, Save the Children found that four out of five children in orphanages were not in fact orphans but from poor families that had been coerced into giving up their children in exchange for money by orphanages.[45] The process of "papering orphans," the fabrication of orphans with fraudulent documentation, and the subsequent exploitation children experience in institutional care, meets the current interpretation of the definition of trafficking as outlined in the international UN TIP Protocol.[46] As part of an orphanage business model, child recruitment into orphanages for the purpose of exploitation is a form of trafficking that is currently largely unchecked, and paper orphans are not captured in global figures of trafficked children.[47] Catholic Relief Services has also outlined how "orphanages in Haiti have become sources for child traffickers."[48]

Given this evidence documented internationally regarding orphanages in Haiti, it is of concern that there have also been instances of UN Peacekeepers volunteering in orphanages and that some UN programmes have invested in orphanages.[49]

In spite of compelling evidence of abuse of children in institutions, individuals responsible are rarely held accountable. If cases are reported, they often are only investigated superficially and prosecutions are rare, particularly if the orphanages are privately run and the abusers are foreign nationals.[50]

In 2010, Douglas Perlitz, a Connecticut man who founded the Haiti Fund for homeless boys, was investigated and prosecuted for having sexually abused at least 18 Haitian children in his care over a ten-year period. The U.S. Attorney's Office for the District of Connecticut and the Department of Homeland Security opened an investigation after Haitian authorities, with support and financial backing from the United Nations in Haiti, conducted an initial investigation into the suspected abuse.[51] Perlitz was sentenced to 19 years in prison, but since the case's 2013 settlement, 140 additional alleged victims have come forward. In another case, Matthew Andrew Carter, a Michigan man, was sentenced to 165 years in prison for traveling to Haiti to sexually abuse children who lived in a group home he ran.[52] The examples above of prosecutions are extremely rare. More often than not, cases of sexual abuse in orphanages rarely come to light. Foreign nationals are often able to operate with impunity, leaving children at the highest risk of sexual abuse and trafficking. If cases are even reported, let alone investigated, they rarely result in justice for victims.[53]

If cases are even reported, let alone investigated, they rarely result in justice for victims. [53]

42 "Haiti judge: US citizen faces trafficking charges," Associated Press, February 25, 2014, http://www.washingtonexaminer.com/haiti-judge-us-citizen-faces-trafficking-charges/article/feed/2120667/comments.

43 Kathryn E. van Doore, "Paper Orphans: Exploring Child Trafficking for the Purpose of Orphanages," International Journal of Children's Rights, 24(2016).

44 Oxford Human Rights Hub, "A Form of Child Trafficking in Haiti."

45 van Doore, "Paper Orphans."

46 van Doore, "Paper Orphans."

47 van Doore, "Paper Orphans."

48 Catholic Relief Services, "Twinning in the Best Interests of Children," 2014, http://www.bettercarenetwork.org/sites/default/files/attachments/Twinning%20in%20the%20Best%20Interests%20of%20Children.pdf, p.2.

49 See for example: MINUSTAH. (January 3, 2014). De nouveaux sanitaires pour les enfants d'un centre d'accueil de Tabarre. http://minustah.unmissions.org/de-nouveaux-sanitaires-pour-les-enfants-d%E2%80%99un-centre-d%E2%80%99accueil-de-tabarre and La Voix de l'Est. (July 10, 2012). « Deuxième mandat en Haiti pour Joucelyn Desrochers. » http://www.lapresse.ca/la-voix-de-lest/actualites/201207/09/01-4542188-deuxieme-mandat-en-haiti-pour-jocelyn-desrochers.php.

50 "Violence against Children in Care and Justice Institutions," p.182.

51 U.S. Justice Department, "Services Case United States v. Douglas Perlitz," July 8, 2015, https://www.justice.gov/usao/priority-areas/victims-rights-services/services-case-united-states-v-douglas-perlitz.

52 "165 Years In Prison for US Man in Haiti Sex Abuse," NPR, July 31, 2013, http://www.npr.org/templates/story/story.php?storyId=207457993.

53 "Violence against Children in Care and Justice Institutions," p.182.

Case evidence of trafficking children in institutions in Haiti

The following six cases have been provided by international and Haitian volunteers, social workers, child protection professionals, and others who have visited, worked in, or intervened in orphanages in Haiti. Lumos described to these witnesses the purpose of their testimonies, how the information would be used, and that no compensation would be provided for participating. Names and other identifying information, including in some cases the dates of events, have been withheld to protect their safety and privacy.

Case study 1

I became a live-in volunteer in the orphanage, having been offered the position by a US-based religious NGO. At the time, 31 children were living in the orphanage, 18 girls and 13 boys. Two of the children had minor intellectual disabilities. This facility was classified as in good standing by IBESR (it is now 'green') and was accredited. The orphanage was a 'crèche', an institution for babies and infants, registered to facilitate adoptions.

The children were treated poorly. They were intentionally malnourished to increase the severity of the situation in order to motivate visiting volunteers to donate more, or adoptive parents to increase their 'childcare donation' while waiting for their adoption to be finalised. Children consistently suffered from diseases such as scabies, giardia, diarrhea, intestinal worms, and malnutrition. Children were force-fed, often pig feed, three times a day; diapers were changed twice a day; and they were bathed as a group once a day. They slept two or more to a bed, with older children on thin mats on the floor. A doctor visited regularly, but staff members were not instructed on how to administer medications, and consequently sickness spread repeatedly. All interaction between caregivers and children was in a group setting, with no individual attention or stimulation. The daytime caregiver-to-child ratio was 1:10 for infants, with even fewer carers for older children and at night-time. The caregiver turnover rate was extremely high since anyone who questioned the director on the practices in the institution was dismissed.

Of the 31 children, 28 had parents who were in contact – visiting the orphanage or communicating with staff. Twelve of the children had been allegedly brought to the orphanage by a 'baby-finder', an individual employed by the orphanage to seek out pregnant women and convince them to give up their babies. The baby-finder was reportedly paid a commission of approximately $50 per baby, plus transportation fees. Five children had mothers who were paid by the orphanage director to get pregnant, three were coerced into giving their children up when they came to the orphanage for help, and one was encouraged to give up a child by a foreign adoptive family.

Parents signed relinquishment paperwork with a fingerprint. Literacy levels in Haiti are low and they were often unable to read the documents. No one read the documents to them or told them the truth about what they had agreed to. One document stated that after signing, the parent only had a right to return to take their child back if they paid 15,000 Haitian gourdes per month (approximately $375 at that time) for the duration of the child's stay. If a parent changed their mind and returned for their child, the director threatened to take them to court, which they could not afford.

Approximately 10 adoptions were completed each year while I was there, though eventually all the children were adopted internationally to the United States, Canada, France, and the Netherlands. According to adoption agencies, adoptive parents, the director, and volunteers, $9,000 per adoption was paid to the orphanage director (this does not include IBESR fees, visa, passport, and medical testing) by the adoption agency. $186,000 was paid for childcare by the adoptive parents each year

($5,000 per child up front, plus $500 per month after 10 months). Some of this money was wired directly to the orphanage director's personal bank account, some to the crèche bank account, and some in cash delivered by hand. The orphanage was also supported by many NGOs that held frequent mission trips, open to volunteers and adoptive parents. Each visitor paid a 'humanitarian donation' of at least $350, and was required to bring two 50 pound suitcases of 'supplies'. Approximately 120 such volunteers visited the orphanage annually. None stayed in Haiti longer than 10 days. The orphanage worked with six adoption agencies that processed adoptions and gave money as 'humanitarian aid' in addition to adoption and visiting fees. Therefore, the total amount of money provided annually for 31 children was at least $318,000, just over $10,000 per child, whilst care was extremely poor and children were under-developed and malnourished.

In addition, at any one time, approximately four US-based churches committed to annual projects that would benefit the orphanage, raising funds for a year's supply of clean drinking water or meat for the children. They sent or hand delivered money to the director, but the supplies were never purchased for the children. Even supplies that were delivered in suitcases by volunteers were rarely used for the children. Instead the orphanage director gave the items to family members who sold them in the marketplace, giving the majority of their earnings to the director, with none of the funds going back to the orphanage.

When I questioned the reasons the children were in the orphanage, I was told to keep my observations to myself. My life was threatened. As punishment when I resisted, the director threatened the health and safety of the children. I reported the director's actions to the NGO I worked for, who then asked questions. In response, the director locked me out of the facility for several days. When I was allowed to return, the staff and children told me the children had not been fed for those few days. The NGO believed the director was doing nothing wrong, so nothing changed.

Although I have not been involved with the orphanage for several years now, I maintain contact with staff and volunteers, who inform me that the practices have not changed significantly.

Case study 2

In 2016 we were alerted to an orphanage classified as 'red' by IBESR. The orphanage was funded by a number of US faith-based groups, some of whom had raised concerns following a report of appalling conditions by a volunteer.

41 children (aged 18 months to 15 years; 28 boys and 13 girls) were kept in this orphanage and when I first visited, there was no adult supervision. A six-year-old boy opened the gate and let us in even though we were strangers. The children were passive, listless, and traumatised, displaying signs of malnutrition and ill health.

The physical conditions in the orphanage were shocking. There were only 12 beds with extremely dirty, worn out mattresses. The small garden was filled with concrete rubble. The bathroom was a dirty hole in the ground. The kitchen was a patch of ground with the remnants of a charcoal fire. The living room was simply a concrete floor and breeze-block walls, with a makeshift roof open to the elements. It was more of a shack than a building. The children were barefoot and dirty, dressed in rags. The water supply was polluted. There was no food and no drinking water.

One 15-year-old girl had been left in charge of all the children. This included her own baby, the only child in the orphanage who looked healthy and of normal development.

In cooperation with IBESR and BPM (Brigade Pour Mineurs, the police department responsible for child protection) we planned an intervention to address the urgent situation, immediately providing drinking water and fresh food daily. We employed two carers to work inside the orphanage, who ensured the children ate and drank sufficient clean water and were taken for medical check-ups. Many were sick with gastroenterological complaints, severe skin infections and parasites. The doctors stated this was due to malnutrition and drinking polluted water. The carers provided basic education and recreation, while two social workers assessed each child individually. There

One mother said: "I gave my children away so they could have a better life and get an education. If I had known what this place was like, I would never have given them up."

were no written records on any of the children and no formal record existed of admissions to and discharges from the orphanage.

As the children gradually came to trust the carers and social workers, they began to talk and most children were able to provide enough information to begin tracing their families. The children spoke of having to do hard labour, carrying heavy loads, doing the cooking and fending for themselves. They were left alone frequently. Food was available infrequently and when they were given food to cook, it was often rotten. If they complained about the food or asked to see their families, they were beaten. They never went to school and were rarely allowed out of the building. From what the children said, two men were paid by the 'director' to go out and find children for the orphanage. The director told people he was a pastor, in order to convince them he was trustworthy.

40 of the 41 children came from two communities about 3 hours' drive from the institution. These 40 children were groups of siblings, from a total of 19 families. The social workers visited the communities and began to assess each of the families, to find out why they had put their children in the orphanage and to ascertain whether reunification might be possible, safe, and appropriate.

All the families were shocked by what they heard about their children. The stories were consistent: the child-finder had told them that they ran an orphanage where the children would get proper care and a free education. The parents were all poor and many could not afford education for their children, so agreed to give them up to the orphanage. Some had been trying to visit their children, but the director had given them a false address. He had told the parents they could visit their children every six months, but when the time arrived, the families tried to contact him or the child-finders by telephone. The calls were never answered.

With a small amount of effort and support, it was possible to reunite 40 of the children with their families. The social workers regularly check on the children. Their health and development has improved significantly. The social workers have been unable to trace the family of one child, who was 10 months old when she came to the orphanage and cannot remember her family. She is currently in an emergency centre and IBESR is working to find her a foster family.

I recently met four of the children and their parents. The children were happy and smiling, although they still clung close to their parents, who told me the children are still afraid they will be taken away again. One mother said: "I gave my children away so they could have a better life and get an education. If I had known what this place was like, I would never have given them up." When asked what was the best thing about being at home, one six-year-old girl told us: "in the institution they made me work hard and walk a long way carrying heavy loads. We had to cook the food they gave us, and it was rotten. I could not eat it, but there was nothing else and so I would go to bed hungry. When we complained about the food, they would beat us. Now I am back at home, I only have to play and eat and then go to sleep afterwards. If I don't like the food everyone else is eating, my mum will just make me something else."

The institution is now formally closed. No arrest warrants have been issued. However, we are working closely with the authorities to try to secure a prosecution of the men involved.

Case study 3

In late 2010 or early 2011, an American woman moved to Haiti with her seven American born, adopted children and founded an orphanage in a rural coastal town. Many international visitors from both the United States and the Dominican Republic visit the town's popular beach resort. The town is quite removed from any urban oversight. The American woman rented a plot of land with two buildings, nearby an already existing home for children with disabilities, which were renovated by visiting American volunteers, to become an orphanage, or crèche, for children of all ages.

The founder and her 7 children, plus 10 Haitian children whom she said she was adopting, moved into apartments located in the nearby tourist resort. The director, her boyfriend, and all 17 children lived in a two-bedroom apartment. A teenage American missionary who came to Haiti to volunteer at the orphanage also lived for a period of time in the apartment. She claims to have witnessed abuse of the children, including food deprivation, beatings for bed-wetting, and lack of any education. She said she was afraid of the founder and did not feel able to report this abuse until much later.

The founder advertised the orphanage on a website for potential adopters, church volunteers, or sponsors, describing it as a "boutique crèche", meaning it was registered to facilitate adoptions. She created an adoption agency based in the US. She published online articles and positive reviews of her work, promoting herself as reforming adoption in Haiti, ensuring children's best interests, and caring for children that nobody else would care for – those who were sick or dying.

In the United States, a lawyer acted as the president of the adoption agency. In Haiti the founder referred to a Haitian "crèche director" on all documents. Her name did not appear on formal legal documentation in the United States or in Haiti, despite referring to herself on social media as the "co-founder" or "founder" of the crèche and adoption agency.

By late 2011 the crèche was formally registered with IBESR and was legal for operation as an orphanage and international adoption provider. On social media and in discussions with adoptive parents she stated that all the children were legally placed by IBESR, most had special needs, all were legally adoptable and had been orphaned, abused or abandoned.

From 2011 to 2013 she received from US sponsors and adoptive families $300 per month per child in care (in addition to adoption fees), and her crèche grew from 20 children to approximately 80 children. The age ranges of the children varied from newborn infants through to primary school age.

The crèche was run by the American woman, at times her American boyfriend, her Haitian crèche director, a number of Haitian 'nannies' related to the director, three teenage American volunteers, and two American couples who were volunteering in order to reduce adoption fees. In 2012, visitors were encouraged to volunteer for a short period of time in the orphanage for a fee of $700, sometimes paid directly to the founder in cash. Adoptive families were also charged $700 per visit to see the orphanage. No outsiders were allowed in, and an armed guard was kept at the gate.

In 2013 the first crèche volunteer wrote a statement attesting that she witnessed the founder purchase three children off the street in the local community for $70 per child. She believed the children were being purchased to increase numbers in the crèche and prove to IBESR the need for an orphanage in the community. These children were not placed by IBESR, had living parents and were not adoptable.

Several other children were brought into the crèche with the promise to their parents of free food and education. One 8-year-old boy came to the crèche every day, was matched with an adoptive family for two years who paid for his sponsorship and significant adoption fees, and went home most nights and weekends to his mother who lived nearby and did not intend for him to be adopted.

Most disturbingly, in the early years of its existence, the crèche admitted several infants with hydrocephalus. An American volunteer stated that she witnessed the founder denying the infants food, allowing them to die and burying them in the yard of the orphanage at night. While attempting online to raise funds for the babies with hydrocephalus, the care inside the crèche was completely insufficient, with children left all day in their cribs and deliberately malnourished. After one child died, the founder posted an online fundraising appeal for the child's funeral.

In another case the founder stated that two children in her care, aged three and five, had been murdered,

Most disturbingly, during its early stages of inception, the crèche became home to several infants with hydrocephalus. An American volunteer working at the crèche stated that she witnessed the founder refusing to feed the infants, allowing them to die and then burying them in the yard of the orphanage at night.

killed by machete or gun (the story alternated) in the streets of the local community. Investigation by volunteers and American expatriates living in the area found no evidence of this. The children had disappeared from her care without explanation.

According to another US volunteer, the founder took one five-year-old girl to stay with her in a hotel in Port-au-Prince, together with the Haitian crèche director, for several days without explanation. The volunteer was concerned by this poor practice and went to the hotel to return the child to the orphanage, but the founder would not release the child.

The reports of child deaths and disappearances and potential fraud perpetrated by the founder would appear to be sufficient grounds for IBESR to close the facility. But American volunteers were asked to bring nice clothes for the children and IBESR responded they could find no problems with the crèche, as the children were always nicely dressed and clean. From outside the crèche was a functional, safe environment. They could find no grounds for closure.

Birth parents began to remove their children from the crèche and it became obvious that the majority of children were not legally placed or adoptable. Families who had been matched with children for adoption, along with two volunteers, made considerable and repeated efforts to persuade the authorities to intervene. In Autumn 2013, a delegation of 12 families travelled to Haiti and presented concerns to IBESR, the United States Citizenship and Immigration Services (USCIS), the Federal Bureau of Investigation (FBI), and the US State Department. Concerns included evidence of alleged sexual abuse and disappearance of children. Birth families were willing to give statements to BPM about being coerced to place their children in the crèche and then being denied access to visit them. There was witness evidence of the purchase and illegal placement of children, as well as the non-existence of many children's files. One adoptive family was told their child's entire adoption file had been falsified.

Due to the publicity, complaints, and concerns raised, in late 2013, many adoptive families and sponsors ended their financial support. By early 2014 the children were no longer well-dressed when IBESR visited. Children were found emaciated, sleeping on the floor. Many birth parents had returned to take their children home, although not all were still there. Sponsorship money continued to be paid to the American founder via the charity arm of her adoption agency in the United States. She allegedly persuaded a donor from her church ministry to donate $300,000 to the crèche. But little of this money appeared to reach the crèche or the children and finally IBESR closed the facility. The remaining children were moved to other orphanages, some were reunited with birth families and a few are still in the adoption 'pipeline', stuck for several years in legal limbo.

None of the children who disappeared have been located. It is unknown if a significant search was undertaken.

Several adoptive families sued the lawyer running the American adoption agency and it is no longer in business.

The founder is now living in the United States, where 6 of her 7 children were removed from her custody after charges of neglect. In 2016 it was discovered that she had remarried, was using a different last name, operating a residential home for adopted children with attachment difficulties. Parents of children in her care were alerted to concerns about her work in Haiti. Some went to retrieve their children and found they had illegally been sent to live across state lines.

Case study 4

In 2015, we were asked to intervene in an orphanage in Port-au-Prince, categorised by IBESR as 'red'. American visitors had raised concerns about conditions in the orphanage. 61 children lived in the institution, aged 18 months to 23 years. There was no drinking water and insufficient food. We provided food, drinking water, and other supplies to meet basic needs and arranged for the children to have medical assessments and treatment. Many were suffering from parasites and malnutrition. Only 15 children attended school outside the institution. We paid school fees for five more children to attend school and placed two carers in the institution to improve daily care and provide education and recreation. As the children came to trust the carers, they complained of regular beatings and abuse. One boy alleged the deputy director had beaten him with a chain. We ensured the boy had medical treatment and successfully reunited him with his mother.

The director of the institution told us that to control the children he had devised different punishments. He called one such punishment "the motorcycle". He explained that he made children crouch in a squat position with their arms in the air, as if they were sitting on a motorcycle, and stay in that position without moving for up to an hour.

Social workers have managed to trace most of the families of the children. In most cases they say they gave up their children because they were told they would get an education and a better life. Many did not have access to basic facilities such as clean water and thought their children would have this in the orphanage. Work is ongoing to provide the support families need in order to reunite them with their children.

The director told us the orphanage was funded by a number of organisations from the United States and Canada. International volunteers visit frequently, some of whom stay in the orphanage, sleeping near the children's bedrooms. One US-based funder told us of the difficulties they are having continuing to fund the orphanage and their concerns that the food they supply is not getting to the children. The orphanage building belongs to the director's family and funds provided by foreign donors pay the mortgage on the property.

IBESR plan is to close the orphanage once all the children have been reunited or placed in better forms of care. However, the director said he aims to expand the orphanage and is currently seeking funds to build more rooms on the house.

As the children came to trust the carers, they began to complain of regular beatings and abuse. One boy claimed he had been beaten by the deputy director with a chain. We ensured the boy had appropriate medical treatment and successfully reunited him with his mother.

Case study 5

In 2010, when I was 18 years old, I volunteered at a missionary organisation in Haiti, who sent me to work in an orphanage. Numerous international organisations supported this orphanage, organising regular visits for teams of volunteers. The conditions in the orphanage were terrible. 75 children had no adults taking care of them. Each teenager living in the orphanage was responsible for 10 toddlers. Physical and emotional abuse were evident. There were no toilets or showers. Children cried because of thirst. Medical problems went untreated. At one point I asked to transfer five seriously ill children to a hospital or better quality orphanage. The orphanage owner had a discussion with her 'committee' before handing me a sticky note with a figure written on it: $150,000. At that point I did not fully understand.

A year later, aged 19, I returned to Haiti independently and showed up unexpectedly at the orphanage. Although I was not attached to any organisation, had no relevant qualifications, and had not been background checked, I was welcomed with open arms by the orphanage owner. For nearly six months, I lived alongside the children in the same sleeping quarters, with a little girl lying on my chest.

From time to time children would simply disappear from the orphanage, with no explanation of their whereabouts. Then the orphanage owner would recruit more. She paid individuals to visit rural communities (over eight hours away) and to return with children for her orphanage. Sometimes the orphanage owner herself would go on 'mission trips' to churches in remote, vulnerable communities. Parents and children told me she gave out donations intended for the orphanage, using them to demonstrate her wealth, to convince people to give up their children.

When parents came to reclaim their children, many found their children were no longer in the orphanage.

One young couple had given up their twin babies in 2005. But when they tried to reclaim them in 2010 the children were not there. The orphanage owner told the parents their children had been adopted internationally. Under Haitian law that is impossible without parental consent, which had not been granted.

One mother told me that when attempting to reclaim her three-year-old daughter, she was beaten by the 'pastor' who managed the orphanage. She was refused access to her daughter, who watched the man beat her mother to the ground and kick her in the head. She returned three times before she was successfully able to reclaim her daughter. We helped her report this to the police, but the case was not followed up.

Some parents discovered their children had been transferred to other orphanages years earlier, without their knowledge. Even if they were able to reclaim their children, many parents were told by the orphanage owner they would have to pay her for the children's birth certificates. A 13-year-old girl said the orphanage owner hid her at someone's home in Port-au-Prince so her mother, who lived far from the capital, could not find her.

During one incident in 2012, I witnessed an eight-year-old girl who was forced to lift concrete blocks. A block fell on her and she was simply placed in a corner, where she died soon after. The child's father was notified two weeks after her death. When he was given her body, he found serious injuries to her head and body, although the block had only fallen on her abdomen. This father, and other parents of missing children, took legal action, obtaining an arrest warrant for the orphanage owner. However, she continues to walk free.

Other parents discovered that their children had been transferred to other orphanages years earlier, without their knowledge. Many parents, even if they were able to reclaim their children, were refused access to their children's birth certificates and were told by the orphanage owner that they would have to pay her for the certificates.

While living in this orphanage I tried once more to have the five most physically endangered children transferred to a different institution. The orphanage owner responded that I could adopt the children, urging me to identify which children I was interested in so she could "remove their files." I was instructed not to mention this to IBESR because they would "make me pay more." The orphanage owner said she charged other foreigners $15,000 per child, but because she knew me, she would accept $800 per child.

It took three years and a great deal of effort by IBESR and my organization to finally close the orphanage in 2014. During those three years we reunited approximately 52 of the 75 children with their families, yet at the time it closed the orphanage had 120 children as the owner had recruited more. IBESR was able to reunite nearly all children, with the exception of about 10 infants who did not have any recollection of their families. Unfortunately, the orphanage owner was not prosecuted, so went on to collect elderly people instead of children.

Case study 6

In 2015, we were alerted to an institution by an American visitor who raised concerns. 31 children aged 2 years to 17 years, (14 girls and 17 boys) lived in the institution, which was run by a man who called himself a pastor and his wife. In discussion with IBESR, who classified the institution as 'red', we agreed to intervene, with a view to reuniting children with their families or placing them in foster care, and to closing the institution.

An initial assessment found appalling living conditions. Many of the children were passive and listless and demonstrated signs of malnutrition. There was no drinking water and little food. The pastor informed us he had some donors who helped provide food, but would not give us the names of the funders. The dormitories were extremely dirty and there were insufficient beds. The pastor informed us that all of the children came from poor families, some had lost one parent to cholera or other illnesses. He told us that he did not allow the parents to visit their children.

Within days, we supplied drinking water and fresh food for the children, and ensured each had a medical examination and treatment. Many were suffering from skin infections and gastroenterological illnesses, due to drinking polluted water and to malnutrition. Eight of the girls, aged 10 to 15, had vaginal infections.

Social workers worked in the institution to improve living conditions for the children and undertake individual assessments, documenting and photographing each child. It became clear the children were afraid to give information about their parents and the pastor was not forthcoming, making tracing families difficult. As the social workers found out more information about the children and it became clear that some would be removed from his care, the pastor attempted to bribe our social workers. When this did not work, he began to threaten to kill them.

In early 2016, a social worker visited the institution and found that a 17-year-old girl had gone missing. The pastor said she had gone home to her parents. The social worker visited the family and found the girl there. She was pregnant and told the social worker she had been raped by a member of staff in the institution. She said that when the pastor found out, he tried to force her to marry her rapist. The family were ashamed of the pregnancy and did not want the girl to stay with them. The social worker ensured the girl had appropriate medical treatment and the girl was placed in a safe environment. We reported the case and other abuse we documented to the authorities.

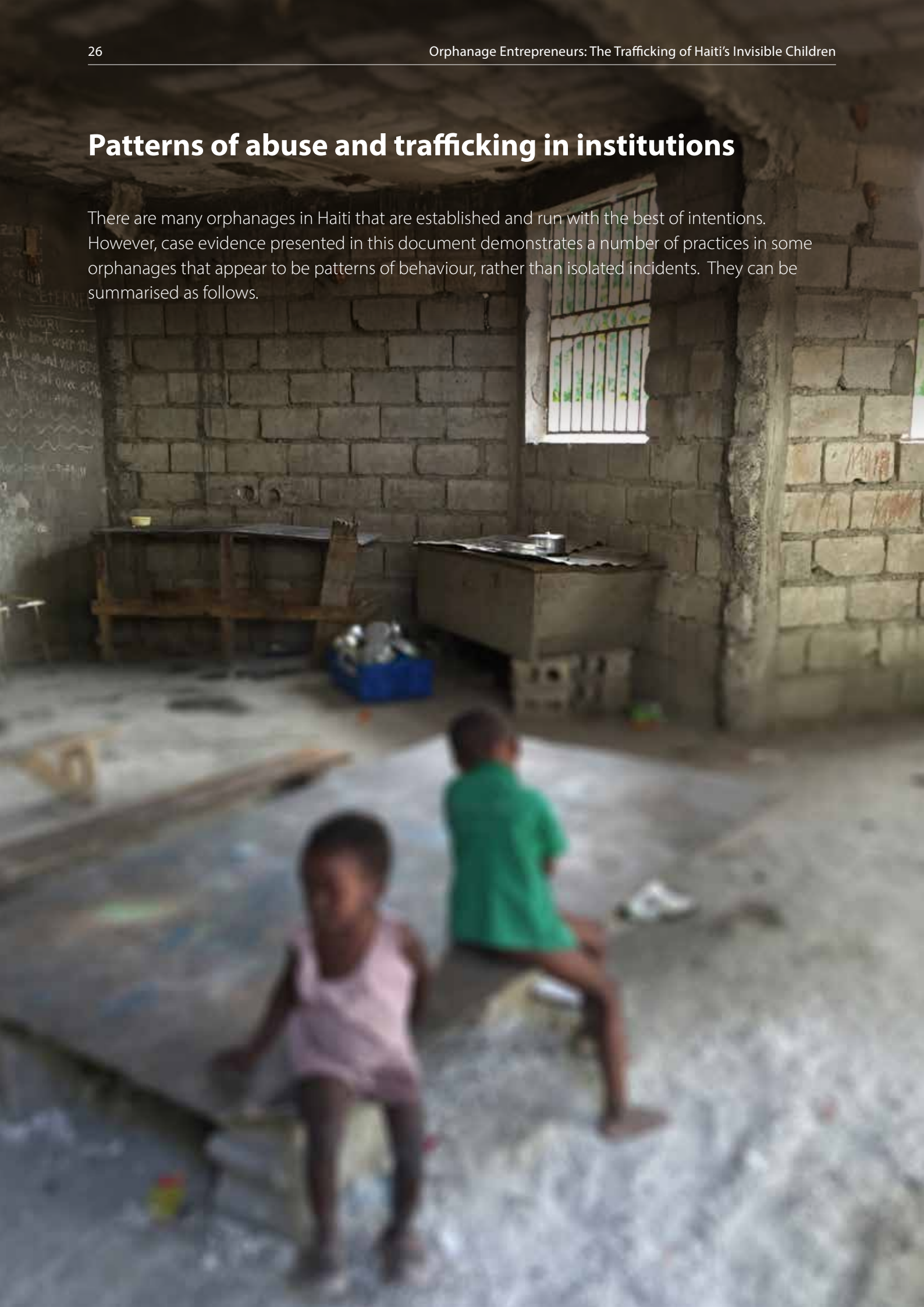
In discussion with IBESR and BPM, we agreed the situation was so dangerous that the children must be removed as soon as possible. Because there is no emergency foster care in Haiti as yet, there was no alternative but to place the children temporarily in another institution. We identified a much better quality institution and provided extra carers and support to enable them to accept the children. The

authorities arranged for the children to be removed and the institution to be officially closed. An arrest warrant was issued for the pastor.

However, on the day the children were removed, the pastor was not present and had taken five children away with him. All the other children were taken and settled well into the new institutional placement. Initially, they were traumatised and displayed unusual behaviours. One boy said: "I want to die. Why didn't my parents just kill me rather than put me in that place?" Within weeks, they were recovering, attending school regularly, and playing like normal children. The social workers are currently in the process of tracing the children's families and preparing to reunite them. Three of the children who were missing have been returned to their families. One is a member of the pastor's family, but one child is still missing and our social workers continue to follow this up. The pastor has not yet been arrested.

Patterns of abuse and trafficking in institutions

There are many orphanages in Haiti that are established and run with the best of intentions. However, case evidence presented in this document demonstrates a number of practices in some orphanages that appear to be patterns of behaviour, rather than isolated incidents. They can be summarised as follows.



Orphanage is established

An individual (Haitian or from another country) sets up a facility, calling it an orphanage. They do not necessarily officially register the orphanage with the authorities or alert the authorities to the presence of the institution. The director may call himself a 'Pastor', even though not officially ordained, to convince people (in Haiti and abroad) of his religious motivation. Alternatively, directors may use funds and goods provided by donors to demonstrate their wealth and convince local people that the orphanage will be a better place for their children.

Children are recruited through purchase, coercion or deception

Children are brought to the orphanage through various means, including purchase, deception and coercion. Parents are promised their children will have a better life and an education. Admission of children is not recorded. Authorities are not informed.

Children are neglected, abused and exploited, usually for profit

Children in the institution are neglected and abused. Sometimes with a purpose: images of malnourished children in rags are more likely to raise funds; in some cases, staff or directors are sexually abusing the children. In other cases, the orphanage was simply established as a business and children are provided with the minimum of care, to make the maximum profit. Children with disabilities may be at greater risk than their peers; girls may be at particular risk of sexual exploitation and abuse.

Orphanage advertises for support, funds and volunteers

The director or founder advertises the orphanage on the internet or through direct contact with funders, asking for volunteers and donations.

Foreigners donate money

Churches, missions and individuals donate via cheque or bank transfer, or bring cash when visiting on mission trips.

Volunteers arrive to provide support

Volunteers are often young and inexperienced. Many are shocked by what they witness but rarely feel they have the skills or knowledge to address the situation. Most volunteers are there short-term and may not witness the worst abuses. There are no background checks and volunteers often live in the orphanage with unfettered access to vulnerable children.

Children go missing

Some children go missing. There is evidence that some are sold or die in the institution, without any of this being recorded or reported to the authorities.

Few prosecutions or follow up

Although criminal activities have clearly taken place, arrests and prosecutions are rare.

Some institutions close, but many continue to function

The authorities close some of the worst institutions, but the directors are free to open others. Limited capacity of the authorities makes it impossible to investigate all unregulated institutions.

It is clear that this pattern fits the international definition of child trafficking, since the child has been moved within the country – sometimes by coercion, often by deception – with the purpose of exploitation. Some of the cases involved hard labour and sexual exploitation. However, in others, the exploitation is more subtle: the orphanage existed, and children were recruited, not with the purpose of providing care and protection for the vulnerable. Instead, the primary motivation was financial profit.

How to close an orphanage that is trafficking children

Over the past 18 months, Lumos has worked closely with IBESR and BPM in the process of closing three orphanages where practices were extremely poor and conditions were appalling. IBESR and Lumos agreed to work together to document these orphanage closures and to develop an approach as a model for a larger-scale programme of reform.

As the Lumos team began to work closely with the orphanages, it became clear that the practices in all three were in fact trafficking, as all three were either making a profit out of children, or were exploiting children including sexual abuse.

A more detailed publication on this process of reform is being developed with IBESR. However, the following outlines the procedure followed by Lumos in cooperation with IBESR, and BPM to successfully tackle the three orphanages.

Initial plan and urgent assessment

Lumos and IBESR planned a joint intervention. IBESR gave the Lumos team official authorisation to intervene in the institutions.

Lumos hired a team of qualified Haitian social workers and provided training by international experts. The team receives weekly professional supervision by experienced, international social workers.

Where possible and IBESR' capacity allowed, IBESR social workers took part in joint teams with Lumos social workers.

Rapid initial assessments were carried out in the institutions. Since no proper files or records were kept on the children, names, details and photographs were taken of each child, enabling tracking if children went missing.

The initial assessment of the institution included the following key questions and observations:

- Is the institution formally registered? Has it been inspected previously and categorised by IBESR?
- How are the physical conditions of the institution? Are there sufficient beds for the children? Are the premises clean? Is the building a safe environment for children? Is there access to drinking water and sufficient food?
- What is the caregiver to child ratio? Are there sufficient carers to provide individual attention? Does the institution rely on older children looking after or controlling the behaviour of younger children?
- Do the children display any signs of neglect, maltreatment, or institutionalisation? Are children small for their age? Is there evidence of malnutrition or disease? Do the children demonstrate physical or intellectual developmental delays? Is there evidence of stereotypical behaviours? Is there evidence of physical or other abuse? Are any of the children very sick?
- Do the children attend school, outside the institution or within it?
- Are there any volunteers at the orphanage? Do they live in the orphanage with the children?
- Does the director or their family live in the orphanage?

Urgent intervention

As a priority, medical examinations and treatments were organised immediately. In addition, drinking water and sufficient food were provided. In some circumstances, the team was not confident the food and water would go to the children. Lumos therefore hired additional carers to work inside the institution, to improve the care of the children and ensure they were fed and had sufficient drinking water.

In one institution, medical examinations showed that some girls had vaginal infections. This raised serious concerns of sexual abuse. The Director was not cooperative and threatened the social workers. In this case, IBESR agreed there was little alternative but to remove the children urgently to a place of safety. As of yet there is no emergency foster care in Haiti, so the placement had to be in another, much better quality institution.

Lumos provided additional carers and support for the institution to which the children moved, in order to ensure they would be properly cared for and that the addition of 30 children would not adversely affect the other children in the institution's care.

The children could not be informed about the move, as IBESR and BPM planned to come to the orphanage unannounced, to ensure the children and the director would be there. BPM had an arrest warrant for the director. However, he was not there when the authorities arrived and five of the children were missing.

The institution was formally closed and 26 children were transferred to the new institution.

A member of the Lumos team, whom the children knew, travelled on the bus with them, to explain what was happening and to calm their fears.

Members of the Lumos team, whom the children knew, were waiting at the new institution to welcome the children and help them feel at home. The team made daily visits to the children until they had settled in.

In another institution, the director cooperated with Lumos and it was possible to improve the level of care in the institution to a minimum level of safety. Lumos carers worked inside the institution to support the children, ensure they had sufficient food and water and involve them in education and recreation.

The conditions in the third institution were appalling. Lumos employed carers to work in the institution, while another placement was sought. However, it was difficult to find another institution of adequate quality to take 41 children. The children quickly came to trust the carers and were able to give them information that made it possible to trace the parents.

Individual assessments and care plans

Once the situation of the children was stabilised and they were provided with a minimum standard of care and protection, social workers carried out individual, holistic assessments of each child, using a common assessment tool. This considered the child's health, development, education, disability and family circumstances.

The social workers traced the families, identifying the reasons for the children being in the institutions, again using a standardised assessment tool. Family tracing and assessment is challenging in Haiti. Many of the children in the orphanages came from all over the country, some from remote villages only accessible on foot. To date the social workers have traced the families of most of the children (75%), many of whom were tricked into giving up their children and who wanted their children back.

Development of support packages for families

The Lumos team, together with each family, developed a support package to make it possible for them to take their children home. This might include, inter alia, provision of school fees or assistance with developing an income generating activity.

Preparing children and families for reunification

Using standardised methods, the children and families were prepared for reunification. This is more complex for children who have been away from their families for a number of years

Supported reunification

All decisions for reunification or placement elsewhere are made by IBESR. Lumos supported reunification, providing transportation and accompanying children home if their parents were not able to collect them

Monitoring and follow up

Lumos social workers are in contact with the reunited families, regularly visiting to check on the health and development of the children. Using the same assessment process, they collect data to compare with the children's development while in the institution.

There is a need to scale up and accelerate efforts to address orphanage trafficking in Haiti. With this in mind, Lumos has worked together with IBESR and other organisations to draft a plan for approximately 140 institutions where children are at severe risk. Lumos and IBESR are seeking partners to help co-finance and implement this programme.

Outcomes of the Lumos intervention in three orphanages

The three institutions housed a total of 133 children, all of whom were being neglected or abused. Of these

- 67 have been successfully reunited with their families
- 26 have been removed to a place of safety, with significantly better care
- 40 are being provided with significantly better care in the institution.

Further family tracing has taken place and it is estimated that by the end of 2016:

- a further 40 children will be reunited with their families
- the remaining 26 children and young adults will be placed in specially selected and trained Haitian foster families or supported to move on to independent living.

This means all children and young adults from the three orphanages can be provided with appropriate placements and support that meet their needs and, significantly, 75% can be cared for by their own families.

Money: part of the problem and a possible solution

Most volunteers and donors to Haiti believe a number of myths, which are dispelled in this document.

Myth	Evidence to the contrary
Orphanages are good for children	80 years of evidence demonstrates even well-run orphanages result in poorer outcomes for children than raising them in loving families.
Children in orphanages are orphans	80% of children in orphanages in Haiti have at least one living parent, similar to the situation globally.
Supporting children to live in Haitian families is either too expensive or not possible	The work of Lumos and many other organisations working on family strengthening, reunification, as well as foster care and adoption, has demonstrated that most children currently in orphanages could be cared for well in Haitian families, if the right investments were made in community-based support services.

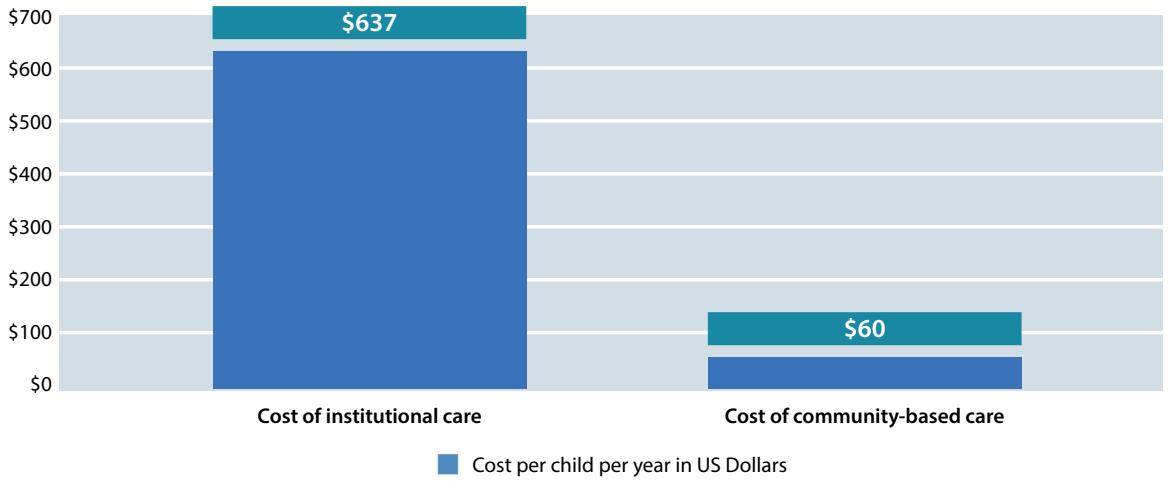
But in order to make change happen on a major scale in Haiti, an analysis of funding and finances is required. A full analysis of this kind requires much more in-depth research. This section simply highlights a number of key facts and questions related to financing different forms of care in Haiti.

Evidence from other developing countries

Lumos' experience in many countries has found that supporting children to live in their families is, in most cases, considerably cheaper than institutional placements, whilst outcomes for children in families are considerably better.[54]

This is confirmed by evidence from other organisations: Save the Children carried out a cost analysis in East and Central Africa and found costs of caring for children in institutions were 10 times the cost of supporting a child in their family.

Cost to support a child in an institutional vs cost of community-based care – based on a number of countries in East and Central Africa[55]



Evidence from Haiti

Lumos has ascertained financial data from four institutions in Haiti, three classified 'green', one 'red'. The data was provided by directors of institutions, volunteers, adoption agencies and NGOs. This is self-reported data; written budgets or published accounts were not provided. Therefore, the accuracy of the data cannot be guaranteed.

Lumos has documented the closure of the three orphanages and reunification of 67 children with their families. In addition, data on family reunification was provided by other NGOs.

The following graph demonstrates the difference in costs of care between green orphanages, red orphanages and family support services that enable reunification.

The cost per child in the **most expensive orphanage is more than $10,000, while in the cheapest orphanage it is $1,330**. The practices in the expensive orphanage were extremely poor (see Case study 1), and conditions in the cheapest orphanage were dire. The cost per child in the most expensive orphanage was more than 12 times annual GDP per capita, whilst in the least expensive orphanage it was still 1.6 times GDP per capita.[56]

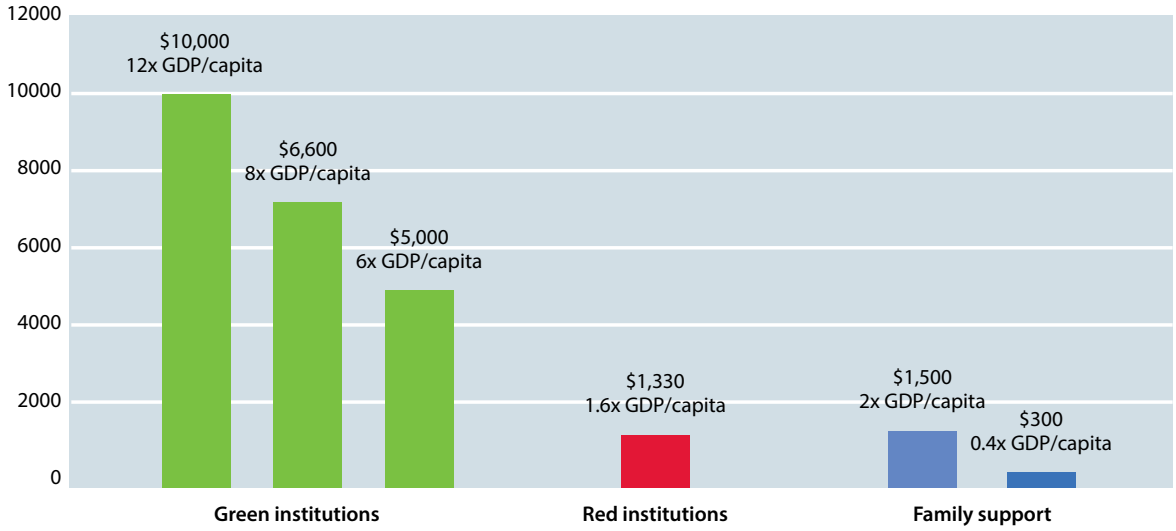
In comparison, the **most expensive family support package was $1,500, whilst the least expensive was $300**. The latter is less than 25% of the least expensive placement in an unregulated orphanage, which has been designated by the authorities as being so dire that it requires immediate closure.

54 See for example: Lumos publication (2015). Ending Institutionalisation: An analysis of the financing of the deinstitutionalisation process in Bulgaria https://weare-lumos.org/sites/default/files/Bulgarian%20Outcomes%20Report%20ENG%20Final_0.pdf

55 Swales, Diane. Applying the Standards: Improving quality Childcare Provision in East and Central Africa (UK: Save the Children, 2006, pg 110) http://www.savethe-children.org.uk/sites/default/files/docs/ApplyingTheStandards_1.pdf

56 World Bank (2015), GDP per Capita in Haiti. http://data.worldbank.org/indicator/NY.GDP.PCAP.CD

Costs of different forms of care in Haiti



How much money is spent on orphanages in Haiti annually?

Most of Haiti's orphanages operate outside the law and there is no centralised documentation of their budgets. The case evidence in this document demonstrates a range of funding sources for each orphanage, some of which is provided in cash. Goods provided by volunteers and donors to the orphanage may also be sold as another income stream. Therefore, there is currently no way of knowing how much money is donated to orphanages in Haiti each year.

However, given that there are 32,000 children in orphanages and the cost per child in some with the worst conditions is approximately $1,300, it is likely that tens of millions of dollars are spent on Haitian orphanages annually, predominantly provided by private donors, potential adoptive parents and volunteers.

The cost of closing one orphanage

Lumos is documenting the costs associated with closing orphanages. The following example of resources required relates to the facility described in Case Study 2 of this document, where the case of 41 children was of particular concern. No alternative institution could be found, so Lumos worked intensively, together with IBESR and BPM, and managed to close the orphanage in 4 months. 40 children were reunited with their families and one is moving to foster care.

The costs involved were as follows:

ITEM	COST
Emergency support in the institution/family tracing	$5,025
Support packages to reunite families	$6,418
Staff time - social workers, carers, programme manager	$16,392
Total	**$27,835**

This means the total cost per child to provide emergency support, trace families and reunite the children was US$680. This is less than some volunteers pay on mission trips to orphanages with poor practices. It should be noted that other institutions have groups of children with more complex needs, or whose families may be more difficult to trace. Therefore costs to transform care for those children would be higher.

Why do orphanages continue to proliferate in Haiti?

Given that orphanages are expensive and have poor outcomes and that family care is much cheaper, why do orphanages continue to proliferate on such a scale in Haiti?

It would appear that the answer is a combination of factors:

- the persistent myths surrounding orphans and orphanage care
- the desire to help on the part of many well-meaning donors and volunteers
- insufficient government capacity to intervene in every child protection case.

Combined, these factors create opportunities for criminals to operate orphanages as businesses that make their profit by trafficking children.

It is worth noting that many orphanages in Haiti are established with the best of intentions, where directors and funders strive to care for children. However, 85% of orphanages are unregulated and the published research and case evidence in this document demonstrate that many are exploiting and harming children.

Faith-based funding and support of orphanages

One significant source of funding for child welfare in Haiti comes from the faith sector in the United States, which includes churches (Protestant and Catholic), non-profit orphan care ministries, individual donors (missionaries and child sponsors) and short-term volunteer mission teams.

Because of the relative ease of travel from the United States to Haiti, visitors, volunteers and funding flow consistently from one country to the other with little oversight from the U.S. or Haitian governments.

In Haiti a large proportion of orphanages are faith-based, run by Catholic sisters, Haitian pastors linked with American churches and American missionaries. The fact that many are unregulated makes oversight of funding challenging.

Three common examples of US faith based funding for orphanages are:

1. Existing Haitian orphanages that draw funding, by allowing or recruiting teams of short-term volunteer missionaries to visit regularly. Team visits produce fees per visitor, as well as increasing child sponsorship when relationships are forged with children.

2. Well-meaning American faith-based volunteers visiting Haiti feel they have seen a 'need' for an orphanage after mistaking children in poverty or living on the street for orphans. Volunteers return home, convincing their church or ministry to open a new orphanage, which may be run by Americans or left in the care of a Haitian director while funding is provided through the American church partner.

3. Catholic sisters funded by U.S. based Catholic congregations live in and run an orphanage in a particular community. They consider the children to be theirs and the calling to run the orphanage a lifelong vocation.

Unfortunately, without proper oversight of this tremendously large funding stream, faith based groups are able to start or fund an orphanage without proper registration. Money can easily end up being put to poor use on programmes that are not in the best interests of children, while well intentioned faith-based groups and individuals feel that they cannot discontinue funding without risking the welfare of the children in their care.

Fortunately, the faith sector in the US also funds a wide range of family-based care programmes in Haiti, from small therapeutic group homes for children formerly in domestic servitude, to maternity programmes designed to keep mothers and babies together, to vocational training for young adults leaving orphanages.

In order to end the institutionalisation of children and ensure children are not trafficked or exploited via orphanages, it is vital to ensure the faith communities of the United States continue to provide funds, but direct their funding to the appropriate programmes in Haiti. Donor influence can and should be used to exert pressure on orphanages that are run or funded by faith groups to begin the process of transition to family-based care programmes. Donor influence could be used to ensure orphanage directors are not misusing funds, coercing children from families or exploiting children.

A number of advocacy campaigns in the United States address the need for better care practices in faith based communities. The Faith to Action Initiative provides resources and tools for donors who wish to make a change from funding orphanages to funding family-based care.[57] In addition, the Christian Alliance for Orphans[58] hosts a Haiti collaborative for faith based groups working on care issues in Haiti and recently hosted a six part workshop on transforming care services.

57 Faith to Action Initiative (2013) *From Faith to Action: Strengthening Family and Community Care for Orphans and Vulnerable Children in Sub-Saharan Africa, Second Edition* http://faithtoaction.org/wp-content/uploads/2013/09/Faith-to-Action-Initiative-Publication.pdf

58 https://cafo.org

However, more effort is needed in this area. Well intentioned faith based donors, when faced with the message that institutionalisation is harmful to children and can lead to child trafficking, might too rapidly end their funding of orphanages in Haiti, whilst not ensuring that a process of transition is funded. Donors should increase funding in order to properly and safely ensure children can be moved out of orphanages. Funding is essential for the safe placement of the children, tracing families and reuniting children and the development of a full set of alternative care options, such as family support services, emergency foster care and adoption.

Conclusions

A misconception about orphans and an over-estimation of the need for orphanage care in Haiti has led to a great deal of funding and volunteer activity being invested in the country by well-intentioned people from abroad. Whilst some programmes are high impact and respond to genuine community need, a considerable amount of the investment in orphanages is having a harmful effect.

The availability of international funding has driven the establishment of orphanages which traffic children for profit. Case evidence in this report demonstrates seemingly consistent patterns of establishing unregulated orphanages. Purchasing children, as well as deceiving or coercing parents, appear to be common practices in recruiting children to orphanages. Similar practices have been noted in other developing countries. Children report – and volunteers witness – the most severe forms of abuse, neglect and exploitation in orphanages. Children disappear and die without record.

However, there are many funders and numerous funding routes, making it difficult to track how much money is spent on orphanages in Haiti. Most orphanages are unregulated and there are few available published accounts, budgets or financial reports. As yet, the amount of funding provided to orphanages in Haiti is unknown, but is likely to amount to tens of millions of US dollars annually. This money could and should be used to provide community based healthcare, education services, income generation schemes, sanitation and housing. Such services would make it possible for most families to care for their own children. Good quality foster care and local adoption schemes are also necessary. Examples of such programmes exist, but coordinated and consistent investment is needed to scale up these good practices.

The Haitian government has demonstrated strong political will to address trafficking in children and the transformation of care and protection services for children. However, limited capacity and a lack of sufficient resources means committed civil servants are overloaded in their work to address problems of this scale.

To date, there have been few prosecutions of people who establish orphanages to traffic children. Again, a lack of sufficient capacity in the police force and judiciary to tackle this crime is partly to blame. However, it is also the case that many people assume orphanages are places of safety for children who do not have families. Without proper regulation or inspection, it is difficult to know what goes on behind the walls of these facilities.

Examples of closing orphanages, led by child protection services and the police, in cooperation with civil society, have demonstrated that a significant number of children in unregulated, poor quality orphanages could be supported to live in their own families. For those who cannot, local foster care services can be utilised.

The problem of orphanage care and trafficking children in Haiti is, therefore, one that could be solved. It requires political will on the part of the government, which has already been demonstrated. It requires sufficiently qualified and trained social workers, police officers, prosecutors and judges. But it also requires a shift in the behaviour of donors and volunteers from abroad. There is a need for much more rigorous oversight of programmes supported by international donors, to ensure their well-intended funds and time are not invested in abuse, neglect and crimes against the most vulnerable children in Haiti.

Recommendations

For the Government of Haiti

Strengthen the child protection system and judicial approaches to trafficking in children, including:

- Develop a properly-resourced, high quality, independent inspection system for all children's care services, with powers of sanction and prosecution of offenders, so that no-one can establish or run an institution without government accreditation.
- Develop a proper system for recording daily the admissions to and discharges from institutions, as well as a digital system for tracking the movement of children through the care system.
- Increase the number of frontline social workers, to support families and ensure their access to services, thereby reducing the numbers of children in institutions (prevention and reunification)
- Ensure that all reports of abuse of children in institutions are documented and investigated in a timely manner. Develop and implement a simple complaints mechanism for children and families.
- Ensure the specific phenomenon of trafficking of children in orphanages is addressed in the National Anti-Trafficking Strategy.
- Develop specialised joint response teams (child protection social workers, police and prosecutors) to address the needs of trafficked children, ensure they are rescued and protected, that perpetrators are prosecuted and that child witnesses are supported through the court system and legal processes.
- Develop a community awareness programme and behaviour change communication strategies aimed at a range of stakeholders, warning families of the dangers of placing their child in an orphanage and educating communities and volunteers not to support orphanages.

For multilateral and bilateral government partners (UN, EU, US government and others)

Support the Haitian government's efforts to strengthen child protection systems and to address child trafficking, including:

- Ensure none of their own funds are used to build, renovate or support orphanages. Develop internal regulations to prohibit this practice. Encourage other donors to do the same.
- Prioritise investment in the strengthening of health, education and community based support services that make it possible for families to care for their own children.
- Prioritise investment in IBESR to implement the goals of their Child Protection Strategy.
- Prioritise investment in the Anti-Trafficking Committee in the development and implementation of its National Strategy and Plan of Action.
- Support the implementation of the strategy to close approximately 140 orphanages where children are at the greatest risk of harm, abuse and trafficking.
- Ensure all international development assistance and programmes in Haiti consider their impact on social development, child protection and reducing trafficking. For example, food security and education programmes should be organised to reach the most vulnerable families. No international assistance should support orphanages.
- Ensure all personnel of multilateral and bilateral partners are aware of the trafficking of children in orphanages. Ensure any voluntary work by personnel is in line with best practice and the stated foreign assistance policy of their governments. For example, the European Union has stated that the transition from institutions to community-based services is a priority. The US Government's Action Plan on Children in Adversity has a commitment to putting family care first, reducing the number of children in institutional care and does not support orphanages.
- Ensure that UN Peacekeepers and employees do not volunteer or invest in orphanages.

For donors currently funding orphanages

- Ensure that partner orphanages are not involved in harmful practices such as: coercion of families to give up their children through offers of education or offers of payment for children; illegal placement of children for adoption; use of children to gain overseas funding or other exploitation of children.
- Ensure partner orphanages are properly registered with the Haitian government, inspected regularly and classified as a 'green' orphanage without any significant immediate risks to the children living there.
- Identify strengths and assets in the community in which the orphanage is located (education services, health services, social work services, etc) which can be useful as the orphanage begins to transition to a family-based care model.
- Assist orphanage leadership in moving towards more appropriate forms of care and support, to ensure all children can live with families. This should include funding activities such as: family tracing and reunification; provision of support to families to access healthcare and education for their children and to become economically self-sufficient; employing adequate social workers to assess the needs of each child; providing therapeutic care and rehabilitation for children; equipping foster families and preparing young adults for the transition to independent living.
- Learn from others. Research the best forms of care for children living outside families. Encourage learning, open communication and linkages with other organisations and ministries operating high quality family support and alternative care services.
- Do not cease funding the orphanage until a full transition has been made to family-based care services, to minimise the risk of placing the remaining children in an even more damaging situation. Loss of funding can lead to poor nutrition, reduced staffing, loss of school fees, inter alia.

For donors thinking of funding orphanages

- Before partnering with an orphanage, take the time to learn about the context. Learn about the country, explore the Better Care Network website for country specific profiles to understand better the situation of children living outside families. Find out what is considered best practice and never fund an orphanage without first fully understanding the community in which it is located.
- After desk based research, communicate with others who work with children on the ground in that country. Learn from the local community and civil society about what families need to remain together.
- Understand there is significant difficulty in tracking donations to the orphanage and that even orphanages with U.S. based funding arms may be misusing donations and misleading donors.
- Consider funding family preservation programmes such as access to education, clean water, day-care, job training or micro-enterprise lending, which are likely to reach a much larger number of children with much better outcomes.
- Assist the orphanage to transition to family-based care.

For volunteers

- Research suggests that short-term volunteers cause more damage to the children they intend to help than was previously understood. A constant turnover of different adults in the life of orphanage children results in attachment disorders. Because of this, and because of the lack of oversight regarding background checks for volunteers, it is recommended not to volunteer or engage with children in orphanage settings.
- Do not engage in 'voluntourism', where the volunteer pays to be placed for a period of time in an orphanage in order to play with, hold, cuddle or teach vulnerable children. This is currently common during spring break, summer college break and for gap year students. Only engage with a reputable agency that does not charge fees and thoroughly researches volunteer placements.

- Prior to engaging in any overseas volunteer work with children, find out what is needed in the community. There may be an option to support family preservation or community development projects or help in another way that has a positive impact on children and families.
- Those currently volunteering in orphanages should consider taking the message home that children should be in families, not orphanages. Consider joining an advocacy campaign to discourage others from voluntourism. Raise money for family preservation efforts in the community where the orphanage was located, or encourage churches, schools or organizations to stop sending short term missions teams to the orphanage and instead focus on community development.
- Anyone currently volunteering in an orphanage and who is concerned about harmful practices to children, should contact reputable local organisations working in child protection for advice. Consider ending the volunteer placement early, in order to minimise risk to self or others.

LUMOS
wearelumos.org

About Lumos

Lumos, an international non-profit organisation founded by J.K. Rowling, is dedicated to ending the institutionalisation of children – a practice that decades of research have shown is harmful to child development. We are working with many others and at all levels to ensure the right of every child to family life and transform the lives of eight million children currently living in institutions and orphanages. We help countries transform education, health and social care systems for children and their families, and help move children from institutions to family-based care.

By advocating at all levels, collaborating widely and running evidence-based demonstration projects that prove reform can work , we are able to achieve maximum impact from our funding to benefit some of the most vulnerable children in the world.

Lumos is founder member of the European Expert Group on the Transition from Institutional to Community Based Care (EEG) and has been instrumental in the development of guidelines and toolkit in 13 European languages in order to guide national governments through the process of deinstitutionalisation and transitioning to community-based care services. For more information see: http://deinstitutionalisationguide.eu.

We are also are a founding member of the Global Partnership for Children with Disabilities in Development, and member of the Leaders Council for the US-based Global Alliance for Children.

For more information visit our website wearelumos.org
find us @Lumos on Twitter or email us on info@wearelumos.org

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