

MIGRATION GOVERNANCE NEEDS ASSESSMENT

HAITI

August 2019



Author
Giulia Giudici

Project Coordinator
Estela Aragón

Contributors
Brendan Tarnay, Mariana Rendón, Marie-Antoine Joseph, Silvia Canêdo, Anton Galan y Olivier Tenes

Chief of Mission, IOM Haiti
Giuseppe Loprete

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IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental organization, IOM acts with its partners in the international community to: assist in the meeting of operational challenges of migration; advance understanding of migration issues; encourage social and economic development through migration; and uphold the human dignity and well-being of migrants

International Organization for Migration (IOM)
Regional Office for Central-America, North-America and the Caribbean
Sabana Business Center, Boulevard Ernesto Rohrmoser.
San José
Costa Rica
Tel.: +(506) 2212-5300
E-mail.: rosanjose@iom.int
Website: www.rosanjose.iom.int

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FOREWORD

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MIGRATION AND HEALTH

In 2018, with funding from the US Department of State Bureau of Population, Refugees and Migration (PRM), and in order to inform the Caribbean Migration Consultations (CMC) the International Organization for Migration (IOM) conducted needs assessments on migration governance in the Caribbean. The project aimed to provide a better understanding of migration issues by focusing on ten independent Commonwealth Caribbean countries.

In 2019, inspired by the same objective, IOM Haiti funded a similar migration governance needs assessment in Haiti. The research project was developed and coordinated by the IOM Regional Office for Central America, North America and the Caribbean, in close coordination with the IOM Mission in Haiti. The research study uses the Migration Governance Framework (MiGOF) to define the concept of “migration governance”. This analysis followed a research methodology using a triangulation approach, which entailed the collection of primary data through semi-structured interviews with over ten government officials and representatives of the country’s civil society. The methodology also incorporated the use of secondary data such as regional and national reports from other organizations, migration statistics and academic research. The validation process involved inviting interviewees to provide feedback on the interim research findings. Once received, the results were included in the final version of the report.

The purpose of this report is to provide an overview of migration governance policies and capacities, as well as to propose recommendations for the Haitian government. However, this document is not only intended to present basic information on the migration context in Haiti, but rather to provide a source of information for the government, IOM and other stakeholders. The utilization of the data provided by this document will facilitate the implementation of projects that respond to real evidence-based needs and support the improvement of the government’s migration governance capabilities. In addition, this report will serve as a source of information on migration governance for the general public in Haiti and the Caribbean region.

The final outcome consists of a national report analyzing the key areas of migration governance, including border management and security, counter-trafficking, labour migration and human development, migration and health, migration policies and adherence to international standards, and finally, human mobility in the context of emergencies caused by natural hazards.

GENERAL OVERVIEW

The Republic of Haiti, located between the Caribbean Sea and the North Atlantic Ocean, is a country in the Greater Antilles, and it occupies the western side of the island of Hispaniola. It shares this large island, the most populated of the Antilles, with the Dominican Republic through a total of 388 km of common land border.

Colonized by the French Empire in 1627, the Republic of Haiti declared its independence on 1 January 1804 and today it remains the only independent French-speaking country in the Caribbean. Nevertheless, for more than a century the country was bound to pay a considerable indemnity to the French Empire.

The Republic of Haiti is a member of the Organization of American States (OAS) and the Community of Latin American and Caribbean States (CELAC). In 2002, Haiti became a full member of the Caribbean Community (CARICOM), which now has 15 Member States and 5 Associate Members. In addition, the country is engaged in other organizations in the region such as: the Caribbean Single Market and Economy (CSME) as a partial member, the Caribbean Disaster Management and Emergency Response Agency (CDEMA) and the CARICOM Implementation agency for Crime and Security (IMPACS).

Haiti's population is approximately 11 million (10,981,229)ⁱ and nearly a quarter of the population lives in the capital, Port-au-Prince (2,637,000). According to figures released by the International Organization for Migration (IOM), in 2017 Haiti had over 37,500 internally displaced people, victims of the devastating 2010 earthquake, still living in tents or temporary shelters.ⁱⁱ

The number of emigrants of Haitian origin living abroad is estimated at 1,200,000 peopleⁱⁱⁱ. The Haitian diaspora has become a widespread phenomenon since the 1950s and is one of the largest from the Caribbean. In 2012, it was estimated that the majority of Haitian emigrants are based in the United States (606,000); other large hosts of the Haitian diaspora include the Dominican Republic (460,000), France (77,000) and Canada (74,000)^{iv}. IOM estimates that, since 2010, Brazil, Chile, and Argentina are countries that have seen a significant increase in the flow of Haitian migrants into their territories.^v

It is important to note that remittances are the main source of foreign exchange for the country, equivalent to almost a third of national GDP (31 per cent in 2018^{vi}), making Haiti one of the most remittance-dependent countries in the world.

However, since July 2015, the Haitian government has been facing massive voluntary and forced returns of Haitian citizens residing irregularly in the Dominican Republic (nearly 200,000 returnees according to the Dominican Republic Directorate General of Migration since early 2018).^{vii}

Although Haiti remains largely a country of emigration, there are about 40,000 foreign residents in Haiti, of which 42.4 per cent are women^{viii}. These are mainly people from other Caribbean countries, including Cuba, the Dominican Republic and Jamaica (Migration DRC, 2007). Nearly half of Haiti's immigrant stock is made up of expatriate entrepreneurs living in Haiti for many years, or even generations, and people living for six months to three years (mostly international officials, members of NGOs or UN agencies)^{ix}.

Although in the country there are several state and civil institutions involved in the field of migration, migration data are generally not available and reliable, mainly due to a lack of collection and updating of existing data.

In 2017, the country's GDP was estimated at USD 8,408 million, and in 2018 GDP per capita was USD 868, the lowest in the Americas and among the lowest in the world.

Two-fifths of Haiti's population depends on the agricultural sector, which accounts for 66 per cent of GDP. It consists of mostly small-scale subsistence agriculture, whose production focuses mainly on products like coffee, mangos, cocoa, sugar cane, rice, corn, bananas and vetiver. The tertiary sector (services) is the country's second largest economic activity with 25 per cent of GDP.^x

In 2017, Haiti scored 0.498 in the Human Development Index (HDI), ranking 168 out of 189 countries according to the World Human Development Rankings.^{xi} According to the World Bank, the average life expectancy is 63.3 years.

Haiti is a vulnerable country exposed to many types of natural hazards such as hurricanes, floods and earthquakes. In 2010, the country was severely affected by a magnitude 7.0 earthquake that

killed over 230,000 people and left more than 1.5 million people homeless. Similarly, in October 2016, Hurricane Matthew (category 4) ravaged the southern peninsula of Haiti, causing more than 500 casualties, as well as considerable material damage.^{xii} Currently, the Haitian authorities and the international community are continuing their efforts to support those displaced by the earthquake.^{xiii}

The environmental problems in Haiti have been characterized by deforestation and accelerated and widespread degradation of the environment (soil erosion, degradation of arable land). Currently, less than 2 per cent of the territory is classified as dense forest, while forested areas cover only 18 per cent of the country's surface area. About 75 per cent of the country's watersheds are degraded, causing frequent flooding that affects downstream agricultural infrastructure, and eroding land depletion.^{xiv}

When looking at the relationships between living conditions in the country, the labour market, natural phenomena and human displacement, it becomes evident the necessity to include migration as a comprehensive strategy in national development plans.

GENERAL INFORMATION:

CAPITAL	CURRENCY	POPULATION	SURFACE (km ²)	GDP (USD)	GDP per capita (USD)	MAIN ECONOMIC ACTIVITY
Port-au-Prince	Gourdes (HTG)	10, 981,229	27,550	8, 408,150.52	868.00	Production of coffee, mangoes, vetiver

MIGRATION DATA:

MONEY TRANSFERS RECEIVED (billion USD)	MONEY TRANSFERS RECEIVED (% of GDP)	NUMBER OF EMIGRANTS	EMIGRANTS (% of total population)	NUMBER OF IMMIGRANTS
2 721 841	32	1 200 000	11,2%	40,500



MIGRATION POLICIES AND ADHERENCE TO INTERNATIONAL STANDARDS

The Republic of Haiti has ratified five of the nine main international instruments in the field of human rights.

The Haitian government has not signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which is considered the most important international treaty on migration.

The body of law relating to immigration and emigration in Haiti includes the following texts: the Law of September 19, 1953 on immigration and emigration; the Law of November 25, 1959 amending several articles of the Law of September 19, 1953; the Law of December 26, 1978 organizing the Immigration and Emigration Service; the Law of July 2, 1981 amending articles 67, 68, 70, 72, 73 of the Act of December 26, 1978; the Act of April 6, 1983 on immigration and emigration; the Act of November 17, 1980 punishing the facts of illegal emigration, Monitor No. 84 of November 24, 1980 and the Constitution of the Republic of Haiti, 1987.^{xv}

There are other laws relating to the issue of migration such as: the Act on Irregular Travel, the 1983 Act on Immigration and Emigration, the Act on Haitian Nationality, the Residency Act and the Act updating the Labour Code (foreign labour).

The government has drafted a Haitian Migration Policy - 2015/2030, whose main focus can be summarized as: (i) Strengthening the institutional framework; (ii) Strengthening the infrastructure related to information technology, communications and data management; and (iii) Clarification of the roles and responsibilities of state institutions, and other actors involved in the field of migration.

The Directorate of Immigration and Emigration (DIE) is a technical and administrative unit of the Ministry of the Interior and Territorial Communities (MICT) whose mission is to control migratory flows throughout the Haitian territory. Among its main missions, the DIE oversees the application of the laws on immigration and emigration, regulates nationals and foreigners staying in the national territory, issues residence permits to foreigners and collects information on flows in Haiti.^{xvi} Naturalization applications are managed by the Ministry of Justice and Public Security (MJSP).

The DIE may issue several types of visas: a) diplomatic visa; (b) official visa; c) visitor or tourist visa; d) transit visa; e) non-immigrant visa; f) immigrant visa.

The Ministry of Haitians Living Abroad (MHAVE) is the entity responsible for laying the foundations for a real integration and engagement of the diaspora in the development of the country around a common vision.^{xvii}

The MHAVE is responsible for identifying skills of the Haitian diaspora and involving them in local actions, as well as promoting investments in the country.

The Constitution of the Republic of Haiti, dating from 1987^{xviii} regulates the issue of Haitian nationality in Articles 11 and 12. According to these articles, Haitian nationality can be obtained by descent or by naturalization. The Act on Haitian Nationality of 1984 provides in more detail the conditions that a foreigner must fulfill to become Haitian, as well as the rights he or she can acquire.

According to the Act, Haitian nationality is obtained either: a) by descent, for any individual having a Haitian father or mother; (b) by naturalization, through which “any alien may, after five years of lawful residence in the territory of the Republic, acquire Haitian nationality in accordance with the rules established by the present Act”; c) by “special favor of the law”, for any individual married to a Haitian citizen, as well as “any foreigner who has accepted a civil or military function and has kept it for 5 years”.

It should be noted that in 2011 a constitutional amendment repealed the law banning dual citizenship,^{xix} thus recognizing the right to multi-nationality.

Foreign nationals staying more than 90 days in Haiti must obtain a residence permit. It is a document that is granted to foreigners to grant them the right to remain in Haiti for a fixed period of time. Normally, this residence permit is valid for one year and renewable annually.

The DIE does not have precise data on foreigners living in the territory. However, the Cuban community is considered among the largest foreign communities in Haiti with an estimated population of 10,000. In addition, airlines guarantee approximately seven direct flights a week between Haiti and Cuba.

Since 2004, passports, visas and the automated passport system have been provided by the German supplier VERIDOS¹, which also maintains the only digital archive center in the country. Haitian passports are optical and there is the possibility to request them through consulates abroad. Both the fee and the validity of a new passport vary according to the age of the applicant: valid for five years for minors under 18 years of age, and ten years for adults.^{xx} According to the interviews conducted with the corresponding officials, the EID started the process for the production of the e-passport, which should be in place from the first quarter of 2020.

According to the Global Passport Power Rank, which measures the mobility opportunities of a country's citizens, the Republic of Haiti ranks 61st.^{xxi}

Despite the ranking, The Republic of Haiti is a signatory to the Treaty of Chaguaramas^{xxii} on Free Movement within the Caribbean Single Market and Economy (CSME), which allows the free mobility of different categories of CARICOM nationals. According to the DIE, in order to make the provisions of the treaty effective, Haiti should implement certain regulatory measures.^{xxiii}

Four offices linked to the DIE are distributed throughout Haiti to receive passport applications. The head office is located in Port-au-Prince and the three other offices are located in Cap-Haïtien, Port-de-Paix and Les Cayes. It is also possible to request passports through consulates abroad, however, these offices function more like an inbox for passport applications since the office of the capital is the only one that issues the travel documents.

The National Identification Office (ONI) is the government body responsible for issuing and renewing National Identification Cards (document required for obtaining the passport). However, a great debate has been launched around the difficulty for citizens in acquiring identity documents and passports (120,000 passports have been requested between 2015 and 2017).^{xxiv}

Therefore, in July 2017, the government authorities also mentioned that nine Reception and Delivery Centers for Identity Documents (CRLDI) were inaugurated by MICT as satellite centers to decentralize the requests and facilitate the delivery of passports. Anyone applying for a residence permit must send a letter to the DIE explaining the reasons for this request and must have a “letter of employment from his/her employer or the person sponsoring him/her, guaranteeing the stay of the foreigner in Haiti and repatriation if necessary”.

In addition to the residence permit, persons under paid employment in Haiti must also obtain a work permit from the Ministry of Social Affairs and Labour (MAST), as well as a tax identification number from the General Directorate of Taxes.^{xxv}

In terms of tourist visas, a large majority of foreigners can visit the country without applying for a visa in advance for a maximum of 90 days.

However, nationals of countries such as Iran, Libya, Syria, Vietnam and Yemen must apply for a tourist visa in the amount of USD 25.00. This type of visa is valid for a period of three months and must be requested one month before the planned trip^{xxvi}. Nationals from countries such as Colombia, Panama and the Dominican Republic must also apply for a visa if they do not have a US, Canadian or Schengen visa.

NATIONAL LEGISLATIVE FRAMEWORK

Legislation governing migration	✓	
National Migration Strategy	✓	The Haiti Migration Policy of Haiti 2015-2030 was developed, but it is not approved yet
Organization dedicated to the engagement with the diaspora population	✓	MHAVE
Interdepartmental coordination mechanism	✓	ONI, ONM
National Laws dealing with Extradition and agreements for extradition facilitation	✓	Extradition Act (1927); the Law on Laundering Assets from Illicit Drug Trafficking and Other Serious Crimes (2001). Agreements with the United Kingdom (1874) and the United States (1904)

RELEVANT INTERNATIONAL TREATIES

International Convention on the Elimination of All Forms of Racial Discrimination	✓	Ratified on December 19, 1972
Global Compact for Safe, Orderly and Regular Migration	✓	Joined December 10, 2018
International Covenant on Civil and Political Rights and its two Protocols	✓	Adhered on February 6, 1991 Both protocols are not ratified.
International Covenant on Economic, Social and Cultural Rights	✓	Joined on October 8, 2013.
Convention on the Elimination of All Forms of Discrimination against Women	✓	Ratified on July 20, 1981
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	✗	Signed on August 16, 2013
International Convention on the Rights of the Child	✓	Ratified on June 8, 1995
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	✗	Signed Dec. 5, 2013
International Convention for the Protection of All Persons from Enforced Disappearance	✗	Signed on Feb. 6, 2007
Convention on the Rights of Persons with Disabilities	✗	Adhered on July 23, 2009

MIGRATION POLICIES AND ADHERENCE TO INTERNATIONAL STANDARDS



Migration Strategy and Legislative Framework

- The current Constitution of the Republic of Haiti (1987) devotes two articles to issues relating to migration: it establishes the mode of acquisition of nationality and their rights; describes the conditions under which a citizen loses his nationality; defines the conditions of admission and residence.
 - Article 54 of the Constitution stipulates that “foreigners who are in the territory of the country shall enjoy the same protection as that accorded to Haitians, in accordance with the law”.
 - There are other relevant legislative documents such as the Act on Improper Travelling, the 1983 Act on Immigration and Emigration, the Act on Haitian Nationality, the Permanent Residence Act and the Act Updating the Labour Code (foreign labour).
 - The DIE is the entity responsible for the application of laws on immigration and emigration.
 - The migration strategy of the country is described in the Haiti Migration Policy – 2015/2030, but the document has not yet been approved nor disseminated.
-



Traveler Process

- Haitian passports are machine-readable and it is possible to request them through consulates abroad.
 - The delivery of the passport usually takes between 3 to 6 months.
 - There are significant delays in issuing passports at the national level.
 - The country is ranked 61st in the Global Passport Power Rank.
 - It is difficult for citizens to access identity documents.
-



Residence and Citizenship

- All foreigners staying more than 90 days in Haiti must obtain a residence permit.
- Citizenship can be obtained by descent, by naturalization and by “special favour of the law”;
- Multi-nationality has been recognized since 2011.
- The Cuban community is considered the largest migrant population living in Haiti.



Diaspora population

- There are approximately 1,200,000 Haitians residing abroad.
- Communication with nationals abroad is done mainly through the consular offices (45 in the world).
- The MHAVE is the ministry that facilitates the reintegration of Haitians from the diaspora as a way to promote of unity, solidarity and sustainable development.

Main needs identified by the government

- Update existing migration laws
- Improve the conceptualization of the diaspora resettlement strategy and programs
- Decentralize and deconcentrate the process of accessing and delivering identity documents

Main needs identified by the IOM

- Define a communication and dissemination strategy of the existing legal migration framework
- Improve Haiti’s migration strategy and facilitate its dissemination
- Promote specific training sessions for Civil Status Office officials
- Unify the citizen’s numbers in the identity documents

BORDER MANAGEMENT AND SECURITY

The Republic of Haiti has two airports and two international seaports.^{xxvii} A mapping of the land border with the Dominican Republic was conducted in 2015 in collaboration with the border surveillance network, government officials and the IOM, identifying a total of 4 official crossing points and 96 unofficial crossing points.^{xxviii}

The Border Management System (BMS) is provided by the German supplier VERIDOS, which verifies travel documents and electronically records information from entries and exits at the Port-au-Prince International Airport. This same system, according to the DIE, also allows the identification of fraudulent documents and facilitates the reading by scanning the electronic passports. The VERIDOS system is the only digital archiving mechanism in the country, as the government has not yet developed a biometric database or a fingerprint database for travellers. The same facilitates the transmission of information between the country and INTERPOL, as well as the integration of information provided through the Advance Passenger Information System (APIS).²

The installation of this system at Cap-Haitien International Airport is being evaluated, but limited availability of reliable sources of energy represents a major obstacle.

Apart from the capital's airport, the land and sea border crossing points (BCPs) do not have computerized systems in place. The collection of data is still manual and the information is not easily shared with the DIE's head office, which results in a non-exhaustive control of migratory flows at the land and sea borders.

In order to address this issue the IOM, in conjunction with the DIE, is planning the installation of the Migration Information System and Data Analysis (MIDAS) at the official Malpasse BCP before the end of the year 2019 and plans to install this system on the other three official border points by 2021. The DIE will then have information on migration flows at the land border in real time with improved and safer migratory controls.

In 2014, the government created a new department of the National Police of Haiti (PNH) called Land Border Police (Polifront), which began

operations in January 2018. The main mission of this unit is to monitor and control the land border and fight against smuggling between the Dominican Republic and Haiti. Through the creation of this police unit, the country has sought to consolidate its security and strengthen the fight against transnational organized crime.^{xxix}

In support of Polifront and DIE, other government institutions are directly involved in data collection and migration management. Among these institutions are the National Office of Migration (NOM), the Institute of Social Welfare and Research (IBESR), the Haitian Institute of Statistics and Informatics (IHSI) and the Bank of the Republic of Haiti. The NOM is in charge by presidential decree with the task of "executing the policy defined by the Government for all matters relating to returnees and internally displaced persons" (Presidential Act N26 - 1995).

In addition, all along the land border many civil society organizations work closely with the state institutions to address issues related to irregular migration and forced or voluntary returns.³ Among these institutions are the Jesuit Migrant Service (LSU), the Support Group for Refugees and Returnees (GARR) and the Congregation of the Sisters of San Juan Evangelist (SSJ). However, the migratory flows of nationals and returnees to and from the Dominican Republic still show limitations in regard to management and control.

It is estimated that everyday thousands of people cross the border irregularly. Most of them are inhabitants of the cross-border communities (Haitians and Dominicans) who cross the border to get to their place of work.

A draft cross-border ID card to facilitate the return of residents from cross-border communities is under discussion between the two countries, with the support of the missions of the IOM in Haiti and the Dominican Republic. This project has progressed slowly particularly due to ongoing political instability of Haiti and the diplomatic tensions generated around the unstable situation.

In October 2013, a decision of the Dominican Supreme Court declared

2. APIS is a system that enhances border security by providing officers with pre-arrival and departure data for all passengers and crew members. Consulted on the site: <https://www.cbp.gov/travel/travel-industry-personnel/apis2>

3. Return of a person, to his country of origin or to a third country, imposed by an administrative or judicial decision. (IOM Glossary)

that “children born in the country of foreign parents in transit do not have Dominican nationality”, a decision retroactive to 1929 which has, de facto, put at risk of statelessness thousands of Dominican-born descendants of Haitians who entered the country irregularly. According to UNHCR, 2,302 people of Haitian descent without nationality have returned to Haiti since June 2015.^{xxx} Some of these people are not familiarized with neither the language nor the culture of this country and have no networks to support them.

Most voluntary or forced repatriations at the land border affects migrants of Haitian origin who, as of July 2015, are illegally residing in the Dominican Republic following the rejection of their application for admission to the Dominican Plan of National Regularization of Foreigners (PRNE).







Since 2017, in collaboration with local authorities, including ONM, IBESR, and Polifront, IOM has opened four Border Resource Centres (CRFs) at official border crossings (Anse-à-Pîtres, Belladère, Malpasse and Ouanaminthe) to help vulnerable Haitian migrants returning from the Dominican Republic. These centres are the only government institutions that guarantee the care of the most vulnerable migrants on the border.

Even though the Act of November 17, 1980 punishing irregular travel indicates that the corresponding penalties for persons who do not comply with migration laws are criminal in nature and punishable by “imprisonment from six months to three years in prison”, in reality the detention of these subjects rarely results in judgment.

The Republic of Haiti does not have a temporary detention centre for migrants. Foreigners in an irregular situation who are detained in the territory are directly imprisoned and their cases are managed in collaboration with the corresponding embassy or consulate.

Regarding minors, the Law of November 20, 1961 states that “all minors apprehended by the Police will be placed in reception centres until the juvenile prosecutor’s office makes the extraction and returns their files for making a legal decision”. According to Articles 11 and 12 of this law, a minor who has not yet reached the age of criminal responsibility, set at 13 in Haiti, should not be imprisoned^{xxxi}.

INFRASTRUCTURES AND EQUIPMENT

Border Management System		Provided by VERIDOS: Present only at Port-au-Prince International Airport
Records of entries and exits		Digital records present only at the Port-au-Prince International Airport
Passports with biometric characteristics		Not yet developed
Electronic passports		Available from 2020
Readers or scanners		Only at Port-au-Prince International Airport
Identification of fraudulent documents		Only at the Port-au-Prince International Airport. (Although some devices are currently available to Polifront agents)

RELEVANT INTERNATIONAL TREATIES

Convention relating to the Status of Stateless Persons		Ratified on December 19, 1972 Adhered on 27 September 2018
1967 Protocol relating to the Status of Refugees		Ratified on 25 September 1984 Adhered on 25 September 1984
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment		Not ratified
United Nations Convention against Transnational Organized Crime and its Protocols		Ratified on April 19, 2011
Protocol against the smuggling of migrants by land, air and sea		Ratified on April 19, 2011
International Convention for the Protection of All Persons from Enforced Disappearance		Not ratified
Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, Supplementary to the United Nations Convention against Transnational Organized Crime		Adhered April 19, 2011

BORDER MANAGEMENT AND SECURITY



Border crossing points (BCPs)

- There are 4 official BCPs and 96 unofficial entry points along the land border where control is difficult and weak
 - Everyday thousands of people cross the border irregularly
 - The security of land entry points depends on the appropriate training of field agents, as well as equipment installed in existing structures
 - There are no specific measures or specific budget to manage a border crisis.
-



Detention centers

- Although irregular movements are punishable by the penal code, in practice the detention of subjects involved almost never leads to a judgment. Smugglers are culturally considered as providers of a social service
 - No specific detention centre for migrants
 - The age of criminal responsibility is set at 13, minors under 18 may be detained or placed in specialized reception centres
-



Typology of migrants

- Persons of Haitian descent repatriated voluntarily or by force
- Inhabitants of cross-border communities
- Persons of Haitian descent at risk of statelessness



Migration database

- The Haitian Institute of Statistics and Informatics (IHSI) does not have data on migration flows
- Most of the information available on migration flows is incomplete and includes only estimates



Information Management System

- The border management system is provided by VERIDOS and is only operational at the Port au Prince International Airport
- Cross-border communities and airports outside the capital do not have computerized systems to register travellers
- The information and data are difficult to share with the head office of the DIE and are therefore not processed
- There is no database of biometric features or fingerprints for travellers

Main needs identified by the government

- Development of an inter-institutional coordination mechanism for migration management and mainstreaming;
- Installation of a sophisticated border control and border management system at land and sea border points.

Main needs identified by the IOM

- Creation of a coherent system for the collection and analysis of migration data;
- Establishment of programmed funds to manage voluntary and forced returns.
- Implementation of a migration control system on all official entry points (maritime, air and land).

COUNTER-TRAFFICKING

To this date, Haiti does not currently meet all minimum standards set by the U.S. categorized as Tier 2. However, government's efforts in 2014 resulted in the adoption of the Anti-Trafficking in Persons Act, which prohibits all forms of trafficking. Haiti remains a source, transit and destination country for this crime.

This law provides legislative measures to ensure the implementation of international instruments at the national level and strengthen the Haitian State's intervention in the protection of victims of human trafficking. The adoption of this law strengthens the country's commitment on this issue since the Haitian government has ratified the Additional Protocol to the United Nations Convention against Transnational Organized Crime to prevent, suppress and punish human trafficking, especially women and children in 2011.

The law defines that any individual who participates or facilitates "the recruitment, transportation, accommodation or reception of persons ... for the purpose of exploitation" commits an offense. The provisions concerning the offenses for this crime are detailed from article 11 to 25. The main sentences range from 7 to 15 years' imprisonment and the payment of a 50,000 Haitian Gourdes / 600 US dollars fine, up to 1,500,000 Haitian Gourdes / USD 17,800. In the case of aggravating circumstances, as defined in section 21 of the Act, certain offenses are punishable by life imprisonment. If a foreigner is found guilty of an offense related to human trafficking in Haiti, he/she may be denied any type of stay in the territory.

Similarly, the law provides for assistance and protection for victims of trafficking and vulnerable persons, especially children and women. Among the most important assistance measures are psychological, medical, social and legal assistance, the interpretation services, witness protection and special assistance for children in order to respect the best interests of the child. However, it does not take into consideration the provisions to ensure the physical, psychological and social recovery of the victims.

With respect to victims of trafficking from other countries, it is essential to consider Article 8.3 of the Act which provides that "a foreign person alleged to be a victim of trafficking shall enjoy the right of temporary residence in Haiti for the duration of the legal proceedings against the perpetrators of the offenses."

Following the adoption of this law, a 2015 presidential Act instituted the National Committee for Combating Human Trafficking (CNLTP) – an inter-ministerial and sectoral structure attached to the Ministry of Social Affairs and Labour (MAST),

a coordinating body for all programs aimed at protecting victims of trafficking and prosecuting perpetrators. The Committee is composed of 12 members, including 7 representatives of ministries, 3 representatives of autonomous state institutions and 2 representatives of human rights organizations engaged in the fight against trafficking in persons.

Although the CNLTP has a special fund for the financing of anti-human trafficking activities by law, with a special focus on victims' assistance, in 2016 only did the Committee received a direct subsidy from the State only in 2016. In reality, it has no approved budget nor logistical and financial means for its operation. The Committee formally presented its National Operational Plan on 31 July 2019; its approval by the government would allow the implementation of its guidelines to ensure the application of the law. Due to lack of resources, it is very difficult for the CNLTP to collect and systematically produce data on human trafficking. However, the U.S. Department of State's Annual Report on Human Trafficking can be a reliable source of data as the information is directly provided by the Haitian State.

In addition, an unpublished ACP-EU study identifies the most vulnerable sectors to human trafficking in the country. Women and children are the most vulnerable to trafficking for the purpose of sexual exploitation and forced labour (including construction, agriculture, fishing, domestic work and street vending).

Human trafficking happens both locally and at the border. Data collected at the border is more available thanks to the presence of government institutions such as Polifront, ONM, BPM and IBESR who intervene at official BCPs and refer cases of trafficking to border resource centres.

Victim support is partially guaranteed with a partnership between the government, civil society and international organizations. Generally, victims receive emergency medical and psychological support services and minors receive accommodation in reception centres.

Legal assistance takes place at court level through assigned lawyers. The government commissioner acts as the public prosecutor during penal processes (the commissioner is responsible for the prosecution of trafficking cases). However, the justice system has made little progress in terms of prosecutions, which has hampered efforts to prosecute traffickers and protect victims.

Two convictions have occurred since the adoption of the law. Although there have

been several arrests since 2016, the defendants were released after judges considered that there was no sufficient evidence to characterize the crime as trafficking in persons. As a result, the former president of the CNLTP stated that “members of the judiciary must be trained on this new law” in order to strengthen the mechanisms for prosecution of criminals.^{xxxii}

The first national conference on human trafficking in Haiti was held in 2017, organized by the CNLTP with the support of the Ministry of the Interior and Territorial Communities.

In terms of raising awareness about the fight against human trafficking, the CNLTP conducts campaigns throughout the country through radio broadcasts. It also runs trainings organized for court magistrates and in partnership with the IOM. Two telephone hotlines remain active for cases of human trafficking: the green line 840 installed in collaboration with the IOM, and another one – 188 – administered by the government through the BPM to report any cases of abuse of minors.

LEGISLATION AND INFRASTRUCTURE AGAINST HUMAN TRAFFICKING

Specific legislation against trafficking in persons	✓	Anti-Trafficking in Persons Act 2014.
Awareness campaigns on human trafficking	✓	Radio broadcasts
Official procedures and protocols for identifying victims	✗	No existing protocol
Taskforce against Trafficking in Persons	✗	No taskforce or special police unit to combat existing human trafficking
	✓	Special Fund to Combat Trafficking in Persons under Article 7 of the 2014 Law The CNLTP does not have a budget allocated for its operation
24-hour hotline to report suspected cases of human trafficking	✓	Free line “840” (Green Line) set up by the IOM Government line “188” managed by the BPM to report any cases of child abuse

ASSISTANCE TO VICTIMS OF HUMAN TRAFFICKING

Access to shelter	✓	The NMO provides shelter, as well as some local NGOs. Even though these structures are not exclusively to victims of trafficking.
Support for voluntary returns of returnees	✓	The FIUs welcome repatriates in a dignified and safe manner on the 4 official BCPs
Possibility of access to specific medical care	✓	The 2014 Anti-Human Trafficking Act provides for medical and psychological assistance for victims. Victims receive immediate psychological and medical assistance but no follow-up.
Special category of visa or other legal migration routes for victims of trafficking	✓	Contemplated in article 8.3 of the Anti-Human Trafficking Act of 2014. In practice, very few cases showed an application of this article.
Legal assistance to victims of trafficking	✓	The Anti-Human Trafficking Act of 2014 allows the provision of legal assistance. In practice, government offers legal assistance to those who cannot afford it, but there is no follow-up for reparations.

RELEVANT INTERNATIONAL TREATIES

Additional Protocol to the United Nations Convention against Transnational Organized Crime to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	✓	Ratified on April 19, 2011
International Convention on the Rights of the Child	✓	Ratified on June 8, 1995 le 8 Juin 1995
Convention on the Elimination of All Forms of Discrimination against Women	✓	Ratified on July 20, 1981
Domestic Workers Convention (No. 189)	✗	Not ratified
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	✗	Not ratified

COUNTER-TRAFFICKING



Legislation and strategy

- *The Anti-Human Trafficking Act of 2014*
 - *Inter-ministerial and sectoral coordination body: National Committee for the Fight Against Trafficking in Persons (CNLTP) composed of 12 members*
 - *Budget line of HTG41,000,000-USD 42,600 assigned for the year 2018-2019 but not yet approved*
-



Reception centre

- There is no dedicated shelter for victims of trafficking
 - The NMO provides shelter, as well as some local NGOs.
-



Data gathering

- The collection of primary data on trafficking is limited
 - Government reviews data collected by third parties, including IOM, as well as regional cases and trends
-



Identification and prosecution

- Two convictions since the law was created
 - Several arrests since 2016
 - Inadequate mechanisms and training to prosecute human trafficking
-



Awareness campaign

- Radio programs;
 - Training for court magistrates
 - Popularization of the 2014 law
 - Green Line 840 installed with the IOM, and line 188 implemented by the government to report any cases of abuse of minors
-



Victim assistance

- *The State offers legal assistance to those who cannot afford it, but there is no legal follow-up for civil reparations*
 - *There is no protocol to facilitate the coordination of assistance among different stakeholders*
 - *Local NGOs are often the ones providing psychological and medical assistance*
-



People at risk of human trafficking

- Children under 15 years of age often work as domestic servants
 - Sexually exploited women and children (girls and boys), especially in large cities and cross-border communities
 - Haitians emigrate with hope of work in the future host country
 - Foreign nationals, in particular nationals of the Dominican Republic and Venezuela, vulnerable to trafficking for the purpose of sexual exploitation and forced labour
-



IOM support

- Direct assistance to over 2,500 child victims of human trafficking
 - Support drafting the first Standard Operating Procedures (SOPs) on the identification and protection of victims of trafficking
 - Establishment of the free telephone line 840 (Green Line) to detect, track and provide assistance to victims
 - Collaborate with the CNLTP in the coordination of the group on the fight against trafficking in persons
-

Main needs identified by the government

- Conduct specific training sessions on human trafficking for duty counsel;
- Provide assistance for the implementation of anti-trafficking legislation;
- Provide support, monitoring and reintegration assistance for victims.

Main needs identified by the IOM

- Development of a coherent system for collecting and analysing data on victims of trafficking and criminal networks;
- Support the development and implementation of the CNLTP action plan.
- Support the development of SOPs among key actors involved in counter-trafficking

MANAGEMENT OF EMERGENCIES AND NATURAL HAZARDS

The Republic of Haiti is constantly exposed to a wide range of extreme weather events and natural hazards such as hurricanes, floods, earthquakes, soil erosion, landslides and desertification.^{xxxiii}

According to the World Risk Report 2018, published by the Institute for International Law of Peace and Armed Conflict, Haiti ranks 21st in the world of the most vulnerable countries to adverse natural events.^{xxxiv}

It is important to mention that one of the most catastrophic natural events, Hurricane Matthew (Category 4) in 2016, caused floods and serious damage to infrastructure, homes and farm fields in many communities, and caused more than 500 deaths. The earthquake of 12 January 2010 is considered the worst natural disaster that Haiti has experienced so far. This earthquake caused a heavy economic and human toll causing more than 230,000 deaths, 300,000 people wounded and severe damage to the main infrastructure of the country (residences, schools, hospitals, etc.),^{xxxv} mainly west (including Port-au-Prince), south and south-east. The earthquake destroyed and damages properties the equivalent of 120 per cent of GDP, according to the World Bank.

Land and territory is poorly controlled as natural resources have been overexploited, and it is further aggravated by environmental degradation with threats of erosion intensified by deforestation by family farming, low rainfall and severe droughts. Rural to urban migration has become a consequence of these phenomena.^{xxxvi}

The Haitian Government created in 1997, within the Ministry of the Interior and Territorial Communities, the Directorate of Civil Protection (DCP) to coordinate all disaster-risk response operations with the aim of decreasing the impact of disasters.

Following Hurricane George, which struck the Republic of Haiti in 1998, the issue of prevention and disaster risk reduction government priorities. Therefore, the State has committed, with the support of international cooperation, to develop a National Risk and Disaster Management Plan

(PNGRD) with the capacity “to address all phases of disaster management: warning, preparation, response and rehabilitation.”^{xxxvii}

The PNGRD has established guidelines to be followed, the objectives to be set and the actions to be implemented in order to reduce the risk of disasters, and to improve the disaster management in Haiti.^{xxxviii} At the same time, through mapping initiatives, the PNGRD has been able to identify threats and the areas of the country most vulnerable to natural or man-made hazards.

Another important component of the PNGRD is the National Emergency Response Plan (NRPP), which describes the roles and responsibilities of the different actors (National Council, Permanent Secretariat, Support Groups and Committees). The coordination of this Plan is part of a National Risk and Disaster Management System (SNGRD). Indeed, the PNRU defines nine emergency response functions (ERFs). These must be assumed and conducted by relevant governmental and private institutions, and coordinated with the National Emergency Operations Centre (COUN) or Departmental (COUD) and local government, if applicable. Thus, each “department assumes the direction of a specific emergency response function and is in charge of direct coordination with other departments that support the execution of this function”.

Ministries have been designated on the basis of their mandate, resources and capabilities in a particular area.

Thus, the PNGRD and the PNRU provide an overview of the legal framework for disaster management and provide benchmarks in decision-making and the development of national strategic plans. Neither document addresses the specific needs of migrants in the event of a disaster.

Since the creation of the PNGRD, the plan included an early warning system with a clear description of the procedures and responsibilities of the different actors. However, this system had not been implemented until recently.

Since the earthquake of 2010, the risk of tsunamis has also been on the agenda of the Haitian authorities. As a result, in 2016 the Republic of Haiti launched its tsunami warning system. Currently, the country has a Maritime Data Operations and Observation Centre, three tide gauges for the surveillance of sea movements and early warning systems in case of tsunamis.^{xxix} Also, since 2015, 31 municipalities located in risk areas have been equipped with a monitoring and hydrometeorological warning system (rainfall or drought).^{xl}

In the event of a potential disaster or emergency, the SNGRD will maintain the relationship with the public through the Civil Society Support Committee. The latter is responsible for identifying local leaders and emergency response groups for the rapid dissemination of information, the identification of needs, the establishment of dialogue and the continuous exchange of information.






Disaster preparedness capacity has improved through the creation of specialized structures such as civil protection and the development of contingency plans at the national, departmental and communal levels.^{xli} Civil protection committees are present in five of the ten departments.

In addition, since 2006, Haiti has a National Adaptation Action Plan (PANA) that has enabled it to act on certain causes of vulnerability, as well as to respond to the needs caused by the adverse effects of climate change. According to the PANA, it is essential to integrate some elements of the Plan into the development of other action strategies or government programs to ensure overall sustainable development.^{xlii}





Disaster preparedness has improved through the creation of specialized structures such as civil protection and the development of contingency plans at the national, departmental and communal levels.

Due to the political complexity of the country at the time of primary data collection, access to government officials was challenged, and as a consequence, the information included in this chapter the information comes mainly from secondary sources. Thus, the link between risk management and the needs below have been identified only by IOM.

NATIONAL PLANS AND PROTOCOL

National Risk and Disaster Management Plan (component: Risk Reduction)	
National Emergency Response Plan (PNRU)	
Contingency or contingency plan for managing large-scale population movements during crises	 The DCP has developed contingency plans for Hydro-meteorological risks that take into account the management of displaced persons due to disasters but not a specific contingency plan for large-scale population movements during crises
Budget devoted to cross-border crisis management	
Early warning system	

RELEVANT INTERNATIONAL TREATIES

United Nations Framework Convention on Climate Change		Ratified on 25 September 1996
Paris Agreement on Climate Change		Ratified on 31 July 2017
Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Disaster Relief Operations		Signed on 11 February 1999 Not ratified
Kyoto Protocol to the United Nations Framework Convention on Climate change		Adhered on 6 July 2005

MANAGEMENT OF EMERGENCIES AND NATURAL HAZARDS



Emergency management

- The PNGRD serves as a guideline for the national coordination of all resources involved in emergency management
 - DCP is responsible for disaster preparedness and coordination of risk management actions
 - The PNRU establishes the role and action of each ministry involved in risk management, as well as the roles and responsibilities of the national and international partners of each ministry in responding to emergencies
 - Haiti has a Marine Data Observation and Operations Centre (Codomar), three tide gauges for the surveillance of sea movements and early warning system in case of tsunami
 - The specific needs of migrant populations are not taken into account in the plan
 - No specific measures or specific budget to manage large-scale population movements
 - No program has been put in place for the reintegration of internally displaced persons or returnees
-



Collection of data

- Limited availability of national and local assessments
 - Some community mappings of the most vulnerable areas have been produced by the DCP in partnership with civil society and international actors
 - There is no comprehensive national database on multiple risks or protocols for information sharing
-



Climate change and disaster risk reduction

- In Haiti, threats related to climate variability are present regardless of climate change
 - More signs concerning climate change are also appearing in Haiti – the country is experiencing severe periods of drought and excessive rain simultaneously
-

Main needs identified by the IOM

- Transformation of the coordination system mechanisms between key actors into specific Protocols;
- Improvement of the strategy for managing natural resources and combating desertification;
- Strengthening of the operationalization of the land use policy;
- Analysis of the migration component in relation to environmental degradation and development policies;
- Increase of the involvement of national and international stakeholders to reduce risk and enhance capacities of the most vulnerable communities in the face of disasters;
- Strengthening of early warning systems to reach populations in the most vulnerable situations, including migrants.
- Develop a monitoring system for displaced persons;
- Collect data on migrant populations under conditions of vulnerability.

LABOUR AND HUMAN DEVELOPMENT

The 40th Article of the Act of September 19, 1953 states that a foreigner visiting Haiti who holds a tourist, visitor or transit visa is not authorized to engage in any commercial or professional activity during their stay. According to Article 306 of the Labour Code, foreigners can not engage in any occupation or profession for profit, no matter if the person is nature (self-employed worker or employee), unless he/she has a work permit beforehand.

The Directorate of Manpower (DMO), the central structure of the Ministry of Social Affairs and Labour (MAST), is the governmental body responsible for issuing employment permits to foreign workers and for controlling the employment of workforce.^{xiii} It is also responsible: (a) to undertake ongoing studies of the size and distribution of the labour force, the nature, extent of unemployment and underemployment, and trends in these areas; (b) to organize and control the labour market and labour migration; (c) to assist censuses and surveys to improve the statistics necessary for carrying out such studies; (d) to establish an inventory of available manpower by branch of industry and formulate short-term employment forecasts with a view to preventing a shortage of skilled labour; (e) to develop the National Manpower Policy.

The Act of February 24, 1984 updating the Labour Code of September 12th, 1961 (foreign labour) refers to the administrative formalities concerning requirements for obtaining a visa or a work permit for foreigners. Haiti's Labour Code provides for provisions on foreign employment and equal treatment. This special legal regime tries to protect the local workforce and professions. Article 313 states that in order to issue a license to a foreigner, the DMO must show evidence that it is not possible to find those skills within the Haitian labour market.

A foreigner wishing to work in Haiti may apply for two types of permits: (a) A work permit, if he/she practices a trade or profession; (b) An employment permit in order to work for a private employer. These permits cannot exceed a period of one year and are renewable depending on the permit and the assessment of the DMO. However, certain categories of foreigners are exempted from obtaining a work and employment permit: (a) holders of shares in new enterprises as defined by the Labour Code; (b) those who are married to a Haitian and who have at least three years of uninterrupted residence in the country, (c) those who have resided in the country for at least ten years, or who are employed by an employer related to the State and uphold a contract of employment; (d) clergy and diplomatic missions accredited in Haiti (e) staff of international agencies (Act of February 24, 1984 updating the Labour Code of September 12th, 1961).

Additionally, according to the Labour Code, Haitian employees will have to earn a salary equal to that of foreigners in the same company and in the same function (Article 311).

The foreign worker has the obligation to train one or more Haitians to improve in his field; unfulfilling this requirement could cause the withdrawal of his license.

The number of foreign employees shall not exceed five per cent of the personnel of a company and 70 per cent of the payroll shall be paid to Haitian employees (Article 315). The employer or foreign employee who has not complied with the provisions of the Labour Code will be punished by a fine of 5,000 to 10,000 Haitian Gourdes pronounced by the Special Labour Court (TST) at the request of the Directorate of Labour (DT).

According to sections 228 and 229 of the Labour Code, migrant workers may legally belong to a trade union, which guarantees their access to legal provisions governing the employment and recruitment of migrant workers. However, in order to be or to become a member of the executive committee of a trade union one must be a Haitian citizen (Article 239).

The social security system in Haiti is built on three pillars: (a) non-contributory social assistance (transfers, subsidies), usually financed by tax under the principle of solidarity; (b) contributory social security which is based on schemes of insurance against various risks (sickness, unemployment, old age, invalidity, maternity) financed by contributions; and (c) the regulation of labour markets, aimed at protecting the individual and collective rights of workers, particularly with regard to the reduction of risks related to unemployment and the decent work deficit (work in conditions of freedom, equity, safety and dignity), but also for the reduction of discrimination in labour markets.^{xliv}

Social security (contributory schemes) is not accessible for most Haitians, especially the poorest sector, leading to a lack of protection in old age or in case of illness or disability. In fact, only 11 per cent of employees in Haiti have access to social security. As for the non-contributory sphere, in 2012, only 8 per cent of the Haitian population and 11 per cent of the impoverished population received non-contributory social assistance benefits.^{xlv}

With regard to the involvement of a foreigner in Haitian public and political life, Article 48 of the Act on the Revision of the General Statute of the Public Service of 2005 states that in order to gain access to the civil service, one must have Haitian nationality. As a result, all foreigners are excluded from the public service.

According to a study published by the World Bank, only employees working in the formal sector have access to existing social insurance schemes in Haiti. And social security in Haiti covers formal private sector employees and civil servants. However, employees make up only one-fifth of the workforce, less than 10 per cent of the population.

A survey carried out in 2012 by the Ministry of Planning and External Cooperation of Haiti, with the support of the World Bank, indicates that only 2.6 per cent of the elderly 65 or older receive pensions and the majority of those who fall under this percentage have a net worth higher than the average population. Furthermore, most pension recipients live in urban areas (92%).

The Republic of Haiti does not have social security agreements with other recipient countries of Haitian migrants.⁴ Information on the conditions of access to the social security system in Haiti for foreigners is not available.

As for the Haitian education system, it is composed of the formal and informal sectors. According to more recent data from the 2015-2016 school census of the Directorate of Planning, there are 19,905 schools offering the first three levels of education (preschool, basic and secondary) and 200 post-secondary institutions.^{xlvi} Basic education is compulsory and free according to the 1987 constitution (amended).

One of the objectives of the 10-year Education and Training Plan for the period 2018-2028 launched by the Ministry of Education and Vocational Training is to make access to higher education and research equitable. For this reason, the Government of Haiti has set the following objectives: (a) All recipients of a high school diploma are automatically admitted to the public higher education and to the research network (ESR) which allows them to receive a scholarship in Haiti or abroad; (b) ten students per department per year from low-income families are sponsored by the State.

This plan does not mention any measures or objectives to address the needs of migrant students in Haiti. Information on access to education for foreign students is not available.

According to ECVMAS estimates in 2012, school enrolment in Haiti starts to decline around the age of 15, but 73 per cent of 18-year-olds said they still go to school. The figures indicate that in 2012 almost 200,000 children (about 10 per cent) aged 6 to 14 were out of school.

At the national level, the adult literacy rate is around 77 per cent.






Due to the political complexity of the country at the time of primary data collection, access to government officials was challenging, which is why in this chapter the information comes mainly from secondary sources. Thus, the link between labour market / education and migration factors is not obvious and the below needs have been identified only by the IOM.

4. Definition: Social security agreements: "These instruments promote labour mobility by offering a better guarantee of their social rights, in fact they make it possible to avoid double contributions and to ensure the retention of workers in the original social security system for a fixed period (secondment), ensure the coordination of the social security schemes to avoid the loss of entitlement to old-age insurance and the export of pensions, by lifting the clause which conditions their payment to the residence in the territory of the debtor State".

MIGRANT ACCESS TO THE LABOUR MARKET

Access to work in the private sector		Article 306 Labour Code: in advance, obtain an employment permit.
Possibility of self-employment		Article 306 Labour Code: in advance, obtain an employment permit.
Access to work in the public sector		Article 48 of the Act revising the General Statute of the Civil Service.

RELEVANT INTERNATIONAL TREATIES

International Convention on the Rights of the Child		Ratified on June 8, 1995
ILO Convention on Migrant Workers (Revised, No. 97)		Not ratified
Complementary provisions of the ILO Convention on Migrant Workers (No. 143)?		Not ratified
Domestic Workers Convention (No. 189)		Not ratified
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families		Not ratified

LABOUR AND HUMAN DEVELOPMENT

Bilateral Agreements and International Conventions on Labour Migrants

- Dominican Republic: Signature of two agreements on the conditions of recruitment of workers and the conditions of repatriation of Haitian citizens in the 2000s.
 - Turks and Caicos Islands: Agreement concluded in 1995 concerning Haitian migrants.
 - The country has also signed and ratified Convention 29 on Forced Labour and Convention 105 on the Abolition of Forced Labour.
-

Data gathering

- Figures on the foreign population working formally or informally in the country are not available.
-

Access to the labour market

- The DMO is the government body responsible for issuing employment permits to foreign workers.
 - The Act of February 24, 1984 designates the administrative formalities for obtaining the work permit for foreigners.
 - Haiti's Labour Code provides for the employment of foreigners and equal treatment.
 - TB Article 313 attempts to protect local labour and professions.
-

Access to social security

- Social security is not accessible for most Haitians, especially the poorest.
 - Only employees working in the formal sector have access to social insurance schemes.
 - The Republic of Haiti does not have social security agreements with other recipient countries of Haitian migrants.
 - Information on the conditions of access to the social security system in Haiti for foreigners is not available.
-



Access to education

- The Haitian education system is composed of sectors, formal and informal.
 - The 10-year Education and Training Plan aims to make access to higher education and research equitable.
 - At the national level, the adult literacy rate is about 77 per cent.
 - Information on access to education for foreign students is not available.
-

Main needs identified by the IOM

- Enhanced support for the creation or improvement of institutions, such as public employment agencies, to better match supply and demand in the labour market;
- Promotion of the reform of labour market policies at the national level, so as to take into account the imbalances between the national market and those of neighboring countries;
- Strengthening of the migration policy to be geared towards the promotion of decent work for all in their own country and the political and economic stability that defines life in Haiti as an alternative to migration.

MIGRATION AND HEALTH

The Ministry of Public Health and Population (MSPP) is mandated to guarantee to all citizens, without distinction, the right to life and health and to provide them, in all local authorities, with the appropriate means to protecting, maintaining and restoring their health. The state body is responsible for formulating and implementing the National Public Health Policy.^{xlvii} The Policy, launched in 2012, is a “general strategic framework designed to guide the country’s response to health issues through the components of the state, civil society, and international cooperation. It represents a reference to which all actors are required to comply for any health or health-related initiative.”

The Haitian health system as a whole has 908 service and care facilities distributed in: 278 public institutions (30.62%), 419 private institutions (46.14%) and 211 mixed institutions (23.24%). Sixty-one per cent of all health facilities are in rural areas, and most of them are managed by the MSPP (MSPP 2010 Statistical Yearbook). The health care system is structured in three levels: (a) a first level with 795 health facilities (SSPE) with and without a bed and a second level with 45 community reference hospitals (HCR); (b) a second level with ten departmental hospitals; (c) and the third level with the Hospital of the State University of Haiti (HUEH) and some specialized centres.”^{xlix}

As a result of the implementation of the national health policy, the 2012-2022 Health Master Plan defines the priority themes on which the government must take action: (a) strengthening of institutional capacities; (b) provision of health services; (c) medical care to address priority health problems; (d) disaster management; (e) public health and sanitation and environmental protection.

Since the 2010 earthquake, the Ministry of Health has implemented a refurbished model of community organization for health care to expand access to health. Its organization is based on the strategy of primary health care and an integrated network of health services.ⁱ

Health system reform would be desirable but as a result of the fact that 96 per cent of the population is constantly at risk of viral infection, and that natural disasters occur frequently in Haiti, the attention and funding of the MSPP is diverted to emergency response.

According to the World Health Organization (WHO), in 2014 the Republic of Haiti spent 7.6 per cent of its GDP in the public health sector^{li}.

In 2016, there were a total of 23,344 health professionals enrolled in the national health system. The availability of staff in the departments is limited and uneven for patients^{lii}. In addition, the majority of public health institutions charge user fees, which is hard on low-income households who cannot afford to access or consult with health professionals^{liii}.

The high price of basic services and the precarious conditions of hospitals in Haiti make health one of the factors for migration towards the Dominican Republic which offers better access to medicines and better sanitation facilities. One of the most common examples is pregnant women seeking to give birth in the Dominican Republic.

This phenomenon has fuelled networks of human traffickers who have developed a business model for the irregular passage of pregnant women seeking to give birth across the border: illegal transfer may indeed be less expensive than treatment in a Haitian hospital.^{liv}

Although the national health policy is part of a comprehensive approach to meeting the health needs of the population, it does not mention any measures to address the needs of migrants.







Migrants (mostly of Haitian origin) who arrive in Haiti by the land border in precarious health conditions are supported by local or international NGOs who provide them with free primary medical attention. Health staff who with Spanish-speaking abilities are in place at the hospitals in the border areas.

There's no available information regarding the type of access that foreigners and visitors have to public health facilities, in most cases they attend private health facilities.

According to the National Migration Profile of Haiti, published in 2015 by IOM, the MSPP is responsible for a variety of health programs that have a link with migration, including: (a) the procedure which makes it possible to better accredit the diplomas of Haitian doctors who studied in the Dominican Republic and others who studied at private universities in Haiti; (b) the recruitment and accreditation of medical workers trained in Haiti through Cuban cooperation; or (c) the collection of national data on the migration of health personnel, including that of students in health-related disciplines.

Due to the political complexity of the country at the time of primary data collection, access to government officials was challenged, and as a consequence, the information included in this chapter comes mainly from secondary sources. Thus, the needs below have been identified only by IOM.

MIGRANTS' ACCESS TO MEDICAL CARE

Access to primary health services		Payment required
Access to Secondary health services		Payment required
Access to psychosocial care		Payable in public and private hospitals; Free if offered by local or international NGOs
Access to post-exposure prophylaxis treatment		This service is only available in Anti-retroviral treatment (ARV) centres
Access to the national plan to combat HIV / AIDS		Migrants may have access after screening, but follow-up of cases of people living with HIV is often difficult
Access to interpretation services		At the level of hospitals in the border areas there are health personnel who master the Spanish language

RELEVANT INTERNATIONAL TREATIES

Constitution of the World Health Organization		Accepted on 12 August 1947
International Health Regulations (IHR)		State Party since 15 June 2007
Resolution on the health of migrants (WHA 61.17)		Resolution co-sponsored by the Republic of Haiti as part of the 70th World Health Assembly
International Covenant on Economic, Social and Cultural Rights		Ratified on 8 October 2013

MIGRATION AND HEALTH



The health system

- The Haitian health system is made up of 30 per cent of public structures, 46 per cent of private institutions and 23 per cent of mixed institutions.
 - The National Health Policy is built on a variety of guiding principles, norms and rules of conduct such as: Universality, Globality, Equity and Quality.
 - In 2014, the country spent 7.6 per cent of its GDP in the public health sector.
 - The national policy does not mention any measure to address the needs of communities or migrants.
-



Access to care and public health

- The majority of public health institutions charge user fees.
 - 46 per cent of health institutions nationwide operate without any data collection system, making quality monitoring and evaluation.
 - The low-income segment of the population cannot afford professional counseling.
-



Main diseases

- The human immunodeficiency virus (HIV) and other STIs
 - Acute respiratory infections / Tuberculosis
 - Diarrhea
-

Main needs identified by the IOM

- Coordination among State institutions and civil society in improving the health conditions of the population
- Enhance coherent sanitation management at the border level with the National Emigration and Immigration Service and health authorities
- Implementation of provisions that address the specific health needs of the migrant population
- Establishment of mechanisms for the systematic collection of data on migrants' access to health services and their special needs
- Improvement of intervention measures for preventive and primary health care for migrants
- Development of a regional emergency care network on the border

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