

Report of grave violations against children in the context of armed violence in Haiti

January– July 2008

MINUSTAH – Child Protection Unit

Context	<ol style="list-style-type: none">Despite the general improved security situation, children continue being affected by armed violence.In particular, kidnapping of children remains area of high concern. Children represent 35% of the total number of victims of kidnapping, and an increasing number of girls and since the beginning of the year 66 minors, including 28 girls, were victim of kidnapping (compared with 80 victims (41 girls) in all 2007). Two of these children were killed.Children actively participated in the violent demonstrations against rising food prices at the beginning of April. MINUSTAH military Battalions deployed across the country reported that approximately 30% of participants were minors. It is important to highlight that these social unrest, manipulated by political and criminal spoilers, led to the dismissal of the Prime Minister by the Senate with a significant impact in the stabilization process. Minors were reported being involved in riots, blocking roads, looting shops as well as in the attempt to enter the Presidential Palace. In Petit Goave, a twelve year old boy was reportedly injured by bullets during the demonstrations.The involvement of minors in demonstrations is confirmed by the findings of the visit by MINUSTAH Child Protection Unit on 25 April to the male minors detention center (Delmas 33) in the Port au Prince which revealed that – only in the capital – approximately 45 minors were arrested for their involvement in the violent demonstrations of the beginning of April.As a result of this wave of arrest, there has been a dramatic increase in the total number of children in (illegal) detention in Delmas 33: from 147 of end of March 2008 to 192 minors of end of April 2008.It should also be highlighted, the alarm raised by credible local NGOs denouncing the increase of trafficking of children to Dominican Republic with the purpose of labor and sexual exploitation.
Summary of significant developments and trends related to violations	<p><i>Abduction of children</i></p> <ol style="list-style-type: none">A high number of kidnappings, targeting particularly children, occurred since the beginning of 2008, including the killing of two children. These incidents prompted strong reactions by the population and raising concerns of a resurgence of gang activities.From January to 20 July 2008, 66 children, including 28 girls, were kidnapped in Port-au-Prince and Cap Haitien, as reported by MINUSTAH UNPOL Reporting Unit. 6 victims in January (including 2 girls), 7 in February (3 girls), 12 in March (5 girls), 10 in April (4 girls), 15 in May (2 girls), 13 in June (8 girls) and 4 in July (2 girls). Most of the girls kidnapped are also sexually abused.On 27 January 2008, a six-month baby was abducted in Archaie and killed on 3 February 2008. On 23 May 2008 in Port-au-Prince, a 16 year-old boy was kidnapped outside his school, and despite the payment of a ransom, he was killed and his body showed signs of torture.The last incident led to the public march against kidnapping organized at beginning of June by Haitian civil society. MINUSTAH and UNICEF issued press releases condemning such atrocities. UNICEF Haiti and UNICEF headquarters expressed deep concern over the increasing reports of child abduction in conflict-hit countries, especially Haiti through a press release published respectively on June 4, 2008 and June 20, 2008. <p><i>Minors involvement in the demonstrations of beginning of April</i></p> <ol style="list-style-type: none">Children actively participated in the violent demonstrations against rising food prices of beginning of April. MINUSTAH military Battalions deployed across the country reported that minors were approximately 30% of participants in riots, blocking roads, looting shops as well as in the attempt to enter the Presidential Palace.Credible testimonies from civil society organizations in Petit Goave reported that children have been used during the violent demonstrations against MINUSTAH Sri Lanka Battalion. In Petit Goave, a twelve year old boy was reportedly injured by bullets during the demonstrations.These demonstrations, social unrest and incidents, manipulated by political and criminal spoilers, led to the dismissal of the Prime Minister with a significant impact on the stabilization process.Minors continued being arrested for involving in kidnapping. A 15 year-old boy was arrested for his involvement in the shocking kidnapping, raping and killing of a 20 year-old woman (Farah Natacha Kerby Dessources) that created huge reaction and mobilization among the population.

Sexual violence against children

15. Sexual violence against children remains a high concern, however reports from specialized local NGOs seems to indicate a decrease compared to last year.
16. Between January and June 2008, a local specialized NGO documented 12 cases of group rape against minors committed by armed perpetrators, in comparison to 43 cases in the same period of 2007. These rapes were perpetrated in neighborhoods including Cite Soleil, Carrefour Feuilles, Lasaline and Martissant. Another local NGO, between January and March 2008, reported 27 cases of rape against children.
17. Few examples to documented by these NGOs: on 12 January 2008, a 17 year old girl was raped by five armed individuals in Martissant; on 9 May 2008, a 15 year old girl was reportedly raped by four men in Lentho 2 (Cite Soleil); and on 5 June 2008, a 17 year old girl was raped by two armed men in Soleil 6 (Cite Soleil).
18. It should be highlighted an important evolution in the judicial response to cases of rape. During the latter part of April 2008, three men, found guilty of raping three young girls, were sentenced to 10-15 years of forced labor. These are landmark sentences, since previously, sexual violence has not been taken seriously and impunity has been the norm. Furthermore, these cases are examples that today, more victims (and families) of sexual violence, with the correct support, are not afraid to seek justice, and are ready to speak out. Kay Fanm, a local specialized NGO provided legal assistance to these three girls.
19. It should also be reported, that OIOS finalized a report of investigation (end of March 2008) on the cases of sexual exploitation and abuse against children by members of MINUSTAH Sri Lanka Battalion – 108 SRIBAT soldiers were repatriated on 3 November 2007 on disciplinary grounds. In order to prevent misconducts and SEA, specific training is regularly conducted within MINUSTAH (in the reported period, 977 MINUSTAH personnel were trained on children's rights and prevention of SEA in 46 sessions).

Killing and Maiming

20. On 13 July, according to UNPOL, four armed individuals opened fire into a crowd in Jeremie (Grand-Anse Department), killing two children and one man.
21. As mentioned above two children victims of kidnapping were killed: on 27 January 2008, a six month baby in Arcahaie; on 23 May, a 16 year-old boy (his body showed signs of torture) in Port-au-Prince.
22. On 30 June, unidentified armed individuals opened fire on a passing vehicle in the Martissant area of Port-au-Prince killing one man and injuring his two sons.
23. On 25 June 2008, a 15 year-old boy was murdered in the public market located in Saint-Marc. The suspect involved in the crime mentioned above is arrested by the PNH and UNPOL.
24. An 11-year old boy on his way out of school was killed in Port-au-Prince, when armed criminals started shooting, at the beginning of February.

Attacks against schools and hospitals

25. A significant number of kidnapping cases reported during this period were perpetrated against children nearby or on the way in/out of school.
26. An 11-year old boy on his way out of school was killed in Port-au-Prince, when armed criminals started shooting, at the beginning of February

Children in conflict with law and children in pre-trial detention

27. In the last months, there have been reassuring developments by the judiciary, particularly the increased effectiveness of the Court for Minors, also thanks to advocacy and technical assistance by MINUSTAH Justice and Child Protection Unit.
28. However, the situation of minors in prolonged pre-trial detention remains of highest concern especially for the humanitarian situations of minors in detention, especially in Delmas 33 (Port-au-Prince) and Gonaives.
29. According to a visit by MINUSTAH Child Protection Unit on 25 April to the male minors detention center (Delmas 33) there are 180 minors, consequent to the arrest of approximately 45 minors during the violent demonstration in April which made the number increased from the already emergency situation of 147 at the end of March. In Gonaives there are 18 minors, including a 8 and a 9 years old in the same cells of the adults.
30. The total number of minors held in pre-trial detention, in June 2008, is 264 (including 30 girls). In Port au Prince, in

the male juvenile center Delmas 33 there are 198 boys, and in the adult female detention center in Petion Ville there are 26 girls. At the regional level: there are 18 children in Gonaves (including 1 girl); in Plateau Central 7 children (7 boys), in Jacmel 15 (13 boys, 2 girls), in Fort Liberté 4 boys, in Jeremie 7 (6 boys, 1 girl), in Les Cayes 2 boys.

31. Approximately 90% of these minors are held in prolonged pre-trial detention, some of them since 2004. The average period of detention is more than 22 months.
32. It should be highlighted that over 70 minors out of 264 in detention were arrested with the charge of association with criminal and armed groups.

Child Trafficking

33. With regard to trafficking, credible local NGOs (GARR, Solidarité Frontalière and RECIPRODH) denounced the alarming increase of trafficking of children to Dominican Republic with the purpose of labor and sexual exploitation - and more recently Bahamas.
34. According to IOM, it is estimated that around 30,000 children are trafficked into the Dominican Republic every year, including over 2,000 children crossing the border annually from Haiti's three Northern Departments.
35. According to GARR, a specialized local NGO, in between January and May 2008, 746 children were repatriated from Dominican Republic by Dominican authorities.
36. Garr reported that at the end of June, 75 Haitian children were arrested and repatriated by Dominican authorities. MINUSTAH Human Rights Section reported the information provided by Solidarite Fwontalye, indicating that on 24 June in Ouanaminthe, 45 minors (28 girls and 17 boys) were repatriated by Dominican authorities.
37. On 15 April, 247 clandestine travelers, including 25 women and 34 children, on a boat were intercepted by American Coast Guards nearby îles Providenciale and repatriated to Cap-Haitien.
38. In April 2008, MINUSTAH, in partnership with IOM, provided support to national authorities for the transportation of 47 children to be reunified with their families in Jérémie. The children aged between two and eight years old had been the victims of trafficking and were found in Port au Prince in August 2007.
39. It should be highlighted the situation of children in institutional care centers continues to be a high concern. While the capacity of the Government to monitor these centers is improving in the capital, it remains weak at the departmental level. UNICEF has been providing support to IBESR (Social Welfare Institute of the Ministry of Social Affairs) in strengthening the monitoring and evaluation system of such institutions. In Port-au-Prince, 73 of the 133 care centers have been evaluated by IBESR and injunctions have been issued to centers that need to improve their knowledge and practices in term of children rights and protection. MINUSTAH regional Child Protection Focal Points of Human Rights Section and Civil Affairs have been providing support to similar efforts in the four regions where IBESR is represented, but due to IBESR's regional limited capacity progress were very poor.
40. It is important to highlight the phenomenon of *restavek* (children who are forced into domestic labor). Although there is no official data, it is estimated that the number of *restavek* children in Haiti is in between 170,000 and 200,000 (65% girls).