

28 January 2010, New York

Statement on Child Protection in Haiti

UNICEF

UNICEF has grave concerns about child protection in Haiti.

In the aftermath of the earthquake, it is very clear that this is a children's emergency. Nearly 40 percent of Haitians are under the age of 14. Many children are therefore at risk.

The current situation makes children without parental or other family care especially vulnerable. It is an environment for traffickers, those facilitating illegal adoption, or others who wish to exploit the situation and circumvent national and international standards, in order to remove Haitian children from Haiti for their own benefit. Reports of such activity are already under investigation.

That is why we are particularly pleased with the recent decision of the Government of Haiti on inter-country adoption and offer our whole hearted support.

Prior to the earthquake, children were being orphaned and abandoned - largely for social and economic reasons – at alarming rates. While published figures of 380,000 orphans in Haiti is technically correct, the number is misleading. The number of orphans (children who have lost both parents) before the earthquake in Haiti was 50,000. This higher number refers to children who have lost one or both parents.

The exploitation of parents and expectant mothers was a reality in Haiti. Street children and children working as domestic servants were also numerous, and the sale of children and child trafficking were unfortunate realities.

UNICEF and the Government of Haiti, and other partners were working on all of these issues prior to the earthquake. We were trying to address and strengthen the child protection system in the country, and to tackle difficult matters like gender based violence, challenging and changing social norms.

With the earthquake and in its aftermath our concerns have increased manifold.

We need to respond with unforeseen urgency. It is essential that all unaccompanied¹ and/or separated² children are registered, traced and reunited with family where possible and appropriate. This includes children who were in alternative care, such as in crèches and “orphanages”³, prior to the earthquake. It is imperative that inappropriate and/or illegal removal of children from Haiti is prevented. This was a concern of UNICEF prior to the disaster, and is even more critical at this time.

¹ Unaccompanied children are children who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.

² Separated children are those separated from both parents, or from their previous legal or customary primary care-giver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members.

³ Any location that houses children in need of care has been labeled “orphanages” in Haiti. Crèches are for children 0-4 years of age.

For this reason UNICEF wishes to draw urgent attention to international standards and other commitments that are relevant to the current child protection situation in Haiti:

- UN Convention on the Rights of the Child
- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
- Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
- Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Inter-country Adoption
- Recommendation adopted by the Special Commission on the Hague Convention in 2000⁴
- Recommendations of the Guidelines for the Alternative Care of Children, UNGA 2009
- UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children

Emergency situations are often dominated by institutional breakdown and/or absence of effective government systems. This is what we see in Haiti now. It is therefore even more vital that all countries that have ratified the CRC, its Optional Protocols and the Hague Convention adhere to these international standards - with no exceptions. Under existing conditions in Haiti, we are concerned that this is not always the case.

The primary response must be to prevent unnecessary separation of families, potentially harmful evacuation efforts, and to prevent the sale and trafficking of children, including through inappropriate or unlawful inter-country adoptions. The recently welcomed UN Guidelines for the Alternative Care of Children (November 2009) specifies key considerations for these situations:

- The primary goal is to trace and reunify children with their families to the maximum extent possible, prior to any other permanent solution is pursued;
- No relief effort should inadvertently promote the separation of children from their immediate or extended family;
- In emergency-situations children should not be moved to another country for the purpose of alternative care except temporarily for compelling health, medical or safety reasons;
- If so, the Guidelines stress that children should be moved as close as possible to their home, ensuring that the child is accompanied by a care-giver, ensuring safe passage and timely return.⁵

People all over the world have expressed their desire to take unaccompanied children from Haiti into their homes, to provide them with support and care. We understand and appreciate their concern. Screening for international adoption for some Haitian children had been completed prior to the earthquake. Where this is the case, there are clear benefits to speeding up their travel to their new homes.

Foster care and inter-country adoption will probably be among the means of providing essential care and support to Haitian children in the medium and long term. It is important however to make a clear distinction between the cases with all the necessary documentation and due process, and those concerning immediate adoption with insufficient or falsified documentation, lacking an adoption order, and not satisfying other minimum criteria.

⁴ Report and Conclusions of the Special Commission on the Practical Operation of the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in respect of Inter-country Adoption, 28 November-1 December 2000, Recommendation 11.

⁵ These are an adaptation of some of the key considerations for alternative care in emergencies situations as noted in the Guidelines for the Alternative Care of Children.

In the immediate aftermath of the crisis, children must be found, fed, kept alive and safe, and provided emotional support. Given the sheer magnitude of the challenges in Haiti, adherence to international standards must be accompanied by significant scaling-up of efforts to provide and care for all children in Haiti. Together with partners, UNICEF is committed to these efforts.

We are now working with 29 partners, including the Government of Haiti, to identify, register and ultimately trace families and children. Safe spaces are being established to house children until that tracing can be done. We are also trying to visit and support the more than 300 orphanages and crèches that exist in Port au Prince. You will appreciate that this is a huge logistical challenge, but we are committed to addressing this ‘children’s emergency’ with the scale of support and the sense of urgency it merits.