



**Jurisprudence of Equality Program Training for the Haitian Chapter of
the International Association of Women Judges (CHAIFEJ)
And
International Association of Women Judges (IAWJ)**

**New Law on the Books:
Women Judges Provide Leadership on Trafficking in Persons in Haiti
A Jurisprudence of Equality Programme**

**Multi-Sector Training Curriculum
2017 – 2018
Haiti**

Funding for this project comes from the U.S. Department of State Office to Monitor and Combat Trafficking in Persons

Notes on the IAWJ's Jurisprudence of Equality Program (JEP) and on Rebuilding, Moving Forward: Strengthening Judicial Capacity to Address Trafficking in Persons in Haiti

The goal for these materials is that they serve as a core training manual that CHAIFEJ members can adapt to suit the needs of multiple stakeholders with a need to understand Haiti's new trafficking law. The training participants will include judges, prosecutors, police and border patrol officers, social workers and other stakeholders. These materials have been prepared by Anne Goldstein, Susan French and Jane Charles-Voltaire for the IAWJ based on consultative meetings held in March and June 2016 with stakeholders, including the CNLCP (National Committee on Combatting Trafficking), the DCPJ (Central Directorate of the Judicial Police), and on feedback and comments provided by members of CHAIFEJ. IAWJ legal interns Stephana Henry, Manonh Soumahoro and Lynn-Samantha Severe provided invaluable assistance in the preparation of this manual.

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Titles of Sessions

Session 1	Introductions and Welcome
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Session 6	Applying Haitian Law to. Case Studies (Part IV)
Session 7	Current Cases Review
Session 8	Wrap up session – Evaluation

Session 1: Introductions and Welcome

Time: 30 minutes

Material: Table tents with participants' names.

Objective: By the end of this session, participants will be familiar with the expertise and resources of their colleagues.

Steps:

1. Review logistical details concerning the seminar, namely daily schedule, reimbursements, etc., that have not been covered in material already distributed to the participants.
2. Ask each participant to introduce herself/himself in LESS THAN 1 minute, by telling her/his name, court/institution/organization/sector. Participants should also share if they have previously participated in any training or activity on trafficking in persons in Haiti or elsewhere.

Session 2: Overview of the 2014 Haiti Anti-Trafficking Statute

Time: 25 mins

Materials: The 2014 Anti-Trafficking Law (in Appendix)

Objective: By the end of this session, participants will have a general overview of the Anti-Trafficking Law.

Steps:

1. Trainer will ask participants to open their copies of the law in their training packet and will review the definition of trafficking under the

On April 23rd 2014, the Haitian Parliament passed the Loi sur la Traite des Personnes which defines trafficking under Article 1.1 as:

L'expression « traite des personnes » désigne le recrutement, le transport, l'hébergement ou l'accueil de personnes, par la menace de recours ou le recours à la force ou à d'autres formes de contrainte, par enlèvement, par la fraude, la tromperie, par abus d'autorité ou d'une situation de vulnérabilité, ou par l'offre ou l'acceptation de paiements ou d'avantages pour obtenir le consentement d'une personne ayant autorité sur une autre à des fins d'exploitation.

L'exploitation doit inclure au minimum le travail forcé ou la servitude, l'exploitation de la prostitution d'autrui ou le proxénétisme, la pornographie ou d'autres formes d'exploitation sexuelle, le mariage forcé ou à des fins d'exploitation, la mendicité forcée, le prélèvement d'organes ou de tissus et l'adoption réalisée à des fins d'exploitation telle que définie dans la présente Loi.

Tout consentement donné par une personne dans les conditions ci-dessus énumérées, ayant abouti aux fins d'exploitations citées ci-dessus, n'est jamais valable lorsque l'un quelconque des moyens énoncés au premier alinéa a été utilisé.

Le recrutement, le transport, le transfert, l'hébergement ou l'accueil d'un enfant ou l'accueil d'un enfant aux fins d'exploitation sont considérés comme une « traite des personnes » même s'ils ne font appel à aucun des moyens énoncés au premier alinéa.

2. Trainer will open a group discussion and ask the participants the following:

- a. For judges, ask: Were you a part of the prior IAWJ project? If so, tell us one interesting thing about the training(s) and how, if at all, you were able to use them in your work.
- b. For non-judges – have you encountered trafficking cases in your work, and if so, in what context(s).

Session 3: Applying Haitian Law to Case Scenario No. 1 (Part I)

Exercise 1: Roles, Responsibilities, and Coordination

Time: One hour (1 hour)

Materials: Case Study No. 1 (“Orphelinat des Petites Anges” in the Appendix)

Objective: By the end of this session ideally participants will have agreed on the appropriate roles, responsibilities, and coordination.

[This is designed for a training for either judges or other stakeholders. If there are only judges, it would be best to have a rapporteur describe the conclusions of all the groups. Then when the multi-stakeholders’ trainings take place, we can learn if other professionals’ understanding of the law/procedure to be followed match or differ from that of judges].

Steps:

1. Break into three groups: A, B and C. To the extent possible, assign at least some police representatives to Groups A and C and some IBESR representatives to Group B. Select a rapporteur.
2. Group A: You are police, prosecutors or judges in Port-au-Prince. What, if anything, is your responsibility vis-à-vis the welfare of Makenson? Who has the responsibility to decide where Makenson should go when he leaves the hospital, and who should the police call to initiate the decision-making process? Should you take action against the Williamses for human trafficking? If so, what action? Should you take action vis-à-vis the orphanage? If so, what action? Should you decline to take any action, because this matter is within the jurisdiction of the police in Bande du Nord, not those in Port-au-Prince? What mechanisms, if any, exist for determining which police station will take primary responsibility for the investigation?
3. Group B: You are representatives of IBESR. You receive the phone call from the police in Port-au-Prince. What responsibility, if any, do you have vis-à-vis Makenson and the services he will need after leaving the hospital? What responsibilities, if any, do you have vis-à-vis the orphanage, now that a doctor has reported evidence of child abuse? Also, discuss: How realistic is this scenario? Is it plausible that an orphanage of this size would not have been inspected or appear in IBESR’s records? Why, or why not?
4. Group C: You are Officer Alcenat or other police, prosecutors or judges in Bande du Nord. What, if anything, is your responsibility vis-à-vis the welfare of Makenson? Who has the responsibility to decide where Makenson should go when he leaves the hospital, and who should the police call to initiate the decision-making process? Should you take action against the Williamses for human trafficking? If so, what action? Should you take action vis-à-vis the orphanage? If so, what action? Should you decline to take any action, because this matter is within the jurisdiction of the police in Port-au-Prince, who received the initial complaint? What mechanisms, if any, exist for determining which police station will take primary responsibility for the investigation? Did you break any laws or regulations in going to the orphanage without a warrant? What warrant(s), if any,

would you need to continue your investigation or the orphanage? What records or tangible evidence would you seek, and how would you get it? What would/could you do if the captain of your police station told you that you could not pursue the investigation, because it was too dangerous to go against such powerful interests?

5. Reconvene in the larger group, and rapporteurs report on their small groups' findings.

Session 4: Applying Haitian Law to Case Scenario No. 1 (Part II)

Exercise 2: Standard Operating Procedures

Time: One hour (1 hour)

Materials: Case Study No. 1 (“Orphelinat des Petites Anges” in the Appendix)

Objective: By the end of this session ideally participants will have agreed on the appropriate standard operating procedures and the role of the National TIP committee.

Steps:

- Power Point Presentation – Chart with Standard Operating Procedures
- Ask the representatives of the Committee what role the Committee would see itself as having in this case.
- When, where and how should other stake holders involve the Committee, and how should they coordinate their efforts? [If not covered in the discussion under Session 1, step 4]: If Officer Alcenat’s supervisor blocked his pursuit of the investigation, and Alcenat called the TIP line, what would happen? Who answers the TIP line, and what resources does that person have?

Session 5: Applying Haitian Law to Case Scenario No. 1 (Part III)
Exercise 3: Investigating an Orphanage suspected of Child Trafficking

Time: One hour (1 hour)

Materials: Case Study No. 1 (“Orphelinat des Petites Anges” in the Appendix)

Objective: By the end of this session participants will have deepened their understandings of the roles and responsibilities of different justice sectors stakeholders in enforcing the new TIP law.

Steps:

1. Break into the same three groups, A, B and C. Select a rapporteur who has not yet had a chance to report.
2. Group A: As police, prosecutor or judge, what witnesses would you want to interview, and what questions would you want to ask them to know what charges, if any, to file?
3. Group B: When IBESR carries out investigations or inspections of orphanages, what factors does it consider? What guidelines, if any, does it apply? Based on what you know so far, would this orphanage pass inspection? What steps can/should IBESR take when it receives a complaint such as this?
4. Group C: Haiti’s 2014 law gives judges new powers to gather evidence in potential trafficking cases (see articles 31, 31.1, 32, 33, 34) How would you use those powers in this case? Specifically, what kinds of records would you seek to obtain and why?

Session 6: Applying Haitian Law to Case Scenario No. 1 (Part IV)

Exercise 4: Investigations and Evidence

Time: One hour

Materials: Case Study No. 1 (“Orphelinat des Petites Anges” in the Appendix)

Objectives: By the end of this session, participants will have applied their knowledge of the new TIP law to a concrete case study.

This is the evidence that would be elicited if the proper procedures are followed, the proper warrants issue, and the investigation is allowed to continue:

At present, there are 97 children physically present at the orphanage. A search of the computer in Turin Jeudy’s office has names and addresses for parents of 146 children. Comparing the two lists, there were 12 children in the orphanage for whom there were no identifying records. Some of these 12 children knew the names of a parent and a village, some only knew their first names.

The orphanage was sending out report cards twice a year for the 146 children. According to interviews with Marie and some of the older children, many of these children had not appeared at the orphanage in several years, or only showed up briefly around the times of exams. Police attempted to contact the 146 parents, with mixed success. Some of the parents complained that when they had tried to visit their children they had been turned away, and that they only heard from Turin Jeudy twice a year, when they got the report cards and when they were asked to pay tuition. Many of the parents, however, had made no attempt to visit their children, explaining that they lacked the resources to leave their village or that they had too much responsibility caring for other children. Several of the older children explain that M. Thomas, one of the teachers at the school, often insists that children sleep with him in his room. A medical examiner determines that some of these children have been sexually abused, and a psychiatrist testifies that others are being “groomed” for sexual exploitation. Many of the children suffer from treatable ailments, including parasitical infestations. Ten percent of them have tuberculosis. The kitchen proves to be filthy, with no hot water and with evidence of rat infestation (several children have rat bites). There is no evidence that any of the children has ever received medical treatment of any kind.

After multiple interviews, Marie tearfully leads investigators to an unmarked grave in back of the orphanage, and explains that six months ago, she helped Turin bury a 9-year-old boy who had been sick and had passed away of his illness during the night. The next day, Turin told the other children that the boy’s parents had come for him and taken him home. Investigators ultimately found three other bodies buried in the vicinity.

Steps:

1. In your small groups, discuss: Would the steps identified in the previous session have revealed all of this evidence? Why or why not? What further steps, if any, should have been taken?
2. What charges, if any, should be laid against each of the following: Turin Jeudi; Thomas; Mme LaCasse; "Valerie" the recruiter; host parents or employers of the children in Haiti; employers of the children in the D R; the parents who placed their children at the orphanage?

Session 7: Current Cases Review
Exercise 5: Recent TIP Cases Forum

Time: One hour

Objectives: By the end of this session, participants will have learned about recent developments on the ground.

Participants will share recent TIP cases in Haiti or with Haitian victims.

Session 8: Wrap up Session-Evaluation

Exercise 6: Evaluations

Time: 10 minutes.

Objectives: By the end of this session, participants will have completed the evaluation form.

Materials: Evaluation Form.

Participants will share their experience of the Jurisprudence of Equality Program Training.

APPENDIX

- **Case Study: L'Histoire de l'Orphanage des Petites Anges (Bande du Nord)**
- **Relevant Laws**
- **Participant's Notes**

Case Study: L'Histoire de l'Orphanage des Petites Anges (Bande du Nord)

In 2005, thirty-five-year-old Turin Jeudy is the Director and a teacher at the Ecole des Petites Anges dans la Zone de Bande du Nord. Turin knows many families are extremely economically vulnerable and cannot afford to support their children. Turin decides to convert his school into an orphanage and is supported by a group of foreign missionaries from several communities across the United States, who will organize yearly 2-week group youth tours to work in the community and help digging wells, building temporary classrooms and cleaning the area. Each youth tour provides the orphanage with a \$15,000 USD donation. Many of the churches that organize these tours also fundraise and send annual or semiannual gifts to the orphanage. A website under the orphanages name states that it is trying to raise 1.8 million US dollars to upgrade the physical plant. Turin has some basic English skills, which allow him to communicate with the U.S. missionaries.

Turin increases the size of the school so he can provide services and lodging to 75 children, boys and girls aged 3 – 14. The children consider Turin to be like a wonderful father. The parents, who seldom visit their children, trust him and pay a yearly fee of \$4000 HTG to cover expenses of lodging, food and education. The parents receive report cards twice a year about the academic progress of their child. The orphanage rules require that the children, whatever their ages, help on a rotation basis with cleaning and cooking at the orphanage. Moreover, the older children take care of the younger children. There were also 2 male teachers who lived at the orphanage and taught classes for all the students.

After the 2010 earthquake, the orphanage again grew larger, and now has 100 beds. Within the past year, a “graduate” of the orphanage, 17-year-old Marie has joined the staff, sleeping in the girls’ dormitory and working in the laundry and kitchen. Over the years, the conditions at the orphanage have continued to deteriorate. Missionaries who have visited multiple times have expressed concern to Turin that many of the children seem exceedingly thin, and that their clothes are often in rags, even though each missionary group brings suitcases filled with nearly-new children’s clothing. The physical structure of the two buildings have also degraded, due to lack of maintenance over the years. Despite these hardships, Turin refuses to close the orphanage although he does not explain his reasons. Turin continues to receive financial support from missionary groups and another foreign organization that arranged for the inter-country adoption of 8 children from the orphanage to the US between 2010 and 2013.

In 2014, Haiti became a party to The Hague Convention on International Adoption. New implementing legislation and regulations required that prospective adoptive parents work with specific, approved adoption agencies, and that only children from crèches and orphanages given a “green light” by IBESR could be placed for adoption. The economic difficulties of the orphanage create a disaccord between Turin and the missionaries that are supporting and visiting the school. One missionary couple, Brian and Stephanie Williams, from Colorado have been visiting the orphanage every year since the 2010 earthquake and have grown attached to some of the children at the school. Stephanie is a pediatrician and volunteers at a small local health clinic when she visits. Both Brian and Stephanie have some basic creole conversation skills but are still in the process of learning to manage the language. The Williamses are particularly concerned about one of the children, Makenson Saint-Louis (aged 7), because he seems too small for a 7-year-old and has a persistent cough. They tell Turin they would like to adopt him and take him out of the country. Turin explains that the adoption process has become longer and more complicated

since the passage of the new adoption legislation and Haiti's joining The Hague Convention. He agrees to begin the process for them, but tells them that it will cost \$3,000 USD and that while there are no guarantees they would need to pay \$1,000 up front to the family of Makenson in order for them to sign papers giving up their rights. Brian and Stephanie are taken aback by what appears to be a steep cost, but know that the other adoptive parents had paid some fees. They trust Turin, and decide to pay the \$1,000 in cash. They watch Turin place the money in his safe. Stephanie insists that she bring Makenson to Port-au-Prince, where there is a specialized pediatric hospital and she has made arrangements with a local Haitian doctor, Dr. Thebaud, to run some tests for Makenson.

Turin agrees to let Stephanie leave with Makenson and provides her with a short bio-card that provides information about Makenson Saint-Louis, including his age and family background. In Port-au-Prince, Stephanie brings Makenson to the Hopital La Vie, where they are seen by Dr. Thebaud. Dr. Thebaud and the technicians run some preliminary tests on Makenson. Dr. Thebaud begins to ask Stephanie about Makenson's background. Stephanie explains that she and her husband are interested in adopting Makenson and describes the conversation she had with Turin. Dr. Thebaud finds the exchange between Turin and the William's bizarre and begins to ask Makenson some questions about his family and life at the orphanage. Makenson is reluctant and withdrawn, but with some coaxing of Dr. Thebaud, he explains that he was brought to the orphanage by his mother, and told to follow the instructions of Turin. Makenson describes the atmosphere at the orphanage, and explains that many children leave for weeks at a time and others have left and never returned. When asked about the schooling, Makenson says that a few times a year, the children will be gathered together for lessons. When the test results return, Makenson proves positive for tuberculosis and he must stay in the hospital while he recovers. When they undressed Makenson, several bruises were also discovered on his body.

Dr. Thebaud remembers that in the days after the earthquake, some American missionaries were arrested after taking children who were not orphans to the Dominican Republic. He remembers reading in the papers that new laws have been passed to protect Haitian children. Stephanie seems to him to be operating out of kind motives, but her story about paying cash for a child makes him uncomfortable. Moreover, the bruises that he saw on Makenson were at various stages of healing; they had been inflicted on different days, and were consistent with child abuse. Makenson's height and weight were subnormal for Haiti, but that could be a result of malnutrition since birth. The coughing, however, was severe enough and had obviously persisted long enough that it should have warranted medical attention without a volunteer like Stephanie having to intervene.

His suspicions aroused, the doctor decided to contact the Haitian national police to report his concerns. He is worried, however, that doing so will implicate Stephanie and her husband in child-buying – of which he does not think they are guilty. After a sleepless night, trying to decide where his responsibility lies, he decides to share his concerns with Stephanie. To his relief, she readily agrees to go to the police; she tells him that she had trusted Turin, and had not intended to break any laws.

Dr. Thebaud brings Stephanie to the Canape Vert police station and provides a report to the officer they encounter there. He gives the police copies of Makenson's medical records, including photos of the bruises. The police explain that they will contact the police in Bande du Nord, the Brigade de Protection des Mineurs (BPM), and IBESR.

When the police speak with the representative from IBESR, IBESR tells them that it has no records of an Orphanage des Petites Anges in Bande du Nord. However, that is not necessarily unusual, as IBESR does not have the resources to inspect all orphanages, and gives priority to those against which there are complaints, or those which apply for a license.

Before returning to Zone de la Bande, Stephanie calls Brian to explain what has happened and to let Turin know that Makenson will be staying at the hospital. Stephanie returns to Bande du Nord and is met by a furious Turin, who insists they she go back to Port-au-Prince to retrieve Makenson. Brian and Stephanie are increasingly suspicious of Turin's behavior and they decide that they will also go to the local police station.

It was almost closing time when the American man and his wife pushed open the door to Léonel Alcenat's office so brusquely that the teacup on his desk rattled in its saucer, and the picture on the wall to his left tilted 20 degrees from level. Alcenat was the only police officer in Maïssad who spoke English, a skill he was called upon to use when the occasional American tourist or missionary got robbed while passing through the Central Zone. Warily, he motioned the Americans to be seated, realizing his hope of going home early would not be fulfilled. He asked them to explain what had happened, and how the police could be of assistance to them.

They said that they were from Colorado, and that they belonged to a church that was supporting an orphanage in Bande du Nord. They explained that they wanted to adopt one of the children, whom they had grown fond of and that the director – a man named Turin Jeudy – had said that the process would be cumbersome and would involve giving one thousand to the parents of Makenson.

Stephanie then explained her trip to Port-au-Prince with Makenson and provided Alcenat with the bio-card that Turin had given her. She insists that Alcenat accompany them to the orphanage to confront Turin. Another colleague of Alcenat comes in from the bathroom and Alcenat explains the situation. The colleague begins explaining to Alcenat that Turin Jeudy is a notable within the community and has many ties to landowners and Casec. He insists that Alcenat dismiss the Americans.

Alcenat decides to accompany the Williamses to the orphanage. They are greeted by Marie, the 17-year-old "graduate" who helps with the day-to-day cooking and cleaning at the orphanage and is often found caring for the younger children. Alcenat begins to ask Marie questions about the orphanage in front of the Williamses, she appears reluctant and asks them to wait for Mr. Jeudy to return, but Alcenat is insistent and she begins to explain that the children work outside of the orphanage for families in Cap-Haitian or across the border in the Dominican Republic. She explains that for several years a Mme. LaCasse often came to the orphanage every few months and that she had links to wealthy families that needed children to work in their houses. When she was a child, Marie had eavesdropped on one of these conversations between Mme. LaCasse and M. Turin, where Mme. LaCasse had explained that "it was not heavy work, mostly walking other children to school in the morning and home in the afternoon, then making sure that they were safe until the parents came home from their jobs." Mme. LaCasse insisted that the young person who took such a job would be able to go to school, just like the children of the house, and they would be cared for her clients. Haiti, after all, had a long tradition of fostering children, did it not? For centuries, poor rural families had sent their children to relatives in the city, where life is easier and opportunities vast.

Marie said that she had seen many children from the orphanage leave and return at the end of each month, but that there were others who she never saw again. One of those who failed to return was Marie's older sister Anna, who Mme. LaCasse had placed in home in the Dominican Republic at age 14 and had never returned. Almost as an afterthought, Alcenat asked Marie how she and Anna came to live at the orphanage. With tears in her eyes, Marie said that her parents' neighbor, Valerie, used to recruit students for the school. Valerie had persuaded Marie's parents that this was an opportunity for their daughters; over the years, however, Marie had come to understand that when Valerie's positive "sales pitch" for the school did not work, she also sometimes bribed parents to send kids. Babies were especially valuable and could command a higher sum, because they looked cute on the websites that the orphanage used to recruit foreign donors.

ADDITIONAL RELEVANT LAWS

LOI RELATIVE A L'INTERDICTION ET A L'ELIMINATION DE TOUTES FORMES D'ABUS, DE VIOLENCES, DE MAUVAIS TRAITEMENTS OU TRAITEMENTS INHUMAINS CONTRE LES ENFANTS (MONITEUR NO 41 DU 5 JUIN 2003) :

- Art. 2 : « Les abus et violences de toutes sortes contre les enfants, de même que leur exploitation sont interdits. Par abus et violences de toutes sortes contre les enfants, il faut entendre mauvais traitements ou traitements inhumains à leur égard y compris leur exploitation et ce, sans restreindre la généralité des énumérations suivantes : a) **la vente et le trafic d'enfants, la servitude ainsi que le travail forcé ou obligatoire de même que les services forcés**; . . . e) les travaux qui sont susceptibles de nuire à la santé, à la sécurité ou à la moralité de l'enfant de par leur nature ou les conditions dans lesquelles ils exercent ; . . . »

CODE PENAL : VAGABONDAGE / MENDICITE

- Art. 227 – 1 Art. 227 – 12

CODE PENAL : CRIMES CONTRE LES PARTICULIERS

- Meurtre, Assassinat, Parricide, Infanticide, Empoisonnement
- Menaces
- Blessures Et Coups Volontaires
- Agressions Sexuelles
- Attentats Aux Mœurs

CODE PENAL : ARRESTATIONS ILLEGALES ET SEQUESTRATION DE PERSONNES

CODE PENAL : ENLÈVEMENT DE MINEURS

- Art. 300. « Quiconque aura, **par fraude ou violence**, enlevé ou fait enlever des mineurs, ou les aura entraînés, détournés ou déplacés, ou les aura fait entraîner, détourner ou déplacer des lieux où ils étaient mis par ceux à l'autorité ou à la direction desquels ils étaient soumis ou confiés, subira la peine de la réclusion.- C. pén. 17, 20, 23, 33, 279 et suiv, 294. »
- Art. 301. « Si la personne ainsi enlevée ou détournée est une fille au-dessous de quinze ans accomplis, la peine sera celle des travaux forcés à temps.- C. civ. 311.- C. pén. 7-30, 15, 18, 19, 31, 280, 281, 300, 302, 303. »

- Art. 302. « Quand la fille au-dessous de quinze ans aurait consenti à son enlèvement, ou suivi volontairement le ravisseur, si celui-ci était majeur de vingt-et-un ans ou au-dessus, il sera condamné aux travaux forcés à temps.- C. civ. 311.- C. pén. 7-30, 15, 18, 19, 31.
Si le ravisseur n'avait pas encore vingt-et-un ans, il sera puni d'un emprisonnement d'un an à trois ans.- C. pén. 26 et suiv. »
- Art. 303. « Dans le cas où le ravisseur aurait épousé la fille qu'il a enlevée, il ne pourra être poursuivi que sur la plainte des personnes qui, d'après le code civil, ont le droit de demander la nullité du mariage, ni condamné qu'après que la nullité du mariage aura été prononcée.- C. civ. 148, 170, 311.- C. pén. 284, 300 et suiv. »

1. In your deliberations, Group B should focus on provisions of the Penal Code not specific to children, including but not limited to:

CODE PENAL : ASSOCIATIONS DE MALFAITEURS

- Art. 224. « Toute association de malfaiteurs envers les personnes ou les propriétés, est un crime contre la paix publique. - C. pén. 1, 225 et suiv. »
- Art. 225. « Ce crime existe par le seul fait d'organisation de bandes ou de correspondance entre elles et leurs chefs ou commandants, ou de conventions tendant à rendre compte ou à faire distribution ou partage du produit des méfaits.- C. civ. 10, 730, 924, 962.- C. pén. 2, 224, 226 et suiv. »
- Art. 226. « Quand ce crime n'aurait été accompagné ni suivi d'aucun autre, les auteurs, directeurs de l'association, et les commandants en chef ou en sous-ordre de ces bandes, seront punis des travaux forcés à temps.- C. pén. 7-3°, 15 et suiv., 19, 33, 73, 361 et suiv. »
- Art. 227. « Seront punis de la réclusion, tous autres individus chargés d'un service quelconque dans ces bandes et ceux qui auront sciemment et volontairement fourni aux bandes ou à leurs divisions, des armes, munitions et instruments de crimes.- C. pén. 7- 5°, 20, 33, 44 et suiv., 116, 226. »

CODE PENAL : ARRESTATIONS ILLÉGALES ET SÉQUESTRATIONS DE PERSONNES

- Art. 289. « Seront punis d'un emprisonnement d'un an à cinq ans au plus, ceux qui, sans ordre des autorités constituées et hors les cas où la loi ordonne des saisir des prévenus, auront arrêté, détenu ou séquestré des personnes quelconques.- C. pén. 7-3°, 15, 18, 19, 28.
« Quiconque aura prêté un lieu pour exécuter la détention ou séquestration, subira la même peine.- Const. 1889, art. 14.- Pr. civ. 688.- Inst. crim. 450 et suiv.- C. pén. 89, 91.
« Si la détention ou séquestration a duré plus d'un mois la peine sera celle de la réclusion.- C. pén. 15, 18, 20, 21, 291 et suiv. »
- Art. 290. « La peine sera réduite à un emprisonnement d'un mois à un an si les coupables des délits mentionnés en l'article 289, non encore poursuivis de fait, ont rendu la liberté à la personne arrêtée, séquestrée ou détenue, avant le dixième jour accompli depuis celui de l'arrestation, détention ou séquestration. Ils pourront néanmoins être renvoyés sous la surveillance spéciale de la haute police de l'État depuis un an jusqu'à trois ans.- C. pén. 26 et suiv. 28, 36. »

- Art. 291. « Si l'arrestation a été exécutée avec faux costume, sous un faux nom, ou sous un faux ordre de l'autorité publique, le coupable sera puni des travaux forcés à temps.- C. pén. 217, 218. »
- Art. 292. « Si l'individu arrêté, détenu ou séquestré, a été menacé de la mort, le coupable sera puni des travaux forcés à perpétuité. »
- Art. 293. « **S'il a été soumis à des tortures corporelles, le coupable sera puni de travaux forcés à perpétuité** ; et si la mort s'en est suivie, il sera puni de travaux forcés à perpétuité (ainsi modifié par le décret du 4 Juillet 1988).- C. pén. 7-1°, 12, 248, 289 et suiv. »

CODE DU TRAVAIL

- Article 4. Aucun citoyen ne peut être contraint au travail forcé ou obligatoire sauf le cas d'une condamnation prononcée par un tribunal répressif légalement saisi. Est considéré comme travail forcé tout travail exécuté par un individu sous la menace d'un châtement quelconque et sans son consentement.
- Article 8. Le travail, fonction sociale, jouit de la protection de l'État et n'est pas un article d'exploitation. En s'engageant à accomplir un travail socialement utile, le travailleur ne vend ni son travail, ni sa personne; il accomplit un devoir civique et a droit, de ce fait, à la protection de l'État. L'État doit employer toutes ses ressources pour donner une occupation au travailleur manuel ou intellectuel et lui assurer ainsi qu'à sa famille les conditions économiques d'une existence digne.
- Article 20. Pourront conclure des contrats de travail:
 - les personnes en possession de leur pleine capacité civile;
 - les mineurs autorisés par la Direction du travail sur demande de leurs tuteurs ou personnes responsables et pour des travaux déterminés, compatibles avec leur âge et leurs aptitudes, et ne portant point atteinte à leurs obligations scolaires.

CODE DU TRAVAIL : CHAPITRE VIII – DU TRAVAIL DES MINEURS

- Article 332. Les mineurs auront les mêmes droits et les mêmes obligations que les majeurs sous l'empire de la législation du travail, sans autres exceptions que celles qui sont établies dans le présent code.
- Article 333. Les mineurs ne pourront être occupés à des travaux insalubres, pénibles ou dangereux du point de vue physique ou moral, ni prêter leurs services dans les lieux où se débitent les boissons alcooliques.
- Article 334. Les mineurs de moins de dix-huit ans ne pourront travailler la nuit dans des entreprises industrielles, publiques ou privées, ou dans leurs dépendances. Aux effets de cet article, le terme «nuit» signifie une période d'au moins douze heures consécutives. Pour les mineurs de moins de seize ans, cette période comprendra l'intervalle écoulé entre 10 heures du soir et 6 heures du matin et pour les mineurs de seize ans révolus et de moins de dix-huit ans, cette période comprendra un intervalle d'au moins sept heures consécutives s'insérant entre 10 heures du soir et 7 heures du matin.
- Article 335. Les mineurs âgés de moins de quinze ans ne pourront travailler dans les entreprises industrielles, agricoles ou commerciales.

- Article 336. Les mineurs âgés de moins de dix-huit ans ne pourront travailler dans une entreprise que s'ils ont été reconnus aptes à l'emploi auquel ils seront occupés à la suite d'un examen médical approfondi. L'examen médical d'aptitude devra être effectué par un médecin agréé par l'autorité compétente et devra être constaté par un certificat médical. L'aptitude de ces mineurs à l'emploi qu'ils exercent devra faire l'objet d'un contrôle médical suivi jusqu'à ce qu'ils aient atteint l'âge de dix-huit ans. Ces examens médicaux ne doivent entraîner aucuns frais pour eux. Des mesures appropriées doivent être prises par la Direction du travail pour la réorientation ou la réadaptation physique et la formation professionnelle des adolescents chez lesquels l'examen médical aura révélé des inaptitudes, des anomalies ou des déficiences.
- Article 337. Tout mineur de quinze à dix-huit ans devra obtenir préalablement à son entrée en service dans un établissement agricole, industriel ou commercial, un certificat ou permis d'emploi délivré sans frais par la Direction du travail.
- Article 338. Le permis d'emploi au mineur sera rédigé en trois exemplaires dont un sera remis à chacune des parties et l'autre gardé à la Direction du travail. La copie remise à l'employeur devra rester en sa possession pendant tout le temps que le jeune travailleur sera à son service, et sera retournée pas ses soins à la Direction du travail en cas de cessation de service du mineur et quand celui-ci aura atteint l'âge de dix-huit ans.
- Article 339. Tout employeur, qui a des mineurs de quinze à dix-huit ans à son service, doit tenir un registre comportant les informations suivantes :
 - âge du travailleur;
 - nom et prénoms, domicile et résidence du travailleur;
 - nom et prénoms des père et mère du travailleur ou, le cas échéant, de ses représentants légaux;
 - nom de l'entreprise et de l'employeur, domicile et résidence de ce dernier;
 - autorisation écrite des père et mère ou des représentants légaux du travailleur;
 - occupation des père et mère;
 - horaire de travail;
 - forme et montant de la rétribution ou du salaire;
 - date du début d'emploi;
 - numéro et date du certificat ou permis d'emploi délivré au mineur par la Direction du travail.

Ce registre sera présenté à toute réquisition de l'inspecteur du travail qui pourra exiger telle preuve qu'il estimera utile pour s'assurer de la véracité des indications fournies. Il sera visé par l'inspecteur du travail à chaque visite d'inspection de l'établissement de travail.

- Article 340. Tout patron ou chef d'établissement qui engagera dans son entreprise un mineur non muni de son certificat ou permis d'emploi encourra une amende de 3 000 à 5 000 gourdes pour chaque infraction, à prononcer par le tribunal du travail, sur requête de la Direction du travail.

Décret du 29 Mars 1982 harmonisant certaines dispositions du Code du Travail avec les Conventions No. 29 et No. 105 sur l'abolition du travail forcé ratifiées par Haïti.

- Art. 1er.- L'article 4 du Code du Travail est ainsi modifié: Aucun citoyen ne peut être contraint au travail forcé ou obligatoire, sauf le cas d'une condamnation prononcée par un Tribunal légalement saisi.
 Est considéré comme travail forcé tout travail exécuté par un individu sous la menace d'un châtement quelconque, sans paiement de salaire et sans son consentement.
 Sera puni d'un emprisonnement de six mois à trois ans ou d'une amende de cinq mille gourdes à dix mille gourdes, à prononcer par le Tribunal Correctionnel, quiconque aurait contraint un individu au travail forcé.
 En cas de récidive, les peines ci-dessus seront doublées. Le produit de l'amende sera versé au Trésor Public.
- Art. 2.- Est et demeure abrogé le Décret du 8 décembre 1960 relatif aux conditions de travail des fonctionnaires, employés d'administration publique ou privée, du Commerce et de l'Industrie.
 Leurs conditions de travail sont déterminées par le Code du Travail et par les lois et règlements fixant le statut de la fonction publique.
- Art. 3.- Le présent Décret abroge toutes les lois ou les dispositions de lois, tous Décrets ou dispositions de Décrets, tous Décrets-lois ou dispositions de Décrets-lois qui lui sont contraires et sera exécuté à la diligence des Secrétaires d'État aux Affaires Sociales, au Commerce et à l'Industrie, à la Justice, à l'Intérieur et à la Défense Nationale, chacun en ce qui le concerne.
