

DOMINICAN REPUBLIC

Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of the Dominican Republic has been a member of ILO-IPEC since 1997.¹³⁵³ In 1996, the Inter-institutional Commission to Prevent and Eliminate Commercial Sexual Exploitation in Tourist Areas was created. The National Steering Committee for the Elimination of Child Labor was formed in March 1997.¹³⁵⁴ In December 1998, a two-year pilot project was launched to eliminate and prevent child labor in Constanza,¹³⁵⁵ followed by a USDOL-funded ILO-IPEC project in September 2001 to make Constanza the first municipality free of child labor.¹³⁵⁶ The Dominican Republic is currently participating in two ILO-IPEC regional projects funded by USDOL to combat child labor in the coffee and tomato sectors.¹³⁵⁷ With funding from USDOL and technical assistance from ILO-IPEC's SIMPOC, the Ministry of Labor conducted a national child labor survey.¹³⁵⁸ As part of USDOL-funded preparatory activities for the ILO-IPEC Time-Bound Program, a pilot model to combat commercial sexual exploitation is underway in Boca Chica, and several baseline studies and rapid assessments have been or are being conducted in rural and urban sectors.¹³⁵⁹

In April 2002, ILO-IPEC carried out a study on child domestic work.¹³⁶⁰ With other donor funding, ILO-IPEC is carrying out a project in Santo Domingo and Santiago aimed at raising awareness and providing direct attention to children involved in domestic work in the homes of third parties.¹³⁶¹ The Dominican Republic's national Time-Bound Program to eliminate the worst forms of child labor within a specific timeframe began in September 2002, and targets children working under hazardous conditions in agriculture, in the informal urban sector, and engaged in commercial sexual exploitation.¹³⁶² In August 2003, USDOL funded a Child Labor Education Initiative Program aimed at improving quality and access to basic education, in support of the Time-Bound Program's efforts.¹³⁶³ The Government of the Dominican Republic, especially the Ministry of Labor, has been supportive of these efforts to combat child labor through political and financial commitments.¹³⁶⁴ In January 2002,

¹³⁵³ ILO-IPEC, *All About IPEC: Programme Countries*, August 13, 2001 [cited June 26, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

¹³⁵⁴ ILO-IPEC, *Combating the Worst Forms of Child Labour in the Dominican Republic - Supporting the Timebound Program for the Elimination of the Worst Forms of Child Labor in the Dominican Republic*, project document, DOM/02/P50/USA, Geneva, September 2002, 6, 10. See also U.S. Embassy-Santo Domingo, *unclassified telegram no. 3919*, September 2001.

¹³⁵⁵ ILO-IPEC, *Combating Child Labour in High-Risk Agriculture Activities in Constanza*, project document, Geneva, March 2001. See also U.S. Embassy-Santo Domingo, *unclassified telegram no. 0292*, January 2001.

¹³⁵⁶ ILO-IPEC, *Preparatory Activities for the Elimination of the Worst Forms of Child Labour in the Dominican Republic*, project document, DOM/01/P50/USA, Geneva, September 2001, 3. See also U.S. Embassy-Santo Domingo, *unclassified telegram no. 0292*.

¹³⁵⁷ ILO-IPEC, *Prevention and Elimination of Child Labor in the Tomato Producing Sector in the Province of Azua*, project document, DOM/00/P50/USA, Geneva, June - July 2000. See also ILO-IPEC, *Prevention and Elimination of Child Labor in the Coffee Industry in the Dominican Republic*, DOM/99/05/050, Geneva, 1999.

¹³⁵⁸ ILO-IPEC, *Central America: SIMPOC*, project document, CAM/99/05/050, Geneva, 1999, 11.

¹³⁵⁹ ILO-IPEC, *Preparatory Activities for the Elimination of the Worst Forms of Child Labour*, project document, 3, 8. See also ILO-IPEC, *Evaluación rápida sobre niños, niñas, y adolescentes trabajadores/as urbanos/as en República Dominicana*, Santo Domingo, December 2002.

¹³⁶⁰ ILO-IPEC, *Esto no es un juego: Un estudio exploratorio sobre el trabajo infantil doméstico en hogares de terceros en República Dominicana*, Santo Domingo, April 2002.

¹³⁶¹ Rigoberto Astorga, ILO official, electronic communication to USDOL official, September 16, 2002.

¹³⁶² ILO-IPEC, *Timebound Program*, project document, cover, 16.

¹³⁶³ *Cooperative Agreement E-9-K-3-0054*, between USDOL and DevTech Systems, on the Combating Child Labor Through Education Project in the Dominican Republic, in support of the Timebound Program.

¹³⁶⁴ ILO-IPEC, *Timebound Program*, project document, 2, 7. See also U.S. Embassy-Santo Domingo, *unclassified telegram no. 0292*.

the Ministry of Labor launched a nationwide public campaign, including television and radio spots, and the distribution of calendars and buttons, in order to raise awareness on the harmful and negative effects of child labor.¹³⁶⁵

In July 2002, an agreement was signed between the National Prosecutor's Office and the Association of Hotels to combat the commercial sexual exploitation of children in the tourism sector.¹³⁶⁶ In support of the anti-trafficking legislation adopted in August 2003, the USAID Mission in the Dominican Republic is providing training to victim protection agencies, as well as justice sector and other government officials.¹³⁶⁷ Also in August, under the auspices of the Inter-institutional Commission to Prevent and Eliminate Commercial Sexual Exploitation, the government launched a media campaign warning potential abusers of the penalties for the commercial sexual exploitation of minors.¹³⁶⁸

From 1992-2002, government policy on education has been coordinated through its Ten-Year Education Plan,¹³⁶⁹ which had some notable achievements in improving basic education coverage, increasing enrollment in preschool and secondary education, and decreasing the dropout rate.¹³⁷⁰ On April 30, 2003, the new Dominican Education Strategic Development Plan (2003-2012) was officially launched,¹³⁷¹ which will support ongoing efforts to improve access, retention, and the quality of education, including preschool education.¹³⁷² With support from UNICEF, the IDB, and Plan International, the Ministry of Education will also be expanding the Innovative Multi-Grade School Project to provide instruction to children in two or more grades in one classroom.¹³⁷³ In support of the Ministry of Education's Ten-Year Plan, in 1995, the World Bank, IDB, and local contributors funded an ongoing Basic Education Improvement Project to improve school infrastructures, expand school nutrition programs, train teachers, and improve monitoring and evaluation in the education sector.¹³⁷⁴ In addition, in 2002,

¹³⁶⁵ Government of the Dominican Republic, *Informe Sobre los Esfuerzos de Nuestro País para Eliminar las Peores Formas del Trabajo Infantil*, 6, 7.

¹³⁶⁶ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Dominican Republic*, Washington, D.C., March 31, 2003, Section 6f; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18329.htm>.

¹³⁶⁷ U.S. House of Representatives, Committee on Government Reform, Subcommittee on Wellness and Human Rights, Statement by Kent R. Hill, Assistant Administrator, Bureau for Europe and Eurasia, USAID, October 29, 2003.

¹³⁶⁸ Funding for this campaign has been provided by the Governments of the Dominican Republic, Germany, Italy, and the United States. See U.S. Embassy- Santo Domingo official, electronic communication to USDOL official, February 17, 2004.

¹³⁶⁹ The main goal of the Ten-Year Education Plan (PDE) was to increase access to quality education by reforming curricula, improving teaching conditions, increasing community participation in education, enacting a new education law, and increasing resources for education. See ILO-IPEC, *Preparatory Activities for the Elimination of the Worst Forms of Child Labour, project document*, 7.

¹³⁷⁰ ILO-IPEC, *Timebound Program, project document*, 7. See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 1782*, April 2001.

¹³⁷¹ ILO-IPEC, *Combating the Worst Forms of Child Labour in the Dominican Republic - Supporting the Timebound Program for the Elimination of the Worst Forms of Child Labor in the Dominican Republic, Technical Progress Report*, Geneva, June 15, 2003, 4. See also Ministry of Education, *Plan Estratégico de Desarrollo de la Educación Dominicana 2003-2012*, April 2003.

¹³⁷² ILO-IPEC, *Timebound Program, project document*, 8. See also Secretary of Education of the Dominican Republic, *Construir un futuro solidario: voluntad de la Nación, Plan Estratégico de la Educación Dominicana 2003-2012* (2003).

¹³⁷³ *Proyecto Escuela Multigrado Innovada* is aimed at rural schools where the numbers of children do not necessarily justify the construction of additional classrooms. Under this program, teachers will be able to provide instruction to children in two or more grades in one classroom. This program has allowed many schools that were only prepared for the first basic education cycle (of four years) to complete the second basic education cycle in order to offer the 8-year compulsory grades. The result has been that more children have continued their education instead of leaving school due to the distance of the assigned schools. See ILO-IPEC, *Timebound Program, project document*, 8. See also Secretary of Education of the Dominican Republic and Fundación Volvamos a la Gente, *Síntesis de Resultados, Proyecto: Escuela Multigrado Innovada*, UNICEF, 1. See also Inter-American Development Bank, *Basic Education Project III*.

¹³⁷⁴ Inter-American Development Bank, *Basic Education Improvement Program*, [online] 1995 [cited July 10, 2003]; available from <http://www.iadb.org/EXR/doc98/apr/dr897e.htm>. See also Inter-American Development Bank, *IDB Approves \$52 million for Basic Education in Dominican Republic*, press release, Basic Education Improvement Program, October 30, 1995, [cited July 10, 2003]; available from <http://www.iadb.org/exr/PRENSA/1995/cp23695e.htm>. See also World Bank, *Basic Education Development (02) Project*, in Projects Database, [database online] June 27, [cited July 10, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P035494>.

the World Bank approved a USD 42 million loan to increase the number of preschools and provide teacher training.¹³⁷⁵ In January 2002, the IDB approved an additional education program to provide USD 54 million to improve coverage of the second cycle of basic education, introduce better pedagogic methodologies in multi-grade schools, increase the internal efficiency of basic education, expand the hours of schooling, and modernize the training of basic education teachers.¹³⁷⁶ In November 2002, the IDB approved a project aimed at improving the educational achievement of children in rural and marginal urban areas; improving the management of schools; and promoting initiatives developed under the Educational Development Plan.¹³⁷⁷ Currently, the government is providing a USD 10 monthly stipend to poor mothers who keep their children in school and out of work. The government also provides free school breakfasts, nationwide, in order to promote attendance.¹³⁷⁸

Incidence and Nature of Child Labor

In 2001, the Ministry of Labor and the National Statistics Office reported that 17.7 percent of children ages 5 to 17 years in the Dominican Republic were working.¹³⁷⁹ Children work as agricultural workers, street vendors, shoe shiners, and domestic servants.¹³⁸⁰ Some Haitian and Dominican children participate in the planting and cutting of sugarcane.¹³⁸¹ Children also work as domestic servants in homes of third parties.¹³⁸² Children from poor families are sometimes “adopted” into the homes of other families, often serving under a kind of indentured servitude, while other poor and homeless Haitian and Dominican children are sometimes forced to beg and sell goods on the streets.¹³⁸³

The commercial sexual exploitation of children is reported to be a problem in urban areas, as well as in tourist locations throughout the country.¹³⁸⁴ According to a study sponsored by UNICEF and the National Planning

¹³⁷⁵ ILO-IPEC, *Timebound Program, project document*, 8. See also World Bank, *Early Childhood Education Project*, in Projects Database, [database online] June 27, [cited July 10, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P054937>.

¹³⁷⁶ Inter-American Development Bank, *Basic Education Project III*.

¹³⁷⁷ Inter-American Development Bank, *Dominican Republic Multiphase Program for Equity in Basic Education Phase I*, [online] 2002 [cited July 13, 2003]; available from <http://www.iadb.org/exr/doc98/apr/dr1429e.pdf>. See also Inter-American Development Bank, *Approved Projects—Dominican Republic*, [online] June 19 2003 [cited July 13, 2003]; available from <http://www.iadb.org/exr/doc98/apr/lcdomi.htm>.

¹³⁷⁸ U.S. Embassy- Santo Domingo, *unclassified telegram no. 4415*, August 22, 2003.

¹³⁷⁹ This percentage represents 428,720 children in this age group. See ILO-IPEC, *Timebound Program, project document*, 3. See also U.S. Department of State, *Country Reports- 2002: Dominican Republic*, Section 6d [cited April 3, 2003]. In 2001, the World Bank and the ILO estimated that, in the Dominican Republic, 12.63 percent of children between the ages of 10 and 14 were working. World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. According to the ILO, 124,000 children ages 10 to 14 were economically active. ILO, *Yearbook of Labor Statistics 2002*, [online] 2002 [cited July 13, 2003]; available from <http://laborsta.ilo.org/cgi-bin/brokersv8.exe>. In May 2001, with support from UNICEF, the Government of the Dominican Republic released results from its Multiple Indicator Cluster Survey, which included information on child labor and education. Maritza and Polanco Molina Achezar, Juan Jose, *Encuesta por Conglomerados de Indicadores Múltiples (MICS-2000)*, Santo Domingo, May 2001.

¹³⁸⁰ Almost three quarters of working children are boys, and more children work in urban areas than in rural areas. See ILO-IPEC, *Preparatory Activities for the Elimination of the Worst Forms of Child Labour, project document*, 1, 7. See also ILO-IPEC, *Evaluación rápida sobre niños, niñas, y adolescentes trabajadores/as urbanos/as*.

¹³⁸¹ U.S. Embassy- Santo Domingo, *unclassified telegram no. 4415*. See also U.S. Department of State, *Country Reports- 2002: Dominican Republic*, Section 6d. See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 3869*, October 2002.

¹³⁸² ILO-IPEC, *Esto no es un juego: Un estudio exploratorio*, 17-18.

¹³⁸³ They work long hours under the threat of punishment, in agriculture, domestic service, or industry. Some, especially the girls, are sexually abused. See U.S. Department of State, *Country Reports- 2002: Dominican Republic*, Sections 5 and 6c.

¹³⁸⁴ ILO-IPEC, *Explotación sexual comercial de personas menores de edad en República Dominicana*, September 2002, 13. See also ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic, project document*, Geneva, April 2002, 6-9. See also U.S. Department of State, *Country Reports- 2002: Dominican Republic*, Sections 5 and 6f. See also U.S. Department of State, *Trafficking in Persons Report- 2002: Dominican Republic*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21275.htm>.

Office in 1999, 75 percent of minors involved in prostitution were working in brothels, discos, restaurants, and hotels.¹³⁸⁵ There are reports that women and children are trafficked to, from, and within the Dominican Republic particularly for the purpose of commercial sexual exploitation, including prostitution.¹³⁸⁶ There are also reports that poor children are trafficked internally to work as domestics.¹³⁸⁷ The Directorate of Migration has estimated that approximately 400 rings of alien smugglers, traffickers, and purveyors of false documents operate within the country.¹³⁸⁸ Haitian children are reportedly trafficked to the Dominican Republic¹³⁸⁹ to work as shoe shiners, street vendors, in agriculture, and to beg in the streets.¹³⁹⁰

Formal basic education is free and compulsory for eight years.¹³⁹¹ In 2000, the gross primary enrollment rate was 124 percent,¹³⁹² and the net primary enrollment rate was 92.5 percent.¹³⁹³ In 1999, the repetition rate was 5.6 percent and the dropout rate was 14.4 percent for children enrolled in grades one to eight.¹³⁹⁴ In 1998, 75.1 percent of children persisted to grade five.¹³⁹⁵ In rural areas, schools often lack basic furnishings and teaching materials, and schools are far from children's homes. In many cases, school fees and the cost of uniforms, books, meals, and transportation make education prohibitively expensive for poor families.¹³⁹⁶

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years, and places restrictions on the employment of youth between the ages of 14 and 16.¹³⁹⁷ Youth under 16 may not work more than 6 hours a day, and must have a medical certificate in order to work.¹³⁹⁸ They are restricted from performing night work and from working more than 12 hours consecutively. Youth under 16 are also prohibited from performing ambulatory work, delivery work, or work in establishments that serve alcohol.¹³⁹⁹ Article 254 of the Labor Code requires employers to ensure that

¹³⁸⁵ Emmanuel Silvestre, Jaime Rijo, and Huberto Bogaert, *La Neo-Prostitución Infantil en República Dominicana*, UNICEF and ONAPLAN, 1999, 33. See also Mercedes Gonzalez, "La explotación sexual y laboral de niños," *El Siglo*, August 20, 2000.

¹³⁸⁶ U.S. Department of State, *Country Reports- 2002: Dominican Republic*, Sections 5 and 6f. See also U.S. Department of State, *Trafficking in Persons Report: Dominican Republic*.

¹³⁸⁷ U.S. Department of State, *Trafficking in Persons Report: Dominican Republic*.

¹³⁸⁸ U.S. Department of State, *Country Reports- 2002: Dominican Republic*, Section 6f.

¹³⁸⁹ U.S. Department of State, *Trafficking in Persons Report: Dominican Republic*.

¹³⁹⁰ UNICEF/OIM, *Tráfico de Niños Haitianos hacia República Dominicana*, July 2002, 31. See also IOM, *Dominican Republic - Workshop on Counter Trafficking: Press Briefing Notes*, [online] August 2002 [cited August 9, 2002], hardcopy on file; available from <http://www.iom.int/en/news/PBN200802.shtml>. See also U.S. Department of State, *Country Reports- 2002: Dominican Republic*, Section 6f.

¹³⁹¹ U.S. Department of State, *Country Reports- 2002: Dominican Republic*, Section 5. See also UNESCO, *Statistics: National Education Systems*, [online]; available from http://www.uis.unesco.org/statsen/statistics/yearbook/tables/Table3_1.html.

¹³⁹² World Bank, *World Development Indicators 2003*. See also USAID, *Global Education Database* Washington, DC, 2003; available from <http://quesdb.cdie.org/ged/index.html>.

¹³⁹³ World Bank, *World Development Indicators 2003*. See also USAID, *Global Education Database*.

¹³⁹⁴ ILO-IPEC, *Preparatory Activities for the Elimination of the Worst Forms of Child Labour, project document*, 6.

¹³⁹⁵ World Bank, *World Development Indicators 2003*.

¹³⁹⁶ ILO-IPEC, *Preparatory Activities for the Elimination of the Worst Forms of Child Labour, project document*, 7. See also ILO-IPEC, *Timebound Program, project document*, 13.

¹³⁹⁷ *Código de Trabajo de la República Dominicana 1999*, Articles 245, 46, 47. See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 4415*.

¹³⁹⁸ *Código de Trabajo 1999*, Artículos 247, 48. Permission is needed from both the mother and father. If this is not possible, then authorization can be gained from the child's tutor. If there is no tutor, authorization can be granted by a judge from the child's area of residence. See also Secretary of State of Labor, *Preguntas y Respuestas*, [online] [cited July 10, 2003]; available from <http://www.set.gov.do/preguntas/menor.htm>.

¹³⁹⁹ *Código de Trabajo 1999*, Articles 246, 49.

minors continue their schooling.¹⁴⁰⁰ On August 7, 2003, the Code for the Protection of Children and Adolescents was promulgated.¹⁴⁰¹

Forced and bonded labor is prohibited under the law.¹⁴⁰² Articles 410 and 411 of the new children's code criminalize child prostitution and child pornography.¹⁴⁰³ Laws prohibit procurement of prostitution.¹⁴⁰⁴ On August 7, 2003, the Government of the Dominican Republic promulgated an anti-trafficking law, which outlines measures to be taken by government institutions on protection, prosecution, and prevention efforts against trafficking. The new law prohibits all severe forms of trafficking.¹⁴⁰⁵ Other existing laws can also be applied to smuggling, kidnapping, and violence in order to prosecute traffickers.¹⁴⁰⁶ These laws impose fines and imprisonment of 2 to 10 years for traffickers involved in promoting prostitution.¹⁴⁰⁷ In April 2003, the Attorney General announced the creation of a special department against the commercial sexual exploitation of children, which will support case investigations and application of sentences.¹⁴⁰⁸

The Ministry of Labor is responsible for enforcing child labor laws in coordination with the National Council for Children and Adolescents.¹⁴⁰⁹ In 2000, the Government of the Dominican Republic has over 200 labor inspectors charged with the enforcement of the child labor laws, health and safety legislation, and the minimum wage. Article 720 of the Labor Code imposes penalties on child labor violators, which include fines and jail sentences.¹⁴¹⁰ The Ministry of Labor has taken employers in violation of the law to court.¹⁴¹¹ Also, the Ministry of Labor has held seminars for labor inspectors and municipal Ministry of Labor representatives throughout the country in order to educate them on child labor laws and enforcement.¹⁴¹²

The Government of the Dominican Republic ratified ILO Convention 138 on June 15, 1999 and ILO Convention 182 on November 15, 2000.¹⁴¹³

¹⁴⁰⁰ Ibid., Article 254.

¹⁴⁰¹ U.S. Embassy- Santo Domingo, *unclassified telegram no. 4415*.

¹⁴⁰² U.S. Department of State, *Country Reports- 2002: Dominican Republic*, Section 6c.

¹⁴⁰³ U.S. Embassy-Santo Domingo official, electronic communication to USDOL official, February 27, 2004.

¹⁴⁰⁴ U.S. Department of State, *Country Reports- 2002: Dominican Republic*, Section 6f.

¹⁴⁰⁵ ILO-IPEC, *Technical Progress Report, Supporting the TBP for the elimination of the worst forms of child labor in the Dominican Republic*, September 15, 2003, 2. See also *Ley contra el Trafico Ilicito de Migrantes y Trata de Personas*, (August 8, 2003).

¹⁴⁰⁶ U.S. Department of State, *Country Reports- 2002: Dominican Republic*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report: Dominican Republic*.

¹⁴⁰⁷ U.S. Department of State, *Country Reports- 2002: Dominican Republic*, Section 6f.

¹⁴⁰⁸ ILO-IPEC, *Supporting the Timebound Program for the Elimination of the Worst Forms of Child Labor, Technical Progress Report*, 2.

¹⁴⁰⁹ U.S. Embassy- Santo Domingo, *unclassified telegram no. 3919*. See also U.S. Embassy-Santo Domingo official, electronic communication, February 27, 2004.

¹⁴¹⁰ *Código de Trabajo 1999*, Article 720. See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 2499*, June 2000. See also U.S. Embassy-Santo Domingo, *unclassified telegram no. 3869*.

¹⁴¹¹ U.S. Embassy- Santo Domingo, *unclassified telegram no. 2499*.

¹⁴¹² U.S. Embassy- Santo Domingo, *unclassified telegram no. 3869*.

¹⁴¹³ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited July 11, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.