

## Dominican Republic

| <i>Selected Statistics and Indicators on Child Labor</i>                |                            |
|---|----------------------------|
| Percent of children 10-14 estimated as working in 2003:                 | 3.2% <sup>1322</sup>       |
| Minimum age for admission to work:                                      | 14 <sup>1323</sup>         |
| Age to which education is compulsory:                                   | 14 <sup>1324</sup>         |
| Free public education:  | Yes* <sup>1325</sup>       |
| Gross primary enrollment rate in 2004:                                  | 112% <sup>1326</sup>       |
| Net primary enrollment rate in 2004:                                    | 86% <sup>1327</sup>        |
| Percent of children 5-14 attending school in 2003:                      | 94.9% <sup>1328</sup>      |
| As of 2003, percent of primary school entrants likely to reach grade 5: | 59% <sup>1329</sup>        |
| Ratified Convention 138:  | 6/15/1999 <sup>1330</sup>  |
| Ratified Convention 182:  | 11/15/2000 <sup>1331</sup> |
| ILO-IPEC participating country:   | Yes <sup>1332</sup>        |
| *Must pay for school supplies and related items.                        |                            |

### Incidence and Nature of Child Labor

In 2003, approximately 5.6 percent of boys and 0.7 percent of girls ages 10 to 14 were working in the Dominican Republic.<sup>1333</sup> A Secretariat of Labor (SET) study estimated that 41 percent of working children 5 to 17 worked in services, 21 percent in commerce, 19 percent in agriculture,

<sup>1322</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, 2005.

<sup>1323</sup> Government of the Dominican Republic, *Código para la Protección de los Derechos de los Niños, Niñas, y Adolescentes*, (August 7, 2003), Article 40; available from <http://www.suprema.gov.do/pdf/leyes/LEY%20136-03.pdf>.

<sup>1324</sup> UNESCO Institute for Statistics, *Statistics: National Education Systems*, [online]; available from [http://www.uis.unesco.org/statsen/statistics/yearbook/tables/Table3\\_1.html](http://www.uis.unesco.org/statsen/statistics/yearbook/tables/Table3_1.html). See also Government of the Dominican Republic, *Código para la protección de los derechos de los Niños, Niñas, y Adolescentes*, Article 45 and 46.

<sup>1325</sup> Government of the Dominican Republic, *Código para la protección de los derechos de los Niños, Niñas, y Adolescentes*, Article 45. See also UNESCO, *Education for All Global Monitoring Report*, 2006, 84; available from [http://portal.unesco.org/education/en/ev.php-URL\\_ID=43009&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/education/en/ev.php-URL_ID=43009&URL_DO=DO_TOPIC&URL_SECTION=201.html).

<sup>1326</sup> UNESCO Institute for Statistics, *Gross Enrolment Ratio. Primary. Total*, accessed December 20, 2006; available from <http://stats.uis.unesco.org/>.

<sup>1327</sup> UNESCO Institute for Statistics, *Net Enrolment Rate. Primary. Total*, accessed December 20, 2006; available from <http://stats.uis.unesco.org/>.

<sup>1328</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

<sup>1329</sup> UNESCO Institute for Statistics, *Survival Rate to Grade 5. Total*, accessed December 18, 2006; available from <http://stats.uis.unesco.org>.

<sup>1330</sup> ILO, *Ratifications by Country*, accessed October 19, 2006; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

<sup>1331</sup> ILO, *Ratifications by Country*, [cited October 19, 2006]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

<sup>1332</sup> ILO, *IPEC Action Against Child Labor: Highlights 2006*, [online] February 2007 [cited March 29, 2007]; available from [http://www.ilo.org/iloroot/docstore/ipec/prod/eng/20070228\\_Implementationreport\\_en\\_Web.pdf](http://www.ilo.org/iloroot/docstore/ipec/prod/eng/20070228_Implementationreport_en_Web.pdf).

<sup>1333</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

and 11 percent in manufacturing industries during 2000.<sup>1334</sup> Most work performed by children is in the informal sector.<sup>1335</sup> In urban areas, children work in the streets, markets, garbage dumps, and repair shops. They perform activities such as washing cars, shining shoes, street sales, and carrying heavy loads.<sup>1336</sup> Many urban child workers are migrants from other regions.<sup>1337</sup> Children also work as domestic servants.<sup>1338</sup> In rural areas, children work mostly in agriculture and services.<sup>1339</sup> Most child agricultural workers are boys.<sup>1340</sup> Past reports indicate that Haitian children planted and cut sugarcane.<sup>1341</sup> There have been conflicting reports as to whether the transport of undocumented Haitians for work in the sugarcane plantations has stopped.<sup>1342</sup> Many Haitian families have traditionally lived in sugarcane worker villages referred to as “bateyes,” which lack adequate housing, medical, sanitation, and education services. Human rights organizations describe these conditions as modern day slavery.<sup>1343</sup>

The Dominican Republic is a source and destination country for the trafficking of children for commercial sexual exploitation.<sup>1344</sup> Children are also trafficked internally from rural to tourist areas.<sup>1345</sup> International organizations estimate that up to 3,000 Haitian children are trafficked to the Dominican Republic each year to work in the streets, in agriculture, and for commercial sexual exploitation.<sup>1346</sup> Children, particularly Haitian children, are sometimes “adopted” by families who register them as their own and provide some form of payment to the birthparents. Such children are often exploited as domestic workers or as workers in family businesses.<sup>1347</sup>

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<sup>1334</sup> Dominican Secretariat of Labor and ILO-IPEC, *Report on the Results of the National Child Labour Survey in the Dominican Republic*, San Jose, July 2004, 32; available from

<http://www.ipecc.org.cr/ipecc/region/acciones/simpoc/publicaciones/RD/RD%20-%20national%20report.pdf>.

<sup>1335</sup> U.S. Department of State, "Dominican Republic," in *Country Reports on Human Rights Practices- 2006*, Washington, DC, March 6, 2007, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2006/>.

<sup>1336</sup> ILO-IPEC, *Día Mundial Contra El Trabajo Infantil*, [online] June 2005 [cited June 27, 2005]; available from <http://www.oit.org/ipecc/encuentros/noticia.php?notCodigo=424>.

<sup>1337</sup> ILO-IPEC, *Evaluación rápida sobre niños, niñas, y adolescentes trabajadores/as urbanos/as en República Dominicana*, Santo Domingo, December 2002, 34-35.

<sup>1338</sup> IOM, *Panorama Sobre la Trata de Personas*, Bogota, February 2006, 89; available from <http://www.oim.org.co/modulos/contenido/default.asp?idmodulo=7&idlibro=115>.

<sup>1339</sup> ILO-IPEC, *Report on the Results of the National Child Labour Survey*, 33.

<sup>1340</sup> ILO-IPEC, *Trabajo Infantil en la Agricultura en cifras*, San Jose, 2005, 13; available from <http://www.oit.org.pe/ipecc/pagina.php?seccion=6&pagina=123>.

<sup>1341</sup> U.S. Embassy- Santo Domingo, *reporting*, March 2, 2006.

<sup>1342</sup> U.S. Department of State, "Country Reports- 2006: Dominican Republic."

<sup>1343</sup> *Ibid.*, Section 5. See also U.S. Embassy- Santo Domingo, *reporting*, March 2, 2006.

<sup>1344</sup> The Protection Project, *2005 Human Rights Report on Trafficking in Persons, Especially Women and Children*, 2005; available from [http://www.protectionproject.org/projects.htm\\_acc](http://www.protectionproject.org/projects.htm_acc). See also, U.S. Department of State, "Country Reports- 2006: Dominican Republic," Section 5. See also U.S. Department of State, "Dominican Republic (Tier 2)," in *Trafficking in Persons Report- 2006*, Washington, DC, June 5, 2006; available from <http://www.state.gov/g/tip/rls/tiprpt/2006/>.

<sup>1345</sup> The Protection Project, *2005 Human Rights Report on Trafficking in Persons, Especially Women and Children*.

<sup>1346</sup> U.S. Department of State, "Haiti," in *Trafficking in Persons Report- 2006*, Washington, DC, June 5, 2006; available from <http://www.state.gov/g/tip/rls/tiprpt/2006/>. See also IOM, *Panorama Sobre la Trata de Personas*, 92. See also ILO-IPEC, *Supporting the Time-Bound Programme for the Elimination of the Worst Forms of Child Labour in the Dominican Republic - Phase II (2006-2009)*, project document, Geneva, August 2006, 2 and 3.

<sup>1347</sup> U.S. Department of State, "Dominican Republic," in *Country Reports on Human Rights Practices- 2005*, Washington, DC, March 8, 2006, Sections 6c and 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2005/index.htm>.

The commercial sexual exploitation of children is a problem, especially in tourist locations such as Boca Chica, Puerto Plata, Sosúa, and Las Terrenas.<sup>1348</sup> In February 2006, one group of Colombian and Dominican Republic traffickers was found guilty of trafficking Colombian girls to the Dominican Republic for prostitution purposes.<sup>1349</sup>

### Child Labor Laws and Enforcement

The legal minimum age for employment is 14 years.<sup>1350</sup> Work must not interfere with a minor's education.<sup>1351</sup> Children under 16 may not work for more than 6 hours a day and must have a medical certification.<sup>1352</sup> Special authorization is needed for itinerant sales work.<sup>1353</sup> Females 14 to 16 are prohibited from working as messengers and delivering merchandise.<sup>1354</sup>

Minors under 18 are prohibited from dangerous work such as that involving hazardous substances, heavy or dangerous machinery, and heavy loads. Children are also prohibited from night work, work on the street, work in gaming establishments, handling cadavers, various tasks involved in the production of sugarcane, and certain work at hotels. Some exceptions are made for apprenticeships and job training for those older than 16.<sup>1355</sup> Employers are required to pay minors at least the minimum legal wage.<sup>1356</sup> Fines are established for violations of legal provisions involving child labor.<sup>1357</sup>

The Law Against Trafficking in Persons and Alien Smuggling establishes penalties of 15 to 20 years of imprisonment as well as fines for trafficking minors.<sup>1358</sup> The Code for the Protection of Children and Adolescents establishes punishments of 20 to 30 years of incarceration and fines for the transfer of a child to someone else for the purposes of forced labor, commercial sexual exploitation, including prostitution and pornography, or other degrading activities, in exchange for compensation.<sup>1359</sup> Perpetrators can also receive a prison sentence of up to 10 years and fines

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<sup>1348</sup> U.S. Embassy- Santo Domingo, *reporting, March 2, 2006*. See also ILO-IPEC, *Explotación sexual comercial de personas menores de edad en República Dominicana*, September 2002, 13-15. See also U.S. Department of State, "Country Reports- 2006: Dominican Republic."

<sup>1349</sup> U.S. Department of State, "Country Reports- 2006: Dominican Republic," Section 5.

<sup>1350</sup> Government of the Dominican Republic, *Código para la protección de los derechos de los Niños, Niñas, y Adolescentes*, Article 40.

<sup>1351</sup> Government of the Dominican Republic, *Código de Trabajo de la República Dominicana 1999*, Article 254; available from <http://www.suprema.gov.do/codigos/WelcomC.htm>. See also Government of the Dominican Republic, *Código para la protección de los derechos de los Niños, Niñas, y Adolescentes*, Article 39.

<sup>1352</sup> Government of the Dominican Republic, *Código de Trabajo 1999*, Article 247-248.

<sup>1353</sup> *Ibid.*, Article 249.

<sup>1354</sup> *Ibid.*, Article 252.

<sup>1355</sup> Government of the Dominican Republic, *Resolución Sobre Trabajos Peligrosos e Insalubres para Personas Menores de 18 Años*, (August 13, 2004); available from <http://www.ilo.org/dyn/natlex/docs/SERIAL/69773/68796/F452892919/DOM69773.pdf>.

<sup>1356</sup> Government of the Dominican Republic, *Código de Trabajo 1999*, Article 258.

<sup>1357</sup> *Ibid.*, Articles 720-721. See also Government of the Dominican Republic, *Trabajos Peligrosos e Insalubres*, Article 6. See also Government of the Dominican Republic, *Código para la protección de los derechos de los Niños, Niñas, y Adolescentes*, Article 44.

<sup>1358</sup> Government of the Dominican Republic, *Ley contra el Tráfico Ilicito de Migrantes y Trata de Personas*, (August 2003).

<sup>1359</sup> Government of the Dominican Republic, *Código para la protección de los derechos de los Niños, Niñas, y Adolescentes*, Articles 25 and 409.

for involvement in the commercial sexual exploitation of children; the sexual abuse of children under circumstances involving trafficking; or giving a son, daughter, or student to another person in exchange for compensation.<sup>1360</sup> Fines are established for transporting minors unaccompanied by their parents without authorization.<sup>1361</sup> Promoting or assisting the trafficking of a minor outside of the country is punishable by 4 to 6 years of imprisonment and fines.<sup>1362</sup> Making, distributing, or publishing pornographic photographs of children is punishable by 2 to 4 years of incarceration and fines.<sup>1363</sup> Crimes involving drug trafficking carry increased penalties if minors were used to carry out the offense.<sup>1364</sup> Forced labor is prohibited by law.<sup>1365</sup> The minimum voluntary and compulsory recruitment age for military service is 16. Recruits must have completed their education.<sup>1366</sup>

The Secretary of Labor (SET), in coordination with The National Council for Children and Adolescents (CONANI), is responsible for protecting minors against labor exploitation.<sup>1367</sup> The legal requirement that CONANI receive a minimum of 2 percent of the national budget is not being met.<sup>1368</sup> According to the U.S. Department of State, the government has been working to increase its efforts to protect children from exploitive child labor. The government effectively enforced child labor laws in the formal sector; however it was unable to do so in the informal sector.<sup>1369</sup> Labor inspectors from the SET made monthly trips to visit sugarcane worker villages.<sup>1370</sup> The anti-trafficking unit of the Office of the Attorney General investigates and prosecutes trafficking crimes.<sup>1371</sup> The government has shut down several businesses involved with the commercial sexual exploitation of children, rescued child victims, and obtained related convictions.<sup>1372</sup> Also according to the U.S. Department of State, the Dominican Republic lacks effective trafficking law enforcement and victim protection programs because of lack of resources. Monitoring the border with Haiti has improved; but is still not effective; some government officials are reported to be involved in trafficking.<sup>1373</sup>

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<sup>1360</sup> Ibid., Articles 396, 404, and 410.

<sup>1361</sup> Ibid., Articles 204 and 391.

<sup>1362</sup> Ibid., Article 406.

<sup>1363</sup> Ibid., Articles 26 and 411.

<sup>1364</sup> Government of the Dominican Republic, *Law on Drugs and Controlled Substances in the Dominican Republic*, (May 30, 1988), Article 85; available from <http://www.unifr.ch/derechopenal/ley.htm>.

<sup>1365</sup> The Protection Project, *2005 Human Rights Report on Trafficking in Persons, Especially Women and Children*.

<sup>1366</sup> Government of the Dominican Republic, *Ley Orgánica de las Fuerzas Armadas de la República Dominicana*, 873, (1996), Article 30; available from <http://www.secffaa.mil.do/Ley1.htm>.

<sup>1367</sup> Government of the Dominican Republic, *Código para la protección de los derechos de los Niños, Niñas, y Adolescentes*, Article 34.

<sup>1368</sup> U.S. Department of State, "Country Reports- 2006: Dominican Republic."

<sup>1369</sup> Ibid., Section 5.

<sup>1370</sup> U.S. Embassy- Santo Domingo, *reporting* December 16, 2006.

<sup>1371</sup> U.S. Department of State, "Country Reports- 2006: Dominican Republic."

<sup>1372</sup> Ibid. See also U.S. Department of State, "Trafficking in Persons Report- 2006: Dominican Republic."

<sup>1373</sup> U.S. Department of State, "Trafficking in Persons Report- 2006: Dominican Republic." See also U.S. Embassy- Santo Domingo, *reporting*, March 2, 2006. See also U.S. Department of State, "Country Reports- 2006: Dominican Republic."

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

The Government of the Dominican Republic has both a National Plan to Eradicate the Worst Forms of Child Labor (2006-2016) and an Action Plan for the Eradication of Abuse and Commercial Sexual Exploitation of Boys, Girls, and Adolescents.<sup>1374</sup>

The government supported several child labor, trafficking, and commercial sexual exploitation awareness campaigns, workshops, and trainings, and provides some funding to NGOs that work with trafficking victims.<sup>1375</sup> The SET has formed provincial and municipal child labor committees.<sup>1376</sup> The armed forces provide educational and recreational programs for working and at-risk children and run a shelter for such children.<sup>1377</sup> The Technical Institute for Professional Development trains trafficking victims and at-risk children, especially those in the Boca Chica area.<sup>1378</sup> The Tourism Police provides counseling services to abused children, including victims of trafficking.<sup>1379</sup> CONANI operates a referral center for child victims of commercial sexual exploitation in Boca Chica and runs seven shelters for children.<sup>1380</sup>

The SET participates in several ILO-IPEC projects funded by USDOL,<sup>1381</sup> including three projects to specifically support the government's Timebound Program to Eliminate the Worst Forms of Child Labor. The first USD 1.3 million project, which ended in 2006, withdrew 2,079 children and prevented 1,330 children from exploitive labor; it also developed a community-based child labor monitoring system. A second USD 4.4 million project, which also ended in 2006, withdrew 2,858 and prevented 6,757 children from exploitive labor in agriculture, commercial sexual exploitation, urban work, and trafficking. In 2006, a third USD 2.7 million, 39-month project began that aims to withdraw 2,900 children and prevent 2,200 children from exploitive labor.<sup>1382</sup> The Office of the First Lady administers a program to provide income-

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<sup>1374</sup> ILO, *Plan Estratégico Nacional para la erradicación de las peores formas de trabajo infantil en República Dominicana 2006 -2016*, Santo Domingo, August 2006. See also Boys and Adolescents Interinstitutional Commission Against the Abuse and Commercial Sexual Exploitation of Girls, *Plan de Acción de la República Dominicana Para Erradicar el Abuso y la Explotación Sexual Comercial de Niñas, Niños y Adolescentes*, ILO, Dominican Republic, January 2006; available from [http://www.oit.org.pe/ipec/documentos/plan\\_nacional\\_esc.pdf](http://www.oit.org.pe/ipec/documentos/plan_nacional_esc.pdf).

<sup>1375</sup> U.S. Department of State, "Trafficking in Persons Report- 2006: Dominican Republic." See also U.S. Embassy- Santo Domingo, *reporting*, March 2, 2006.

<sup>1376</sup> ILO-IPEC, *Preparatory Activities for the Elimination of the Worst Forms of Child Labor in the Dominican Republic*, Geneva, September 7, 2006, 2. See also Resolution 37, (September 2, 2005), Article 1; available from <http://portal.set.gov.do/legislacion/resolucion2005.asp>. See also U.S. Embassy- Santo Domingo, *reporting*, December 16, 2006.

<sup>1377</sup> U.S. Embassy- Santo Domingo, *reporting*, March 2, 2006. See also IOM, *Panorama Sobre la Trata de Personas*, 109.

<sup>1378</sup> U.S. Embassy- Santo Domingo, *reporting*, March 2, 2006.

<sup>1379</sup> IOM, *Panorama Sobre la Trata de Personas*, 110.

<sup>1380</sup> ILO-IPEC, *Preparatory Activities*, 19. See also U.S. Department of State, "Trafficking in Persons Report- 2006: Dominican Republic."

<sup>1381</sup> Secretariat of Labor, *Memoria de las acciones realizadas a partir del mes de Septiembre del 2004*, [online] [cited October 19, 2006]; available from [http://portal.set.gov.do/legislacion/memoria\\_acciones.asp](http://portal.set.gov.do/legislacion/memoria_acciones.asp).

<sup>1382</sup> 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, 21. See also ILO-IPEC, *Trafficking/Smuggling Amendment to Supporting the TBP for the Elimination of the Worst Forms of Child Labour in the Dominican Republic*, project addendum, Geneva, September 2, 2004, 16. See also ILO-IPEC, *Supporting the Time-Bound Programme - Phase II, project document*, vi, vii. and 20-24.

generating opportunities to families of children at-risk for commercial sexual exploitation, including beneficiaries of ILO-implemented projects.<sup>1383</sup> The government also participates in a USDOL-funded USD 8.8 million regional project to eliminate commercial sexual exploitation of children in Central America and the Dominican Republic, targeting 713 children for withdrawal and 657 children for prevention.<sup>1384</sup> As part of an effort to build capacity to improve labor law compliance among the CAFTA-DR partners, USDOL is providing USD 2.85 million for a project to strengthen outreach efforts in the agriculture sector in the region, where child labor is a serious problem.<sup>1385</sup> A second regional project targeting hazardous agricultural child labor was funded by USDOL for USD 900,000 and completed in 2005, withdrawing 1,405 and preventing 5,744 children from working in hazardous labor conditions.<sup>1386</sup>

Additionally, the government participates in two USDOL-funded Child Labor Education Initiative projects including a USD 5.5 million, 4-year regional project implemented by CARE to strengthen the government and civil society's capacity to combat child labor through education, and withdraw or prevent 2,780 children from exploitive child labor. Also, a USD 3 million, 4-year project implemented by DevTech Systems, Inc. seeks to withdraw 3,170 children and prevent 1,047 from entering exploitive labor by improving the quality of and access to basic education.<sup>1387</sup>

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<sup>1383</sup> ILO-IPEC, *Preparatory Activities*, 11.

<sup>1384</sup> ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, project addendum, Geneva, September 2005, 1. See also ILO-IPEC, *Prevention and Progressive Elimination of Child Labour in Agriculture in Central America and the Dominican Republic (Phase II)*, project document, Geneva, September 13, 2003.

<sup>1385</sup> Social Accountability International, *Project CULTIVAR: Advancing Labor Rights in Agriculture in Central America*, project document, New York, August 8, 2007.

<sup>1386</sup> ILO-IPEC, *Prevention and Progressive Elimination of Child Labour in the Tomato Producing Sector in the Province of Azua, the Dominican Republic (Phase I)*, technical progress report, Geneva, August 17, 2005.

<sup>1387</sup> CARE, *Combating Exploitive Child Labor Through Education in Central America (Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua) and the Dominican Republic*, project document, Geneva, June 2, 2004, 3. See also DevTech Systems Inc., *Combating Child Labor Through Education*, technical progress report, Arlington, Virginia, September 28, 2005, 1, 2.