

1 **Comment on evidence relating to forced labor in Dominican Republic sugar, as presented**
2 **in *US Department of Labor's List of Goods Produced by Child Labor or Forced Labor, 2009***
3 **through 2012, and the ILAB funded report, *Research on Indicators of Forced Labor in the***
4 ***Supply Chain of Sugar in the Dominican Republic* (Verité, September 2012)**

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11 Please forward to the relevant ILAB staffer(s) the following comment on evidence relating to
12 allegations of forced labor in the agricultural field operations of the Dominican Republic's sugar
13 industry, a topic on which I hold expert knowledge on the basis of years of on-site ethnographic
14 field research and continuous exchange with scholars and activists over the last 30 years.

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16 My qualifications include a PhD in cultural anthropology from the Johns Hopkins University and
17 my specialization in the study of the migrant and minority rights activism of Haitian-ancestry
18 Dominicans over the last three decades. My research experience includes many months of
19 firsthand ethnographic fieldwork in sugarcane plantation communities of the Dominican
20 Republic just like those referred to in the ILAB-funded Verité report, *Research on Indicators of*
21 *Forced Labor in the Supply Chain of Sugar in the Dominican Republic* (September 2012). In
22 addition to my scholarly publications on this topic, I contributed an extensive expert affidavit to
23 the Inter-American Court of Human Rights in support of the landmark claim to the right to hold
24 Dominican citizenship of the Haitian-ancestry girls, Dilcia Yean and Violeta Bosico
25 (<http://www.corteidh.or.cr/docs/casos/yeانبosi/martinez.pdf>). A fuller list of my publications
26 may be found at my University of Connecticut Website,
27 <http://homepages.uconn.edu/~smm02017/personal/>.

28
29 Labor rights conditions in the harvest of sugar cane in the Dominican Republic stand in clear
30 need of improvement and merit continuous and rigorous monitoring by human, minority, child
31 and labor rights organizations. However, the best and most up-to-date research does not support
32 the allegation that there is any incidence of forced labor in the Dominican sugar cane harvest, as
33 that is defined in the ILO Forced Labour Convention of 1930, as labor "exacted from any person
34 under the menace of any penalty and for which the said person has not offered himself
35 voluntarily."

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37 How, then, has ILAB found 29 (later, 30) sources that are claimed to confirm that there is forced
38 labor in the Dominican sugarcane fields, a list published in the bibliographic section of *US*
39 *Department of Labor's List of Goods Produced by Child Labor or Forced Labor (USDoL's List)*,
40 2009 through 2012?

41
42 And, On what basis has Verité affirmed the existence of forced labor in Dominican sugar in its
43 ILAB-funded report of September 2012?

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45 My examination of the information sources cited by *USDoL's List* as its basis for classifying
46 Dominican sugar as a perpetrator of forced labor reveals three broad kinds of sources.

1
2 One kind is reports by authoritative international human rights monitor groups that make no
3 mention of forced labor, slavery or child labor (see *USDoL's List*, Bibliography, items 1 & 2).
4 The inclusion of Amnesty's 2007 report, *A Life in Transit* is an example: search that text, for the
5 terms "forced labor," "slavery," and "child labor," and for each you will get "0 hits."
6

7 A second and more numerous group of citations consists of reports that do make mention of
8 forced labor allegations but do so only in passing while heading forward to discuss other matters
9 (see *USDoL's List*, Bibliography, items 6, 12 & 30). What notice is given to forced labor
10 allegations relates always to authoritative studies of the 1980s and '90s rather than recently
11 updated field research. That none among this second kind of reports gives systematic or extended
12 attention to forced labor allegations should give reason to doubt their probative value but even
13 worse is that none of these studies are grounded in extensive firsthand plantation research. For
14 example, one paragraph of the 2006 Christian Aid report, *On the Margins*, situates "a life of hard
15 labour cutting sugar cane" as a reality that used to typify the majority of Haitian-descendant
16 people in the Dominican Republic (but no longer does), and says, "Living and working
17 conditions on [the sugar] estates were appalling, with forced labour and fraudulent remuneration
18 practices continuing right up into the 1990s and, in some cases, to the present day." With neither
19 updated findings nor further detail to report on what these practices might now consist of, this
20 report perhaps adds a sliver of credibility to the contemporary slavery allegation but hardly
21 merits being considered proof of it. The rest of the report has nothing to say about forced labor.
22 An ILO global overview of forced labor, *Stopping Forced Labour* (2002: 24), refers to forced
23 labor and the forcible return of Haitian cane cutters to the plantations as abuses that were
24 denounced in the early 1980s. It is unquestionably authoritative but what is odd about its
25 inclusion in the bibliography of *USDoL's List* is that this ILO report principally highlights steps
26 taken by the Dominican government to improve the situation, and adds that "[b]y most accounts,
27 there has been a reduction in direct coercion against imported Haitian migrant workers in recent
28 years'. That the ILO found 10 years ago that coercive treatment was on the decline should have
29 brought researchers to be more skeptical and certainly not more credulous about allegations of
30 forced labor in Dominican sugar production.
31

32 The third and largest source category in the USDoL bibliography could be called "pure garbage"
33 (see *USDoL's List*, Bibliography, items 3, 4, 5, 7, 8, 9, 11, 14, 16, 17 & 19). Putting it mildly, it
34 can only tarnish ILAB's reputation for impartiality and careful research that a source as rich in
35 equivocation and as poor in information as Joe Johns' CNN report (listed twice in the *USDoL's*
36 *List* bibliography due to its broadcast on two separate occasions) is put forward as an item of
37 probative value for an agency of the United States government to assert that a friendly neighbor
38 country countenances forced labor. Similarly, the article by education scholar Barbara Bernier
39 seems to be based on a visit of one day to one sugar company residential compound (*batey*) by
40 the author in addition to her reading of reports from the 1980s and '90s.
41

42 Particular skepticism must be voiced about the probative value of information conveyed in the
43 documentary film, *The Sugar Babies*. It is largely on the authority of the expatriate priests,
44 Fathers Pierre Ruquoy and Christopher Hartley, that this film affirms that Haitian workers are first
45 recruited by fraud and then held against their will and forced to work at gunpoint on Dominican

1 sugar plantations. None of this is remotely true post-2005 and what has sustained these
2 allegations into the present is only the lone persistence of Fathers Ruquoy and Hartley, among
3 other leading Haitian rights activists, in characterizing the recruitment and employment of
4 Haitians in the Dominican sugarcane fields as a system of contemporary slavery, for years after
5 the most flagrantly coercive practices fell into disuse.

6
7 Two crucial matters of context must be taken into consideration to understand the changes that
8 have taken place both in the sugarcane fields and in Haitian rights activism in the Dominican
9 Republic.

10
11 The first is that Dominican sugar production has fallen to a small fraction of what it was circa
12 1990. With that decline, demand for harvest labor has also shrunk, and cane growers that
13 formerly had to send labor recruiters in the growers' employ (*buscones*) into the Haitian
14 countryside now depend for nearly all their harvest labor on workers who reside permanently or
15 who cross the border independently of company-hired *buscones*. I will say more below about
16 relevant evidence.

17
18 A second crucially important contextual matter is that forced labor allegations have been
19 dropped after 1992 in all the most thoroughly researched fact-finding reports published by
20 leading international human rights monitor and law clinics active on behalf of Haitian rights in
21 the Dominican Republic. Leading international human rights professionals have redirected their
22 attention to other wrongs, the most important of which are the Dominican state's refusal to grant
23 citizenship to persons of Haitian ancestry born in the Dominican Republic and its failure to
24 respect the due process rights or accord legal residency to long-term-resident Haitian nationals.

25
26 In the larger context of international human rights advocacy, then, the revival of forced labor
27 allegations (first through the video documentaries, *Sugar Babies* and *Price of Sugar*, and now via
28 ILAB reporting) seem not only of questionable accuracy but mistimed and misdirected.
29 Attaching limits on Dominican sugar imports will not grant a single Haitian the residency permit
30 that s/he deserves on the basis of years of work in the Dominican Republic nor get citizenship
31 rights for a single Dominican-born child of Haitian ancestry, for it is not the sugar companies but
32 the Dominican state that is the author of those wrongs.

33
34 Aside from Fathers Hartley and Ruquoy, the only reporters who persist in alleging that forced
35 labor is real on Dominican sugar plantations are those who are aware of neither changes on the
36 ground nor the realignment of the international human rights agenda to conform to the migrant
37 and minority rights priorities defined by frontline Haitian rights activists.

38
39 Fainlly, the ILAB-funded Verité report, *Research on Indicators of Forced Labor in the Supply*
40 *Chain of Sugar in the Dominican Republic*, constitutes a missed opportunity to bring the
41 international community's knowledge of labor conditions in Dominican sugar up to date and
42 specify with clarity what constraints confront Haitian cane workers.

43
44 As part of an ILAB-funded seven-country study to expand the knowledge base on "sectors and
45 locations of production ... that would benefit from further systematic research," Verité sub-

1 contracted the field research behind the Dominican segment of this report to the Santo Domingo-
2 based feminist participatory action research unit, Centro de Investigación para la Acción
3 Femenina (CIPAF).
4

5 My expert opinions were sought out by the CIPAF lead researcher, who in January 2012 sent me
6 a copy of the final draft of CIPAF's report to Verité.
7

8 Between 2009 and 2011, the CIPAF research team carried out the first ever nationwide survey of
9 Haitian *braceros* (migrant sugarcane workers). They interviewed more than 700 Haitian braceros
10 in all five major sectors of sugar production, traveling to 49 bateyes located in all eight provinces
11 of the country in which industrial sugarcane cultivation continues. No other source even comes
12 close to the CIPAF final report in the scope, reliability and actuality of the information that it
13 reports.
14

15 For reasons unknown to me, the Verité report on one hand purports to be based on the CIPAF
16 researchers' findings while on the other egregiously misrepresenting the CIPAF findings through
17 three kinds of distortion: outright factual misrepresentations of what CIPAF reported; accurate
18 summaries of CIPAF findings that are then twisted to mean the opposite of what these at first
19 seem to mean; and CIPAF findings that Verité chooses to ignore.
20

21 The CIPAF team found that sugarcane growers now fulfill their (much reduced) harvest labor
22 requirement largely with resident workers and voluntary recruits, and that only a minority of the
23 recently-arrived braceros whom they interviewed had entered the country with a human
24 smuggler of any kind. Particularly important is the CIPAF researchers' finding (p.159) that no
25 worker reported any connection between their human smugglers and the sugar companies since
26 2005: the *buscón*, defined as a recruiter specifically under sugar company employ, is no longer
27 used.
28

29 By contrast, the Verité report (p.38) asserts the diametrical opposite, that more than half of the
30 workers interviewed by the CIPAF team had been guided into the country by company-hired
31 *buscones*. There is a complete mismatch between their data and what CIPAF reported, and while
32 this is just one of the outright misrepresentations in the Verité report, it is crucially important in
33 as much as deceptive labor recruitment, followed by restriction of the workers' mobility once on
34 the sugar plantations, was the recruitment modus operandum denounced repeatedly by human
35 rights observers in the 1980s and '90s. In complete opposition to the CIPAF findings, then,
36 Verité is in effect saying that nothing has changed in sugarcane growers' recruitment practices
37 since the 1980s.
38

39 Even when it reports the CIPAF findings accurately, the Verité report twists those findings
40 beyond recognition. On page 50 of the Verité report, for example, it is reported that the CIPAF
41 survey team was told by 98 percent of the respondents that they felt free to leave their sugar
42 company residential compounds freely and at any time. That finding is dismissed on the basis of
43 the testimony of *one worker* who told the CIPAF interviewers that "he could not leave because
44 he was being watched." The Verité report goes on to discredit the CIPAF finding that workers
45 feel free to leave bateyes as being the product of a poorly engineered survey questionnaire,

1 which omitted questions about whether undocumented status constrains the migrants' mobility.
2 That conjecture is questionable on more than one level, starting with Dominican sociologists'
3 findings that tens of thousands of Haitian workers have left the bateyes over the course of the
4 1990s and 2000s. Also, permitting the word of one worker to disallow the testimony of more
5 than 700 is not just methodologically ad hoc but also deviates from a principle established by the
6 ILAB's own "Procedural Guidelines" statement, where it is said that no single instance of child
7 labor or forced labor should be generalized to characterize country conditions. Verité's rationale
8 for disregarding the survey findings also runs aground against the fact that the Dominican
9 researchers did in fact ask a closely related question: on page 146 of the CIPAF report it is noted
10 that no worker reported having had their documents taken away from them.

11
12 That omission raises what is perhaps the most troubling kind of mismatch between the Verité
13 and CIPAF reports, the findings that Verité chooses to ignore. It is laughable to anyone with field
14 experience in the Dominican sugar plantations to read, among the Verité report's conclusions,
15 that a "lesson learned" was "the challenges of conducting research on hidden populations."
16 Evidently, the truth of forced labor in Dominican sugar is so subtly hidden that it eluded CIPAF
17 researchers who went to 49 bateyes and interviewed hundreds of braceros. The CIPAF study in
18 fact reports the precise opposite of this being a hidden population: at no time was access to the
19 workers denied or interviews limited or watched over by company security personnel.

20
21 At least two overarching concerns jump to my eye.

22
23 The first of these is that the Verité report authors seem to be doing contortions with the CIPAF
24 study's findings in order to make these conform to ILO Forced Labour Convention criteria.
25 There is an unstated agenda to concoct evidence of the threat of penalty and involuntary labor
26 where the CIPAF survey finds such evidence lacking in almost every way.

27
28 In wrestling the bracero into the Procrustean bed of "forced labor," what is downplayed is as
29 important as what is distorted. For Verité gives insufficient attention to a major CIPAF finding,
30 which stands in keeping with batey field research by anthropologists and sociologists dating back
31 to the 1980s: the main constraint on the cane worker is neither force nor surveillance but the
32 silent and steady pressure exerted by piece-rate wages at miserable levels of remuneration, a
33 form of constraint that is difficult to reconcile with ILO forced labor criteria. In effect, the piece-
34 rate system obligates the bracero to work days of 12 hours or longer just to earn enough to feed
35 himself. Verité thereby misses an opportunity not only to set the facts straight regarding present-
36 day farm work conditions in Dominican sugar but more broadly misses the chance to bring into
37 discussion a possible need to revisit international labor standards about what kinds of wage
38 systems are and are not abusive.

39
40 A second overarching concern is the inadvisability of out-sourcing human and labor rights
41 investigation to the degree we see in the Verité seven-country study. It is of concern that out-
42 sourcing human rights investigation effectively provides a financial incentive to "get the dirt" on
43 foreign commodity supply chains. Yet possibly more important than this is the degree to which
44 control has been relinquished by ILAB, over research decisions, editorial choices and the call
45 whether or not to publish at all, and left instead in the hands of an independent contractor. No

1 more than any other rights monitor organization should either ILAB or Verité be expected to
2 exonerate anyone of wrong. ("Man refrains from beating servant" is not a monitor group
3 headline.) But whether or not Human Rights Watch or any other leading monitor group would
4 ever exonerate an alleged wrong-doer is secondary to the larger fact that neither HRW nor any
5 other leading monitor group would surrender the decision of whether or not to publish to an
6 outside contractor. That degree of out-sourcing, if repeated, can be counted on to expose ILAB
7 again to reputational risk.

8
9 I would be happy to help ILAB staffers establish contact with leading activists and scholarly
10 experts on Haitian rights in the Dominican Republic, who I am sure can independently confirm
11 and amplify my comments.

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13 In the immediate term, I think it would be prudent to reconsider the probative value of all of the
14 items now listed as sources providing evidence of forced labor in Dominican sugar. It would in
15 my opinion also be advisable for ILAB to withdraw any implied USDoL endorsement of the
16 deeply flawed Verité report by removing that item from the list of 30 sources on Dominican
17 sugar published in the Bibliography of the 2012 edition of *USDoL's List*.

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19 The opportunity to provide comment is kindly appreciated.