

**Docket No.DOL–2013–0003**

**Analysis of the October 1, 2013 Bibliography Cited by the U.S. Department of Labor for the Inclusion  
of Sugarcane from the Dominican Republic on the List Required by the Trafficking  
Victims Protection Reauthorization Act of 2005**

**Submission of Comments to the U.S. Department of Labor pursuant to the December 3, 2013 Federal  
Register Notice 78 Fed. Reg. 72714**

**by the**

**Dominican Sugar Industry**

**15 January 2014**

Since the publication in 2009 of the initial list of goods believed by the U.S. Department of Labor to be produced by forced or child labor in violation of international standards pursuant to Section 105(b)(1) of the Trafficking Victims Protection Reauthorization Act Report (TVPRA Report), sugarcane from the Dominican Republic has been included. To the extent that there was ever any basis to include sugarcane from the Dominican Republic on this list, and there was not, there is certainly no basis to continue to do so. Indeed, the Department of Labor has no reasonable basis to believe that sugarcane is produced in the Dominican Republic using child or forced labor in violation of international standards, and continuing to include sugarcane from the Dominican Republic on this list would seem contrary to the Department of Labor’s own procedural guidelines published in 2007 (72 Fed. Reg. 73374) for developing such list.

According to the Department of Labor’s (DOL) methodology, the Bureau of International Labor Affairs (ILAB) “conducted an in-depth review of available information on exploitive working conditions in the production of goods in 77 countries, based on an initial screening of sources that showed these countries to have a higher incidence of child labor and forced labor.”<sup>1</sup>

The international standards cited by ILAB for developing the definition of child and forced labor for the TVPRA Report are International Labor Organization (ILO) Conventions 138 and 182 on child labor, and Conventions 29 and 105 on forced labor.

---

<sup>1</sup> See pg. xi, The United States Department of Labor, Bureau of International Labor Affairs Office of Child Labor, Forced Labor, and Human Trafficking. *The Department of Labor’s List of Goods Produced by Child Labor or Forced Labor. Report Required by the Trafficking Victims Protection Reauthorization Acts of 2005 and 2008.* (2009) available at <http://www.dol.gov/ilab/programs/ocft/PDF/2009TVPRA.pdf> (last visited Jan. 13, 2014)

According to Procedural Guidelines for the development of the TVPRA Report,<sup>2</sup> the DOL uses a methodology based on five (5) factors for evaluating information and operationalizing the "reason to believe" standard:

*"1. Nature of information.* Whether the information about child labor or forced labor gathered from research, public submissions, hearing testimony, or other sources is relevant and probative, and meets the definitions of child labor or forced labor.

*2. Date of information.* Whether the information about child labor or forced labor in the production of the good(s) is no more than 7 years old at the time of receipt. More current information will generally be given priority, and information older than 7 years will generally not be considered.<sup>3</sup>

*3. Source of information.* Whether the information, whether from primary or secondary sources, is from a source whose methodology, prior publications, degree of familiarity and experience with international labor standards, and/or reputation for accuracy and objectivity, warrants a determination that it is relevant and probative.

*4. Extent of corroboration.* The extent to which the information about the use of child labor or forced labor in the production of a good(s) is corroborated by other sources.

*5. Significant incidence of child labor or forced labor.* Whether the information about the use of child labor or forced labor in the production of a good(s) warrants a determination that the incidence of such practices is significant and/or prevalent in the country in question. Information that relates only to a single company or facility; or that indicates an isolated incident of child or forced labor, will ordinarily not weigh in favor of a finding that a good is produced in violation of international standards. Information that demonstrates a significant incidence of forced labor or child labor in the production of a particular good(s), although not necessarily representing a pattern or practice in the industry as a whole, will ordinarily weigh in favor of a finding that a good is produced in violation of international standards."

According to the bibliography of the 2009 TVPRA Report, the listing for sugarcane from the Dominican Republic was based on 29 sources.<sup>4</sup> The sources include papers written by individual authors, media reports, a study financed by a US government agency, in-country reports by the U.S. Embassy in Santo Domingo, and other publicly available information. The same sources cited in the 2009 report have

---

<sup>2</sup> Notice of Procedural Guidelines for the Development and Maintenance of the List of Goods From Countries Produced by Child Labor or Forced Labor; Request for Information [12/27/2007] Page 73377 available at: <http://webapps.dol.gov/FederalRegister//PdfDisplay.aspx?DocId=20376> (last visited Jan. 13, 2014)

<sup>3</sup> We note that the Federal Register Notice published on 3 December 2013 requesting information and invitation to comment states that "DOL will generally consider sources with dates of up to five years old (i.e., data not older than January 1, 2008)." (78 F.R. 72715). This is a shorter, and more appropriate period, than contained in the Procedural Guidelines which provides for a period of seven years. The reference to a different time period is not explained by DOL.

<sup>4</sup> 2009 TVPRA Report at Pg. 92-94.

been listed as the basis for all other annual update lists, through the most recent one dated October 1, 2013.

Only one additional source has been added since 2009, when in the 2012 TVPRA List bibliography a report published by the labor advocacy group Verité, *Research on Indicators of Forced Labor in the Supply Chain of Sugar in the Dominican Republic* was included.<sup>5</sup> This study was financed by the DOL.

It is inappropriate that the DOL would use the Verité source as a basis for listing Dominican sugarcane in the TVPRA Report, since the Verité report makes clear that it cannot be relied upon to determine whether there is forced (or child) labor in the sector:<sup>6</sup>

"These findings are not statistically representative of the Dominican Republic or the sugar sector and **this report does not claim to determine the existence or scale of forced labor in the Dominican Republic.**" [emphasis added]

In addition, an independent review done by Professors Robert Bednarzik and Andreas Kern from Georgetown University has laid out the flaws in the methodology in the Verité Report.<sup>7</sup> A copy of the Bednarzik and Kern Report is attached as Annex 1. The professors have also concluded that the data presented in the Verité Report is not sufficient to conclude the existence of child labor and/or forced child labor in the sugar sector. Nonetheless, despite Verité's own acknowledgement and the additional statistical problems with the report identified by Professors Bednarzik and Kerns, ILAB uses this source in its 2013 bibliography as a basis for finding the existence of child and forced labor in the sugarcane sector.

The fact that the same sources with almost no modification have been used by the DOL for five consecutive reviews, raises important questions about whether DOL has been in fact applying its own procedural guidelines – and carrying out its annual reviews with a reasonable level of due diligence.

Furthermore, after reviewing the bibliography for Dominican sugarcane included with the October 1, 2013 TVPRA List, it has been found that the sources utilized do not meet the five-prong criteria set by the TVPRA Procedural Guidelines or, in fact, provide contrary information (Table 1). This is particularly true for those sources dating from 2007 or later. Detailed comments about each of these sources are provided below.

The sources cited in the TVPRA bibliography simply do not make the case for finding child or forced labor in the sugarcane sector:

---

<sup>5</sup> Verité, Inc. *Research on Indicators of Forced Labor in the Supply Chain of Sugar in the Dominican Republic*. 2012 [hereinafter: Verité Report]; available from [http://www.verite.org/research/indicators\\_of\\_forced\\_labor](http://www.verite.org/research/indicators_of_forced_labor) (last visited Jan. 11, 2014)

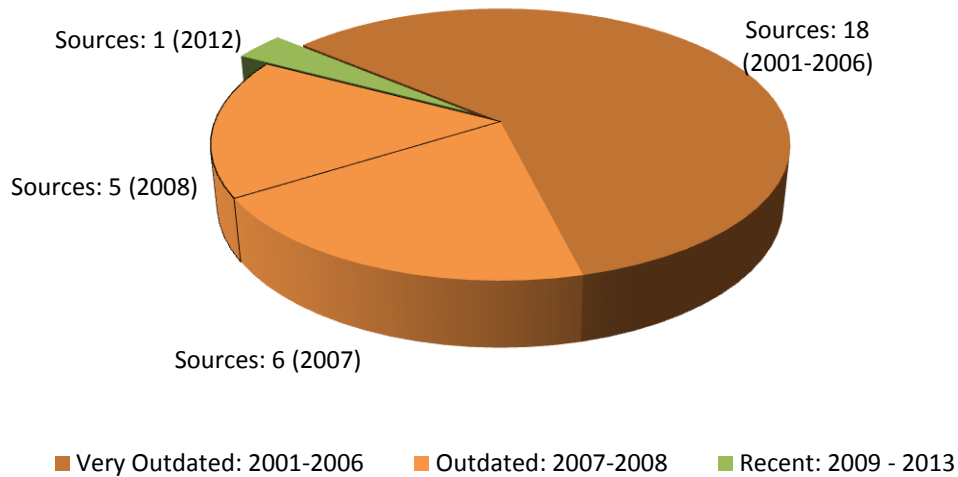
<sup>6</sup> *Id.* at 79.

<sup>7</sup> Robert Bednarzik & Andreas Kern. *Methodological Assessment of Research on Indicators of Forced Labor in the Supply Chain of Sugar in the Dominican Republic by Verité, Dominican Sugar* [hereinafter Bednarzik & Kern Report] (Jun. 4, 2013) available at [http://dominicansugar.org/uploads/Bednarzik\\_Kern\\_Report.pdf](http://dominicansugar.org/uploads/Bednarzik_Kern_Report.pdf) (last visited Jan. 13, 2014).

1) *Date of information.* Almost all sources are simply too old and are outside the five year standard established in the relevant Federal Register notice issued by ILAB for which these comments are submitted. Twenty nine out of thirty (29 of 30) sources cited in the 2013 TVPRA Report bibliography are now at least 5 years old (Figure 1). Eighteen sources were published eight years ago or longer, even outside of the seven year window included in the DOL procedural guidelines (Table 1). The only source added since the TVPRA Report was first published in 2009, the Verité Report, itself acknowledges that it does not provide a reasonable basis to find the existence of forced (or child) labor in the sugarcane sector.<sup>8</sup>

The sources also do not reflect the modernization and transformation process in the Dominican sugarcane industry. The government-run operations that existed in the last century where labor violations were far more common, have also been privatized and become part of today's purely privately run industry with effective policies against child and forced labor violations.

**Figure (1)**  
**2013 TVPRA Report Bibliography**  
**Number of Sources (Year of Publication)**



2) *Nature of information.* Often sources cite irrelevant and uncorroborated information that is not probative of child or forced labor. When analyzing the sources, it should be kept in mind that the Dominican Sugar Industry employs less than 5% of the Haitian migrant workforce. Additionally, only a fraction of the *bateyes* where workers live are on property owned by the sugar industry. Furthermore and as stated above, the industry has undergone a process of modernization that also includes the shutting down and privatization of several operations run by the government at which most prior

<sup>8</sup> Verité Report, *supra* note 1 at 79.

reported incidences of labor violations took place. At least four sources cite the presence of child or forced labor in a historical context or in relation to the operations that were managed by the government. Given the changes in the structure of the industry over the last 15 years, those situations do not provide any basis to suggest a current problem about child or forced labor.

In addition, five of the sources cite information that at one point reported the existence of child and forced labor practices, and also reported information that subsequently found child and forced labor practices are no longer found in the sector. So these sources, in fact, if they are being used actually go towards removing Dominican sugarcane from the TVPRA list.

Moreover, sources that had little connection with child and forced labor were cited.<sup>9</sup> For instance, one source covers an art exhibit organized with the participation of Father Christopher Hartley in Paris that addresses the sugar cane industry but the author of that source does not discuss child and forced labor. Another source is a book review about historic issues of the sugar industry. A third source discusses intellectual property issues in the Dominican Republic unrelated to sugar. A fourth source describes community-service type trips to the Dominican Republic to work with migrant workers in sugarcane, but is not an analysis of labor conditions or child and forced labor. Furthermore, a book about the legal framework for child labor is cited as source, but the book does not discuss the actual existence of child or forced labor itself (Figure 2).

3) *Source of information.* Sources often refer to the same source or undisclosed persons or entities. For instance, the three different CNN sources are based on the same report. That report done by Joe Johns and used as sources Father Hartley and his associate Noemi Mendez. The Verité Report, the Wooding and Moseley-Williams study and the Smucker and Murray study use the book *Tras las huellas del caudillo* to discuss child and forced labor. On several occasions, reports have cited an anonymous “credible source,” without providing further information regarding that source’s credibility. (Table 1)

In addition, many of the sources cited seem to rely upon the same critic of the Dominican Sugar Industry: Father Christopher Hartley. Father Hartley has been a critic of the Dominican Sugar Industry, including since his departure from the Dominican Republic in late 2006. He has also provided contradictory statements about labor conditions in the industry. Of the twelve sources that were published within the seven year window included in the DOL procedural guidelines, six cite Father Hartley or an undisclosed person as a source (Figure 2). Father Hartley and his associates – including Father Ruquoy and activist Noemi Mendez - are sources for reports and film productions cited by DOL that mischaracterize current labor conditions in the Dominican Sugar Industry, including *The Sugar Babies* or the CNN reports (Figure 2).

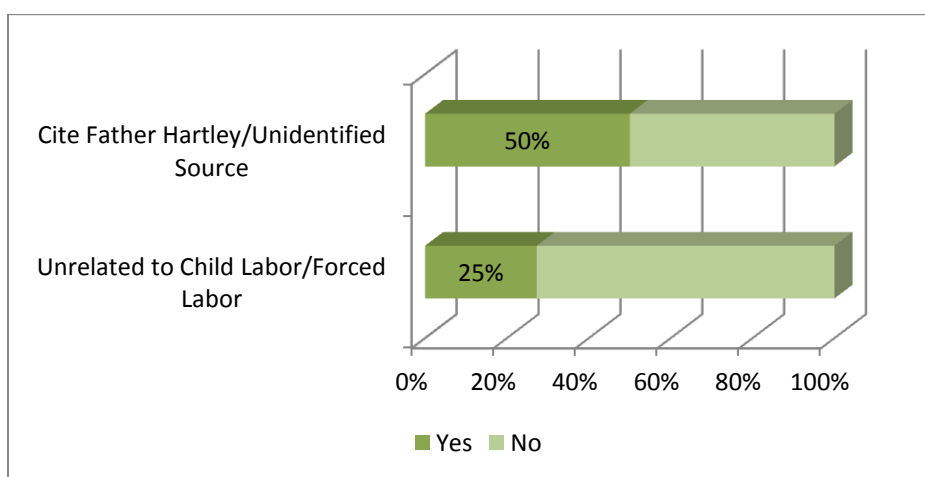
In 2011, while assigned to work in Ethiopia, Father Hartley filed a submission under Chapter 16 of the Dominican Republic-Central America-United States Free Trade Agreement. In that submission he mischaracterizes the current state of labor practices in the sugar industry - including the existence of child and forced labor - and does not provide sufficient evidence to support a finding of labor violations

---

<sup>9</sup> Three of those sources were published during the 7-year window included in the DOL procedural guidelines.

or breach of CAFTA-DR obligations. The Ministry of Labor of the Dominican Republic has clearly stated they do not find credible allegations of forced or child labor in the sugarcane sector. In addition, the largest trade union federation representing workers in the sugarcane sector has also said they have no basis to believe that allegations of forced or child labor are justified.<sup>10</sup> Moreover, several sources listed in the 2013 TVPRA Report cite Father Hartley providing contradictory information about living and working conditions of sugar cane cutters (Table 1). For instance, in a 2006 report of the U.S. Embassy, Father Hartley is cited as recognizing at least one sugar company strictly prohibits child labor and that Haitian workers were not trafficked for the sugar harvest.<sup>11</sup>

**Figure (2)**  
**Type of Information Used by 12 Sources**  
**(2007-2013)**



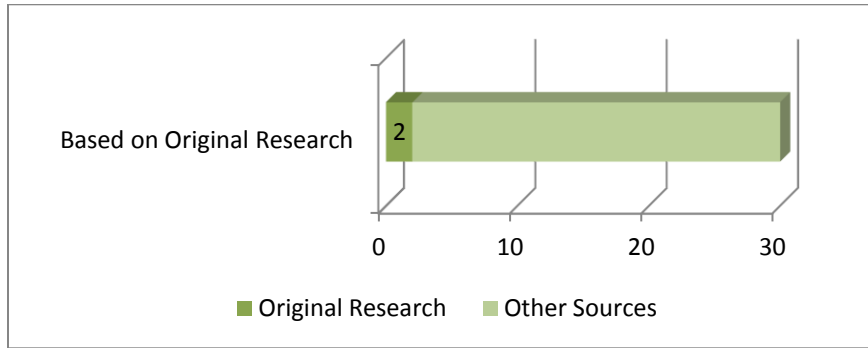
4) *Extent of corroboration.* Ten sources do not corroborate their information with other references, such as interviews or direct observations by the author. Almost none of the sources (only 2 out of 30) produced their studies or reports using a defined research methodology.

5) *Significant incidence of child labor or forced labor.* None of the sources provide information that can serve as a basis to believe that there is a significant incidence of child or forced labor in the sugar cane industry. The Dominican Sugarcane Industry employs almost 20,000 workers. Its production fields span over 220,000 acres. Some of those workers live in industry-owned facilities, others in their own dwellings, or in dwellings on publicly owned lands. Most sources cited in the report refer to a small number of workers or allegations involving single or isolated issues without looking behind them, or do not provide any analysis about child labor and forced labor. Only two studies cited as a source provide significant original research with a defined research methodology (Figure 3).

<sup>10</sup> Copy of this statement in Spanish and a courtesy translation in English are attached as Annex 2.

<sup>11</sup> U.S. Embassy- Santo Domingo. *Reporting*, (Aug. 29, 2006) available at <http://cablegatesearch.net/> (last visited Jan. 13, 2014) See: pg. 28 of this submission for further discussion about Father Hartley's statements.

**Figure (3)**  
**2013 TVPRA Report, Total Sources (30)**



Neither study concludes that there is forced labor in the Dominican Sugar Industry (Table 1). One study concludes, based on data from 2001, that there is child labor in the former government-run sugar region in Barahona.

**Table 1. Sources Cited in Bibliography for Sugarcane from the Dominican Republic**

**TVPRA List, Updated October 1, 2013**

Source No.	Author	Title	Year of Publication	Within 7yr. Window (Procedural Guidelines)	Within 5yr. Window (Fed. Reg. Notice)	Relevant/Probative Information		Information Corroborated by Other Sources	Information Objectivity/ Independence	Information Demonstrates Significant Incidence in the Sector
						Forced Labor in Sugarcane	Child Labor in Sugarcane			
1	Amnesty International	Dominican Republic: A Life in Transit- The Plight of Haitian Migrants and Dominicans of Haitian Descent.	2007	Yes	No	No, discusses issues in historical context and that refer to the CEA. <sup>12</sup>	No, discusses issues in historical context and that refer to the CEA.	No	Authored by an advocacy organization.	No
2	Amnesty International	Urgent Action in Focus. Abuses Against Migrant Workers And Dominico-Haitians In the Dominican Republic.	2006	No	No	No discussion about forced labor.	No discussion about child labor.	No	Authored by an advocacy organization.	No
3	Bernier, Barbara L	Sugar Cane Slavery: Bateyes in the Dominican Republic.	2004	No	No	Discusses issues in a historical context and that refer to the CEA operations prior to 2004.	Discusses issues in a historical context and that refer to the CEA operations prior to 2004.	Yes. A limited number of field interviews are made but their content is not verified by the author.	Authored by a law professor and human rights activist.	No
4	Ceolan, Emilia	Migration and Trafficking in Migrants on the Border between Haiti and the Dominican Republic.	2005	No	No	Discusses issues related to CEA prior to 2005.	Discusses issues related to CEA prior to 2005.	No	Authored by a human rights professional.	No, does not provide a recent industry assessment.
5	Chapman, Sasha	Sweet Misery, White Death.	2008	Yes	No	This is a book review not a discussion of current forced labor	No mention of child labor.	No. This is a book review.	The objectivity of the book review cannot be assessed.	No

<sup>12</sup> The *Consejo Estatal del Azúcar* - State Sugar Council (CEA) which operated the state run portion of the sugarcane industry in the 1900s. The Barahona operations run by CEA were privatized at the end of the last century and CEA no longer operates any sugar mills in the Dominican Republic.



						conditions.				
6	Christian Aid	On the margins. Discrimination against Haitian migrants and their descendants in the Dominican Republic.	2006	No	No	No, it also recognizes that cane cutters have freedom of movement.	No, child labor is cited in the context of other economic activities such as begging.	No	Authored by an advocacy organization.	No
7	Deibert, Michael	Haiti/Dominican Republic: Exhibit Reveals Bitter Harvest.	2008	Yes	No	Does not discuss the content of the exhibit.	Does not discuss the content of the exhibit.	Father Hartley participated in the organization of this exhibit.	The objectivity of the exhibit in Paris cannot be assessed.	No
8	Gosgnach, Tony	Annual Jaunt offers Canadians a Third World View.	2004	No	No	No discussion of forced labor.	No discussion of child labor.	No	This is a report on a community service-type tour.	No
9	Harman, Danna.	Haitian Cane-Cutters Struggle.	2006	No	No	There is mention of difficult working conditions but no discussion of forced labor.	Discusses the experience of just one cane cutter claimed to be 15 years old.	Yes, but only an interview of one cane cutter.	Authored by a journalist.	No, it only provides information about one case of child labor.
10	Heinzen, Archer Dodsen and Mirellise Vazquez	Child Labor Education Initiative Needs Assessment for the Dominican Republic.	2002	No	No	Article Not Available Online				
11	Human Rights Features	Ratify the MWC; it's a fair deal.	2003	No	No	States that employers prevent sugarcane workers from leaving, without providing additional support.	Only states that in some cases children are present in the fields.	No	Authored by an advocacy organization.	No

12	ILO	Report of the Director-General: Stopping Forced Labour.	2001	No	No	Discusses forced labor in a historical context.	No mention of child labor.	Yes, but related to the 1983 findings.	Authored by an independent UN Agency.	No, it recognizes that coercion against Haitian workers has been reduced.
13	ILO	Trabajo Infantil en la Agricultura: Reflexiones Sobre las Legislaciones de América Central y la República Dominicana.	2007	Yes	No	No mention of forced labor.	No it only discusses the legal framework.	No, since it only refers to the legal framework.	Authored by an independent UN Agency.	No, incidence cannot be quantified based on the legal framework.
14	International Confederation of Free Trade Unions	Internationally-Recognized Core Labour Standards in the Dominican Republic: Report for the WTO General Council Review of Trade Policies of the Dominican Republic.	2002	No	No	Article Not Available Online				
15	IOM	Assistance for Children Victims of Human Trafficking in Haiti.	2006	No	No	Yes, but only mentions that there are reports of its existence.	No mention of child labor.	No. The reports are not corroborated by other information.	Authored by an Intergovernmental Organization.	No
16	Johns, Joe	Invisible Chains: Sex, Work and Slavery (CNN)	2007	No	No	Same Information as Source 17				
17	Rattansi, Shihab	Slavery and Race Relations (CNN)	2006	No	No	No, it only discusses difficult working conditions.	Yes, it recounts meeting children that worked planting cane.	Interviews only a small group of alleged workers and children.	Father Hartley and Noemi Mendez were the source for the report and Father Hartley is interviewed.	No, the information relates to a small number of people and to just one unidentified location.
18	Smucker, Glenn R. and Gerald F. Murray	The Uses of Children: A Study of Trafficking in Haitian Children.	2004	No	No	Does not find forced labor.	Based on 2001 data for one previous government-run operation in Barahona, estimates that 1 out of 10 Haitian workers are	Uses own data for forced labor and data from another source and states that mills avoid hiring children.	Study funded by USAID.	No, confirms that there is no forced labor in sugarcane. 2001 data is used to estimate child labor.

							under 18 years of age.			
19	Steve Turnham	Is sugar production modern day slavery? (CNN)	2006	No	No	Same Information as Source 17				
20	The Sugar Babies	Produced by Amy Serrano. Siren Studios.	2007	Yes	No	Yes, based on statements by Father Ruquoy.	Yes, a limited number of statements provided by children. Sources confirm the efforts of the industry to eradicate child labor.	Yes, interviews of children and other sources.	Information was provided by Father Hartley and his associates, and by direct observations.	No, it does not provide significant data to quantify incidence.
21	U.S. Department of State	"Dominican Republic." In Country Reports on Human Rights Practices- 2007.	2008	Yes	No	Yes, but recounts sources stating that transporting of workers from Haiti for the sugar industry has ended.	Yes, but recounts sources stating that child labor has not been found in the sugar industry.	Yes, it cites sources from the sugar industry and unidentified NGOs.	No. Cites an undisclosed source.	No, information about both the elimination and existence of child and forced labor are provided.
22	U.S. Department of State	"Haiti." Trafficking in Persons Report- 2007.	2007	Yes	No	Only states "[Haitians are exploited for labor on sugar plantations."	No mention of child labor in the sugar cane sector.	As stated in the methodology, that there are only indications.	The information cannot be verified for its independence or objectivity.	No, incidence could not be calculated because of the lack of data.
23	U.S. Embassy-Santo Domingo	Reporting. March 2, 2006.	2006	No	No	Intellectual Property Related Issues Discussed				
24	U.S. Embassy-Santo Domingo	Reporting. August 29, 2006.	2006	No	No	Provides statements that workers are free to quit their jobs.	Provides statements that child labor is prohibited.	Yes, cites government officials and industry representatives.	Father Hartley is a source.	No, information about both the elimination and existence of child and forced labor is provided.

25	U.S. Embassy-Santo Domingo	Reporting. December 18, 2006.	2006	No	No	Recounts a discussion about the illegal retention of salary with the aim of forcing cane cutters to stay.	Recounts a conversation with a group of young children.	Yes, direct interviews.	Father Hartley arranged the interviews.	No, interviews a small number of workers from only one company. It is not specified where the children work.
26	U.S. Embassy-Santo Domingo	Reporting. May 10, 2007.	2007	Yes	No	No mention of forced labor.	Company representatives state that there is no child labor and unidentified sources state that there is.	No, the Embassy did not verify the alleged violations.	No, an unidentified source is used.	No, information about both the elimination and existence of child and forced labor is provided.
27	U.S. Embassy-Santo Domingo	Reporting. June 04, 2008, 15:12.	2008	Yes	No	Yes, it discusses workers vulnerabilities to exploitation as a result of lack of contracts.	Cites the positive results of an ILO-IPEC funded program.	Yes, statements by representatives from institutions and companies confirming the elimination of child labor are provided.	No, unidentified NGOs and sources are used.	No, information about both the elimination and existence of child is provided.
28	U.S. Embassy-Santo Domingo	Reporting. June 04, 2008, 18:41.	2008	Yes	No	Provides a statement that some conditions could constitute forced labor and cites companies' efforts to eliminate those conditions.	Cites a representative of an ILO project on child labor stating that there is none.	Yes, statements by representatives from institutions and companies confirming the elimination of child labor are provided.	No, cites "a non-Dominican activist".	No, information about both the elimination and existence of child and forced labor are provided.

29	Verité, Inc	Research on Indicators of Forced Labor in the Supply Chain of Sugar in the Dominican Republic.	2012	Yes	Yes	Does not determine the existence.	Does not determine the existence.	Yes, but the research process was flawed.	No. Study by advocacy organization and financed by DOL.	No, the report expressly states that it does not determine existence.
30	Wooding, Bridget and Richard Moseley-Williams	Needed but Unwanted: Haitian Immigrants and Their Descendants in the Dominican Republic.	2004	No	No	No, discusses issues in historical context and that refer to the CEA.	No mention of child labor in the sugar industry.	No	Authored by an advocacy organization.	No, it does not provide significant data to quantify incidence or makes an assessment about forced and child labor.

## I. Review of Bibliography

Detailed comments about the sources cited in the 2013 TVPRA Report are listed in this section. The sources are listed in the same sequence as they appear in the report's bibliography.

### 1) Amnesty International. *Dominican Republic: A Life in Transit- The Plight of Haitian Migrants and Dominicans of Haitian Descent.* (2007)<sup>13</sup>

- According to the methodology, this report “focuses on discrimination faced by Haitian migrant workers and Dominicans of Haitian descent and the barriers to their full and effective enjoyment of civil, political, economic, social and cultural rights in the Dominican Republic.”<sup>14</sup> Therefore, it does not analyze labor issues faced by Haitian populations, including child and forced labor.
- Since this study was published in 2007 using information gathered in 2006, the report does not reflect the labor practices of the Dominican Sugar Industry today. Furthermore, some of the sources cited are almost a decade old, such as a 2005 report by the UN Development Program which discusses the living conditions in the “bateyes under the State Sugar Council, (Consejo Estatal del Azúcar).”<sup>15</sup>

#### *Child Labor*

- This document does not analyze forced or child labor in the sugar industry or in the production of sugarcane. The only reference to child labor is a caption of a picture on page 8 that states: “Children working in a sugarcane plantation in the region of Los Llanos. Although child labour is against the law, children continue to be employed in sugarcane plantations.”<sup>16</sup> In fact, the picture just shows a group of children standing in an empty field talking. Contrary to other pictures showing cane cutters working in the fields, this picture does not show children engaged in any work activity.

#### *Forced Labor*

- The document provides no case studies or workers’ statements alleging forced labor in the sugar industry. In one sentence the report argues that the lack of legal work status creates a constant risk of abuse and exploitation by “unscrupulous employers or *finca* administrators” for Haitian workers. However, the report does not identify any specific industry or company as an example of this wrongdoing.
- The use of Haitian workers in the Dominican sugar plantations is discussed in a historical context and as part of the explanation as to how the *bateyes* were transformed from temporary housing to permanent settlements. Also the sugarcane industry is cited to explain how Haitian workers arrived to the Dominican Republic decades ago. In the report, there are no accounts of private companies being engaged in those practices at that time, or more recently.
- Even though the report recounts a number of statements by workers about labor violations, those are related to industries other than sugarcane.

---

<sup>13</sup> Amnesty International. *Dominican Republic: A Life in Transit- The Plight of Haitian Migrants and Dominicans of Haitian Descent*, (2007) available at <http://www.amnesty.org/en/library/info/AMR27/001/2007> (last visited Jan. 11, 2014)

<sup>14</sup> *Id.* at 6.

<sup>15</sup> *Id.* at 4.

<sup>16</sup> *Id.* at 8.

- The report also states that “[o]ver the past 20 years an increasingly large number of migrants have moved away from agricultural work and have sought work in cities and towns.”<sup>17</sup> This tends to suggest that workers are able to freely leave the sugar industry, contrary to any alleged coercion used to keep workers in the sugarcane sector.
- Furthermore, at the end of the report Amnesty International provides conclusions and recommendations. None of them relate to the sugar industry.
- In sum, although the Amnesty International report is about human rights issues affecting Haitian workers, it does not address child and forced labor or assess their incidence in the Dominican Sugar industry.

**2) Amnesty International. *Urgent Action in Focus. Abuses Against Migrant Workers And Dominico-Haitians In the Dominican Republic. (2006)*<sup>18</sup>**

- The main research focus of this report published in 2006 is “illegal deportations of Haitian nationals and Dominicans of Haitian descent as well as the denial of Dominican nationality to descendents of Haitians born in the Dominican Republic.”<sup>19</sup> In the report there is no reference to child or forced labor.
- Only one resident of *batey* 5 provides an account of living conditions within the *batey*, and this resident recognizes improvements:

“Before people were living in holes but now they can live like human beings. There are schools now and parks...”<sup>20</sup>

*Child and Forced Labor*

- The only reference that could potentially be interpreted as forced labor is a statement provided by the son of the above cited resident about the harsh working conditions in the sugarcane plantations: “We work like donkeys...they treat us like cattle.”<sup>21</sup> However, this statement does not specify any kind of abuse.
- Wages earned by the sugarcane cutters are discussed by the authors in only one sentence. However, no assessment is made of the relationship of those wages to the legal minimum. The paper only states that they are not enough to sustain a family, without providing any analysis or evidence for that conclusion.
- This document cites isolated sources that do not discuss child labor or forced labor. Therefore, they do not provide enough information to make any conclusion about these issues or their *significant incidence*.

---

<sup>17</sup> *Id.* at 5.

<sup>18</sup> Amnesty International. *Urgent Action In Focus: Abuses Against Haitian Migrant Workers and Dominico-Haitians in the Dominican Republic*, New York, (Aug. 2006), available at <http://www.amnesty.org/en/library/asset/ACT60/018/2006/fr/a62a2ee8-d3fa-11dd-8743-d305bea2b2c7/act600182006en.html> (last visited Jan. 11, 2014).

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

### 3) Bernier, Barbara L. *Sugar Cane Slavery: Bateyes in the Dominican Republic*. (2004)<sup>22</sup>

- Published in 2004, this article clearly refers to issues that took place on lands and operations owned by the State Sugar Council (CEA).
- The author also refers to practices that have been abandoned and outlawed, such as the payment of workers with coupons. The Dominican Sugar Industry does not pay salaries with coupons.
- The direct observations reported in the article correspond to only one *batey* and the author only reports on what she was told:

“I was told this was one of the best bateyes because they had running water and electricity.”<sup>23</sup>

“After what seemed like eternity, we arrived at the outskirts of a small town. We could see a large manufacturing plant looming behind a small hill. Our guide proudly informed us that this was the largest sugarcane processing plant on the island.”<sup>24</sup>

- Most of the article describes issues related to immigration, citizenship and gender discrimination. Such issues include the lack of access to birth certificates, limitation of voting rights or lack of identification documentation.

#### *Child and Forced Labor*

- For instance, the author states in the introduction, that “the CEA uses a system of employment that violates every applicable international law regarding the use of forced labor.”<sup>25</sup> Later in the article she states that in a *batey* she visited the “company store,”<sup>26</sup> which she later asserts is owned by the government. The CEA has ceased its remaining sugar mill operations and now the Dominican Sugar Industry is entirely comprised of private enterprises. Consequently, the CEA no longer employs workers in the sugar cane sector. The article has no discussion of child labor.
- The article does not present significant direct accounts that could be used to determine significant incidence of child and forced labor in the sugarcane sector.

---

<sup>22</sup> Bernier, Barbara L. *Sugar Cane Slavery: Bateyes in the Dominican Republic*, Ethical Sugar, (2004), available at <http://www.nesl.edu/userfiles/file/nejic/vol9/bernier.pdf> (last visited Jan. 11, 2014).

<sup>23</sup> *Id.* at 29.

<sup>24</sup> *Id.* at 20.

<sup>25</sup> *Id.* at 1.

<sup>26</sup> *Id.* at 23.



**4) Ceolan, Emilia. *Migration and Trafficking in Migrants on the Border between Haiti and the Dominican Republic*. (2005)<sup>27</sup>**

- This article, written by a human rights professional with experience in the Haitian-Dominican border region, dates to 2005. The article only provides some generalizations about forced and child labor that are clearly linked to the CEA operations:

“Each year thousands of Haitians are employed by the CEA to cut sugarcane”<sup>28</sup>

“The police and the military’s participation in the recruitment of workers and the existence of abusive practices in the CEA”<sup>29</sup>

“The regime of forced child labour in CEA plantations is highlighted in particular”<sup>30</sup>

“Haitian workers on sugarcane plantations continue to suffer restrictions to their freedom of movement. These include the presence of armed guards on the plantations to prevent the workers from escaping. The CEA keeps a register of all Haitians employed and in some cases gives them identity cards covering only the harvesting period”<sup>31</sup>

- The CEA has ended all operations in the sugar cane sector, and the industry is operated by private firms only.
- Criticisms about wages in the article are directed to their level and no reference is made to whether they are in compliance with the law.

**5) Chapman, Sasha. *Sweet Misery, White Death*. (2008)<sup>32</sup>**

- The Department of Labor includes as a reference this review of a work written by a social historian. Even if the book itself were a source of relevant information, which it is not, the book itself should be cited, and not a review of it. The review does not mention contemporary cases of forced and child labor in the Dominican sugar industry.

---

<sup>27</sup> Ceolan, Emilia. *Migration and Trafficking in Migrants on the Border between Haiti and the Dominican Republic - A Compilation of Reports from the Conference on 'Trafficking of Human Beings and Migration: A Human Rights Approach'*, Anti-Slavery International, London, (2005), available at [http://www.antislavery.org/includes/documents/cm\\_docs/2009/h/hands\\_up\\_for\\_freedom\\_conference\\_report\\_english.pdf](http://www.antislavery.org/includes/documents/cm_docs/2009/h/hands_up_for_freedom_conference_report_english.pdf) (last visited Jan. 11, 2014).

<sup>28</sup> *Id.* at 18.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.* at 19.

<sup>31</sup> *Id.*

<sup>32</sup> Chapman, Sasha. "Sweet Misery, White Death" *The Globe and Mail*, (Mar. 8, 2008) available at <http://www.theglobeandmail.com/arts/sweet-misery-white-death/article718438/> (last visited Jan. 11, 2014).

6) **Christian Aid. *On the margins. Discrimination against Haitian migrants and their descendants in the Dominican Republic.* (2006)<sup>33</sup>**

- This article was published in 2006. Although it recounts observations and summarizes information current at that time, it mostly focuses on deportation proceedings, the legal rights of undocumented Haitians and the challenges related to xenophobic sentiments and actions against the Haitian population in the Dominican Republic. Most of the accounts provided in the document date from the summer of 2005 through early 2006. The authors do not present any evidence that the privately run sugar industry supports the violations described in the article. In fact, the authors recognize that illegal crossings were informal and uncontrolled:

“Today, the vast majority of migrant labour is informal and uncontrolled – from the migrant’s exit from Haiti, to the often illegal border crossing without a permit or visa, through to the unregulated nature of work available to migrants on their arrival in the DR.”<sup>34</sup>

*Child Labor*

- When discussing child labor the article makes reference to a 2002 report by UNICEF and the International Organization for Migration. The authors do not claim that children are employed by the sugarcane companies. Rather, depending on the age and sex, they may end up working as beggars, shoe shiners in prostitution or construction, or in unspecified agricultural activities.

*Forced Labor*

- The authors state that historically the sugar industry engaged in poor working conditions and “fraudulent remuneration practices.”<sup>35</sup> They also argue that some of those fraudulent remuneration practices (e.g. cheating on the weight of the cane cut) existed up to that day. However, they did not assess the significance of the problem or specify whether the private sugarcane companies engaged in those practices, or practices referenced were in the state-owned operations.
- The article does recognize that Haitian migrant workers have freedom of movement out of the country and in and out the *batyes*:

“Another change is that Haitians and Dominico-Haitians are moving out of the isolated bateyes on the sugar plantations to urban areas where there are more employment

---

<sup>33</sup> Christian Aid. *On the Margins: Discrimination Against Haitian Migrants and Their Descendants in the Dominican Republic*. (Mar. 2006), available from <http://www.yspaniola.org/linked%20articles/On%20the%20Margins.pdf> (last visited Jan. 11, 2014).

<sup>34</sup> *Id.* at 21.

<sup>35</sup> *Id.* at 20.

opportunities. Consequently they are living in closer proximity to the Dominican population."<sup>36</sup>

- The authors argue that the lack of documentation negatively impacts Haitian migrant workers' access to health and educational services. The article also recognizes that the Dominican Republic has significant problems of poverty, inequality and underdevelopment.
- In the last section of this article a series of recommendations are given to different entities in relation to the issues discussed in the article. It should be highlighted that none of them relate to forced or child labor, nor are they related to practices in the Dominican Sugar Industry.

**7) Deibert, Michael. *Haiti/Dominican Republic: Exhibit Reveals Bitter Harvest*. (2008)<sup>37</sup>**

- This article discusses a month-long artistic program – including the screening of the film *The Sugar Babies* and *The Price of Sugar*, photo exhibits and a symposium - in Paris about the working conditions of Haitians in the sugarcane fields of the Dominican Republic. Father Hartley was involved in the organization of the program and was a speaker. The article does not analyze the content of the exhibits and program, nor does it discuss child or forced labor in the industry.
- Furthermore, Father Hartley is interviewed for this article.

**8) Gosgnach, Tony. *Annual Jaunt offers Canadians a Third World View*. (2004)<sup>38</sup>**

- This article was published in 2004 by an online website in Canada.
- The article reports on community service-type tours organized by a retired teacher to take volunteers to Haiti and the Dominican Republic. Volunteers in the Dominican Republic work with Haitians employed in the sugar industry.
- The trip organizer is cited describing the labor conditions in the sugar industry as “modern-day slavery.”<sup>39</sup> However, no evidence, information or data is provided to support such claim or corroborate the statement.

**9) Harman, Danna. *Haitian Cane-Cutters Struggle*. (2006)<sup>40</sup>**

- This article published in 2006 provides an outdated view of the living and labor conditions of cane cutters in the Dominican Republic. In addition, the author does not assess whether these conditions are in compliance with the applicable legal requirements.
- When discussing the *bateyes*, the author does not provide their name or location. This is particularly important considering the differences between those on government-owned lands and those owned by the Dominican Sugar Industry.

---

<sup>36</sup> *Id.* at 21.

<sup>37</sup> Deibert, Michael. "Haiti/Dominican Republic: Exhibit Reveals Bitter Harvest." Inter Press Service News Agency, (2008), available at <http://www.ipsnews.net/2007/03/haiti-dominican-republic-exhibit-reveals-a-bitter-harvest/> (last visited Jan. 11, 2014).

<sup>38</sup> Gosgnach, Tony. "Annual Jaunt offers Canadians a Third World View." The Interim, (May 2004), available at <http://www.theinterim.com/2004/may/11annual.html> (last visited Jan. 11, 2014).

<sup>39</sup> *Id.*

<sup>40</sup> Harman, Danna. "Haitian Cane-Cutters Struggle." The Christian Science Monitor, (Feb. 1, 2006), available at <http://www.csmonitor.com/2006/0201/p13s02-woam.htm> (last visited Jan. 11, 2014).

- When discussing wages, the author does not assess whether workers earn the legal minimums and whether the alleged deductions are legal. Child labor is not discussed.

#### *Forced Labor*

- The only reference that could be potentially interpreted as forced labor is one related to work supervision: “[b]oss men on horseback come to check on their [cane cutters’] progress.”<sup>41</sup> Furthermore, the author does not specify which operation those boss men are supervising or whether those actions are against the labor law. There is also no reference to child labor in this article.
- The author claims that workers work for “12 hours a day in the tropical sun.”<sup>42</sup> However, no evidence is provided to support this claim or verify it (such as direct observation or interviews with cane cutters).
- The author reports on a worker who mostly eats sugarcane during the day. But again there is no information provided that would allow this to be corroborated or where this cane cutter allegedly worked. The Dominican Sugar Industry companies provide cane cutters with lunch on workdays.
- The document also alleges that sugar companies threaten to call immigration authorities if workers attempt to unionize. Again, there are no specifics provided that could be verified. In fact, at least five unions are active in the Dominican Sugar Industry, some of them for over 10 years. Unions also represent cane cutters, including one cutters union registered in 2013 with the Ministry of Labor.
- It should also be highlighted that Father Hartley is a source for this article and even he recognizes improvements in the living and working conditions of cane cutters.

#### **10) Heinzen, Archer Dodsen and Mirellise Vazquez. *Child Labor Education Initiative Needs Assessment for the Dominican Republic. (2002)***

This document published in early 2002 could not be located on-line.

#### **11) Human Rights Features. *Ratify the MWC; it’s a fair deal. (2003)*<sup>43</sup>**

- According to its website, this publication is produced by the South Asia Human Rights Documentation Centre, an NGO based in New Delhi. The website claims that this NGO has little resources and is staffed by five volunteers. The NGO states that the sources for their stories are “individuals, human rights activists and groups, lawyers, journalists, media and national and international organizations.”<sup>44</sup> The NGO does not provide the protocol it follows to verify the accuracy and veracity of the information included in its publication.
- This article does not provide any direct accounts of alleged problems in the Dominican sugar industry. Several cited reference materials are now more than a decade old. Moreover, there are instances where statements are not supported by any evidence. For instance, it is stated

---

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> Human Rights Features. *Ratify the MWC; it’s a fair deal. (2003)*, available at [http://www.hrdc.net/sahrdc/hrfchr59/Issue3/Dominican\\_republic.htm](http://www.hrdc.net/sahrdc/hrfchr59/Issue3/Dominican_republic.htm) (last visited Jan. 11, 2014).

<sup>44</sup> *Id.*

without any support that a "[w]idespread social and political hostility towards Haitians in the Dominican Republic means that employers may unilaterally establish the terms of employment and impede migrant workers from seeking relief for maltreatment."<sup>45</sup> This allegation is not supported by any evidence.

#### *Child Labor*

- The only reference that could be potentially interpreted as child labor is the following: "[i]n some cases children are also present in the fields."<sup>46</sup> However, the author does not provide information about whether those children allegedly in the fields were engaged in working or just accompanying their parents, or present for another reason.

#### *Forced Labor*

- The article states that "[m]igrant workers who manage to remain in the Dominican Republic are also subject to frequent violations of other basic rights. On the sugarcane plantations where most migrant workers are employed, for example, employers apply a variety of means to keep labourers from leaving, including the presence of armed guards, confiscation of clothes and documents, and the withholding of wages."<sup>47</sup> However, the authors do not provide any additional sources or references to verify those claims.

#### **12) ILO. *Report of the Director-General: Stopping Forced Labour. (2001)*<sup>48</sup>**

- This article was published in 2001. Coercive recruitment practices in the Dominican sugar sector are discussed in a short section. This discussion is part of the historical context provided by the article and does not provide any new accounts of such practices. Most of the information included in that section dates to 2000 or earlier. Claims of coercive recruitment actually related to the findings of the ILO Commission of Inquiry of 1983. The article does not discuss child labor.
- The ILO is cited recognizing that "[t]he Government of the Dominican Republic has taken a number of steps to improve the situation [related to labor conditions]."<sup>49</sup> Among those steps were actions against labor intermediaries and "agreeing with trade unions to provide for observers when the sugarcane is weighed."<sup>50</sup> Furthermore, the article states that the ILO recognized that "by most accounts, there has been a reduction in direct coercion against imported Haitian migrant workers in recent years."<sup>51</sup>

---

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> ILO, *Report of the Director-General: Stopping Forced Labour*, pursuant to International Labour Conference, 89th Session, (2001), available at [http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_publ\\_9221119483\\_en.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_publ_9221119483_en.pdf) (last visited Jan. 11, 2014).

<sup>49</sup> *Id.* at 24.

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

- The article also does not claim that international labor trafficking is an issue in the sugar cane sector in the Dominican Republic.

**13) ILO. *Trabajo Infantil en la Agricultura: Reflexiones Sobre las Legislaciones de América Central y la República Dominicana. (2007)***<sup>52</sup>

- This book was published in 2007 and as the title suggests, analyzes the regulatory framework for child labor in the agricultural sector in Central America and the Dominican Republic. The book does not provide any specific analysis about how those regulations apply to the sugar industry. The author makes no claims of violations related to child labor or forced labor in the Dominican Republic sugar cane sector.

**14) International Confederation of Free Trade Unions. *Internationally-Recognized Core Labour Standards in the Dominican Republic: Report for the WTO General Council Review of Trade Policies of the Dominican Republic. (2002)***

This document published in 2002 could not be located on-line.

**15) IOM. *Assistance for Children Victims of Human Trafficking in Haiti. (2006)***<sup>53</sup>

- This article, which was written in 2006, describes a program developed by the International Organization on Migration to assist Haitian children who are victims of trafficking return home. The article does not present any account of children being trafficked across the border into the Dominican Republic to work in the sugar industry.
- Only one sentence references the sugar industry: “There are also reports of [...]; the exploitation of Haitian workers who cross the border to work in the sugarcane harvest in the Dominican Republic.”<sup>54</sup> The author does not provide a description of those alleged abuses nor provide any information that those claims have been verified.
- It is not clear how the Department of Labor could use this article to conclude the existence of forced and child labor in the sugar sector for the TVPRA Report list.

---

<sup>52</sup> ILO. *Trabajo Infantil en la Agricultura: Reflexiones Sobre las Legislaciones de América Central y la República Dominicana*, (2007) available at [http://white.oit.org.pe/ipec/documentos/trabajo\\_infantil\\_en\\_la\\_agricultura.pdf](http://white.oit.org.pe/ipec/documentos/trabajo_infantil_en_la_agricultura.pdf) (last visited Jan. 11, 2014).

<sup>53</sup> IOM. *Assistance for Children Victims of Human Trafficking in Haiti*, (2006), available at <https://www.iom.int/cms/en/sites/iom/home/news-and-views/feature-stories/feature-story-listing/assistance-for-children-victims-of-human.html> (last visited Jan. 11, 2014).

<sup>54</sup> *Id.*

**CNN Reports (references 16, 17 and 19)<sup>55</sup>**

- Since first released, the Trafficking in Victims Protection Act report has cited three CNN sources as references. These three references are based on the same report, which was aired or made public at different times by the same media outlet. The most detailed presentation was by CNN Correspondent Joe Johns for which Father Hartley and his associate Noemi Mendez were sources. This piece was first aired as part of Shihab Rattansi’s INSIGHT program (reference 17), and later as a section in Anderson Cooper’s 360 DEGREES (reference 16) program.
- Previous to airing the Johns’ report, Steve Turnham, CNN Producer, made public information reported in the Johns’ report through a short entry in his blog (reference 19). The accounts provided by CNN include only a few sources being interviewed.
- Below are some examples of information used in the different CNN references:

<b>A. Cooper, Reference 16<sup>56</sup></b>	<b>S. Rattansi, Reference 17<sup>57</sup></b>	<b>S. Turnham, Reference 19<sup>58</sup></b>
He hasn't eaten in four days.	He hasn't eaten in four days.	One old man told us he hadn't eaten in four days.
We also met children. They tell us they started in the cane fields at age 7. For less than a penny an hour, they plant rows of cane shoots 100 yards long.	We also met children. They tell us they started in the cane fields at age seven. For less than a penny an hour, they plant rows of cane shoots 100 yards long.	Children told us they planted cane in Vicini fields for three pesos a row. It takes a half day to plant a row.
We found this man cutting cane on a Sunday. With five children back in Haiti to feed, he works seven days a week.	We found this man cutting cane on a Sunday. With five children back in Haiti to feed, he works seven days a week.	One man in his 50s was working on a Sunday, all day, to earn the equivalent of about \$5, some of which he sent home to his children in Haiti, who he said were starving.

*Forced Labor*

- CNN reporters did not conclude that forced labor existed in the Dominican Sugar Industry. Turnham refers to this as follows: “[w]hat we found there was not slavery by any definition, but

<sup>55</sup> Johns, Joe. *Invisible Chains: Sex, Work and Slavery* [transcript], (2007), available at <http://transcripts.cnn.com/TRANSCRIPTS/0702/16/acd.02.html> (last visited Jan. 11, 2014); Rattansi, Shihab. *Slavery and Race Relations*, CNN, (Dec.26, 2006), available at [http://transcripts.cnn.com/TRANSCRIPTS/0612/26/i\\_ins.01.html](http://transcripts.cnn.com/TRANSCRIPTS/0612/26/i_ins.01.html) (last visited Jan. 11, 2014).; Steve Turnham. *Is sugar production modern day slavery?*, CNN, (Dec. 18, 2006); available at <http://www.cnn.com/CNN/Programs/anderson.cooper.360/blog/2006/12/is-sugar-production-modern-day-slavery.html> (last visited Jan. 11, 2014).

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

working conditions that were not acceptable by U.S. standards.”<sup>59</sup> Johns’ phrased it this way: “[w]hat we found here was not slavery. Instead, we found people who are enslaved by their circumstances.”<sup>60</sup> Johns’ report suggests that those circumstances are closely related to the lack of alternatives available to cane cutters due to the economic situation in Haiti.

- The reporters comment on the inferior conditions of one *batey* visited by CNN, however, it is not specified whether the *batey* was on private or public lands.
- Father Hartley arranged the interviews for CNN, so the sources are not necessarily objective.
- In relation to wages, the CNN reporters concentrate their comments on the amount earned by cane cutters and not on whether the legally required wages are being paid.

### *Child Labor*

- The only reference to child labor in the segment is the following unverified statement:

“We also met children. They tell us they started in the cane fields at age 7. For less than a penny an hour, they plant rows of cane shoots 100 yards long. They were happy to have the work.”<sup>61</sup>

- In his blog post, Turnham states that companies do not hire children, rather “unscrupulous subcontractors”<sup>62</sup> without the consent of the company, are responsible for this practice.

### **18) Smucker, Glenn R. and Gerald F. Murray. *The Uses of Children: A Study of Trafficking in Haitian Children.* (2004)<sup>63</sup>**

- This study was published in 2004. In contrast to most sources cited by DOL, this study is based on original research and employs a defined research methodology. However, the study has several methodological problems that the authors identify. One of the most important is that the study was not designed to carry out the type of quantitative survey required to generate “reliable national statistics”<sup>64</sup> about the issues under examination - the authors use interview schedules, not survey questionnaires, for their study. The authors recognize that to obtain reliable data it is necessary to carefully execute survey research based on random samples of a population.
- Another methodological problem relates to the wide geographical area where the research was conducted and the fact that the research was not concentrated in any particular economic sector or activity. The authors state that since the sites were geographically spread out, the study does not “permit a thorough analysis of any single region.”<sup>65</sup> Moreover, the authors

---

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

<sup>63</sup> Smucker, Glenn R. and Gerald F. Murray. *The Uses of Children: A Study of Trafficking in Haitian Children.* Port-au-Prince: USAID/Haiti Mission, (2004), available at [http://pdf.usaid.gov/pdf\\_docs/PNADF061.pdf](http://pdf.usaid.gov/pdf_docs/PNADF061.pdf) (last visited Jan. 11, 2014).

<sup>64</sup> *Id.* at 6.

<sup>65</sup> *Id.* at 8.



review different activities in which children could be employed, such as begging, shoeshine, sex trade and as paid laborers. Therefore, the information provided by the report cannot be used to calculate the incidence of child labor in the sugarcane industry.

#### *Forced Labor*

- The researchers describe the dynamics of the smuggling circuits “that supply Haitian labor to Dominican sugar cane fields.”<sup>66</sup> The authors refer to recruiting fees that companies might pay to smugglers for recruiting workers. But the research, as far back as 2003-2004, did not conclude there is forced labor or human trafficking in the sugar sector:

“We found no currently operative coercive mechanisms for forcing Haitians to stay on the cane fields once they arrive. [...] Cane cutters and other credible sources report that these coercive mechanisms no longer exist.”<sup>67</sup>

“[t]he conditions described in this chapter may not technically qualify as trafficking. Haitian migrant workers knowingly cross the border illegally and they do so voluntarily. Furthermore, most workers in the cane are not brought to the DR under false pretenses, and they are technically free to leave the work site. In the present era, there are no armed guards to prevent Haitian workers from walking off and searching for employment elsewhere.”<sup>68</sup>

- It should also be highlighted that the authors state that annual labor recruitment drives for Haitian cane cutters stopped more than a decade ago.

#### *Child Labor*

- The authors do not base the discussion of underage workers in the sugarcane industry on their own research, but on a survey published in 2002 in the book *Tras las Huellas de los Braceros*. Based on this survey the researchers estimate that one out of every ten Haitian workers in sugarcane is under 18 years of age. The quality of this estimate is unclear since: 1) it is based on a survey done during the 2001 harvest in the Barahona region by other researchers; and, 2) the results are calculated by extrapolating the findings for the 16-to-25 years of age cohort along with the 10-to-15 years of age cohort. Also, since the estimates are based on findings in the Barahona region it might be inappropriate to extrapolate them to other mills.
- This more than decade old data would not reflect the effects of significant and continuous efforts undertaken by the Dominican Sugar Industry to eradicate child labor. Those efforts started shortly after the privatization of the mill operations in Barahona in 2000 as is recognized in this report when the authors state that “the sugar mills avoid hiring children; however, enforcement is weak when it comes to Haitian migrants in the cane fields.”<sup>69</sup> This confirms the position of the Dominican Sugar Industry that child labor is banned from its operations. Enforcement by the companies, including the private firm that took over the Barahona operations from the government, and the inspections by the Ministry of Labor have only increased in the more than a decade since this data was collected.

---

<sup>66</sup> *Id.* at 90.

<sup>67</sup> *Id.* at 99.

<sup>68</sup> *Id.*

<sup>69</sup> *Id.* at 72.

### *Wages and Living Conditions*

- The report concludes with a series of recommendations to address issues discussed throughout. Although some of them are addressed to the sugar industry, they are no longer relevant. For instance, companies have improved public services in the *bateyes* and by the forthcoming harvest season all cane will be weighed in front of the workers. The industry pays wages that exceed the legal minimum and cane cutters are paid bonuses and other benefits that can be equivalent of up to 35% of their daily cash compensation.

### **20) *The Sugar Babies*. Produced by Amy Serrano. Siren Studios. (2007)<sup>70</sup>**

- The film shows testimonies taken during an 18-month period starting in early 2005 to late 2006. It also shows living conditions in some *bateyes*, including those for children and elderly people. However, the film fails to capture the continuous improvements that have been made in the *bateyes* owned by the Dominican Sugar Industry. Moreover, those conditions shown in the film, although difficult, are similar to those in many poor rural areas of the Dominican Republic and are not exclusive to the sugar industry.
- There is only one occasion in which the name of the *batey* where the film takes place is clearly identified. Noemi Mendez, a lawyer and social activist associate of Father Hartley, reveals the name during a walkthrough interview in the *Batey Las Pajas*. That *batey* is not owned by the Dominican Sugar Industry.
- The film relies heavily on Father Hartley or his associates for information, as it includes interviews arranged by them, and personal interviews with Father Ruquoy, Noemi Mendez and Father Hartley. In addition, Father Hartley provided footage and other facilities to the film makers. Similar footage was also provided for other films that criticize labor conditions in the sugar industry.
- It should also be noted that Carol Pier, currently Acting Deputy Undersecretary for International Affairs of the DOL, and then Senior Trade and Labor Researcher with Human Rights Watch, is interviewed for this film.

### *Child Labor*

- The film shows testimonies of children stating that they work or have worked in the sugar sector. It also show a number of images that could be interpreted as child labor. However, it also recognizes that the sugar companies have been active in eliminating child labor. For instance, in the interview with Huchi Lora, he states that companies place posters throughout their operations saying that child labor is not allowed. It should also be noted that the statements provided by children are not verified by images of those children working in the fields or any kind of documentation.
- In one instance a 15-year old teenager is interviewed in a location that is allegedly owned by Central Romana. It is stated that this teenager will be employed cutting cane, however, no

---

<sup>70</sup> *The Sugar Babies*, Produced by Amy Serrano. Siren Studios, (2007) (last visited Jan. 11, 2014).

additional information is provided that verifies his employment status or the location of the *batey* where he is interviewed.

### *Forced Labor*

- The film shows no evidence of forced labor, such as workers forbidden to leave their workplace. During his interview, Father Ruquoy, who provides most of the statements on which these allegations are based, states that high-level government officials confessed to him during a meeting that the government was an accomplice in organized trafficking of Haitians into the Dominican Republic.
- During his interview, Jhonny Belizaire, *batey* worker and human rights activist, states that workers are brought during the night to the plantations, so they do not know where they are and cannot escape. However, this statement is contradicted by the research findings of Smucker and Murray cited in the 2013 TVPRA Report.
- The film refers to the *colmados* as company stores on numerous occasions. The Dominican Sugar Industry does not own any *colmados* -- these are all privately run.

### 21) U.S. Department of State. "*Dominican Republic.*" *In Country Reports on Human Rights Practices- 2007.* (2007)<sup>71</sup>

- This 2007 report prepared by the Department of State (DOS) provides two contrasting views about child labor and forced labor in the Dominican Republic:

“There were unconfirmed reports that **sugarcane plantations had ceased transporting new undocumented workers from Haiti** because of government crackdowns on Haitian immigration, investment by private sugar producers in mechanization, and the cessation of large-scale cane harvesting on government owned plantations. However, at year's end **NGOs reported eyewitness testimony** that new workers were brought in for the harvest, some from other agricultural sectors, while others were presumably recruited from Haiti.”<sup>72</sup>

“The **Ministry of Labor confirmed through site inspections that the sugar consortium's bateyes no longer used child labor** on their property. **A credible source**, however, **stated that child labor could still be found** in these facilities.”<sup>73</sup> [emphasis added]

- The report neither states the name of those NGOs nor verifies those statements. Therefore, those claims cannot be assessed for their accuracy and objectivity.

---

<sup>71</sup> U.S. Department of State. "Dominican Republic." *In Country Reports on Human Rights Practices- 2007*, Washington, DC, (Mar 11, 2008), available at <http://www.state.gov/g/drl/rls/hrrpt/2007/100637.htm> (last visited Jan. 11, 2014).

<sup>72</sup> *Id.*

<sup>73</sup> *Id.*

- The ongoing efforts made by the Dominican Sugar Industry to improve the living conditions in the *bateyes* are clearly recounted by this report, which states that “private sector enterprises in the sugar sector made improvements at some facilities during the year.”<sup>74</sup> It is also reported that living conditions in the *bateyes* are no different from those in “many poor areas in other parts of the country.”<sup>75</sup> This last statement puts into perspective those claims about living conditions in *bateyes* in the Dominican Republic.

#### *Forced Labor*

- The report does not provide any evidence that Dominican sugar companies limit the mobility of *batey* residents and that fears of deportation and harassment elsewhere in the country are a factor of why sugarcane cutters stay in the *bateyes*.

#### *Child Labor*

- As reported by other sources of the TVPRA Report, the Ministry of Labor is cited confirming that child labor is no longer used in the sugarcane operations. This is disputed by an undisclosed “credible source.”<sup>76</sup> However, there is no verifiable information to support those claims cited in the report and sourced to the unidentified credible source.

#### *Wages*

- The report states that the minimum wage for sugarcane cutters “did not provide a decent standard of living for a worker and family.”<sup>77</sup> However, this statement does not address whether the legally owed wages were paid. Also, the report does not explain how the conclusion was reached.
- The report states concerns related to wages paid for off-season chores “in some sugar plantations.”<sup>78</sup> However, the plantations are not identified, making it impossible to assess how significant this problem is. Second, the report does not state whether these claims were verified or whether the workers were hired as seasonal workers.
- It is stated that the sugar industry “allegedly withheld a portion of wages to ensure that workers returned for the next harvest.”<sup>79</sup> Those claims of illegal retentions are clearly not verified. In addition, the report does not discuss whether those retentions refer to productivity and Christmas bonuses paid by the industry according to the law.

---

<sup>74</sup> *Id.*

<sup>75</sup> *Id.*

<sup>76</sup> *Id.*

<sup>77</sup> *Id.*

<sup>78</sup> *Id.*

<sup>79</sup> *Id.*

**22) U.S. Department of State. "Haiti." *Trafficking in Persons Report- 2007. (2007)*<sup>80</sup>**

- The only reference in this 2007 report related to forced labor in the Dominican Sugar Industry is a sentence in the Special Case section on Haiti:

“[Haitians are taken to the Dominican Republic] where they are exploited for labor on sugarcane plantations and in agriculture.”<sup>81</sup>

- However, the methodology of the report clearly states that for those countries listed in the Special Case section a significant number of victims of severe forms of trafficking could not be identified. Therefore, those countries are only listed in the report “because they exhibited indications of trafficking,”<sup>82</sup> however, the incidence could not be calculated. Consequently, the aforementioned claim of labor exploitation is unverified.
- There has been no mention of Haitians being trafficked to the Dominican Republic to work in the sugarcane plantations in the TIP reports published by the State Department since the 2011 report. That is for the last two years. Further it is not clear whether the trafficking allegations in previous reports related to the then remaining state-owned sector, or the fully privatized sugar industry that now exists.

**Reports by the U.S. Embassy to Santo Domingo (references 23 to 29).**

The comments to the cables listed below are based on the contents of the documents that are publicly available at the <http://cablegatesearch.net/> website.

**23) U.S. Embassy- Santo Domingo. *Reporting. March 2, 2006.*<sup>83</sup>**

- This report refers to issues unrelated to labor conditions in the Dominican Republic, as is clearly stated in the summary:

*The Dominican government has shown improvement in its attention to intellectual property rights. Ratification of CAFTA-DR by Dominican Congress in September 2005 brought further pressure on the government to undertake legislative changes as part of its commitment under the free trade agreement to strengthen IPR protection. In January 2006 the Dominican Republic deposited instruments of ratification for the WIPO Copyright Treaty and the WIPO Performances and Phonograms treaty as part of this commitment. Ongoing efforts to meet implementation requirements for CAFTA-DR have helped keep the government focused on improving IP protection, though there remains significant room for progress, notably in strengthening data protection and linkage.*

---

<sup>80</sup> U.S. Department of State. "Haiti." *In Trafficking in Persons Report- 2007*, Washington, DC, (2007), available at <http://www.state.gov/g/tip/rls/tiprpt/2007/> (last visited Jan. 11, 2014).

<sup>81</sup> *Id.* at 217.

<sup>82</sup> *Id.* at 12.

<sup>83</sup> U.S. Embassy- Santo Domingo. *Reporting*, (Mar 2, 2006) available at <http://cablegatesearch.net/> (last visited Jan. 11, 2014).

*While video piracy is a growing problem, the copyright office (ONDA) reported confiscation and destruction of 190,000 DVDs during 2005. Embassy recommends maintaining the Dominican Republic on the Special 301 Watch List.*<sup>84</sup>

- It is troubling that the TVPRA Report has cited this source since it was first published in 2009.

**24) U.S. Embassy- Santo Domingo. Reporting. August 29, 2006.**<sup>85</sup>

- References to labor or living conditions in the sugar industry are based only on statements provided by Father Hartley.
- Furthermore, this report contains a significant number of positive accounts regarding labor conditions in the sugar industry and makes reference to ongoing efforts to improve living conditions, ban forced and child labor, and eradicate human trafficking. Some examples are cited below.

*Human Trafficking*

- The report includes direct observations about labor improvements and the effects of corporate policies to eradicate human trafficking. In fact, some of them were independently verified by the U.S. Embassy and by Father Hartley himself:

*[T]he effects of this new policy [barring the hiring from Haiti of migrant workers] were evident during an August 2006 visit where Embassy political officers visited the [Vicini operation] facility in the company of Father Hartley. Hartley said that the 2005-2006 harvest season was the first in memory without the arrival of thousands of Haitian migrant workers, many trafficked. The absence of new Haitian migrant workers was independently confirmed by current batey residents. Hartley strongly approved of this change, noting that if this policy continued then the Vicini Group would be obliged to automate its operations further.*<sup>86</sup>

- Furthermore, the report states that the policy against human trafficking referred to above was explained to embassy officials, including the U.S. Consul General Clyde Bishop during a field visit to the Vicini operation.

*Child Labor*

- The report gathers information on the ongoing efforts by Vicini to ban child labor from its facilities. Their results are even recognized by Father Hartley in the report:

*He [Father Hartley] **said that child labor was now strictly prohibited on the company's [Vicini's] facilities.** He saw this as a fundamental change from previous years, when children were routinely called upon to assist in planting responsibilities. During the August visit, signs outlawing child labor were posted throughout the plantation, even though most migrant workers cannot read or write [emphasis added].*<sup>87</sup>

---

<sup>84</sup> *Id.*

<sup>85</sup> U.S. Embassy- Santo Domingo. *Reporting*, (Aug. 29, 2006) available at <http://cablegatesearch.net/> (last visited Jan. 11, 2014).

<sup>86</sup> *Id.*

<sup>87</sup> *Id.*

### *Forced Labor*

- The report acknowledges that workers employed by Vicini are not subject to forced labor and have full freedom to quit their jobs:

*Batey workers on Vicini operations also now have the freedom to terminate their employment whenever they choose to do so. Previously, those who wished to quit were not allowed to leave<sup>88</sup>.*

### *Living Conditions*

- The U.S. Government has been aware of the efforts undertaken by the industry to improve living conditions in their *bateyes* at least since 2006. In that year, Consul General Bishop toured the Vicini operations and noted the “relatively clean and orderly housing on the site.”<sup>89</sup> Although the report states that old style housing facilities can still be found, that statement is limited to facilities on government-owned property. The report cites Father Hartley saying that old living facilities are still present in La Romana. However, this information is not verified.

### *Wages*

- When discussing issues related to wages, the report does not identify any incidences of workers earning less than the legal minimum in the sugar industry, nor does it explore the circumstances that may affect their earnings. Therefore, the report lacks information that is needed to assess any non-compliance with the minimum wage.

### *Other Demands*

- The report states that Father Hartley “continues to emphasize three key unmet demands.”<sup>90</sup> Those demands are: 1) Access to electricity; 2) Job contracts, and; 3) Supervision at weighing stations. It is therefore clear in this report that issues such as child labor, forced labor or human trafficking were not Father Hartley 's areas of concern in the sugar industry.

### **25) U.S. Embassy- Santo Domingo. Reporting. December 18, 2006.<sup>91</sup>**

- This report recounts the trip of a U.S. Congressional Delegation visiting the Dominican Republic. This delegation met with representatives of the sugar industry, NGOs, activists, workers and government officials. The purpose of this visit, as described in the report, was to learn about a large array of issues, including labor conditions in the sugar industry.

### *Child Labor*

- The report gives an account of a conversation between the delegation and a group of young children who lived in a *batey* in government-owned lands and “who described working in the fields.”<sup>92</sup> The report does not specify the number of children, the kind of work done, the type of

---

<sup>88</sup> *Id.*

<sup>89</sup> *Id.*

<sup>90</sup> *Id.*

<sup>91</sup> U.S. Embassy- Santo Domingo. *Reporting*, (Dec. 18, 2006) available at <http://cablegatesearch.net/> (last visited Jan. 11, 2014).

<sup>92</sup> *Id.*

fields or if it was done in violation of Dominican law. Therefore, this information is insufficient to reach any conclusions about the incidence of child labor in the sugar industry.

#### *Forced Labor*

- According to the report, the delegation met privately with two Vicini workers. It is not reported how the workers were selected or whether their employment status was verified. Moreover, the report does not state whether any alleged labor violations were verified during this meeting.
- The report alleges the illegal retention of salary, with the aim of forcing cane cutters to stay until the end of the harvest. However, no details are provided about these claims. This is unfortunate since it is industry practice to pay productivity bonuses at the end of each harvest as well as a Christmas bonus. Those payments are done according to Dominican law.

#### **26) U.S. Embassy- Santo Domingo. Reporting. May 10, 2007.**<sup>93</sup>

- In the section on alleged violations in the agricultural sector, the report starts by saying that “[t]he Embassy is not in a position to verify all of these alleged violations.”<sup>94</sup> This includes the information about alleged labor violations for which Father Hartley or his associates are the main source.
- One observation made almost one year before was included:

*During the six-month off-season, CAEI (like other sugar producers) offers some small jobs, such as clearing land, to workers who remain in their communities. However, workers are not generally able to earn the legally mandated minimum wage with these jobs. **During a visit to sugar worker communities on CAEI property last summer, poloff observed workers and their children who had eaten nothing over the course of the day because they could not afford food [emphasis added].***<sup>95</sup>

- It is also noteworthy that the identity of industry and company representatives providing statements is clearly referenced, for example Osmar Benitez, Executive Vice-President of the Dominican Board of Agro Businesses, or Campos de Moya, CAEI Public Relations Manager. This contrasts with the non-attribution of statements reporting child labor. This source is cited as “a non-Dominican observer”, “a non-Dominican activist resident in the area”, “[a] non-Dominican observer whom Embassy has reason to consider a reliable source.”<sup>96</sup> This concealment makes it impossible to verify the objectivity and reputation of the source, or whether they are different people.
- There is no discussion about forced labor in the sugarcane industry.

#### *Child Labor*

- The report states that a CAEI “recently stressed that it has a “zero tolerance” policy with respect to child labor.”<sup>97</sup> In contrast, the report also cites a “non-Dominican activist” resident in the area saying that “the company had made some progress towards this goal.”<sup>98</sup>

---

<sup>93</sup> U.S. Embassy- Santo Domingo. Reporting, (May 10, 2007) available at <http://cablegatesearch.net/> (last visited Jan. 11, 2014).

<sup>94</sup> *Id.*

<sup>95</sup> *Id.*

<sup>96</sup> *Id.*

<sup>97</sup> *Id.*



**27) U.S. Embassy- Santo Domingo. Reporting. June 04, 2008, 15:12.**<sup>99</sup>

*Child Labor*

- The report recounts several projects on child labor that were successfully implemented in the Dominican Republic, including “Spaces to Grow”<sup>100</sup> and the program the ILO-IPEC launched in partnership with World Vision. Even though some activities of the programs were implemented in the sugarcane regions, the sugar industry is not mentioned in the programs as an area of concern. Furthermore, the report cites the statement of a high-level government official of the Ministry of Labor confirming that in CAEI’s operation child labor was “unequivocally”<sup>101</sup> non-existent. In contrast, anonymous sources are cited - “NGOs and certain individuals close to the issue”<sup>102</sup> - denying those claims. The embassy officials do not verify those contradictory statements. In this case, it is also impossible to verify whether those sources are objective, reputable and knowledgeable of the issues cited.

*Forced Labor*

- The report discusses workers' vulnerability to exploitation as a result of a lack of written contracts. However, as verified by the political officer of the embassy with representatives of the sugar industry, of the construction sector and a high-level government official of the Ministry of Labor, in the Dominican Republic a written contract is not needed to obtain full protection under the labor law.
- When discussing issues related to freedom of association, the report does not mention the sugar sector as a sector with unionization problems. The lead source for this information in the report is Cathy Feingold of the Solidarity Center.
- There is no discussion about forced labor in the sugarcane industry.

**28) U.S. Embassy- Santo Domingo. Reporting. June 04, 2008, 18:41.**<sup>103</sup>

- This report responds to the request for products that “may have been produced with child or forced labor in the Dominican Republic as mandated by the Trafficking in Victims Protection Act.”<sup>104</sup> The report lists “alleged” goods produced under those circumstances but does not provide an assessment about the presence of child and forced labor in those sectors. It also does not verify claims of its existence in the sugar sector.
- Furthermore, the report acknowledges that “there are no exact figures of the scope and extent of child labor in the Dominican Republic.”<sup>105</sup> Consequently, this statement provides no basis to reach any conclusion about child labor in the sugar industry.

---

<sup>98</sup> *Id.*

<sup>99</sup> U.S. Embassy- Santo Domingo. Reporting, 15:12, (Jun. 4, 2008) available at <http://cablegatesearch.net/> (last visited Jan. 11, 2014).

<sup>100</sup> *Id.*

<sup>101</sup> *Id.*

<sup>102</sup> *Id.*

<sup>103</sup> U.S. Embassy- Santo Domingo. Reporting, 18:41, (Jun. 4, 2008) available at <http://cablegatesearch.net/> (last visited Jan. 11, 2014).

<sup>104</sup> *Id.*

<sup>105</sup> *Id.*

### *Child Labor*

- In relation to child labor in the sugar industry, the report provides two opposite views. On the one hand, sources deny the presence of child labor in large sugar companies. This claim is supported by the Ministry of Labor and by the independent NGO – World Vision – that worked with the ILO-IPEC in the implementation of the child labor program of the Dominican Republic. Furthermore, a representative of that NGO is reported saying that if at all, child labor in the sugar sector may occur in small family-owned sugarcane plots. The opposite view is supported by CEDAIL - an NGO associated with Father Hartley - and “a non-Dominican activist”<sup>106</sup> who assert that child labor is used in CAEI. Neither the NGO nor the activist provide evidence to verify their claims.

### *Forced Labor*

- In relation to forced labor, the report states that there “was some suggestion that the conditions of Haitian migrant workers constitute forced labor.”<sup>107</sup> This claim was not directly verified by embassy officials for the report. Moreover, the report recognizes sugar companies' efforts to eliminate the recruitment of workers from Haiti and any restriction on the movement of workers, such as document withholding.
- Despite all the information to the contrary included in the report, the generalized allegations of detractors and the embassy acknowledgment of insufficient verified information, the Department of Labor used the content of the report to reach the surprising conclusion that sugarcane is produced with forced and child labor.

### **29) Verité, Inc. *Research on Indicators of Forced Labor in the Supply Chain of Sugar in the Dominican Republic.* (2012).**<sup>108</sup>

Verite, makes it clear that the report does not provide evidence of the existence of forced (or child) labor in the Dominican sugarcane industry:

"These findings are not statistically representative of the Dominican Republic or the sugar sector and **this report does not claim to determine the existence or scale of forced labor in the Dominican Republic.**"<sup>109</sup> [emphasis added]

A detailed and independent review of this report done by Professors Bednarzik & Kern is attached as Annex 1.

---

<sup>106</sup> *Id.*

<sup>107</sup> *Id.*

<sup>108</sup> Verité, Inc. *Research on Indicators of Forced Labor in the Supply Chain of Sugar in the Dominican Republic*, (2012), available at

[http://www.verite.org/sites/default/files/images/Research%20on%20Indicators%20of%20Forced%20Labor%20in%20the%20Dominican%20Republic%20Sugar%20Sector\\_9.18.pdf](http://www.verite.org/sites/default/files/images/Research%20on%20Indicators%20of%20Forced%20Labor%20in%20the%20Dominican%20Republic%20Sugar%20Sector_9.18.pdf) (last visited Jan. 11, 2014).

<sup>109</sup> *Id.* at 79.

30) Wooding, Bridget and Richard Moseley-Williams. *Needed but Unwanted: Haitian Immigrants and Their Descendants in the Dominican Republic*. (2004).<sup>110</sup>

- As stated by the authors, “this study has attempted to show how discrimination against Haitians is closely linked to class, race (directed against black Dominicans), and gender discrimination, in a highly unequal society in which a large proportion of the population exists at the ‘informal’ limits of the economy and is barely reached by the state and the political system.”<sup>111</sup> Although this study discusses some issues related to working conditions, it is not an assessment about child and forced labor in the Dominican Sugar Industry. Most of the information provided relates to the operations run by the State Sugar Council (CEA), the government owned operation. Furthermore, most of the sources date to the 1990s and 1980s or are references to other publications such as the book published in 2002, *Tras las huellas de los braceros*. On a few occasions the authors recount direct field observations done in 2002 and 2003.

*Forced Labor*

- The authors describe several issues related to working and living conditions in the sugar sector. However, this is done with an historic perspective rather than providing current information. For instance, when discussing workers' exploitation, the report does not provide testimony of a single worker who allegedly has been exploited. It also does not cite any other source on which it bases its observations.
- When discussing recruitment of workers by agents or intermediaries, the report also refers again to actions undertaken by the CEA and the *ingenios*, without further detail. Also, the authors do not provide statements of workers who might be affected by those issues or practices.

*Child Labor*

- In relation to child labor, the authors point out that “youngsters concerned are involved in exploitative work, in the rural areas, in the informal sector or, in the worst cases, in gangs as beggars. There are no known cases of sexual exploitation.”<sup>112</sup> However, it is not stated that children are hired by the sugarcane industry.
- Based on comments provided by unidentified independent commentators, the authors of the report criticize the privatization process of the sugar mills by saying that “the result has been little short of disastrous.”<sup>113</sup> In this context, the authors briefly discuss labor issues in connection with the privatization of just one sugar mill:

“Where the companies did make some effort to keep to their side of the bargain, problems were encountered with labour in the context of the bateys. An example is the Ingenio Barahona and the Consorcio Azucarero Central. [...] At the end of the 2001 harvest Amerop withdrew its investment, supposedly in order to consolidate its holdings in Guatemala. The reality was, as their manager said, that Amerop ‘did not know how to

---

<sup>110</sup> Wooding, Bridget and Richard Moseley-Williams. *Needed but Unwanted: Haitian Immigrants and Their Descendants in the Dominican Republic*, Catholic Institute for International Relations, London, (2004) available at <http://www.yspaniola.org/linked%20articles/Needed%20but%20Unwanted.pdf> (last visited Jan. 11, 2014).

<sup>111</sup> *Id.* at 89.

<sup>112</sup> *Id.* at 62.

<sup>113</sup> *Id.* at 42.

manage the social problem of the bateys, which is most important now for the success of the business’.”<sup>114</sup>

- The authors clearly state that the quote by the company representative is extracted from the publication *Tras las huellas de los braceros*. This book in their words “catalogues the appalling treatment of the braceros of the Ingenio Barahona during the harvests of 2000 and 2001.”<sup>115</sup> Even if those allegations were true a decade ago, CAC now has a very modern dormitory where all its cane cutters reside, has active unions with collective bargaining agreements and has a strict policy against hiring children and against forced labor.
- Also, CAC has been actively working with the Haitian authorities in regularizing its workers. As recently as December 2013, CAC announced that 190 of its Haitian workers received Haitian passports and Dominican working permits.
- It should be noted that the report highlights the ongoing efforts of the Dominican Government to fight poverty and improve living conditions for poor families living in the *bateyes*. The report recognizes the efforts to provide title deeds of the land where houses are built.
- The report also recognizes that migrant workers now make more informed choices, based on an information network made up of friends and family members established in different parts of the Dominican Republic. It also states that it is common that *batey* residents seek work beyond the *bateyes* and the sugar industry.

## II. Conclusions

The foregoing analysis of the bibliography provided by the Department of Labor as the basis for continuing to include sugarcane from the Dominican Sugar Industry on the TVPRA list clearly shows that there is not sufficient reason to believe that sugarcane is produced with forced and child labor in violation of international standards as defined in ILAB’s own procedural guidelines. The sources cited do not provide credible and corroborated evidence for such a finding, and even the most useful and credible sources are nearly a decade old and refer to sugarcane operations and conditions that existed in the last century. Indeed, many of the sources cited in the bibliography in fact make the finding that there is no child or forced labor in the sugarcane sector – the opposite conclusion as to what ILAB has cited them as saying.

In addition, the Dominican Sugar Industry has provided to the Department of Labor detailed information about the effective programs and policies implemented by the industry to eradicate forced and child labor in sugarcane. As a result, labor violations and any instances of child and forced labor have been significantly reduced since the government run operations were shut down or privatized. The largest trade union federation in the Dominican Republic representing workers in the sugarcane sector has said that they have no basis to believe that allegations of forced or child labor are justified. In addition, the Ministry of Labor has not found any such incidents in the labor inspections performed since 2008.

---

<sup>114</sup> *Id.* at 43.

<sup>115</sup> *Id.*

As a result, any incident of child or forced labor in the Dominican Sugar Industry that now exists is isolated and an aberration and should not weigh in favor of a finding that sugarcane is produced in violation of international standards.

Given that there is no information within the seven year time table not sourced to Father Christopher Hartley even alleging forced or child labor exists in the sugarcane sector, and the information provided to the DOL by the Ministry of Labor of the Dominican Republic and the stated views of the largest trade union federation in the Dominican Republic representing workers in sugarcane that there are no such violations, the Dominican Sugar Industry requests the Department of Labor to remove Dominican sugarcane from its TVPRA list.

###

## Annex 1

Robert Bednarzik & Andreas Kern. *Methodological Assessment of Research on Indicators of Forced Labor in the Supply Chain of Sugar in the Dominican Republic by Verité, Dominican Sugar* Kern (Jun. 4, 2013)

*Annex 2*

Confederación Nacional de Unidad Sindical. *Declaración de Prensa*  
(Nov. 8, 2013)

Spanish Version (Original)

English Version (Courtesy Translation)

Methodological Assessment  
of  
Research on Indicators of Forced Labor in the Supply Chain of Sugar in the  
Dominican Republic by Verité

Dr. Robert Bednarzik  
and  
Dr. Andreas Kern

Visiting Professors of Public Policy  
Georgetown Public Policy Institute  
Georgetown University

June 4, 2013



## Executive summary

Verité carried out research on the presence of indicators of forced labor in the Dominican sugar sector, a large portion of which are Haitian migrants. The research was not intended to determine the existence of the scale of forced labor, but rather to identify the presence of indicators of forced labor and factors that increased workers' vulnerability to labor exploitation. Nevertheless, the authors of the report claim that their research detected evidence of: (1) lack of consent (or workers could not freely leave their jobs), because of fear of violence, induced indebtedness, and retention of identity papers; and (2) menace of penalty for leaving a job, such as threat of violence and deportation.

We strongly disagree with the main finding of the report that indicates the presence of forced labor in the sugar industry in the Dominican Republic. The main reason for our conclusion rests on severe flaws during the design and implementation of the research and, in particular, the worker's survey, which render the main empirical findings severely biased, and can be expected to lead to misleading policy conclusions.

Analyzing the survey results reveals that just one percent of the interviewed workers answered (actually the relevant question was never asked directly) the incomplete questionnaire in a manner that they could be classified as forced laborers. This raises the question whether this one percent is representative of the Dominican sugar industry and thus represents a sufficient share of workers to arrive at meaningful policy conclusions. After assessing the sample selection process and its implementation, we are convinced that the reported results are subject to substantial, non-quantifiable sampling bias leading to an overly pessimistic view of forced labor in the sugar cane industry.

Accounting for the fact that although the 'one percent' might not represent a representative statistical cohort of workers in the sugar cane industry, we believe that these respondents still do exist. This in turn raises the question whether a sufficient number of questions are accurately classifying individuals as forced laborers. Per this question, we see no clear connection between theoretical concepts and constructs and survey variables due to both misspecification of questions and omitting important questions. In this respect, including more targeted and context specific questions into the survey would have been necessary in order to underpin and validate the core 'claims' of the report. However, the researchers have chosen not to control for these context specific effects and thus the research results are doubtful.

Our main conclusion is that due to sampling and non-sampling errors, the survey results cannot be used to support policy. More importantly, whether forced labor is still present in the sugar industry in the Dominican Republic is highly doubtful.

Summary of Verité report

Objective. Verité carried out research on the presence of indicators of forced labor in the Dominican sugar sector, a large portion of which are Haitian migrants. The research was not intended to determine the existence of the scale of forced labor, but rather to identify the presence of indicators of forced labor and factors that increased workers' vulnerability to labor exploitation.

Methods. The actual research was carried out by a Dominican Republic-based NGO, the Research Center for Feminist Action using a combination of qualitative and quantitative methods. The quantitative worker survey of 740 workers used non-probability sampling; thus, the "findings from this study are biased" (Verité, 8). To overcome this challenge, the researchers used multiple sources of both quantitative and qualitative information to empirically validate findings. This included a literature review, expert consultations with a variety of stakeholders, interviews with employers and workers, and focus groups.

Main finding. Following ILO guidelines, the research detected evidence of (1) lack of consent (or workers could not freely leave their jobs), because of fear of violence, induced indebtedness, and retention of identity papers; and (2) menace of penalty for leaving a job, such as threat of violence and deportation.

## 1 Introduction

This report is an empirical assessment of the report 'Research on Indicators of Forced Labor in the Supply Chain of Sugar in the Dominican Republic' on behalf of Verité. The main findings of the underlying report indicate that working conditions in the sugar cane industry have been exceptionally bad for Haitian guest workers and that forced labor practices are prevalent in the sugar industry.

The aim of this review is to assess the empirical robustness of empirical findings indicating the presence of forced labor in the sugar cane industry in the Dominican Republic that represent the core of the policy implications/conclusions of this report. In this regard, a particular focus of this review is to analyze and evaluate the robustness of central empirical findings of the sugar cane worker survey conducted among 740 seasonal workers, who were primarily 'new arrivals' from Haiti in the time frame between 2009 and 2011. They thought that the new arrival pool of workers was the most susceptible to indicators of forced labor.

Although we agree with the main finding on the prevalence of bad working and living conditions for sugar cane workers in the Dominican Republic, we strongly disagree with the main finding of the report that indicates the presence of forced labor in the sugar industry. Our main conclusion is that due to sampling and non-sampling errors, the survey results cannot be used to support policy. Moreover, whether forced labor is still present in the sugar industry in the Dominican Republic is highly doubtful, given the findings of the current literature and the poor

application of the ILO template for determining this in the report. Consequently we agree with the authors of the report that research “findings are not statistically representative of the Dominican Republic or the sugar sector” (Verité, 79). Our concurrence of the poor working and living conditions finding stems from the overwhelming number of respondents in the survey reporting the following: working more than 12 hour days (with few breaks) and 7 days a week in order to earn a reasonable income, and living without a bed, electricity, potable water and sanitary services. Moreover, 99 percent of the respondents reported living in employer-owned housing.

## 2 Empirical Assessment of the Verité report

The empirical assessment section of the report rests on four pillars: 1.) a review of scientific literature and other non-academic sources documenting labor right violations in the sugar cane industry in the DR; 2.) labor and human rights/advocate/ expert interviews; 3.) onsite focus group interviews with sugar cane workers; and 4.) a survey of migrant sugar cane workers. The main conclusions/policy implications are drawn from the qualitative (e.g. focus group) and quantitative (e.g. survey), on which this assessment of the robustness of findings will rest.

### 2.1 Review of the Literature

This section of our paper begins with a discussion of the literature review of forced labor presented in the Verité report and is followed by an update and enhancement of that literature.

The literature review in the Verité document reports that “the prevalence of human smuggling places Haitian migrants in a situation of vulnerability to labor exploitation.” Appendix 5 of the report contains summaries of Reports on Forced Labor in the Sugar Sector. Although they site evidence of forced labor, the reports are old from the years 1953 to 1999. The main body of the report provides more current studies of possible forced labor in the sugarcane industry in the DR. The most recent study cited was a 2010 State Department trafficking report, which said “the sugar industry has been cited as vulnerable for possible use of forced labor.” That is, conditions were ripe for forced labor but the study did not conclude that forced labor actually existed. However, the authors of the report do not present any evidence that demonstrated whether extensive smuggling was still taking place.

In 2008, the ILO recognized the Dominican Republic’s efforts at “permanent inspections in the sugar sector,” but suggested that the government include “qualitative information to assess the effectiveness of the results” of the inspections (ILO, 2008). In 2010, the ILO reported that permanent inspection had been achieved in the sugar sector, in which 64 inspections were carried out from August 2009 to

January 2010, during which one violation of forced labor was found (ILO, 2010). Recent cables from the U.S. embassy in San Domingo appear to confirm the ILO report as they cite current reports of no forced labor in the sugarcane sector in the DR (see, U.S. Embassy Santo Domingo, 2011). The 2009 and 2011 cables from U.S. embassy in San Domingo, in which NGOs representing Haitian workers and their rights, inter-governmental agencies, and other humanitarian organizations were interviewed, reported no evidence of forced labor in the production of sugar, although work and living conditions in some of the bateyes (typically sugar company compounds for agricultural workers) “remained deplorable” (U.S. Embassy Santo Domingo, 2011 U.S. Embassy Santo Domingo, 2011). The 2010 State Department Human Rights Report on the Dominican Republic said that “some credible NGOs reported that, although undocumented Haitian workers were vulnerable to exploitation, forced labor was no longer used in the sugar industry” (U.S. Department of State, 2010).

The Coca-Cola Company issued a report in 2009 on Dominican Sugar that concluded “many workers remain undocumented even though their employers have followed the required legal process,” as the DR Labor Code, Article 135 says that 80 percent of workers in any company must be nationals. However, a Congressional Research Report (CRS, 2012) on the Dominican Republic concluded that lack of identity documents limits access to formal sector employment. The study further found that the major human rights issues in the DR were trafficking in persons and forced labor in the construction and service industries. They cited the Verité report as evidence of forced labor in the sugar cane industry, but noted that the sugar industry challenged it. Samuel Martinez (2012), an anthropologist in the Institute for Latino, Caribbean and Latin American Studies at the University of Connecticut, also challenged the findings of U.S. Department of Labor (USDOL) reports putting the Dominican Republic sugar industry on their list of having forced labor. (See U.S. Department of Labor’s List of Goods Produced by Child labor or Forced Labor, 2010 and 2011) Martinez (2012) reviewed the alleged forced labor designation for the Dominican Republic sugarcane industry by USDOL in their 2010 and 2011 reports and concluded they lacked an evidentiary basis. He characterized the 29 footnote citations in the report section making its case for listing the DR sugarcane industry as having forced labor as “simplistic, recycled, and anachronistic.”

The Industry challenge is based on (1) past U.S. investigations of the DR sugar industry have not found forced labor; (2) their willingness to have open external audits of the sugar sector.; and (3) promoting best practice on worker rights. Industry claims are consistent with downturn in the importance of sugar to the DR economy. It once was the primary economic driver. However, in the 1980s several factors -- including a recession in sugar-using countries, over-production, higher prices, trade restrictions, and more recently new technologies – have all led to a decline in the number of sugar workers. The DR has also developed and diversified its economy. This can be seen in Tables 1 and 2.

Table 1. Employment in the Dominican Republic by sector, selected years 1991-2010

year	Employment (percent of total)		
	Agriculture	Industry	Services
1991	20.3	22.9	56.6
2001	15.9	23.1	62.1
2009	14.5	21.9	59.8
Source: World Bank Indicators			

Table 1 clearly illustrates the continued shift from agriculture to mainly services in the DR. For example, employment in agriculture has dropped from 20 percent to less than 15 percent from 1991 to 2009 in the DR. Such

a change typically goes hand-in-hand with economic development. This is further evidenced by the changes in social indicators depicted in Table 2.

Table 2. Social indicators for the Dominican Republic for selected years, 1981 to 2011

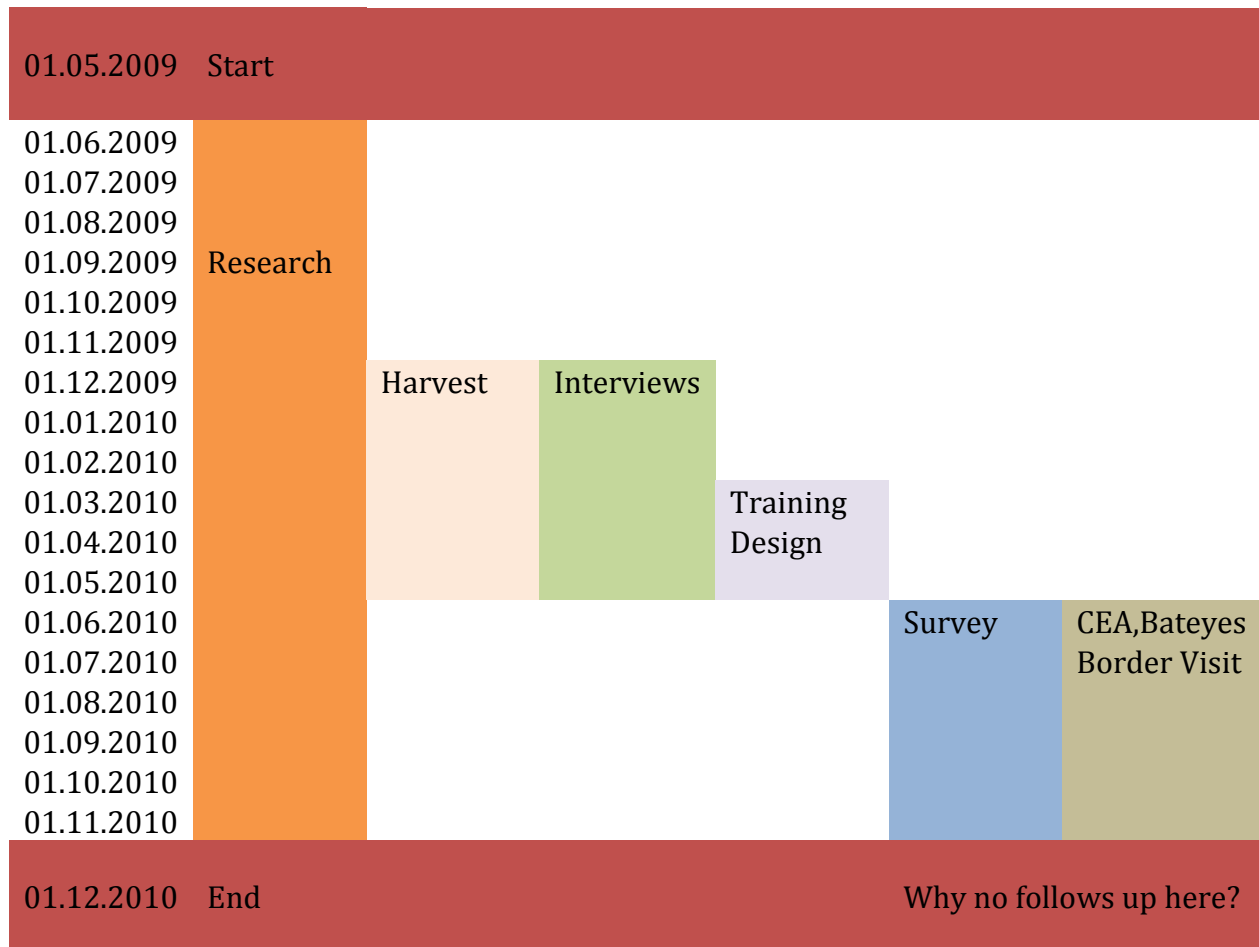
year	Social indicator			
	GDP/capita (U.S. dollars)	Literacy rate	Poverty rate (\$2/day)	Improved water supply – percent of rural population with access
1991	1,324.9	75.1 (1981)	27.2 (1989)	76
2001	2,852.9	87.0	11.0 (2000)	81
2011	5,530.1	89.5	9.9 (2010)	84 (2010)
Source: World Bank Indicators				

They show factors illustrating a higher standard of living -- higher GDP/capita, literacy, water quality and less poverty. That is, there appears to be evidence-based congruent patterns here – economic development in the DR, a shift from agriculture to services, and recent elimination of forced labor in the sugar industry. This dovetails with a recent 2013 ILO report on Growth, Employment and Social Cohesion in the Dominican Republic, which includes a section on “Key areas for policy action.” The report documents the 20-year sustained economic growth, averaging 4 percent per year, but noting that not everyone has shared in the improved living standards. The list of policy recommendations include linking minimum wage increases to productivity growth, and further developing collective bargaining and social protection. The ILO did not single out forced labor as an issue that needed to be addressed.

## 2.2 Expert and In-Depth Interviews

The Verité report documents their methodology of using expert interviews, focus groups, and a worker survey, in a chronological fashion in the Appendix), to examine forced labor in the DR sugar industry. (See table 7.) At this point it is worth mentioning that the research has been implemented by The Research Center for

Table 7: Chronological Project Implementation Plan



Source: own illustration based on Verité, 2011

Feminist Action (CIPAF, a Dominican Republic-based non-governmental organization (NGO) that specializes in research, education and public policy advocacy related to issues of gender and equality, including labor issues. From a referee perspective this might be regarded as problematic for at least two reasons.

First, interview partners might have been selected in a targeted fashion and thus the results of these interviews might represent rather an extreme advocacy position rather than reflect an objective view. In this context, the authors of the report state that “the research team identified the main human rights organizations (especially those that have experience in labor rights), as well as unions that worked on bateyes associated with the sugar industry in order to obtain their opinions and to gather information about current reports of labor exploitation” (Verité, 25).

Second, it is unclear whether representatives of the sugar industry and/or economic ministries and other relevant domestic stakeholders have also been interviewed. We find it also especially worrisome that only interview excerpts of workers have been included in the report, but not one single excerpt of an interview of a government representative and/or the sugar industry (employer). However, we are convinced that this would be needed if the report aimed at providing a balanced view on forced labor in the Sugar Cane industry in the DR.

After a preparation of field research, a 'rapid appraisal phase' was launched. This phase consisted of intensive interviews with small groups of workers to gain a basic understanding of the major issues in a short period of time.

As the report indicates the "groups ranged in size from 2 to 15 workers and were held after work and lasted from 30 to 90 minutes. In all cases, interviews of recently-arrived workers were prioritized due to their increased vulnerability to forced labor..." (Verité, 25).

As the report is written in rather confusing way, we have reconstructed the way of proceeding during this phase. The text is assembled from pp. 25-26 of their report:

"For this phase of the review, 42 bateyes were visited, with researchers making an attempt to gather a diverse pool of workers. Throughout this phase, the research team visited 12 bateyes from Central Romana, 11 from CAEI, nine from CAC, seven from CEA, and three colonatos. In selecting the bateyes, the researchers ensured that they sampled all types of employers, and at least two bateyes that were geographically remote among each type of employer. Central Romana bateyes were sampled more heavily, due to their larger scale of production and in order to ensure that a number of different areas were visited. Regarding CAEI, a larger number of bateyes in San Cristobal were sampled, because many indicators of labor rights incompliance were detected during the preparatory phase. In the case of CAC, surveys were carried out in all of the bateyes to avoid gathering a sample size so small that it was irrelevant. In addition to the worker interviews, three unstructured interviews were carried out with supervisors or ex-supervisors from the CAC, CAEI and CEA" (Verité, 25/26).

This way of proceeding can be regarded as somewhat problematic. First, some of the *bateyes* were selected according "to key informants' report on labor violations" (Verité, 25). At this point the report does not state, which and how many (and/or the share) of these bateyes were selected according to this method. Second, in all *bateyes* the workers were selected for interviewing by convenience sampling. This is a non-probability sampling technique where subjects are selected because of their convenient accessibility and proximity to the researcher. This is an important aspect because convenience sampling might lead to substantial statistical bias, i.e. this means that potentially only frustrated workers have participated in these interviews. Third a transcript of the interviews with supervisors and ex-supervisors cannot be found in the report. Also the central outcomes of the interviews have not

been reported. However, without this reference a rather one-sided, biased picture emerges.

In addition to these references to their research, the authors state:

“During the off season, the research team also visited and conducted interviews in public and private bateyes of the CEA and in the colonato. Lastly, this phase included a trip to the border region, especially Puerto Escondido (Independencia Province, Duvergé Municipality) and the border posts of Jimaní and Dajabón, in order to obtain information from organizations that work on the borders on the mechanisms utilized by workers to migrate to the Dominican Republic” (Verité , 26).

A clear reference on the outcomes of the interviews cannot be found in the entire report. Furthermore few workers who reported indicators of forced labor (not identified) were selected for in-depth interviews; **nine such interviews were conducted**. We believe that these workers are listed in table 3 in the report on page 27, although there is no clear statement in the report whether these are the selected workers. In this respect, we find it astounding that also an 83 year old worker(?) has been listed. In any case, we believe that it is highly problematic that transcripts and/or excerpts of these interviews are not included in the report and/or have been made accessible for our review. It seems to be puzzling why these or at least excerpts of these interviews ‘potentially’ documenting the prevalence of forced labor have not been included in the report, although several, selective interview excerpts can be found. To the extent that interview questionnaires and guidelines were used in this research phase, none of these are a part of the final report.

Overall, the section on interviews and the qualitative research is not well developed and actually raises more questions than it answers. For instance, it is unclear, in which *bateyes* the nine in depth interviews have been conducted (does not hold if table 3 on page 27 is the correct table) and at what stage of the project these workers have been identified. Furthermore transcripts, interview guidelines and/or at least excerpts of the most important interviews would be required to achieve somewhat robust qualitative empirical results. However, without this information this section loses substantial credibility.

### 2.3 Focus Groups

It is quite common in qualitative research to interview focus groups to fill in information gaps that have not been covered otherwise. For the research of the underlying report, focus group interviews were used to complement the worker’s survey. The report states that “the research team conducted five focus group discussions (one for each employer type), with between ten and 15 workers in each group. Each focus group discussion lasted from 2 to 2 ½ hours. “Focus groups were used as a tool for validating/confirming critical findings and exploring issues that were not sufficiently understood through other research means” (Verité , 27).



The focus groups were assembled through convenience and purposive sampling. Purposive sampling is when the researcher chooses the sample based on who they think would be appropriate for the study. This is used primarily when there are a limited number of people that have expertise in the area being researched. From a statistical perspective this can be regarded as highly problematic as only workers, who are dissatisfied and/or willing to participate are recorded in the interviews, i.e. the researcher gets a biased view.

Taking a closer look at the semi-structured, flexible interview guide, we cannot identify one single question regarding working conditions and/or one of the outlined ILO conditions for forced labor. In fact, a question is included on the retention of documents:

Original Question

“Verificar si a ellos o a algunos de sus compañeros les han retenido algún documento de identificación personal” (Verité , 121).

Translated Version

“Verify if their personal identification documents, or those of their peers, have been retained.”

We believe that this question is not precise and adequate to address the question concerning the retention of documents and/or introduce this question into a focus group discussion. Furthermore, we are bit puzzled why this question is posited in a focus group discussion, although it already entailed in the survey questionnaire. Overall, a substantial weight of the argument appears to stem from these focus group interviews. We believe that these group interviews are representing not only outliers and the question(s) are not capturing the relevant aspects of forced labor. Including these two aspects would have been required to back-up empirical findings. However, in order to assess the overall content and quality of these discussions, we would require taking a look at the interview transcripts and protocols.

## 2.4 Survey

From a research credibility standpoint, the worker survey is the key ingredient. It allows the workers themselves to answer questions related to their work situation. This survey was “based on the results of the literature review and expert consultations” (Verité, 24). In our attempt to assess the empirical findings of the survey, we apply a Total Survey Error Framework (Bautista, 2012) that builds on identifying sample and non-sample biases of the survey analysis. The separation of these two sources of survey biases is important as separate sources of statistical bias can further weaken the robustness of the empirical findings. After a brief discussion of both types of error, a detailed discussion will follow.

Sampling error and bias exists and/or is likely to exist if a random sampling pattern is not employed; people’s responses in the sample will reflect mainly their views/characteristics and not the views/characteristics of the entire population. For example, if a population has 50 percent men and 50 percent women and your sample contains 70 percent men and 30 percent women, your results really reflect mainly men’s views. Thus, your results are biased towards men.

The bottom line is that the further to you get away from randomly picking people, the less likely the results of your survey reflect the view of the population and/or are representative in a statistical sense. For example, if you want to know the views of workers in the sugar industry, but your sample is not random, and, for example, over samples new migrants, or misses workers away from their village, the results will not reflect the general view of workers in the industry, but reflect the situation of the selected sub-group.

Although an existing sampling bias might reduce the robustness of empirical findings of the Verité report, the workers that have been identified as ‘forced laborers’ still exist, even if these are not statistically representative for the sugar industry. In order to evaluate further the report and check the robustness of this finding in the report, we therefore also include categories capturing forms of non-sampling error.

Non-sampling error or bias can stem from several sources such as faulty and/or misleading survey questions, the appearance of the interviewer and coding errors. For instance, the question whether workers have been threatened can have formulated misleadingly and/or the response has not been transferred/coded correctly into a database after the data has been collected. Although we do not have access to the original data, we identify several sources of non-sampling error that additionally weaken the reliability and credibility of the survey findings.

### 2.4.1 Sampling Error

A general rule of thumb is that the process of sampling should ideally follow a random process, i.e. the target population should have a known, non-zero probability of being selected. In practical terms, a recommended sampling technique to fit the perceived situation in the sugar cane industry in the DR is a multi-level analysis through stratification and over-sampling. This way the population is divided into groups called “strata” and an independent sample is selected in each

strata. If a particular strata is suspected of having concentrations of forced labor, it can be over-sampled.

The approach of Verité builds on a multi-level (stage) analysis, whereby the report concentrates solely on sugar cane workers which form the survey frame (Level 2), the employer forms Level 3, bateyes Level 4 and individual households/individuals constitute Level 5 (see Table 3).

Table 3: Overview of Analysis Levels

No.	Level of Analysis	Selection Mode
1	Country	Targeted selection
2	Industry	Stratification
3	Employer	Stratification
4	Bateyes	Not reported, Clustered
5	Individuals/ Workers	Convenience Sampling

Source: own illustration based on Verité, 2011.

In order to assess the robustness of findings from the survey, we assess the selection process along each dimension of analysis separately and highlight shortcomings and corresponding statistical implications.

#### Level 1 – Selection of Country

Verité has selected the DR as one out of seven countries (Bangladesh, Brazil, Bolivia, Guatemala, Indonesia, Liberia, and the Philippines) for analyzing the presence of indicators of forced labor. The authors do not make any explicit reference why the DR has been chosen as a target country among the other countries. We believe that this ‘biased’ selection has been driven by ample anecdotal evidence of forced labor in the Dominican Republic (Verité , 11/12).

#### Level 2 – Selection of Industry

Verité's focuses only on a single strata, i.e. the sugar cane industry and thus ignores other parts of the country and other economic sectors, without making any explicit justification for the selection of the industry. This can be regarded as problematic given that the current literature and several policy reports indicate that forced labor in the DR is most prevalent in the construction and tourist-related industries (see, for instance, U.S. Embassy Santo Domingo, 2011 U.S. Embassy Santo Domingo, 2011)). Additionally, the findings of an ILO report indicate that Haitian workers concentrate in construction and in "other services" besides agriculture (ILO, 2013:8). It should be noted that the largest share of Haitian migrant workers is to be found in the construction sector, share is 42.6%, followed by agriculture, share is 26.5%, and then sugar industry, 17.5% (see table 1, p.11). In addition, a recent report of the ILO indicates that the informal sector is gaining importance for employing migrants of Haitian origin/descent. For these reasons, we believe that Verité's sample could be misleading in over-estimating the prevalence of forced labor.

### Level 3 – Selection of Employers

In order to survey workers, a comprehensive and up-to-date record of public and private *bateyes* in the country and the number of sugarcane harvesters was necessary, but was not available. Against this background a sample frame was established through a triangulation of desk and field research and expert consultations. According to the report, this included developing a territorial matrix to identify the location of *bateyes* in which sugar was still being produced. They also used reports and documents from sugar companies that made reference to the number of *bateyes* linked to sugar production, as well as other qualitative research techniques carried out during the preparatory and rapid appraisal stages (Verité ,28).

In addition, researchers went into the field to confirm that each *batey* still existed and was actively involved in sugar production for the 2009/10 harvest. This process resulted in the identification of 178 'active' *bateyes* housing workers involved in sugar production during the 2009-10 harvest. In interviewing medical staff, workers, and other individuals, the research team arrived at a range of 14,325 to 17,850 sugarcane workers living and working on these 178 *bateyes*.

The author(s) of the Verité report argue that "since there may have been some *bateyes* that were not identified through this process, a random sample was not possible. The researchers conducted the survey on 52 *bateyes*" (Verité, 27). At the very same time, they group these '*bateyes*' according to employer type instead of randomly selecting a representative sample from the 178 '*bateyes*'. We believe that separating workers across employers might lead to a substantial increase in the sampling error, because this way of proceeding heavily relies on the assumption that similar working conditions might be prevalent with one and the same employer (see, for a similar line of argument Heeringa et al., 2013). Aggregating the data in the analysis phase, this way of proceeding, potentially leads to an over-estimation of 'bad' working conditions for the entire sample.

#### Level 4 – Selection of Bateyes

The author(s) of the Verité report argue that “since there may have been some *bateyes* that were not identified through this process, a random sample was not possible” (Verité, 27). Proceeding with a selection of *bateyes* according to employer type, it’s not clear how *bateyes* (especially if their regional concentration/distribution is unknown) have been selected. In this respect, the authors argue that “*bateyes* from each employer type were then randomly selected proportional to the number of workers employed in each *batey*” (Verité, 30). We expect this way of proceeding to potentially drive up the survey error, as workers are clustered into *bateyes* and working conditions might differ across these substantially, although they are owned by one and the same employer. Furthermore there is no information on the mode of randomization in the selection process. This would have been an interesting piece of information and would be required to assess the precise extent of statistical bias. From a referee perspective, a clarification would be required in order to ensure that *bateyes* did not accidentally lie in the same area/region, i.e. if plantations are regionally clustered/concentrated, regional characteristics might drive the empirical results. In this regard, we could not detect any information of the regional distribution of selected *bateyes*.

#### Level 5 – Selection of Workers

The selection of workers follows convenience sampling. Convenience sampling is a form of non-probability sampling that can include snowball sampling and respondent-driven sampling, where by existing study subjects recruit future subjects from among their acquaintances. This way of proceeding/ selection of workers through a “flat rate of ten workers” and in a non-random fashion can be regarded as critical, i.e. over-sampling of potential statistical outliers. Although this approach is understandable given the fact that “the full population of workers was never present in one place at the same time, since some workers are sent to distant plantations for longer work days, and workers depart for and return from work at different times” (Verité, 30), we do not understand why not another method and/or more precise method(s) or randomization were not at least tried given that the survey was carried after the harvesting season. We also find it worrisome that “researchers were instructed to ensure that newly-arrived workers were included in the sample for each *batey*, as these workers were deemed to be more vulnerable to exploitation” (p.30). This clearly violates any best practice of survey data collection, as this group might be over-represented in the sample. This is worrisome to the extent that the report states many new arrivals into the industry perceive the working conditions as particularly oppressive. In fact, the selected interviews/case studies in the report underline this aspect. For instance, in case study on page 43, the interview of a 36 year old teacher from Haiti after returning from his first day of work. The report states that ‘this was his first time working in the field. “It’s hard”, he lamented [...]and the worker stated that he could not do this type of work”( Verité, 43). We believe that this statement reflects a common pattern among interviewed new arrivals and these perceptions might add substantially to an upward bias in the empirical results, i.e. overestimation of ‘bad’ working conditions.

### Assessment

Although the researchers claim of having implemented a simplified stratification method, concentrating on Haitian migrant workers, a substantial sampling bias might be found in the current analysis due to the fact that the selection of interviewed sugar cane workers has been implemented through convenience sampling. In this respect, the applied stratification (Level 2) and clustering (Level 4) method in the sample selection process are most likely not cancelling out, and can hardly be estimated. Even ignoring these factors in the analysis and assuming a 'pure' and statistically sound estimation, we believe that there is still a margin of error, which should have been incorporated into the analysis section of the survey. In this respect, we find it worrisome that power calculations, margin of error calculations, and other forms of preliminary numerical tests before the implementation of the survey have not been reported.

Below we calculated the sample error for a random selection of 740 workers out of a total population of 17850 workers for a 95% (standard) confidence interval. In order to capture varying levels of sample error, we assumed varying proportions of workers to answer a certain way on the key measure (forced labor) in the survey (table 4).

Table 4 Sample Error Calculations

% of Respondents	Sample Error, in %
1	0.7
5	1.5
10	2.1

Source: own calculations based DSS Research Method.

What this means is -- if Verité had reported a specific number of forced laborers, which they did not -- the number would range from plus or minus 0.7 percent around it. For example, if 7 workers were deemed forced laborers from the survey, the number is really in the range 2 to 12. Of course, this is only due to sampling error and, as noted, the actual error is substantially higher due to the factors that we cannot estimate. Especially the convenience sampling on Level 5 of the analysis proves to be the most critical source of statistical bias. For this reason, the sample bias will most likely be substantially higher, i.e. there might be no forced labor at all.

One way of dealing with the issue, would have been to introduce weighing measures to correct for these sources of bias (see, for a formal representation Heeringa et al. 2013). This has not been done, and we believe that this choice is highly problematic as the researchers present only and/or make only un-weighted results available and report these (see, Appendix 9). However, leaving out a 'sound' weighing of the survey variables, leads to an upward bias in the statistical results, i.e. over-reporting of the prevalence of forced labor in the report. In this respect, it appears highly problematic that we do not have physical access to the dataset, which would allow us to correct for these types of biases and report robust descriptive statistics, i.e. statistics where certain types of bias are removed from the sample.

#### Baseline Sampling Error

Overall, we are convinced that the reported results are subject to substantial sampling bias leading to an overly pessimistic view of working conditions and forced labor in the sugar cane industry.

#### 2.4.2 Non-response Error

Another source of bias might emerge from the fact that a subgroup of the population has not responded to one and/or a whole set of questions. The response rate in the survey is 99% and/or how the researchers state "the response rate was nearly 100 percent" (Verité, 30).

This response rate appears to be an extremely/unusually high number of respondents to the questionnaire. We believe it is rather unlikely that out of 100 potential workers 99 would agree on an interview/fill-out a questionnaire. A 100 percent response rate is a red flag as it is highly unusual that everyone approached to answer a survey agrees. Two factors could be present here:

- did not report nonresponses and just kept asking different people until they reached their desired number of responses. If so, this would call into question the randomness of the sample; and
- respondents felt some pressure not to refuse to answer the survey questions. This would call into question the accuracy of their responses/answers.

Nevertheless in several instances (see, for instance, question(s), could read and write (n=630) (p.142), type of employment in Haiti (n=579) (p.142), where live in DR after harvest (n=567) (Verité, p.143)), the non-response rate appears to be higher. Unfortunately these non-responses and the consequences thereof are not discussed in the report. It is possible that these aspects have been left out in order to hide the true nature and shortcomings of the dataset. In order to illustrate what this non-response error does is demonstrated below:

For instance, according to the report, most workers have been residing in the DR for more than 2 years. Only 29 (~5.7%) workers report to have been living in the DR for less than 2 years, whereby 146 people (~20%) report 2 – 5 years, 84 (~11%) report 5 – 9 years and 249 (~34%) workers report to have been living in the DR for 10 or more years. Although this demographic composition seems to be reasonable, summing up the number of respondents indicates that only 508 workers have responded to this question (i.e. non-response rate is 31.3%). Calculating the percentages of ‘new residents’ in the DR, it appears that the survey captures 3.91% of this sub-population, so that the reported 5.7% slightly over-estimate the new arrivals in the population.

From this observation, as this case is not an exception, we believe that certain findings have been reported incorrectly.

However, without the actual dataset at hand, we are not able to answer the question, whether the respondents to certain questions of the survey are systematically different from those who did not respond. This additional information would be needed to assess the underlying cause(s) for workers not responding to certain questions and quantify the non-response bias in the data set, which we believe might also reveal additional information on the overall statistical quality of the survey findings.

In summary, item non-response rates are extremely high for several questions, which lead to a varying number of observations for particular questions.

#### 2.4.3 Coverage Error

It occurs when individuals in the population of interest are missing from the sampling frame used to draw a representative sample, and is likely to increase the survey bias. At this stage underlying assumptions about the true size of immigrant workers into the DR sugar cane industry is not known, but has been estimated based on interviews with various stakeholders. However, we do not know exactly how the estimate was derived. Thus, it is impossible to speak to its accuracy. Since it is an estimate and we do not know the true value, it is very likely to add an upward bias to the survey, i.e. too pessimistic view of working conditions of migrant workers in the DR.

In addition, sugar cane workers, who are domestic residents and citizens of the Dominican Republic, seem to have been left out of the sample. Although these might represent only a small share of workers, the survey did not take these workers into account. For instance, the UN human rights organizations claim an extensive prevalence of racial discrimination and xenophobia, especially concerning migrants of Haitian descent. In this respect the question arises why the report does not differentiate between migrants of Haitian descent and nationals of the Dominican Republic in order to isolate potential sources of discrimination. In order to enhance



the robustness of the empirical findings (i.e. generalizability of findings), this would have been needed. Leaving out this group out of the survey sample might be an important driving force behind additional sampling bias, reducing the empirical validity of research findings.

Moreover, the report clearly states that the interviews were conducted during 3pm and 4pm every day with returning workers, and earlier in the day with workers who did not go into the fields during this day. However, this leaves out workers that have been working in the fields later 4pm. This fact can be regarded as problematic as most likely cases of sugar cane cutter working excessive hours of work could not be interviewed by the survey team.

Furthermore, the timing of the research project shows that the actual survey was implemented after the harvesting season between June and August 2010. The statistical findings in Appendix 9 of the report indicate that only a fraction of 67% (~496) of the workers remains on the *bateye* and 10% (~71) stayed in another province in the DR (Verité, 143). Taking together, it appears that 23% (~173) workers have not responded to this question. However, far more important it appears to be problematic that the survey has been implemented not during the harvest season, as a large portion of workers have already left the plantations and/or moved to other sectors in the DR and/or returned to Haiti. We believe that this way of implementing the survey produces an additional selection bias (i.e. sampling error) in the analysis, as these workers are not covered by the survey.

#### 2.4.4 Specification Errors and Processing Error

##### *Specification Errors*

An interesting aspect to mention is the question of how to construct a viable empirical measure of forced labor. ILO's operational definition of forced labor (adults) has two criteria – must enter into work involuntarily and coerced into staying. Most DR sugar cane workers entered their sugar cane industry jobs voluntarily and evidence on coercion is sketchy. That is, most do not meet the ILO definition of forced labor.

The ILO definition forced labor is:

“work for which a person has not offered him or herself voluntarily and which is performed under the menace of any penalty applied by an employer or a third party to the worker. The coercion may take place during the worker's recruitment process to force him or her to accept a job or, once the person is working, to force him/her to do tasks which were not part of what was agreed to at the time of recruitment or to prevent him/her from leaving the job.” (ILO, 2011)

The authors of the Verité report claim that there is forced labor in the DR as workers are PREVENTED from leaving their job by withholding their official travel documents. Most of sugar cane workers are from neighboring Haiti and, theoretically speaking, they have/need travel papers to go back and forth.

The survey questions must attempt to cover the factors in this definition, namely sufficient information to allow assessment of whether or not the individual has been subject to involuntariness and coercion in his/her working situation. Does the survey used in the Verité report do this?

A key problem appears to be how the report applied the ILO template for uncovering forced labor. There is no clear connection between theoretical concepts and survey variables (called specification error). This leads to weak conclusions as the resulting data do not reflect specific social constructs. Constructs are the specific qualities of what one is trying to measure because it is not really measurable (e.g. forced labor). Ideally each survey variable should be related to a concept (like menacing or involuntariness of work), and each concept to a hypothesis, which in turn is related to theory or a body of evidence. For example, is it warranted to conclude from the one percent affirmative answers on the menace of penalty physical violence that such an indicator exists in the sector? The following analysis in matrix form shows the 8 observations (one percent) in the survey reporting – “Showed signs of fear, anxiety or intimidation” -- are tenuous because the questions upon which this is based are unclear, incomplete and/or missing important criteria, per the ILO template.

In order to show the report’s weaknesses of these connections, we adjust the questions and responses of the survey to fit the outlined criteria in the ILO guidelines. Our results are presented in Table 5 below.

**Table 5: Detailed Assessment of Specification Errors**

	<b>Criterion</b>	<b>Corresponding Survey Question(s)</b>	<b>Number of Respondents (Yes)</b>	<b>Comments</b>
<b>Involuntariness</b>	Penalty	<p>Penalized for missing work (with being removed from batey)?</p> <p>Penalized for missing jobs (with being removed from batey)?</p>	<p>20 (~3%)</p> <p>25 (~3%)</p>	<p>These question(s) measuring ‘penalty’ do not make any sense as they relate to prior events and/or capture expected outcomes. The workers could not have responded to this question if they were removed during their current contract, so that these are likely expected consequences of missing work instead of actual events. The question is whether this perception is justified and/or whether these expectations/perceptions are formed on actual events. Furthermore, the reason(s) for missing work/jobs are not indicated anywhere in the report and/or in the data. This would be important to know in order to be able to classify the appropriateness of these ‘penalties’. . In addition, the report states that ‘nine CAC workers interviewed reported that if they complained about their working conditions, their ‘code’ would be erased’ (Verité, 64). Nevertheless, it appears to be that these cases are concentrated in certain bateys and do not reflect common patterns across the entire industry. If these findings were statistically valid and robust, it appears to be contradicting why the ‘the researchers did not find evidence of the removal of rights or privileges being used against workers as a threat or in practice in the Dominican sugar sector’ (Verité, 64).</p>
	Unfree	None	-	Although the report indicates that 351 (~47%) workers have been

	Recruitment			<p>brought to the <i>bateys</i> by a Buscon, we could not detect one single question that would directly address the involuntary nature of recruitment and/or practices common in the context of human trafficking practices. However, an additional strong argument against an involuntary recruitment might be found in the fact that 502 workers have reported an employment history in agriculture in Haiti (~74%). Nevertheless the non-response rate to this question is relatively high (79, ~15%), which might be either due to an imprecision in the survey question and/or under reporting. Furthermore the report states that ‘The researchers did not find evidence of indicators of workers being abducted or kidnapped for the purposes of forced labor in the Dominican sugar sector’ (Verité, 45).</p>
	False Promises <i>(Question added to the ILO’s method.)</i>	None	-	<p>The survey does not have one single question addressing this question directly. Although the report has a section labeled ‘Deception about false promises about types and terms of work’, none of these questions (Verité, 145), besides question 1 of why worker went to specific batey (none of the respondents has been forced!), addresses this above mentioned issue. For instance, it is unclear why deductions for social security, housing, meals, etc. should play a role if these have been anticipated by the worker.</p> <p>Survey instruments being used, such as questions regarding the mode of entry into the Dominican Republic and questions asking whether the worker knew to which batey they were brought can be regarded as imprecise to capture this variable. Furthermore the report states that ‘worker interviews indicate that workers are not deceived about the type of work that they will be carrying out, as they are told that they</p>

				<p>will be working in sugarcane and the researchers did not detect cases in which workers were deceived into thinking that they would be obtaining other types of employment' (Verité, 59). We take these as strong indication that false promises were not made during the time of recruitment, which is a substantive pre-condition for forced labor practices (ILO, 2011).</p> <p>In fact, the selected interviews/case studies in the report. For instance, in case study on page 43, the interview of a 36 year old teacher from Haiti after returning from his first day of work. The report states that 'this was his first time working in the field. "It's hard", he lamented [...]and the worker stated that he could not do this type of work"( Verité, 43). We believe that this statement reflects a common pattern among interviewed workers and reflects rather false expectations concerning the job rather than false promises. This is also supported by the following statement in the report that "They reported that they had come by viaje, for which they had paid DOP 3,500 (USD 96) to a buscón who had offered them work in the cane fields ("Koup travayer kann")' (Verité, 49). We take this statement and above pieces of anecdotal evidence as a strong indication for the missing of false promises condition during the recruitment process.</p>
	Work and Life under Duress			<p>In order to answer this question a comparable case on living conditions in the Dominican agricultural sector and/or in the agricultural sector in Haiti would be required. Although several questions are trying to address this question in the survey, i.e. access to potable water (~297, (40%)), access to sanitary services (~364, (49%)), and access to electricity (92 (~12%)), it is not clear whether these are typical for</p>

				rural settlements in the Dominican Republic and thus reflect an extremely vulnerable livelihood and/or circumstances of life under duress.
	Impossibility of Leaving	Could not leave because supervisor violent/threatening?	7 (~0.94%)	The report refers to 'some CEA workers brought into the Dominican Republic through the "quota system" were reportedly constantly watched by guards and not allowed to leave the bateyes, at least during the first few weeks of the harvest' (Verité, 140). On a page 139, the report states that 'workers reported that workers who were recruited under the "quota system" were less free to leave than other workers' (Verité, 139). We interpret these two quotes in the following way. It appears to be that workers observing/witnessing special working conditions for other workers report an incidence and/or occurrence, which appears to be used in the descriptive statistics section of the report again and counted as an actual incidence.

<b>Menace</b>	Threats/ Violence	Showed signs of fear, anxiety, or intimidation?	8 (~1%)	<p>There are a couple of issues with this question. First, it is not clear whether this is a respondent's answer to the question and/or whether this is an assessment of the researchers on the mental conditions of the respondent. The report does not make any clear reference how to interpret this question, although it seems to be central to the line of argument made in the paper. Second, if we assume that a Yes/No is a respondent's answer to the question, it is unclear what this question actually implies/means as it is not related to the current working conditions and does not appear to be related to the employer/supervisor. Fear, anxiety, or intimidation could be also triggered by other factors, e.g. mental health condition of respondent, traumatic experiences during their time in Haiti (e.g. Amnesty International 2013), personal perception of overall situation in the household and/or in the Dominican Republic. For instance, a recent Amnesty International Report's findings indicate the prevalence of arbitrating arrests, torture and killings by the police (Amnesty International, 2012). Given the overall level of hostility towards Haitian migrants in the DR, it seems to be reasonable that these migrants are particularly vulnerable to random police violence and forceful deportation (see, for instance Alatorre, 2013). Although additional questions filtering out these cross-cutting effects would be required, the report/survey does not have any supporting/validating questions. Third, even if these factors could be eliminated as a source of statistical bias, there is no indication on the severity/intensity of these perceptions as the questionnaire does not include any intensity measure. For these reasons, it is unclear to what extent this question delivers any statistically 'robust' and objective results, as fear, anxiety, or intimidation could be driven by unrelated other factors.</p>
---------------	----------------------	---	---------	--

	Restrictions	Could not leave because supervisor violent/threatening?	7 (~0.94%)	See related question in section 1 of the table, Impossibility of Leaving.
	Debt bondage	Cost of last trip to workplace in DR? How paid for last trip to DR? Borrowed money for trip?		<p>The reported numbers in the document suggest that the trip to work is excessively expensive, so that migrants had to borrow money in order to finance these trips and thus have been forced into debt bondage. There are several reasons, why these results do not necessarily reflect an induced indebtedness.</p> <p>First, the findings of the survey indicate that only 77 (~10%) workers borrowed money to finance their trip to the work place, whereby 31 (~4%) relied on a money lender and 46 (~6%) relied on a family member. It appears that workers borrowing from money lenders have already repaid their loans (31, ~4%), whereby workers relying on family members still owe money (46, ~6%), indicating some form of soft budget constraints for family loans that has been well known from similar contexts. This indicates that workers did not borrow from their employer, which would be a natural candidate of induced indebtedness in the context of forced labor.</p> <p>Second, it appears to be that 111 (~15%) respondents paid DOP 1000 or less and 59 (~8%) paid DOP 5000 or more for their trip. It should be noted that is unclear in which year these payments have been made.</p>



				<p>This might be important to know as inflationary dynamics and market conditions might drive price changes substantially over time. In a worst case scenario, assuming that a worker paid DOP 5000 and earns DOL 500 per week, the cost of travel equals the earnings of 10 weeks (subtracting food, we expect that this money could be repaid during one season). Nevertheless, this represents an extremely unlikely case. The reason for this is that only 170 (~20%) workers in the survey entered the DR in the time span 2009/2010 in which year a higher price might be justified, 87 (~11%) workers earn less than DOP 500 per week and 59 (~8%) have paid DOP 5000 or more for their last trip. It should be noted that 'Many workers who came by viaje, as well as workers who were recruited and brought to work in CEA bateyes in 2010 did not have to pay for the trip' (Verité, 54), which reduces the number of potential candidates substantially. Taking together these results, and assuming an independent statistical distribution of events, the likelihood of a worst case scenario outlined above is 0.001% or a maximum of less than 1 worker in the surveyed population. Furthermore, it is unclear whether such a relationship exists at all and whether the higher travel expenses do not rather reflect higher paying jobs for the workers.</p> <p>Third, the survey does not reveal any information on the precise source of credit, the composition of travel expenses, and/or any further indication of which income group has paid the relatively higher travel expenses, in which year. Due to the missing data we cannot reconstruct the true relationship between travel expenses, workers' earnings, and a potential induced indebtedness. Nevertheless, the report confirms our presumption that 'researchers did not find that workers owed money for smuggling fees to either the buscón or their employer' (Verité, 55).</p>
--	--	--	--	---

				<p>For these reasons and given the imprecision in the survey question(s)/instrument(s), we do not believe that there exists a causal relationship between travel expenses and induced indebtedness, indicating the presence of forced labor.</p>
		Weekly and biweekly income?	647 (~87%)	<p>The researchers are able to quantify worker's earnings on a weekly basis and argue that these reflect 'subminimum wages'. According to a recent IMF report on the Dominican labor market the wage/pay scale seems to be low in comparison with the average weekly earnings in the private sector (i.e. DOP 58 per hour) (IMF, 2013). As wages are also related to the weighing system of sugar cane, the report's results indicate that "162 (22 percent) [workers] reported that they thought that the cane was not being weighed properly and 102 (14 percent) reported that they were not satisfied with this system" (Verité, 57). Upon further inquiry, approximately one-third of the workers who reported they were not satisfied with the payment system reported that it was because their employers did not always weigh the cane accurately and ten percent reported that they were deceived or cheated in the weighing of the cane' (Verité, 57). ). Furthermore, it appears that wages were not withheld deliberately from workers in most cases.</p> <p>It seems to be common in the <i>bateyes</i> that workers buy food on credit and pay the shops when they are getting paid (i.e. see interview excerpt, p. 52). The researchers also admit that the quantitative findings concerning this indebtedness are not statistically robust, i.e. there is no precise survey question/instrument capturing the size, conditions of repayment (i.e. interest rate) and outstanding debt to food stores. Furthermore there is no evidence of any business</p>
		Satisfied with weighing system?	93 (~13%)	
		Paid on time almost all the time?	699 (~94%)	
		Bought food on credit at least part of the time?	332 (45%)	

				<p>relationship between employers and the food stores. Additionally, the question asking workers through which mode they are staying in contact with their families in Haiti has not been evaluated in the report (P607/p.133). It would be interesting to know how much a representative worker spends on communication as this might represent a source of potential indebtedness that is not even mentioned, although 651 (~88%) of all workers were saying that they were still in contact with their families.</p> <p>Although it might be well reasonable to assume that ‘workers earn extremely low wages for the amount of cane that they harvest’ and this might be a source of induced indebtedness, we believe that wages are not exploitative. The reason is that information on the exact reimbursement per ton, bonuses, and additional sources of income have not estimated nor have the travel expenses, expenses for food and communication been estimated by the researchers in the entire report. However the report concludes that ‘focus group interviews indicated that the majority of workers who were indebted were able to pay their debts each pay period or by the end of the harvest and workers did not report explicit penalties for failing to pay back the loans’ (Verité, 56) and that approximately 377 (~51%) workers send remittances to Haiti. We take these pieces of evidence as a strong argument against the prevalence and/or existence of induced indebtedness as a means/instrument of forced labor.</p>
	Retention of wages	Weekly and biweekly income?	647 (~87%) weekly 93 (~13%)	The researchers are able to quantify worker’s earnings on a weekly basis and argue that these reflect ‘subminimum wages’. According to a recent IMF report on the Dominican labor market the wage/pay scale seems to be low in comparison with the average weekly earnings in the

		<p>How paid?</p>	<p>bi-weekly 703 (~85%) piece rate</p> <p>30 (~4%) daily rate</p>	<p>private sector (i.e. DOP 58 per hour) (IMF, 2013). It appears that wages were not paid on a daily basis, but on a production/output basis, i.e. harvested sugar cane in ton per worker. Although a large share of workers (102(~14%)) reported that they were not satisfied with this payment system, most likely because many of the respondents were convinced that the cane was not weighed properly (162(~22%)) and of the perceived hardship of work. From a statistical perspective, this question poses an interesting puzzle. On the one hand, 733 workers have responded to this question, whereby the authors of the report claim that the overall response rate has been 99% (~733). However, the question of whether respondents are getting paid on time is answered by 740 workers (~100%). Furthermore, the report states that workers also got an additional 'end-of-season' bonus, and vouchers for the purchase of food Verité, 69). Although one would require this detailed information for estimating the daily/weekly income, these numbers have not been reported. However, without any information on bonus payments and food vouchers, it is hard to calculate a daily/weekly rate that reflects total income and thus we expect the reported numbers to be downward biased, i.e. the reported income is lower than the actual income received.</p>
		<p>Paid on time almost all the time?</p>	<p>699 (~94%)</p>	<p>'Of these workers, 19 (48 percent) reported that they did not know why their payments were delayed, five (12 percent) reported that the payment office delayed their payment, and other workers reported that records of the amount of cane that they had cut had not been reported to the payment office' (Verité, 65). The question is why these results have not been reported in the statistical appendix of the document.</p>

	Retention of passport	Confiscation of travel documents?	N.A.	<p>There is not one clear question addressing whether the passport of an individual has ever been retained by the employer. On page 140 of the report, this field is left blank, which we interpret as a strong indication that one single incident has been reported. Also findings concerning the question P203 (Verité, 124): “Tiene algun documento de identificacion personal de Haiti?” cannot be found in the report. In the descriptive section, the question suggests that the question might have been: “Had identification documents” (p.142), but leaves out an important to part of the initial question “de Haiti.” Looking at the descriptive, it appears that only 58% (427) of all workers had a valid documentation, but without this reference, it appears that these workers never received/were issued an identity card/passport in their country of origin, Haiti. A recent article of the UNHCR confirms that an unknown/unreported number of Haitians, who have been born outside hospitals and/or in the Dominican Republic do not have any official documents (UNHCR, 2012). This is important information, which also cannot be found in the report and appears to be simply missing.</p> <p>A carnet is a temporary working permit that has to be issued upon arrival of a worker either by the employer and/or the by the General Migration Directorate. In the context of the DR it appears to be common practice that these documents are rarely issued, especially to migrants with Haitian descent and/or illegal migrants. Although the authors of the report claim that the absence of carnets are indicating constrained mobility of workers (see, case studies Verité, 61). Furthermore the authors criticize the constraining nature of the carnet system, i.e. ‘carnets link workers to a specific employer and do not</p>
		Were given carnet by employer?	157 (~21%)	
		Were issued a valid carnet in 2010?	53 (~7%)	

		Received ID card?	570 (77%)	<p>allow them to work for another employer without losing their legal status, even if they are unsatisfied with their conditions of employment' (Verité, 46). Although the report states that 'three workers surveyed reported that they could not leave because they had no papers (Verité, 47), this survey question is not documented in the survey appendix. There are also no follow-up questions to be found in the entire document, so that the validity of these findings has to be questioned. For instance, it can be the case that the respondents lied in order to hide the true nature of their motives why they could not return to Haiti. This lack of a follow up question and/or set of corresponding questions can be regarded as highly problematic in terms of leading to incorrect results and conclusions. In fact, we believe that this finding shows another inconsistency in the compilation of the document, which can be attributed to the 'ad-hoc' nature of the survey.</p> <p>Taking a closer look, it appears that 77% (570) of all workers have received an ID card, which also appears to be in line with local practices. It seems to be puzzling why only 58% (i.e. 427) of workers had an identification document, although 570 had been issued an ID card. For these reasons, we believe that this number rather reflects common local practices and thus cannot be seen as an instrument of forced labor. Furthermore, it appears to be puzzling why the first two questions have been used for filling three categories; retention of identity documents or other valuable possessions, denunciation to authorities and physical confinement in the work location (Verité, 145). It is not clear how these questions are related to either category and it appears that these questions have been 'tailored' into the categories <i>ex post</i> into the survey to make a strong case for the prevalence of forced. It is astonishing that no follow-up survey questions addressing each single issue more specifically have been</p>
--	--	-------------------	-----------	--

				crafted into the survey, indicating the imprecise and 'on-the-fly-construction' nature of the survey.
	Abuse of vulnerability			In addition, the report states that 'two workers interviewed reported that they had worked in construction but were temporarily working in cane cutting because there was less risk of being deported and because there was no work in the construction sector' (Verité, 41). Furthermore, the researchers explicitly state that they 'did not find evidence that deprivation of food was used as an explicit penalty' (Verité, 65). We take these two sources from the text as a strong indication that there has been no abuse of vulnerability.
Source: own comments based on Verité, 2011.				

## *Processing Errors*

Due to the fact that we did not get physical access to the dataset and reference manuals, we are not able to identify any flaws in the report from weighting, tabulation, or construction of variables, which might have led to a reduction/validation of variables. Here's an example of what happens when you do not ask the right questions (gather the appropriate information). Once field research was well underway, it became clear that workers were, in fact, in debt to food stores. Because it was too late to alter the quantitative survey instrument, this issue was explored with qualitative research methods, including in-depth interviews and focus group discussions, which were carried out before the implementation of the survey. This finding indicates that there have been substantial lags between the development of the survey and the evaluation of qualitative results, i.e. we believe that only a fraction of qualitative findings have been used for the development of the survey. This seems to be confirmed in the following statement: "Preliminary information which was not fully analyzed was presented by CIPAF for feedback in two validation workshops that brought together various stakeholders in the sugar sector, including representatives from public institutions, employers, NGOs and human rights defenders, and academics" (Verité, 33). This can be regarded as highly problematic and represents a source of severe processing error.

As a recent handbook on 'Anti-human trafficking manual for criminal justice practitioners' suggests mental and physical health conditions of victims of human trafficking might play a significant role. As for the Verité report, the interviews for the survey lasted several hours and were held after work. We believe that the ad-hoc nature of the survey did not allow for an 'extremely sensitive and timely approaches to questioning a [potential] victim' (UN 2009, p.8). Even more interestingly the researchers do not make any reference(s) to any traumatic events of the workers they interviewed and/or surveyed. We believe that there are two potential reasons for this. First, the time of preparation and funds were not sufficient not administer this in the implementation phase. Second, the survey/research team did not see any necessity in controlling and/or accounting for this special aspect in interviewing/surveying workers, which we would expect to be prevalent in cases of forced labor. In this respect, the report also does not indicate that the interviewed workers suffer from sleeplessness, depression, and/or malnutrition, which we would expect if these workers were subject to abusive treatment by their employers. This point is critical because it appears that this aspect has been either generously neglected and/or not incorporated in the analysis and leaves out an important ethical perspective.

We believe that an additional source of bias might arise due to the fact that Verité during a post-hoc analysis of data in all seven country studies, applied a larger set of forced labor indicators issued by the ILO in December 2011 (*Hard to see, harder to count: Survey Guidelines to Estimate the Forced Labour of Adults of Children*). This means that indicators in the report are aggregated according to the 2011 ILO publication and not according to the ILO framework applied for the development of



the survey. From a referee's perspective, it appears to be somewhat confusing why Verité applied this general framework and/or way of aggregating the data. It appears that this transformation and/or different coding of data might have additionally biased the results. Consequently, we believe that this adjustment of the report might have substantially reinforced/emphasized the policy report results.

Furthermore, there are a couple of points, which we have listed below that call into question the precision with which the results have been transferred into the final document:

- It appears to be that workers seem to move in and out of the country. In this respect, 170 (~25%) report to have entered the DR in 2009 and/or 2010. This indicates that at least 139 (~20%) surveyed workers might have been able to travel between their country of origin and the DR. This might be either due to the fact that 163 workers are not residing in the DR. Unfortunately the survey does not reveal any insights whether these are seasonal workers (109 workers report to have lived in the DR for less than a year) and/or illegal migrants (potentially 54 workers) into the DR.
- Additionally, 359 workers have been back to Haiti, which is somewhat puzzling given the above numbers. In fact, these descriptive statistics are presented in a confusing way given the fact that only 29 workers report to have resided in the DR for less than 2 years. We believe that these results might be due to inconsistencies in coding the survey responses.
- This inconsistency in coding the data is also supported by the responses to the question whether a worker has 'been back to Haiti'. Although there are only 677 Haitian workers in the sample, 740 workers (also DR nationals) responded to this question. This changes the results from 49% of respondents answering that they have returned to Haiti to 53%. Furthermore, 777 respondents have answered the question of how they have crossed the border. Given that the population size is 740 in total and comprises 677 respondents of Haitian descent, it is questionable whether the data has been coded correctly and/or ex-post subsampled to support a priori determined policy implications.
- Furthermore, several questions were left out of the descriptive statistics section in Appendix 9, although these are an integral part of the questionnaire in Appendix 7. For instance, the question on how the workers communicate with their families in the DRC (question P 607) cannot be found in Appendix 9 of the report. Furthermore, even answers to questions appear to have been aggregated. Although the survey question (Verité, 129/P402): "Que trabajo hacia en Haiti?" is listed as question in the survey and has eight potential response options in Appendix 9, the corresponding question is coded differently; i.e. 502 (~74%) workers report having been employed in agriculture and 77 (~11%) in salaried work. The other categories, such as construction, are not included in the report

and it appears that responses to these questions have been coded according to certain criteria that are not documented in the report. Although this appears to be a minor issue of concern, we believe that this highly selective way of coding the data can be problematic if important information, such as communication with family in Haiti are dropped and/or simply not reported.

- Several sections of the paper are written misleadingly and/or are imprecise. The following quote is an excellent example of this way of presenting results:

“While 462 workers (62 percent) reported that they were satisfied with this system, 162 (22 percent) reported that their cane was not being weighed properly, and 102 workers (14 percent) reported that they were not satisfied with the weighting system. Upon further inquiry, a little over half of the workers who reported they were not satisfied reported that it was because they were paid too little, while a third reported that their employers did not always weigh the cane accurately, and ten percent reported that they were deceived or cheated in the weighing of the cane. Some of these workers reported that the cane was not weighed in front of them and that the cane was sometimes left on the ground for days before it was weighed (which can reduce the weight through evaporation of the cane juice), and that when payday came they were paid much less than the amount that they were entitled to according to the number of tons of sugarcane that they had actually harvested” (Verité, 57).

Although the beginning of this section is written relatively clear, the information about how many workers have not been satisfied with the weighing system is not indicated. We calculated that these were 278 (~37%) that were not satisfied with the weighing system. However, in the second sentence, we believe that the authors try to use an artificial exacerbation of their finding.

- Original text source: “A little over half of the workers who reported they were not satisfied reported that it was because they were paid too little, while a third reported that their employers did not always weigh the cane accurately, and ten percent reported that they were deceived or cheated in the weighing of the cane.”
- Translated text source: 17.5% (~139) reported that it was because they were paid too little, while 12.3% (~92.6, this must have been rounded) reported that their employers did not always weigh the cane accurately, and 3% (~27.8, this must have been rounded as well) reported that they were deceived or cheated in the weighing of the cane.

We believe that the way Verité is reporting findings is highly suggestive and misleading. Furthermore, we do not have an accurate sense of what the authors mean by the expression ‘Some of these workers reported...’. For us it is unclear, who these workers were and whether these workers are the workers in the entire sample (740) and/or just the workers that have not been satisfied with

the weighing of the sugar cane. This is highly imprecise and hides the true extent of these practices. We believe that a clarification would be required in order to assess this finding more thoroughly. Nevertheless, it appears that this language has been used to make the situation look worse than the situation is.

Taking together these factors, we believe that there have been substantial processing errors during and after the data collection process. These should have been mentioned by the authors and call into the question overall policy implications of the report. Especially, we believe that an artificial over reporting of cases, as calculating the percentage of ‘new residents’ in the DR has to be viewed extremely critically and is certainly scientifically not sound.

#### 2.4.5 Measurement Error

Measurement error occurs when there are differences between the estimated value and the true value due to survey design elements. It arises from inaccuracies along four sources:

- The questionnaire; e.g. unclear questions, inadequate response options

We believe that measuring forced labor correctly is one of the main limitations of the survey. In order to address this issue we have prepared an overview table (see also Table 5) that reports, instances of measurement error in the Verité report.

It appears to be puzzling why the researchers explicitly name the CEA, CR, CAEI and Barahona in one survey question, but not the other listed companies in the report (see question P309/p.127). The corresponding question in Appendix 9 also hides this piece of information.

Far more worryingly the question on the prevalence on violence, fear, and anxiety, is placed at the end of the survey and has not been posed as a question to the worker, but is a simple yes/no question for the enumerator (P704, p.134). This is not a worker’s answer to the question, but an assessment of the enumerator on the mental condition of the respondent. The report does not make any clear reference how to interpret this question, although it seems to be central to the line of argument made in the paper. If we assume that Yes/No is not a respondent’s answer to the question, it is unclear what this question actually implies as it is not related to the current working conditions and does not appear to be related to the employer/supervisor. Fear, anxiety, or intimidation could be also triggered by other factors, e.g. mental health condition of respondent, traumatic experiences during their time in Haiti (e.g. Amnesty International 2013), personal perception of overall situation in the household and/or in the Dominican Republic, and/or the presence and appearance of the enumerator. For instance, a recent Amnesty International Report’s findings

indicate the prevalence of arbitrating arrests, torture and killings by the police (Amnesty International, 2012).

Given the overall level of hostility towards Haitian migrants in the DR, it seems to be reasonable that these migrants are particularly vulnerable to random police violence, forceful deportation and xenophobia (see Alatorre, 2013). Although additional questions filtering out these cross-cutting effects would be required and would need to be posited directly to the worker(s), the report/survey does not have any supporting/validating questions. Third, even if these factors could be eliminated as a source of statistical bias, there is no indication on the severity/intensity of these perceptions as the questionnaire does not include any intensity measure. For these reasons, it is unclear to what extent this question delivers any statistically 'robust' and objective results, as fear, anxiety, or intimidation could be driven by unrelated other factors, e.g. even the presence of the enumerator might have triggered these.

Additionally a questionnaire module measuring the experience of actual physical violence is missing. Including such a survey question could have been easily attained through adapting several questions and questionnaire modules, for instance, from the National Crime Victimization Survey (NCVS) of the Department of Justice in the United States. We have copied an example of such a survey question below:

Illustration 1: NCVS Questionnaire Excerpt (NCVS 2013, p. 5)

<p><b>41a.</b>  <b>(Other than any incidents already mentioned,) has anyone attacked or threatened you in any of these ways -</b></p> <p>(Exclude telephone threats) -</p> <p>Read each category.</p> <p><b>(a) With any weapon, for instance, a gun or knife -</b></p> <p><b>(b) With anything like a baseball bat, frying pan, scissors, or stick -</b></p> <p><b>(c) By something thrown, such as a rock or bottle -</b></p> <p><b>(d) Include any grabbing, punching, or choking,</b></p> <p><b>(e) Any rape, attempted rape or other type of sexual attack -</b></p> <p><b>(f) Any face to face threats -</b></p> <p><b>OR</b></p> <p><b>(g) Any attack or threat or use of force by anyone at all? Please mention it even if you are not certain it was a crime.</b></p> <p>Ask only if necessary</p> <p><b>Did any incidents of this type happen to you?</b></p>	<p>541</p> <p>1 <input type="checkbox"/> Yes - ASK 41b</p> <p>2 <input type="checkbox"/> No - SKIP to 42a</p>
<p><b>41b.</b>  <b>How many times?</b></p>	<p>542</p> <hr/> <p>Number of times (41b)</p>

Against this background, it is even more worrisome if the answer to the question in survey in the Verité Report lead to the conclusion that “research detected evidence on the presence of the following indicators of menace of penalty (the actual presence and threat of): physical violence, ...”( Verité, 9). If this statement is derived upon the basis of the above discussed question in the report, then this statement is clearly false because none of the questions in the survey relate directly to and/or ask workers on physical violence!

Taking together these findings, it appears that reported variables have been constructed to support and/or even make a strong case for forced labor in the sugar cane industry in the Dominican Republic. We believe that this is an important source of measurement error and/or misreporting that artificially supports the claims of the authors of the report.

- Mode of data collection; e.g. sponsorship, data collection methods

Although workers were interviewed in their living quarters after work (Verité, 31), we believe that the ad-hoc nature of the survey did not allow for an ‘extremely sensitive and timely approaches to questioning a [potential] victim’ (UN 2009, p.8). Even more interestingly the researchers do not make any reference(s) to any traumatic events of the workers they interviewed and/or surveyed. For this reason, we believe that errors might emerge in the dataset driving results.

- Characteristics of the interviewer; e.g. interviewer expectations, social pressure in the interviewer-respondent relationship

It appears to be puzzling why the researchers explicitly name the CEA, CR, CAEI and Barahona in one survey question, but not the other listed companies in the report (see question P309/p.127). This is highly problematic given the fact that workers of other firms have also been interviewed, but suggests that the questionnaire concentrated on these three firms. For this reason, it appears that this question is not only misleading, but also rather reflects interviewer expectations. Furthermore these response options for this question are not listed in Appendix 9 of the report (pp.142).

Furthermore, we are puzzled that it has been so easy for the enumerators to get access to the *bateyes* to interview the workers. Additionally, it seems to be counter-intuitive that the authors do not once mention and/or account for a potential traumatization of workers in the *bateyes*. We believe that accounting for potential psychological trauma during the interview is an important feature that apparently has not played any role for the research team. Especially, given the fact that CIPAF (a non-governmental organization specializing in gender and

equality issues) has carried out the research, we are more than irritated that the researchers did not even consider this central psychological and ethical dimension of forced labor when surveying the workers. Not accounting for these factors is certainly a main short-coming of the report and calls into question the scientific quality of the report.

- Characteristics of the respondent; e.g. respondents' memory  
An important distinction for interpreting findings is that “during the rapid appraisal phase, workers were asked about their current experiences, whereas during the survey, workers were asked about their experiences during the previous harvest” (Verité, 7). However, the statistical results are based on the survey, which have been conducted in the period between June and August 2010. This might be problematic due to the fact that workers might not perfectly memorize events and the timing of events correctly. This is especially problematic, given the fact that some of the interviewed workers might be traumatized and/or be scared of being deported to Haiti. Furthermore it is well established in the policy literature that migrants are rather hesitant to report violations of their rights and file formal complaints (Davis and Erez, 1998). As in the case of Haitian migrants, we believe that this might be a source of significant bias, as many workers might have feared deportation, a loss of their jobs and/or a punishment of their families. In this respect, we find it astounding that the researchers also ‘generously’ ignore this ethical dimension of their research venture. It appears that researchers either did not care about this aspect of their research and/or genuinely ignored this aspect. One of the main interpretations of this behavior would be that workers were not subject to forced labor and/or did not fear retaliation of their employer and thus allowed them to talk freely about their experiences. Another potential reason might also have been that the research team has not been perceived as threatening. If this was the case, a clear note should be made in the document. However, we could only find one reference indicating that enumerators ‘thought’ most interviewed workers were comfortable in answering questions.

### 3 Overall Assessment

Clearly and undoubtedly, the survey data are biased and do not accurately reflect the forced labor situation in the sugar industry in the Dominican Republic. As such, the findings of the paper are not robust enough to build the basis for further policy recommendations. Nevertheless, the authors claim that some of the workers meet the “involuntariness and menacing” criteria laid out by the ILO, and as such are forced laborers. In actuality, per the survey results, just one percent of the sample ‘answers’ (actually the relevant question has never been asked directly) the incomplete questionnaire in a manner that they could be classified as forced laborers. So, two key questions to explore are: (1) Is one percent a sufficient share to make meaningful conclusions; and (2) Is there a sufficient number of questions to accurately classify individuals as forced laborers?

In order to answer this first question whether percent is sufficient share to claim the industry wide prevalence of forced, we now turn to detailed analysis of this claim and list our final assessment in the table below:

Table 6: Assessment of Policy Recommendations

Criterion	Short-coming	Own Assessment
Physical confinement in the work location	No measure	Not indicated
Psychological compulsion (i.e. an order to work with a credible threat of penalty for non-compliance)	Imprecise measure	Not indicated
Induced indebtedness	Imprecise measure	Not indicated
Withholding, non-payment of wages	Measure ok	Not indicated
Retention of identity documents	No measure	Not indicated
Physical violence against workers	No measure	Not indicated
Deportation	No measure	Not indicated
Dismissal from current employment	Measure ok	Indication ambiguous
Exclusion from future employment	Measure ok	Indication ambiguous
Deprivation of food and shelter	Measure	Not indicated
Working hours in excess of legal limits	No measure	Not indicated
A lack of days off, subminimum wages	Imprecise measure	Not indicated
Illegal deductions	Imprecise measure	Not indicated
Vouchers	Imprecise measure	Not indicated
Poor health services	Imprecise measure	Not indicated

Poor living conditions	Imprecise measure	Not indicated
Child labor	2 observed cases	Ambiguous
Source: Own assessment based on Verité, 2011		

From this perspective we believe that the quantitative and qualitative results are not sufficient to support one single point that has been claimed in the report.

We find it especially worrisome, that the evidence for child labor is based on two single cases of a nine years and a twelve years old child. The report suggests that these children have been employed cutting cane. In fact, could only interview the nine year old child that claimed to help his father and other sugar cane cutters (Verité, 78) and doing this activity outside of school. We believe that this might represent a border line case that would have called for further investigation. However, the researchers did not further pursue this case and do not provide any more profound and detailed information. Instead the research team interviews several children/teenagers in the age between 14 and 17 years old. Although it appears that children still work in some bateyes, we are not able to reconstruct the extent and/or answer the question whether these children have been employed by a firm and/or just helping their parents. For this reason, we are not entirely convinced that the detection of these two children would qualify for making a strong case for the prevalence of child labor and/or forced child labor.

Although the 'one percent' might not represent a statistical cohort of workers in the sugar cane industry, these respondents do exist. However, this leaves us with the question whether there are sufficient questions to accurately classify individuals as forced laborers.

Per this question, we see no clear connection between theoretical concepts and constructs and survey variables due to both misspecification of questions and omitting important questions. Potentially this might be present due to the fact that a general template of the ILO has been used and questions have been translated into Spanish/Creole without adaptations to the context. Although this type of standardization is useful in crafting relatively quickly and easily a survey (i.e. the underlying survey was crafted during the actual evaluation of the forced labor situation in the DR sugar sector), population specific characteristics might be left out of the study. For instance, it is not clear whether immigrant workers perceive working conditions to be better in the Dominican Republic than in Haiti. This is a necessary step in order to underpin and validate the findings in a given context. However, the researchers have chosen not to control for this context specific effect(s) in their model setup (see also table 5).



Overall, it seems to be contradictory why on the one hand the authors of the report claim that ‘this research was not intended to determine the existence or scale of forced labor’ (Verité, 7), and on the other hand claim that “using ILO guidance on ‘Identifying Forced Labor in Practice’ research detected evidence of the presence of the following indicators of lack of consent and menace of penalty” (Verité, 80) that are representing the theoretical foundation of identifying forced labor practices. From a reviewer’s point of view the findings stand in stark contrast to the initial aim of the paper. The main reason for this standpoint seems to rest on severe flaws during the design and implementation phases of the worker’s survey, which render main empirical findings severely biased, and can be expected to lead to misleading policy conclusions.

Our main conclusion is that due to sampling and non-sampling errors, the survey results cannot be used to support policy. Moreover, whether forced labor is still present in the sugar industry in the Dominican Republic is highly doubtful, given the findings of the current literature and the poor application of the ILO template for determining this in the report.

## References

Amnesty International (2013) 'Nowhere To Go': Forced evictions in Haiti's displacement camps

Amnesty International (2011) 'Shut Up If You Don't Want To Be Killed': Human rights violations by police in the Dominican Republic

Bautista, Rene (2012) "An overlooked approach in survey research: total survey error," in *Handbook of Survey Methodology for the Social Sciences*, L. Gideon, editor

CSCC (2009), Dominican Sugar: A Macro View of Today's Industry, Retrieved on April 25, 2013 from <http://www.coca-colacompany.com/our-company/dominican-sugar-a-macro-view-of-todays-industry>

Davis, R.C. and Erez, E. (1998): Immigrant Populations as Victims: Toward a Multicultural Criminal Justice System, U.S. Department of Justice, Research in Brief, May 1998.

Elder, Sara (2009) ILO school-to-work transition survey: A methodological guide, Module 3, sampling methodology

Johnson, Robert W. II (2011) Statement of the International Sugar Policy Coordinating Commission of the Dominican Republic on Child Labor, Forced Labor and Forced or Indentured Child Labor in the Production of Goods in Foreign Countries and Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor before USDOL, May 20. Retrieved on April 25, 2013 from <http://dol.gov/ilab/programs/ocft/tvpra/20110520k.pdf>

ILO (2012) ILO Global Estimates of Forced Labour: Results and methodology

ILO (2012) Hard to see. Harder to count: Survey guidelines to estimate forced labour of adults and children

ILO (2013) Growth, Employment and Social Cohesion in the Dominican Republic: ILO Background Paper, January 30

Martinez, Samuel (2012): Allegations Lost and Found: the afterlife of Dominican sugar slavery, *Third World Quarterly*, 33:10, 1855-1870

Seelke, Clare Ribando, (2012) "Dominican Republic: Background and U.S. Relations," *Congressional Research Report R41482*, November

Simmons, David (2010) "Structural Violence as Social Practice: Haitian Agricultural Workers, Anti-Haitianism, and Health in the Dominican Republic," *Human Organization*, vol. 69, no. 1.

United Nations High Commission for Refugees (UNHCR) (2011) UNHCR Chief focuses on documentation programme during Haiti visit, September 9.

United Nations Office on Drugs and Crime (2009): Anti-human trafficking manual for criminal justice practitioners, Module 3, Psychological reactions of victims of trafficking in persons, retrieved Mai 15, 2013 from [http://www.unodc.org/documents/human-trafficking/TIP\\_module3\\_Ebook.pdf](http://www.unodc.org/documents/human-trafficking/TIP_module3_Ebook.pdf)

U.S. Department of Justice (2008), National Crime Victimization Survey: NVCS-1 Basic Screen Questionnaire. Retrieved on Mai 15, 2013 from <http://www.bjs.gov/content/pub/pdf/ncvs109.pdf>

U.S. Department of Labor (2010 and 2011), The Department of Labor's List of Goods Produced by Child Labor or Forced Labor: Report Required by the Trafficking Victims Protection Reauthorization Acts of 2005. Retrieved on April 30, 2013 from <http://www.dol.gov/ilab/programs/ocft/pdf/2010TVPRA.pdf> and <http://www.dol.gov/ilab/programs/ocft/PDF/2011TVPRA.pdf>

U.S. Department of State (2012) Country Report on Human Rights Practices for 2011: Dominican Republic, May. Retrieved on April 23 from <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dlid=186510>.

U.S. Embassy Santo Domingo (2011), Dominican Republic: Information of Child Labor and Forced, August 30 (US Embassy Diplomatic Cables from Wiki Leaks)

U.S. Embassy Santo Domingo (2009), Present Labor Conditions Related to Forced Labor in Sugar Production, May 12 (US Embassy Diplomatic Cables from Wiki Leaks)

Verité (2012) Research on Indicators of Forced Labor in the Supply Chain of Sugar in the Dominican Republic (funded by DOL under grant # IL177760875K)

**National Confederation of Trade Union Unity**  
***(Confederación Nacional de Unidad Sindical)***

PRESS STATEMENT

The National Confederation of Trade Union Unity (*Confederación Nacional de Unidad Sindical*) (CNUS), publicly declares before national opinion leaders the concern we feel regarding the insistence of international organizations who try to denigrate the Dominican Sugar Industry, alleging that child labor is still practiced within the industry.

Our Confederation has confirmed that the long process to combat child labor has been successful and as a result of this the sugar industry, composed of Central Romana Corporation, VICINI and Consorcio Central of Barahona, has been able to eradicate child labor from its operations, and moreover, on the contrary, they possess an educational program that is carried out jointly with the unions, with the aim to create awareness regarding the need of our sugar industry not to revert to practices that have been successfully overcome.

We would like to point out that mechanization within the industry has also contributed to more than 50% of sugar cane production being harvested without the need to hire Haitian sugar cane cutters. It is not beneficial to the country that based on a false premise cases against the nation are built, which contribute to the loss of jobs in a sector such as the sugar industry - that during the past few years has gained great international acceptance for the quality of the products that these companies export to the international market.

If child labor existed in the sugar industry, our Confederation would not hesitate to denounce it, as we have always behaved in that way, but we cannot allow for a distorted vision to destroy all the effort it has taken to develop the current sugar industry.

*Courtesy Translation Prepared by the Dominican Sugar Industry*



## Confederación Nacional de Unidad Sindical

Registro 4/2006

RNC 430055311

### DECLARACION DE PRENSA

La Confederación Nacional de de Unidad Sindical-CNUS, declara ante la opinión pública Nacional, la preocupación que sentimos con la insistencia de instituciones de carácter internacional que intentan denotar la Industria Azucarera Dominicana, alegando que en la misma todavía se práctica el trabajo infantil.

Nuestra Confederación ha comprobado que el largo proceso de lucha llevado a cabo a dado sus frutos y como resultado del mismo la industria azucarera que constituyen el Central Romana Corporation, Grupo Vicini, así como el Consorcio Central de Barahona, han erradicado de sus labores el trabajo infantil y contrario a ello tienen programa educativo que conjuntamente con los sindicatos llevan a efecto para concientizar sobre la necesidad de que nuestra industria azucarera no retroceda a estadio que ya fueron superados.

Señalamos que la mecanización de la industria también ha contribuido a que más del 50% de la caña que se corta no intervenga directamente los braceros haitianos. No beneficia al país el hecho de que sobre la base de premisa falsa se fabriquen expedientes contra la nación que contribuyan a la pérdida de empleo en un sector que como la industria azucarera ha ganado en los últimos años una gran aceptación internacional por la calidad de productos que estas empresas exportan al mercado internacional.

Si en la industria azucarera hubiese trabajo infantil nuestra Confederación no le temblara el pulso para denunciarlo, ese siempre ha sido nuestro comportamiento, pero no podemos permitir que por una visión acomodaticia se pretenda destruir todo el esfuerzo que ha costado el desarrollo de la industria azucarera actual.

8 de Noviembre, 2013.

Atentamente,

  
**Rafael Abreu**  
Presidente



**Oficina proyectos de CNUS**

Juan Erazo No. 14 – Edificio Centrales Sindicales – Villa Juana  
Teléfonos (809) 221-2158, (809) 689-1231 – Telefax (809) 689-1248  
E-mail: [cnus.cnus@gmail.com](mailto:cnus.cnus@gmail.com)