DOCUMENTS SUBMITTED BY THE DOMINICAN REPUBLIC

TO
UNITED STATES DEPARTMENT OF LABOR
BUREAU OF INTERNATIONAL LABOR AFFAIRS

REQUEST FOR
INFORMATION ON EFFORTS
TO ELIMINATE THE WORST FORMS OF CHILD LABOR

MARCH 16, 2012

STATEMENT OF THE DOMINICAN REPUBLIC ON EFFORTS TO ELIMINATE THE WORST FORMS OF CHILD LABOR 2012

The Government of the Dominican Republic (GODR) hereby provides information to the U.S. Department of Labor (DOL) to assist in its preparation of the annual report required by the U.S. Trade and Development Act of 2000 [Pub. L. 106–200] on certain trade beneficiary countries' implementation of international commitments to eliminate the worst forms of child labor.

The information provided aims to provide an updated and accurate panorama of the efforts being undertaken in the Dominican Republic to address child labor issues, although the comprehensive cross-sectoral approach to the issue rules out an exhaustive catalog of measures taken at every level of government.

The GODR has reinforced the protection of children through existing and new regulations that have been implemented in social programs and policies during 2011, in accordance with its policy of zero tolerance towards child labor. Of particular note is the National Strategy for Development 2010-2030, which alongside the Roadmap for Achieving the Elimination of Child Labor and its Worst Forms 2010-2016, will prove an invaluable tool for addressing the remaining challenges in child labor.

The publication of the results of the Child Labor Module of the 2009-2010 National Household Survey is possibly the single most important development of 2011. The inclusion of the module in the survey, and the level of importance being assigned to its conclusions, are further proof of the commitment of the country in understanding and eradicating child labor.

Despite significant gains in the last decade, the survey shows that up to 12% of children and adolescents are exposed to child labor and its dangers, in violation of Dominican legislation on the matter. With more accurate information to hand than has been available for over five years, the Ministry of Labor and other relevant government agencies have renewed efforts to tackle the remaining problem areas in a more systematic and effective way. This valuable data will also help shape short and long-term policy decisions.

As this document will show, the Ministry of Labor is already redoubling efforts to withdraw children from unhealthy and hazardous environments, and the result has been an exponential rise in the number of children removed from workplaces after inspections. But also, in an unprecedented case, the Ministry of Labor presented charges against a waste consortium for allowing children to engage in economic activity within its premises, regardless of the absence of a labor relationship between the company and the minors. Thus a powerful message was sent about the potential liabilities surrounding child labor in all sectors of the economy.

In addition to prosecutions initiated by the Ministry of Labor under Labor Code statutes, the GODR undertook serious law enforcement actions to detect and penalize child trafficking, commercial sexual exploitation and the use of children in other illicit activities. This reaffirms

that efforts to create awareness and improve an effective application of Laws 136-03 and 137-03 are finally starting to produce tangible and lasting positive results.

At the same time as the Ministry of Labor casts a wider net to detect illegal labor situations involving minors, it has become clear through other means that some of the economic sectors where children were traditionally deemed to be at risk have made such significant improvements as to have become virtually free of the worst forms of child labor and to have eliminated any trace of forced labor.

Amongst the most pressing challenges for the Dominican Republic are those raised by the massive level of illegal immigration received from neighboring Haiti. Although a recent study published by the Observatory of Migrants of the Caribbean (OBIMCA) was not able to document a significant increase of trafficking cases after the 2010 earthquake, the vulnerable situation of adult workers and children in general in Haiti presents a considerable ordeal for the Dominican Republic. The lack of legislation in Haiti to penalize trafficking may have exacerbated the traditional practice of sending children to work in other homes, a phenomenon well known under the term *restaveks*. It has become increasingly clear is that our porous border has not been able to withstand the extension of the practice throughout the island, requiring a strong investment from the authorities to address the issue. This is both required by the equal treatment provisions within our own legislation and part of the commitment undertaken by the country to aid Haiti on the path to greater prosperity

Finally, this report will show that the significant social investment made by the Dominican Republic over the last years through the conditional cash transfer program and other direct assistance schemes has had a positive impact in encouraging families to avoid the use of children as income-generators. The integral approach mandated by the National Strategy for Development will ensure that these gains are solidified and improved upon in the coming years to ensure the country has the best possible chance of fulfilling the goals it has set itself through national policies to address child labor.

I. PREVALENCE OF CHILD LABOR AND ITS WORST FORMS

The Child Labor Module of the National Household Survey 2009-2010, published by the GODR in November 2011, provides the most updated assessment of the situation regarding child labor in the Dominican Republic. The survey, carried out between December 2009 and January 2010, encompassed 10,024 households, in which a total of 8,540 persons of between 5 and 17 years of age were interviewed **(see annex 01)**.

The 2010 Census provisional results place the total number of Dominicans at around 9.3 million. The population between 5 and 17 years of age had been estimated in 2009 to be 27% of the total population of the Dominican Republic.

According to ENHOGAR 2009-2010, the net attendance rate for primary schooling at a national level is 95.1%, higher than the 92.1% present in 2006. The attendance rate for youths between

the ages of 14 and 17 is 63.2% for females and 46.1% for males. In 2006, the figures were 51.9 and 36.8%, respectively.

ENHOGAR 2009-2010 placed the number of children and adolescents engaged in economic activity at 380,000, which represents an employment rate of around 15%. This economic activity can be any involvement in work for more than one hour in the seven days leading up to the survey, and includes: children in child labor, children over 12 years old who undertake light activities under lawful provisions, adolescents between 14 and 17 years of age who engage in forms of labor not deemed as included in the worst forms of child labor.

The survey estimates the number of children in labor to be around 304,000. This presents a rate of 12%, based on the same population estimate used above. Children in labor, or those who undertake activities deemed prohibited for their age by Dominican legislation, represent 79% of those engaged in economic activity.

Of the total of children and adolescents involved in economic activity, 56% (or around 212,000) carry out tasks considered as dangerous. This represents approximately 8% of the total population in the relevant age group. Dangerous activities include those undertaken at night, where there is exposure to abuse, involve heavy loads or work under ground, under water or at great heights.

According to the analysis contained in the document "Dynamic of Child Labor in the Dominican Republic"[1], since the 2000 National Household Survey there has been a reduction of 59,000 children and adolescents between the ages of 5 and 17 engaged in economic activity. This represents a reduction of 14% in the proportion of minors engaged in economic activity.

The study shows a higher proportion of child labor in rural than in urban areas, although the net number of children and adolescents engaged in labor in urban areas is higher. The Southwestern areas of the country have the highest incidence of child labor, which the lowest is found in the greater Santo Domingo area. This type of knowledge is helping generate the design of appropriate public policies against child labor in the relevant areas.

Equally important is the awareness of the sectors of economic activity which have the highest incidence of the problem. According to the study, the areas of activity where child labor is most prevalent are: wholesale and retail commerce, auto repair, agriculture, general farming, ranching, and fishing.

Two-fifths of the children in labor work within their own homes. Overall, the study concludes, 70% of these children have a "labor relationship" within a family environment or with close family associates.

As expected, the survey shows a clear link between child labor and poverty. Nearly 70% of adults surveyed on the reasons for children's economic activity concluded it was related to a need for income-generation for the family. However, most of the surveyed also recognized education as the most effective way to escape poverty.

[1] http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=19016

Regarding the relationship between work and permanence in education, ENHOGAR shows that 89% of those involved in economic activity nonetheless continue to attend school. The desertion rate amongst those in work is 11%, 5% higher than amongst those not in work.

II. LAWS AND REGULATIONS ON THE WORST FORMS OF CHILD LABOR:

1. What, if any, new laws or regulations were enacted during the reporting period in regard to the worst forms of child labor? Relevant laws would include those that pertain to the minimum age for employment, minimum age for hazardous work, prohibition of hazardous work activities to children (including a list of prohibited occupations/activities), age to which education is compulsory, guarantee of free education, minimum age for military recruitment, and laws prohibiting the engagement of a child in forced labor, trafficking, prostitution, pornography, or use of a child for illegal activities (including drug trafficking). Please name each law and list the date enacted, and if available provide a copy of the legal text.

Laws or regulations enacted during the reporting period:

- The Dominican Congress promulgated the Law No. 1-12, on February 25, 2012, which establishes the National Strategy for Development (NSD) 2010-2030. The NSD is a nationwide covenant over twenty years that emphasizes the goals and objectives to be reached by the GODR in 2030. The NSD encompasses guidelines for public administration, health, education, rule of law, and sustainable development. The NSD is a plan of action, designed to make progress in particular areas. Of relevance to this report, the Strategy has a section on children and adolescents, under Goal No. 2.34, where the intention is to reinforce protection of children rights, including the GODR commitment to eradicate the worst form of child labor **(see annex 02).**

- Norms of the Dominican Education System for the Coexistence and Disciplinary Regulations in Public and Private Schools (Normas del Sistema Educativo Dominicano para la Convivencia y la Disciplina Escolar en los Centros educativos Públicos y Privados), enacted in compliance with Articles 48 and 49 of the Dominican Code of Minors, and for the prevention of any forms of violence in school or students in situation of risk. The norms establish the ethical guidelines to be observed in the Dominican educational system, the professional responsibility of directors, professors, educators and administrative staff, as well as a code of conduct for students. In case of violations, Chapter VII establishes the disciplinary procedure that must be observed by schools and related educational institutions **(see annex 03).**

- In November 2011, the Dominican Republic submitted the document of adhesion to the Inter-American Convention on Trafficking of Children, adopted in March 18, 1994, in Mexico City. The Convention promotes an effective protection of minors through the implementation of adequate mechanisms for the respect of their rights. Also, this international covenant regulates civil and criminal aspects of international smuggling of minors.

- On May 2, 2012, the Constitutional Court, by judgment No. TC/0004/12, upheld the validity of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts. The Court, under the preventive procedure of a normative act, declared that "the Optional Protocol is in conformity to Dominican constitution, recognizing the State's obligation to protect children's rights, to promote a peaceful environment free from all forms of violence, and to support a healthy development of children's personality". The Protocol will be submitted to Congress for final approval and ratification **(see annex 04)**.

Relevant laws and regulations on child labor and its worst forms

- The Dominican Constitution establishes as a national interest the eradication of the worst forms of child labor. Article 56 mandates, "The eradication of child labor and all kinds of mistreatment or violence against underage children is in the highest interest of the Government. The Government will protect children from all form of abandonment, kidnapping, vulnerability, moral or sexual violence, labor and commercial exploitation, and forced labor."

- Article 41 of the Constitution prohibits any form of "slavery, servitude, and human trafficking".

- Law 136-03, Code for the System of Protection of the Fundamental Rights of Children and Adolescents (Code of Minors), ensures the protection of all children who are in the country, safeguarding their basic needs and rights. The code establishes rules to ensure a healthy development of children from the moment of their birth to age 18.

- According to the Labor Code, Principle XI and articles 244-54, employers must comply with all norms and regulations that mandate the protection of children's rights and the minimum working age. Minors are not allowed to work or perform tasks prohibited by law and employers must ensure that children are not performing any type of work that could jeopardize their physical and mental health. In addition, the employer must ensure that the work does not preclude children from their mandatory schooling.

- Under the Labor Code, Article 720(3), violations against women and children are considered severe infractions that automatically entail criminal liability for the employer and the company.

- The Labor Code prohibits employment of children younger than 14 years old, and restricts employment of children under ages 14-16 **(see annex 05)**.

Legislation prohibiting trafficking in persons

- Law 137-03, (Illegal Trafficking in Migrants and Trafficking in Persons), defines and prohibits all forms of trafficking, punishes trafficking with significant criminal penalties, and enhances sanctions for various aggravating circumstances. Penalties include up to 20 years of imprisonment and fines of up to 175 times the monthly minimum wage for trafficking.

- Enhanced penalties are authorized when the victim is a minor; when a victim suffers physical or mental injury, psychological disability, mental illness, or serious harm as a result; or when a perpetrator takes advantage of a vulnerable victim, is an organized group, or is a public person. Law 137-03 also provides criminal liability for organizations and corporations involved in trafficking, authorizes fines, revocation of business license, closure of business, and prohibition of any activities by a legal entity[2]. Law 137-03 states that a judge may consider the attempt of a trafficking offense as if the act itself had been committed.

- As announced by President Leonel Fernandez in his State of the Nation address on February 27, 2011, the GODR is currently working on a proposal of modification of the Law 137-03, with the participation of different ministries and organizations. During the reporting period, various members of the Inter-institutional Commission Against Trafficking in Persons (CITIM) and the International Committee for the Protection of Migrant Women (CIPROM) confirmed participation in this effort.

Child prostitution and pornography

- The Code of Minors, in Articles 410 and 411, criminalizes child prostitution and pornography, prescribing penalties for the sexual abuse of children of 20 to 30 years imprisonment and fines from 100 to 150 times the minimum wage.

- The Code of Minors, Title IV, on criminal penalties, augments penalties if a relationship of trust exists, an official is involved, or the intent is for trafficking, when the action involves restrictions on freedom and abuse of a child[3]; trafficking, with enhanced penalties for recidivism[4]; media actions, including taking and misuse of child images[5]; child sexual exploitation[6]; and hotel and billiard hall owners and minors[7].

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[2] Law No. 137-03, Article 3: "A trafficker of persons could be anyone who by means of recruitment, transportation, accepting and taking in of persons, children, adolescents and women, resorting to the threat, force, coercion, kidnapping, fraud, deceit, abuse of authority, situations of vulnerability, concession or accepting payments or benefits, obtains the consent of a person who has authority on another one, in order to perform begging, any class of sexual work, pornography, forced labor, servitude by debts, servile marriage, irregular adoption, slavery or similar practices, the servitude or commercialization of organs, even with the consent of the person victim, and will be condemned to penalties of 15 to 20 years of imprisonment and fine of 175 minimum wages.

[3] Art. 395- 6 months to 1 year imprisonment and fine of 3 to 5 minimum salaries from date of infraction; Art. 396- 2 to 5 years of imprisonment and fine of 3 to 10 minimum salaries from date of infraction; if person has authority, guardianship or trust position and severe injuries were incurred, maximum penalties imposed. Foreigners or nationals that commit act of negotiation, trafficking or have ties to trafficking or commercialization of children, maximum penalties doubled; Art. 397-Abuse of dependants - 2 to five years imprisonment and fine of 1 to 5 minimum salaries; in all cases counseling required; Art. 398- Non supervision by Adults – 2 to 6 months imprisonment, counseling and social assistance referral required; Art. 399- Non communication -6 months to 2 years imprisonment and loss of position; Art. 400- Mistreatment and Others - 6 months to 2 years imprisonment and loss of position; Art. 401- Non execution of parole - 6 months to 2 years imprisonment; Art. 402- Failure to observe stipulated period - 6 months to 2 years imprisonment and loss of position; Art. 403- Penalty for abduction - 2 to 6 years imprisonment and fine of 3 to 10 minimum salaries from date of infraction.

[4] Art. 404- Recovery of minors and adolescents due to ransom payment- 3 to 10 years imprisonment and fine of 10 to 30 minimum salaries from date of infraction; Art. 405-Withholding and Illicit Transportation (by responsible adult) - 2 months to 1 year imprisonment and fine of 1 to 10 minimum salaries from date of infraction; if repeat, 1 to 2 years imprisonment and fine 10 minimum salaries from date of infraction; Art. 406-Illicit transportation of children and adolescent to foreign country – 4 to 6 years imprisonment and fine of 10 to 30 minimum salaries from date of infraction; Art. 411-To Film, publish, and photograph - 2 to 4 years imprisonment and fine of 10 minimum salaries from date of infraction.

- Article 334 of the Criminal Code prohibits any action towards the keeping or hiring of a person for carrying out acts of prostitution, and receiving benefits for acting as an intermediary between persons engaged in prostitution. Penalties for violation of this article could be increased in situations where evidence of threats, violence, abuse of authority and extortion can be shown, as well as if the crime is committed against a minor. Those who infringe this article could face penalties of six months to three years of imprisonment, and under aggravating circumstances from two to ten years.

- Law 53-07 (Technology Crime Law), criminalizing the electronic distribution of child pornography, and prescribing penalties of two to four years imprisonment for the purchase or possession of child pornography.

Minimum age for military recruitment and/or involvement in armed conflict

- Law of the Armed Forces 873, Article 31(b) establishes that the minimum voluntary and compulsory recruitment age for military service is 16 years, and recruits must have completed their education.

Other relevant local legislation

- Law No. 88-03, regulating the operation of shelters for social assistance (Casas de Acogidas o Refugios).

- Resolution 37-05 (Provincial, Municipal and State Committees for Eradication of Child Labor); Resolution 30-93 (work by children under 14 years old and with no schooling); Resolution 52-04 (dangerous and other unsuitable work for persons under age 18); Resolution 29-93 (light work); Resolution 31-93 (night work for minors in concerts and theatrical productions).

- Supreme Court Resolutions on testimony of underage victims or witnesses with regard to international abduction of children.

List of Ratifications of International Labor Conventions

- Hours of Work (Industry) ILO Convention, 1919, No. 1 (ratified February 4, 1933)

- Equality of Treatment (Accident Compensation) ILO Convention, 1925, No. 19 (ratified December 5, 1956)

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[5] Art. 407- Owner and director of mass media- 1 month to 1 year imprisonment and fine of 10 to 30 minimum salaries from date of infraction; Art. 408 - Penalty for the use of children and adolescents or images - 1 to 5 years imprisonment and fine of 3 to 10 minimum salaries from date of infraction.

[6] Art. 409-Commercial exploitation of children - 20 to 30 years imprisonment and fine of 100 to 150 minimum salaries from date of infraction; intent to commit penalized the same; Art. 410- Sexual exploitation of children - 3 to 10 years imprisonment and fine of 10 to 30 minimum salaries from date of infraction.

[7] Art. 414- Unauthorized lodging of a minor - 1 to 3 years imprisonment and fine of 30 to 50 minimum salaries from date of infraction; if repeat, juvenile judge closes establishment for 15 days; Art. 415- Allowing children in billiard halls - 1 to 2 months imprisonment and fine of 1 to 3 minimum salaries from date of infraction.

- Minimum Wage-Fixing Machinery Convention, 1928, No. 26 (ratified December 5, 1956)
- Forced Labor Convention, 1930, No. 29 (ratified December 5, 1956)
- Underground Work (Women) Convention, 1935, No. 45 (ratified August 12, 1957)
- Holidays with Pay Convention, 1936, No. 52 (ratified December 5, 1956)
- Medical Examination of Young Persons (Industry) Convention, 1946, No. 77 (ratified June 19, 1973)
- Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946, No. 79 (ratified September 22, 1953)
- Final Articles Revision Convention, 1946, No. 80 (ratified August 29, 1947)
- Labor Inspection Convention, 1947, No. 81 (ratified September 22, 1953)
- Freedom of Association and Protection of the Right to Organize Convention, 1948, No. 87, (ratified December 5, 1956)
- Employment Service Convention, 1948, No. 88 (ratified September 22, 1953)
- Night Work of Young Persons (Industry) Convention (revised), 1948, No. 90, (ratified August 12, 1957)
- Protection of Wages Convention, 1949, No. 95, (ratified June 19, 1973)
- Right to Organize and Collective Bargaining Convention, 1949, No. 98 (ratified September 22, 1953)
- Equal Remuneration Convention, 1951, No. 100, (ratified September 22, 1953)
- Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955, No. 104, (ratified October 02, 1958)
- Abolition of Forced Labor Convention, 1957, No. 105, (ratified June 23, 1958)
- Weekly Rest (Commerce and Offices) Convention, 1957, No. 106, (ratified June 23, 1958)
- Indigenous and Tribal Populations Convention, 1957, No. 107 (ratified June 23, 1958)

- Discrimination (Employment and Occupation) Convention, 1958, No. 111 (ratified July 13, 1964)

- Guarding of Machinery Convention, 1963, No. 119 (ratified March 9, 1965)

- Employment Policy Convention, 1964, No. 122 (ratified March 29, 2001)

- Minimum Age Convention, 1973,No. 138, Minimum age specified: 14 years (ratified June 15, 1999)

- Tripartite Consultation (International Labor Standards) Convention, 1976, No. 144 (ratified June 15, 1999)

- Labor Administration Convention, 1978, No. 150 (ratified June 15, 1999)

- Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983, No. 159 (ratified June 20, 1994)

- Safety and Health in Construction Convention, 1988, No. 167, (ratified June 4, 1998)

- Chemicals Convention, 1990, No. 170 (ratified January 3, 2006)

- Night Work Convention, 1990, No. 171 (ratified March 3, 1993)

- Working Conditions (Hotels and Restaurants) Convention, 1991, No. 172 (ratified June 4, 1998)

- Worst Forms of Child Labor ILO Convention, 1999, No. 182 (ratified November 15, 2000)

- Pending ratification of ILO Convention for the Protection of Domestic Workers. This would provide tools to broaden the protection afforded under the law to domestic workers. The proposal is currently in Congress for consideration.

Other relevant International agreements subscribed by the Dominican Republic

- Hague Convention No. 28 on the Civil Aspects of International Child Abduction (ratified August 11, 2004).

- Rome Statute of the International Criminal Court (ratified May 12, 2005).

- UN Convention Against Transnational Organized Crime (ratified October 26, 2006).

- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (ratified December 6, 2006).

- Hague Convention No. 33 on Protection of Children and Co-operation in Respect of Inter-Country Adoption (Ratified November 22, 2006).

- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime (ratified February 05, 2008) - Palermo Protocol.

III. GOVERNMENT TASK FORCES ON COMMISSION ON CHILD LABOR

Has the government established any task forces or commissions to coordinate government efforts on issues of worst forms of child labor overall? Has the government established any such bodies to focus on a particular worst form of child labor, such as child trafficking or begging? If any of those bodies exist, please describe their composition and any activities undertaken in 2010.

National Steering Committee to Eradicate Child Labor (NSCECL)
The Committee was established in March 24, 1997, under decree 144-97. The NSCECL analyzes the child labor situation nationally and elaborates concrete plans against child labor within the framework of the agreement subscribed on January 16, 1997 by the Director General of the ILO and the Minister of Labor of the Dominican Republic.

The NSCECL is presided by the Ministry of Labor and the National Council for Children and Adolescents (CONANI) and is composed by the Ministry of Education, Social Policies Coordination Bureau, Ministry of Health, Ministry of Agriculture, Ministry of Sports, Ministry of Women, Ministry of Youth, *Pastoral Juvenil* in representation of the Civil Society, Office of the First Lady, the Family Institute, and Dev-Tech Systems.

During the reporting period, the NSCECL met six (6) times and its Technical Advisory Committee convened 12 times to coordinate and discuss the different initiatives undergone in 2011.

Inter-Institutional Commission against Child Abuse and Commercial Sexual Exploitation
Established in 2001, under the authority of CONANI, co-chaired by the Ministry of Labor and composed by the Family Institute, Judiciary Branch, Attorney General's Office, Ministry of Tourism, Ministry of Education, Ministry of Health, Association of Hotels and Restaurants, Coalition of NGOs for Childhood, Ministry of Foreign Relations, National Police (NP), Tourism Police (POLITUR), Grupo Mais-ECPAT, *Proyecto Educativo Caminante*, National Directorate of Shelters and Residences for Citizen Reeducation, and UNICEF and ILO as advisory organisms.

The Action Plan to Eradicate Child Abuse and Commercial Sexual Exploitation (*Plan de Acción de la República Dominicana Para Erradicar el Abuso y la Explotación Sexual Comercial de Niños, Niñas y Adolescentes 2009-2014*) was elaborated within the framework of the Commission, with the help of several NGOs and the technical advice of international organisms.

The Commission met four (4) times in 2011, while its Technical Advisory Committee held 12 meetings.

Roundtable for the Coordination of the International Cooperation for Children and Adolescents
This new initiative, launched by CONANI along with the Ministry of Economy on November 2011, helps Dominican authorities to coordinate better access to bilateral and multilateral international cooperation. The main actions under its purview are: the coordination of international cooperation for Children and Adolescents, the avoidance of duplicate efforts, the promotion of greater integration of all actors in the national system and the development of work groups by subject area. The Roundtable is expected to meet every two months and UNICEF participates in this initiative as an international cooperation facilitator.

IV. INSTITUTIONS AND MECHANISMS FOR ENFORCEMENT OF LABOR LAWS REGARDING CHILD LABOR AND HAZARDOUS CHILD LABOR

What agency or agencies was/were responsible for enforcement of law relating to hazardous child labor?

Several agencies within the government are in charge of overseeing and implementing regulations to prevent the exposure of children to child labor and its worst forms. Given the relevance of the efforts to eliminate child labor within the NSD and various action plans, relevant policies cut across many different agencies and institutions and coordination takes place through the various taskforces and committees detailed above. We highlight here the most relevant efforts carried out during 2011:

- Ministry of Labor
- National Council for the Children and Adolescents (CONANI)
- Ministry of Education
- Judicial System
- National Police

Ministry of Labor
The Child Labor Unit (CLU) of the Ministry of Labor has undertaken a wide range of activities for the prevention and eradication of child labor throughout the country. The actions set in motion by the Ministry are in harmony with the Roadmap for Achieving the Elimination of Child Labor Worst Forms by 2016 and Total Eradication of Child Labor in 2020. The Ministry highlighted the following actions during the reporting period:

- In accordance with the 2011 Global Campaign against the Worst Form of Child Labor, during the month of June, the Ministry launched an awareness campaign with the slogan "Attention, Children on Hazardous Work" (*Atención, Niños en Trabajo Peligroso).* During the same month, under the auspices of the Solidarity Program, the Ministry introduced a campaign on child labor to beneficiaries and *Solidaridad*'s cardholders.

- Awareness materials and flyers on child labor were distributed through Local Labor Offices located across the country. The campaign focused especially in farming, domestic work, sexual and commercial exploitation **(see annex 06)**.

- On June 12, 2011, the Ministry of Labor jointly with the Ministry of Agriculture ratified their commitment to prevent and eliminate child labor. Officials from the Ministry of Agriculture have the duty to report to labor authorities any information or suspicion of children in employment in the farming sector.

- Inauguration of six classrooms to give children the opportunity to do homework after class, giving priority to schooling and preventing these children from the worst form of child labor. The construction of the classrooms was sponsored by the banana sector, as part of the agreements made between business associations and the Government within the Roadmap implementation.

- On November 2011, the Ministry, Presiding over the NSCECL, presented the results of the specialized module on child labor which had been included in ENOHOGAR 2009-2010.

- Implementation of six different agendas at the Local Steering Committees Against Child Labor, for the enforcement of the Roadmap commitments.

- In 2011, forty (40) Local Labor Offices received a total of 467,767 workers requesting orientation of their labor right. There were no complaints or evidence of child labor in these exchanges.

- The Ministry invested 9% of its budget on the prevention and prosecution of child labor. The Ministry's budget is RD $1,689,560,021 from which RD $145,400,196 were allocated for child labor efforts.

- The Ministry of Labor has established 43 Local Committees Against Child Labor (CDL) within local offices. CDLs are in charge of overseeing child labor legislation to raise awareness, promote inspections and reduce child labor. In this reporting period, the Ministry formed Local Steering Committees to Combat Child Labor at the Municipality of Santo Domingo Oeste (May 4, 2011), Las Terrenas and Samaná Provinces (May 6, 2011), Hermanas Mirabal Province (July 15, 2011), Azua Province (October 28, 2011) and the City of Verón / Bávaro (November 24-25, 2011).

- The Ministry of Labor, through the Dominican Labor Market Observatory (OMLAB) and with the support of the Network of Labor Observatories of Central America and the Dominican Republic and the Spanish Cooperation Agency, published in early 2012 the study "Haitian labor migration in the Dominican labor market". The study, which charts the dynamic of migration flows of workers entering the Dominican Republic to work in the construction and banana sectors, their profiles, and conditions in which they carry out their work, did not document any findings of forced labor practices and worst forms of child labor. It also reaffirmed the parity between migrant and Dominican workers in the rights afforded by the Dominican Labor Code[8].

[8] http://www.youblisher.com/p/238831-Inmigrantes-haitianos-y-mercado-laboral/

- The Ministry of Labor, with support from the International Labor Organization's Plan for the Elimination of Child Labor, is currently carrying out along with the Latin American Social Sciences (FLACSO) a baseline study on the situation of children and adolescents victims of trafficking and child labor in the province of San Juan de la Maguana.

With regard to inspections and the prevention of the employment of children, the Ministry reported:

- The Ministry has 207 trained inspectors, selected through a competitive process. Labor Code, Article 433, states that inspectors have to verify that employers faithfully comply with labor laws, including those provisions regarding child labor and hazardous work. In 2011, the Ministry performed 72,488 inspections.

- Labor inspectors conducted inspections on a regular basis to monitor the implementation of labor laws, with particular attention to the rules and conditions that need to be observed by employers and businesses. In addition to the regular inspections, last year the Ministry conducted special investigations on child labor in the provinces of Duarte, Santo Domingo, Hermanas Mirabal and Maria Trinidad Sanchez.

- During the months of May and June 2011, inspectors of frontier municipalities participated in special trainings workshops that addressed the worst forms of child labor and issues related to migrant workers. These trainings were under the coordination of ILO and IOM.

- Beyond the Ministry's responsibility to apply penalties against employers when children are found in a work site, specialized CLU staff proceeds with a psychological and/or physiological evaluation of minors in coordination with CONANI. For the purpose of monitoring and support, the inspection procedure identifies the parents or guardians of the minors and provides parental counseling about the risks to the minors.

- In the event that family members cannot be found or if the parents are the ones forcing the minor to perform hazardous work, disregarding the optimal conditions for the development of the child, there are procedures in place to allow the referral of children to CONANI's shelters.

- The inspection guidelines of the Ministry of Labor clearly and separately state the procedure to investigate violations related to the employment of minors (*Bloque 9: Trabajo de los menores de edad).* The guidelines are a compilation of protocols for inspectors during the course of any investigation, and include information about the duties of the employer. The protocols are designed to help labor inspectors carry out complete certifications that employees' rights are not violated, that the work is being performed in a safe and healthy environment, and in accordance to national and international labor standards **(see annex 07)**. In situations were minors are found in work sites, inspectors have the duty to verify seven different aspects:

Inspectors' protocol of verification (Block 9: employment of minors)

Code	Aspects to verify	Legal framework
1	There is no employment of minors under 14 years, unless the exceptions prescribed by law apply	a) Labor Code Art. 245, b) Law No. 136-03 Art. 40, b) ILO Conventions No. 5, 7, 10 and 138.
2	There is no employment of children over 14 years and under 16 years old without Ministry's authorization.	a) Labor Code Arts. 17 and 248, b) Health Law No. 42-2001, Arts. 52 and 56, c) Labor Rule No. 258-93, d)Resolution 30-93, e) ILO Convention No.77
3	Minors between 14 and 16 years old are not allowed to work more than six hours per week, neither to work between 6:00 p.m. and 6:00 a.m. Unless under the exceptions established by law.	a) Labor Code Arts. 246, 247 and 250, b) ILO Conventions No. 79 and 90.
4	Wages paid to workers between 14 and 16 years are not equal to older workers who perform equal work.	a) Labor Code Principle VII and Art. 244, b) Law No, 136-03.
5	Any work performed by minors under 18 years is not dangerous or unhealthy.	a) Labor Code Arts. 244 and 251, b) ILO Convention No. 182 and 138, c) Resolution 52-04 (dangerous and other unsuitable work for persons under age 18).
6	Children are not employed in business such as distribution of goods, merchandises, newsletters, lottery tickets, newspapers, brochures, or any other work that involves street vendors, peddlers and hawkers without previous authorization of the Ministry Labor.	a) Labor Code Art. 249, b) ILO Convention No. 138.
7	The work does not preclude children from their mandatory schooling	a) Labor Code Principle XI and Art. 254, b) Resolutions 30/93 and 31/93, c) ILO Convention No. 10 and 138

- During this reporting period, the Ministry imposed 141 sanctions and removed an equal number of children from work sites. The chart below shows the significant increase of inspections by the Ministry of Labor in the reporting period 2011-2012. These inspections demonstrate the commitment of the Ministry of Labor to withdraw the highest possible number of children from the worst forms of labor.

CHILDREN FOUND AND WITHDRAWN FROM WORK SITES 2005-2011							
LABOR OFFICES & AGENCIES	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**	**2011-2012***
Azua	5	85	0	37	0	-	32
Barahona	0	1	0	0	-	-	-
Bonao	46	4	2	0	3	-	-
Constanza	14	68	6	0	0	-	-
Cotui	4	0	4	0	3	-	-
Distrito Nacional	0	4	1	1	1	-	28
Duarte	32	0	0	0	0	-	1
El Seibo	-	9	-	-	-	-	-
Espaillat	1	-	-	-	-	-	-
Haina	-	3	-	-	1	-	-
Jarabacoa	10	2	2	9	1	1	-
La Romana	-	3	5	-	-	-	-
La Vega	5	1	-	-	-	1	28
Las Matas de Farfán	-	-	1	-	1	-	-
Las Terrenas	1	-	-	-	-	-	-
Maria Trinidad Sánchez	11	12	2	1	-	-	50
Pedernales	1	-	-	-	-	-	-
Peravia	1	-	1	1	-	-	-
Puerto Plata	-	-	2	-	-	-	-
Salcedo	20	-	-	-	-	-	-
San Cristóbal	5	3	-	-	-	-	-
San José de Ocoa	5	1	2	6	-	-	-
San Juan de La Maguana	-	1	-	-	-	-	-
Santiago	1	8	-	-	1	-	-
Santiago Rodríguez	-	9	1	4	1	1	-
Samaná	-	-	-	-	-	-	2
Villa Altagracia	-	1	-	1	-	-	-
TOTAL	**162**	**215**	**29**	**60**	**12**	**3**	**141**

*The data for the year 2012 includes the months of January and February.

Information on labor inspections by economic sector

- Ministry of Labor policy on inspections was modified to include a higher number of investigations into bakeries, bars, liquor stores, dumping sites and the construction sector. Some of these sectors were not subject to systematic inspection in the past. Both the Directorate of Labor Inspection and the Department of Occupational Safety and Health have received technical and field support from the CLU.

- On January 12, 2012, during the tomato crop season, the Ministry of Labor initiated various inspections in the Azua province. Under these investigations eleven (11) minors were found and immediately removed from the farms. The relevant tomato producers were charged for violating ILO Convention 138, Resolution 52-2004. In this particular case producers were also sanctioned for not complying with provisions included in loan agreements with the Dominican Agricultural Bank. The agreements have a clause prohibiting the use of child labor, and contemplate the early termination of the loan in case of its violation.

- On February 10, 2012, the Ministry carried out another inspection to prevent and eradicate child labor in the tomato fields of the Azua province. Inspectors removed six (6) children from the plantations and pressed charges against producers.

- On January 16–18, 2012, the Ministry carried out an inspection operation in the rice-growing province of Maria Trinidad Sanchez. Inspectors found forty three (43) minors in hazardous work conditions and the children were immediately removed from the rice plantations. The children's parents received counseling with regard to educational programs in conjunction with Government institutions and local NGOs. Rice growers were charged with multiple counts. A meeting is forthcoming between the rice growers association and the Ministry of Labor to reinforce child labor awareness and prevention.

- On February 2012, the CLU found at least nine (9) children working in hazardous conditions at the Duquesa landfill site. Severe sanctions were imposed on Duquesa, which is a Consortium dedicated to waste processing in the province of Santo Domingo Norte. Although the minors were not hired by or worked for the company, the Ministry pressed charges and found the Consortium liable because they allowed the entry of the minors to the dumping site. The infractions constituted violations to the Worst Forms of Child Labor ILO Convention No. 182, regarding hazardous environment and Resolution 52-2004 of the Ministry of Labor, concerning dangerous or unhealthy work sites for minors. The CLU proceeded to contact the parents of the children, aged between 8 and 14, and referred them to the CONANI's children protection program.

- In March 2012, the CLU withdrew a total 68 children from the worst forms of child labor in the Rafey landfill site and the Hospedaje Yaque market in the La Joya neighborhood of Santiago. The children were between the ages of eight (8) and 14 and worked up to 10 hours per day. The children are being interviewed and their cases will be referred to the relevant agencies to ensure their reincorporation into the education system.

- In the first months of 2012, CLU and labor inspectors have conducted a series of investigations in the construction sector. These inspections have taken place on Tuesday, Wednesday and Thursday of each week in the National District. Thus far they have detected two (2) adolescents below the accepted age for involvement in such work. The minors were removed immediately and the construction company was charged with violations of ILO Convention No. 138, Code of Minors, and Resolution 52-2004 (hazardous and unhealthy work for minors under 18 years old).

National Council for Children and Adolescents (CONANI)

Since the introduction of Law 136-03 or the Code for the System of Protection of the Fundamental Rights of Children and Adolescents in 2003 (Code of Minors), the Dominican Republic's legal framework has been enhanced to meet the standards of International Covenants for the protection of children's rights. CONANI, as the designated coordinating authority for the national protection of children and adolescents, has reported several actions for the prevention of child labor and the eradication of its worst forms. The most relevant actions carried out during 2011 are:

- CONANI has eight (8) shelters known as "*Hogares de Paso*" for children in danger of physical abuse, labor or sexual exploitation. In 2011, the *Hogares de Paso* accommodated more than 40 children of Haitian nationality who had been victims of trafficking. Of these, 34 children received treatment in the facilities of Jarabacoa, along with their mothers. In situations where children were re-united with their parents in Haiti, the Dominican Government worked with Haitian authorities to reunite the children and their parents, with DNA tests to confirm the filial relationship. Additionally, 14 babies received social and medical attention.

- CONANI and IOM launched a training program for Child Protection Officers, with an investment of RD$1,710,000. Also, in a joint effort with UNICEF, CONANI developed the Project to Strengthen Mechanisms of Protection for Children and Adolescents in Situations of Social Vulnerability, with an investment of RD$1,247,361.

- CONANI's 2010 Protocol of Action to Protect Vulnerable Haitian Children as a Consequence of the Earthquake helped protect Haitian children receiving humanitarian assistance in the Dominican Republic, guaranteeing that the victims of the earthquake received treatment adequate to their needs. The chart bellow shows CONANI's 2011 data on children benefited by the Protocol:

Protocol of Action to Protect Vulnerable Haitian Children									
Sex	Total	45 days -1 year	1 – 2 Years	2-3 Years	3-4 Years	4-5 Years	5-6 Years	6-7 Years	13-18 Years
Male	225	7	8	12	14	8	11	16	63
Female	182	17	5	4	9	12	6	16	50
Total	**407**	**24**	**13**	**16**	**23**	**20**	**17**	**32**	**103**

- CONANI spearheaded the development of the DevInfo database to monitor the situation of Haitian children displaced by the earthquake in Dominican territory. Dubbed "*Sistema de Información de Protección de la Niñez Haitiana*" or SIPRONHAI, the database provides a method of systematizing data on displaced Haitian children, thereby allowing the Government to monitor and follow up with their needs. SIPRONHAI contains quantitative and qualitative data on indicators categorized under four broad sectors: 1) Legislation and public policy – for example, the existence of institutional guidelines for the care of children displaced by the earthquake, 2) Local institutional capacity to attend displaced children – for example, the number of shelters to house young Haitians, 3) Beneficiaries and type of attention provided – for example, the number of children and adolescents returned to Haiti, and 4) Socialization and awareness – for example, the number of campaigns aimed at raising awareness among the local Dominican population of the need to protect children displaced by the earthquake[9].

- CONANI also operates on the DevInfoLAC ESC database. This network of indicators for Latin America and de Caribbean allows countries to monitor the international commitments assumed with regards to the commercial sexual exploitation of children and adolescents. CONANI has trained 111 specialists throughout regional and municipal offices and *Hogares de Paso.*

- In August 2011, in coordination with the UNICEF-Dominican Republic and UNICEF-Haiti, CONANI announced the launch of a study on migratory flows of children and adolescents between DR and Haiti. The study will portray GODR policy on migration flows between the two countries, along with empirical analysis, recollection of data and field studies. The objective is to investigate irregular migratory flows of Haitian children and to study the mechanism in place by the GODR for their protection.

- A high-level meeting between CONANI's Executive President and the Director of Haiti's Social Well-Being and Research Institute (IBERS by its French acronym) took place in September 2011. CONANI's Executive President, Kirsys Fernandez, and IBERS' Director, Jeanne Bernard, met to improve collaboration between the two institutions. During the meeting, both representatives agreed that poverty, inequality of income, social alienation and domestic violence, have a direct impact on children, placing them under risk of economic and sexual exploitation, HIV, smuggling, among other threats.

  CONANI and IBERS made commitments to: 1) coordinate and develop actions between the two institutions in order to prevent and protect children from Haiti and the Dominican Republic, 2) Trainings of IBERS' officials by CONANI's officials on matters of children protection services and shelters, and 3) meetings between community organizations, civilian and military authorities located on the three points of transit on the DR-Haiti border.

- CONANI officials, in consonance with national policy also followed by law enforcement and other prevention officials, do not make distinctions in the application of the relevant

[9] http://www.devinfo.org/devinfo_in_action/assist_displaced_children_dominican_republic.html

legislation or in the provision of assistance or care to victims. The assistance provided to Haitian children, mostly victims of trafficking, is evidence of the equal treatment under the law for foreign and national children.

- CONANI regularly works with international agencies, including IOM, the UN High Commission for Refugees, U.S. Immigration and Customs Enforcement (ICE), and Homeland Security Investigations (HSI).

- Despite budgetary pressures due to the global economic crisis, the Dominican Republic increased the budget allocated to child protection. In 2011, CONANI received a budget increase of 5.4%, with an allocation of RD $777,294,886 in comparison with RD $ 737,294,886 in 2010.

Ministry of Education

In 2011, the Dominican Republic increased its expenditure on education by 41%. The total appropriated budget for the Ministry of Education was RD$58.6 billion with respect to the RD$41.5 billion allocated in 2010. Policies implemented by the Ministry with a direct impact on child labor include:

- During 2011, the Ministry launched an extended-hour plan in 21 schools to provide for a better application of the curricula. The new schedule for these schools is currently from 8am to 4pm and it benefiting 8,629 students. This pilot program is expected to be implemented in hundreds of other schools during 2012.

- As a result of several workshops with suppliers aimed at improving the quality and variety of the meals included in the School Food Program, the Ministry decided to implement a meal supervision and quality assurance system. It also added cookies and cakes to the menu provided. The School Food Program currently benefits 1.5 million students every day throughout 5,025 public schools.

- Two vaccination campaigns that benefited 1.5 million students and school administrative staff. Over 115,300 iron and folic acid tablets were provided to 23,600 students.

- While the Ministry built 6,644 classrooms and renovated 7,511 in the last seven years, it is expected that only in 2012, 2,595 classrooms will be built and 869 will be renovated, with a total investment of RD$9 billion. To meet this goal, 58 schools were already inaugurated in January 2012. These institutions will have the capacity to accommodate 50,000 students. The Ministry also inaugurated 53 schools in the last 6 months of 2011.

- Access to the public school system is guaranteed to every person in the Dominican Republic, regardless of nationality, ethnicity or age. It is of paramount importance to note that an identity documents (i.e. birth certificate) of any nationality (not only Dominican) is a prerequisite exclusively for obtaining a high school diploma. The GODR acknowledges serious challenges in ensuring universal access to identity documentation for its citizens and the Ministry of Education has thus been working with educational

centers to make sure that high school students receive assistance to obtain a birth certificates before they reach the end of their schooling.

Judicial System

The Dominican Republic has implemented major reforms to improve the effectiveness, transparency and efficiency of the judiciary. In 2012, the National Judiciary Council, after several public hearings, appointed new judges to the Supreme Court, including Honorable Judges to the Labor Court Chamber of the Supreme Court. Appointments of judges by the National Judicial Council allow for more freedom for the courts from political pressures and reaffirms the standing of the judiciary as a strong and equal branch in Government. In 2011-2012, the judiciary launched special trainings and workshops for its members to promote a better understanding of commercial, labor and sexual exploitation of children. Among the actions and trainings we can cite the following:

- With the support of UNICEF, IOM, and the National Judiciary School, the Attorney General's Office published a document entitled "*Sensibilización sobre Trata de Personas*" (Trafficking Awareness) aimed at judicial officials, including judges and prosecutors, enabling them to detect and investigate trafficking cases **(see annex 08).**

- In coordination with the National Judicial School and IOM, Prosecutor Jonathan Baró and other consultants conducted an investigation on the Justice Department and the criminal prosecution of trafficking in persons in the Dominican Republic, in order to collect empirical data and to determine the challenges that Dominican prosecutors face for successfully investigating and prosecuting trafficking cases. A final draft of this document has been completed and it is pending publication.

- On international collaboration, members of the judiciary participated in the program: "Strengthening of Capacities of the Security Forces, Migration Officials, Public Prosecutors and Judges in Central America in order to Prevent and to Fight Trafficking in Persons, especially Women and Children" (June, 14-15, 2011). In coordination with the Ministry of Health and the Human Trafficking Unit of the OAS, forty five (45) Dominican officials, including judges and prosecutors, were trained with the objective of reinforcing the understanding and application of the Trafficking Persons Law, as well to prevent sexual and commercial exploitation of children and women. This program is also aimed at increasing the exchange of knowledge and information on Trafficking in Persons between Government institutions and other Central American countries. The program was sponsored by the Canadian International Development Agency.

- On September 6th, 2011, in coordination with UNICEF and IOM, representatives of the State Attorney's Office, the National Judiciary School, judges from Haiti and Haiti's Children Protection Bureau participated in a workshop on Trafficking in Persons, where they discussed the issue of Trafficking in Persons in accordance to the national legislation and international agreements. More than 35 participants received training from the Honorable Gloria Guzman Duque, Judge of the Criminal Court of the International Labor Organization (ILO), Honorable Juan Anibal Rodriguez, President Judge of the Court of Children and Adolescents, District of Santiago, and Mr. Manuel Acosta, Assistant

District Attorney, National District Court. According to a statement by the Director of the Judiciary National School (JNS), this training was a joint effort to enhance the country's capability on the matter, and the JNS will continue the seminars and workshops for the specialization of judges, public prosecutors and state attorneys on trafficking in persons.

- With regard to transparency and efficiency in tribunals, the Supreme Court publishes all statistics on cases submitted to courts and judgments awarded[10]. For the reporting period of January-June 2011, under the jurisdiction of the labor courts, 6,483 cases where submitted to First Instance Tribunals, and 5,988 received judgments on issues related to labor rights and violations to the Labor Code. Also, the Labor Court of Appeals saw 1,477 cases, issuing sentences on 726. Overall, more than 84% of cases submitted to the Dominican labor tribunals received final judgments **(see annex 09)**.

- The Children and Adolescents Court of Appeals (criminal jurisdiction), received 146 cases and issued 123 judgments. Within its civil jurisdiction, 158 cases were reviewed, with 124 sentences issued. Therefore, 86% of the cases presented to the Courts of Children and Adolescents received final ruling in accordance to Law 136-03 and other laws that protect children rights **(see annex 10).**

- These statistics are evidence that in both the Labor or Children and Adolescents Courts, cases are reviewed by our judges, in observance of their commitment to preserve and maintain the rule of law, but also in a timely and transparent manner. Despite the developmental challenges faced by the Dominican Republic the country is committed to the consolidation of a justice system which guarantees the protection of rights regardless of race, nationality or age.

National Police

During 2011, the National Police continued its program of specialized trainings and launched multiple investigations in areas of sexual and commercial exploitation:

- DICRIM[11] and POLITUR[12], agencies within the NP, are trained to identify children at risk and to take the necessary steps to relocate them into CONANI's temporary safe houses or NGO shelters. The relocation of minors is done in accordance with Article 10 of the Law 137-03, that establishes the referral process in cases of smuggling and trafficking in persons.

- Fourteen (14) workshops were carried out for training on prevention and attention to Human Trafficking. The workshops, entitled "The Fight Against Human Trafficking: Basic Tools" were designed for POLITUR officials. The training program was created in coordination with the Ministry of Foreign Relations and the International Organization for Migration (IOM). In 2011, as a result of these workshops, 467 POLITUR officers

[10] http://www.suprema.gov.do/Publicaciones/estadisticas_judiciales/enero_diciembre_2011.aspx

[11] Migration Control and Trafficking Investigations Department of the National Police (Departamento Control Migratorio e Investigaciones sobre Trata y Trafico de Personas-DICRIM).

[12] Tourism Police (Policia de Turismo – POLITUR)

were trained, providing them with better understanding of the issue to improve their work.

- As part of the Regional Sub-commission against Trafficking in Persons, DICRIM shares information with its counterparts from Mexico and Central America. For the Sub-commission's reporting period, May-June 2011, the Dominican Republic reported 25 arrests for charges of Trafficking **(see annex 11)**.

- The Director of DICRIM, Colonel David Rodriguez, reported that in 2011, as result of their investigations against violators of the Law 137-03, more than 40 arrest warrants were issued. In cases of trafficking and smuggling, DICRIM refers the victims to the IOM, where they obtain appropriate attention and care, including provisional shelter and psychological assistance.

V. PROSECUTION AND OTHER LAW ENFORCEMENT EFFORTS

Throughout 2011, the GODR undertook serious law enforcement actions on child forced labor and trafficking, commercial sexual exploitation and use of children in illicit activities, in addition to prosecutions initiated by the Ministry of Labor. While Dominican courts routinely issue convictions in cases of abuse of minors under long standing legislation, the relatively recent Law 137-03 has resulted in a steady increase in the prosecution convictions under statutes for sexual commercial exploitation and trafficking of children. Following is a description of active and completed prosecutions of these crimes relevant to the reporting period:

Mercedes Rodríguez vs. Pedro Miguel Herrera
Location: Santiago
Status: 10 year sentence dictated against accused on February 6th, 2012

- Upon being rescued from the streets of Santiago Mercedes Rodriguez' underage daughter was placed at a CONANI shelter where she received psychological treatment and a health exam found that she had acquired sexually transmitted infections. Her case was referred to the NGOs *Acción Callejera* and *Núcleo de Apoyo a la Mujer* which gathered enough information to contact the District Attorney. The prosecutor's investigation determined that Mr. Pedro Miguel Herrera was using the minor for prostitution in the streets of Santiago and demanding between RD$200 to RD$400 for her services. The investigation also found that Mr. Herrera was physically abusing the minor when she did not earn enough money or whenever she refused to prostitute herself. The minor also declared that the accused sexually abused her several times, in parallel with other allegations that he had previously sexually abused other underage girls in his neighborhood.

  On February 6th, 2012, Judge Herminia Rodriguez Paulino ruled that the evidence was valid and imposed a ten (10) year sentence on Mr. Herrera on charges of commercial sexual exploitation of minors as well as psychological and sexual abuse of minors **(see annex 12)**.

YDRG & MAPF vs. Bernardo Hurtado
Location: Mao, Valverde
Status: Initial court appearance resulted in bail bond. Trial pending.

- On December 30th, 2011, Assistant District Attorney Ana Virginia Marrero obtained an arrest warrant against Mr. Bernardo Hurtado for allegedly recruiting, hiring and buying minors YDRG and MAPF to prostitute them at a local bar. Mr. Hurtado was arrested on January 2nd, 2012, and presented before Judge Lucia del Carmen Rodriguez the following day. Upon hearing the defense attorneys as well as the prosecutors, Judge Rodriguez acknowledged the accusation as admissible and decided to impose a RD$100,000 bail, periodic visits to the DA's office and a restraining order to leave the country in full force and effect until his case goes to trial **(see annex 13)**.

JR & DG vs. Maria Altagracia Gómez & Narciso Trinidad Gómez
Location: Boca Chica, Santo Domingo
Status: Initial court appearance resulted in preventive custody / bail bond. Trial pending.

- In August 2011, the neighbors of the tourist region of La Caleta presented an accusation to the local police complaining that minors were being used for sexual services at the bar Rancho Mar. Upon this accusation, a coordinated operation by the local DA's office, the specialized trafficking unit of the national police, the Ministry of Labor, the Attorney General's Office and CONANI, introduced undercover agents into the venue. Due to their finding of elements of commercial sexual exploitation of underage girls, a search and arrest warrant was issued on December 10th, 2011. Execution of warrant resulted in the identification of minors JR and DG in areas where there were also present a box of preservatives, used preservatives, contraceptive pills and a notebook, where said two minors allegedly wrote down appointments with the clients. The file specifies that even though the venue had the outward appearance of a bar, two rooms with beds where discovered. During interviews, the minors stated that Ms. Maria Altagracia Gomez would charge RD$200 to each client for their services.

  Upon the presentation of charges on December 13, 2011, Judge Maritza Garcia Gomez determined to place Ms. Gomez in preventive custody for one (1) month at the Najayo penitentiary until the revision of the measure or the commencement of the trial. Her son, Mr. Gomez, was imposed a RD$50,000 bail and periodic visits to the DA's office for a period of six months.

  In the case of JR & DG vs. Maria Altagracia Gomez and Narciso Trinidad Gomez, under the jurisdiction of the District Attorney's Office of Boca Chica, cooperation was sought from ICE authorities for the investigation and identification of the presumed traffickers. Furthermore, the Dominican authorities coordinated the protection efforts of the victims through psychological and health evaluations provided by one of CONANI's *Hogares de Paso* **(see annex 14)**.

AG, VB, MGS, KMA, KAM, ATR and RR vs. Martha Hernández
Location: Santiago, Santiago
Status: Initial court appearance resulted in bail bond. Trial pending.

- In November 2011, minors AG, VB, MGS, KMA, KAM, ATR and RR accompanied by their parents presented an accusation before Assistant District Assistant Alba Nuñez Pichardo against Ms. Martha Hernandez. The minors declared that from July to November 2011, Ms. Hernandez coerced them into giving her money, clothes, accessories, shoes and other objects, making them believe she was a witch who had the ability to kill their parents. Additionally, Ms. Hernandez coerced one of the minors to have sexual relations with her brother in exchange for RD$50,000. Upon an investigation, information obtained from the neighbors indicated that Ms. Hernandez took advantage of the minors in the community to sexually exploit them using the same methods used against her accusers. Hernandez was detained and brought before Judge Agueda Garcia Contreras on December 15th, 2011, who imposed a RD$500,000 bail, periodic visits to the DA's office and a restraining order to leave the country in full force and effect until the trial **(see annex 15)**.

Dominican Republic vs. Willy Jean Pie, Kadony Pie, Yunior Pie, Yimmy Yan, Guy Yan, Jean Batista, Wilyesco Pie, Jose Pie
Location: Los Alcarrizos, Santo Domingo
Status: Initial court appearance resulted in preventive custody. Trial pending.

- In February 2011, CONANI provided information to the District Attorney's Office that Haitian minors EJP, JP, DM and MP were sent to one of the institution's shelters by neighbors in Los Alcarrizos because they were allegedly smuggled, trafficked and commercially exploited by Mr. Willy Jean Pie, Mr. Kadony Pie and a person called "UANE" who allegedly brought them from Haiti to the Dominican Republic. The minors were being forced to beg for money in the streets of Santo Domingo and after psychological evaluations and interviews, they described how they would be abused by the accused if they did not bring a specific amount of money back every day. The 23rd of February, 2011, prosecutor Miriam Cordones obtained an arrest and search warrant for the house of these individuals where they rescued eight (8) Haitian minors who were there with eight (8) Haitian men. Even though the judicial record does not mention other minors, the information provided for the elaboration of this report by CONANI, the DA's office and International Organization for Migration (IOM), specifies that a total of 40 Haitian minors were rescued from the alleged perpetrators.

  On February 28th, 2011, Judge Gregoria Montero Rosario decided to place Willy Jean Pie, Kadony Pie, Yimmy Yan to preventive custody at La Victoria Penitentiary for a period of three (3) months. Meanwhile, Yunior Pie, Guy Yan, Jose Pie and Jean Batista were granted a RD$500 bail each, periodic visits to the DA's office every 15 and 30 of each month for a period of six (6) months and a restraining order to leave the country. However, on April 19th, 2011, the DA's office appealed the decision and Yunior Pie, Guy Yan, Jose Pie and Jean Batista were also sent to preventive custody for a period of 3 months. The perpetrators are still in custody until a date for the trial is set. The DA has

informed us that she expects a trial date to be established by the end of February, 2012 **(see annex 16)**.

MG and CRMN vs. Amarfis Altagracia Tavarez
Location: Santiago, Santiago
Status: Initial court appearance resulted in preventive custody, which was later renewed. Trial pending.

- On October 30th, 2011, Prosecutor Jonelly de Jesus Valerio requested to the court preventive custody against Ms. Amarfis Altagracia Tavarez for being the lead perpetrator in a trafficking case that had been investigated for several months. According to Prosecutor De Jesus, 14yo CRMN was approached outside of her home in Santiago by Ms. Tavarez in late December 2009. She offered the minor a job serving food at her cafeteria in the nearby province San Cristobal, where Ms. Tavarez promised her a salary good enough to enable her to visit her family. CRMN decided to take on the offer, gathered some of her clothes, left a message to her mother, and boarded a car with Ms. Tavarez. They stopped within the same neighborhood and Ms. Tavarez used the same arguments to convince minors MG, MC and W to accompany her to San Cristobal. Upon arrival to their destination, the minors realized that the business was not a cafeteria, but a place where alcoholic beverages were being served and women were being prostituted. Ms. Tavarez took them to two bedrooms and locked them until she would open the door to let men inside. These men would pay Ms. Tavarez RD$2,500 for each minor. If any of them resisted engagement in any sexual encounter, Ms. Tavarez would deprive them of food and psychologically abuse them. After three days CRMN and the others were able to escape and return to Santiago. They reported the events to their parents but two of the families decided not to press any charges, it is presumed due to Ms. Tavarez' standing in the community and relative wealth.

  After two of the families pressed charges, the DA's office proceeded to investigate and found that Ms. Tavarez normally visits the community to recruit girls to prostitute them outside of Santiago. The DA's office gathered information of about 20 more minors being trafficked and is currently attempting to locate them. Upon the presentation of the evidence, Judge Jissel Naranjo Tejeda imposed preventive custody for a period of three months. The custody decision was revised on February 8, 2012, and was upheld until the trial **(see annex 17)**.

REVA and SRB vs. Maria Yokaira Alcantara Rosario and Elsa Bautista Martinez
Location: National District
Status: Two year suspended sentence for one accused. Appeal pending.

- On June 28th, 2011, a trial was initiated against Ms. Maria Yokaira Alcantara Rosario and Ms. Elsa Bautista Martinez who had been in preventive custody for nine (9) months for allegedly offering the sexual services of minors REVA and SRB to POLITUR captain Noel Antonio Quiroz Peña who was working undercover that night to detect possible sexual exploitation cases. Following their arrest, the DA's office accused the alleged

perpetrators of prostituting the minors as well as psychologically abusing them and asked the court for a ten (10) year sentence for both of the alleged perpetrators.

The court found Ms. Alcantara guilty and imposed a two (2) year sentence to her; however, the court decided to suspend the remainder of the sentence given her age and her lack of previous record, and instead required her to participate in a technical course, non consumption of alcoholic beverages, restrained her from leaving the country and to assist to ten (10) workshops imparted by the judge. Meanwhile, Ms. Elsa Bautista was found not guilty of the charged filed against her. Their case is currently being appealed by the DA's office and a date for the hearing is yet to be determined **(see annex 18)**.

Rubén Díaz vs. Cristian Modesto Díaz, Eddy Rafael Matos and Scarlet Rashell Casilla
Location: Baní, Peravia
Status: Two accused sentenced to two years imprisonment. One accused sentenced to one year imprisonment.

- In March 2010, the DA's office presented accusation against Mr. Cristian Modesto Diaz, Mr. Eddy Rafael Matos and Ms. Scarlet Rashell Casilla for allegedly coercing a 13 year old into prostitution. According to Mr. Rubén Díaz, father of the minor, Ms. Casilla would ask him to send the minor to her house for cleaning work and babysitting. However, he alleges that Ms. Casilla would coerce the minor into having sexual relations with Mr. Modesto Díaz and Mr. Matos, by using persuasion and by locking the minor inside the room with the men.

  In March, 2011, the judge acknowledged the charges and sentenced both men to two (2) years imprisonment. Ms. Rashell Casilla was sentenced to one (1) year **(see annex 19)**.

Dominican Republic vs. Expedito Rodríguez
Location: Mao, Valverde
Status: Sentenced to 10 years, reduced to five (5) on appeal.

- After the trial against Expedito Rodriguez was postponed several times, it finally took place from April 2010. According to prosecutors Nelson Rodriguez and Alejandro Paulino, Mr. Rodriguez was caught at the check-in station at Jicome, Valverde Province, while he was transporting 18 Haitian nationals, among them twelve (12) men, four (4) women and two (2) children. The Judge ruled as valid the evidence shown and the declaration of the witnesses and imposed a ten (10) year sentence to Mr. Rodriguez. The defense attorneys appealed the case in 2011 and the court confirmed the culpability of Mr. Rodriguez but decided to lower the sentence to five (5) years **(see annex 20)**.

Other investigation and prevention efforts

Ministry of Labor:
The Ministry of Labor has increased the number of raids to bars and nightclubs in different areas of the country aimed at detecting child labor and sexual exploitation of minors. Particular emphasis is being given to known problem areas such as the beach resort of Boca Chica.

a) In December 2011, a search under warrant was carried out in eastern Santo Domingo under the leadership of Vice-minister of Labor for Child Labor, Félix Hidalgo. A number of adolescents were identified as at risk and provided with caseworker support. The adolescents were referred to CONANI for social care and the case was referred to the relevant law enforcement authorities.
b) In January 2012, two minors were rescued by the Ministry of Labor from a brothel in the town of Boca Chica. The raid was a joint initiative between the Ministry, CONANI, the National Police and the Boca Chica District Attorney's Office.
c) In February 2011, a meeting for the Strategic Plan about the Administration of Labor, held in La Altagracia, addressed initiatives that would make the popular tourist destination of Bavaro a child-labor free zone. The evaluation was a joint effort of the Dominican Ministry of Labor and the Branch for Central America, Panama, Dominican Republic and Haiti of the ILO. Among the measures discussed was the development of a workshop that would guarantee the existence of entities with the ability to disseminate information about labor rights and duties.
d) The Ministry of Labor's Unit against Child Labor held a workshop in Samaná, another city with an important tourism destination. The workshop was aimed at strengthening efforts to fight child labor in that region through Local Management Committees, groups of public and private citizens who collaborate with the Ministry in putting an end to child labor. Through these programs, the government advocates that local communities, private entities and social organizations assume a responsible role to end sexual commercial exploitation in those areas most at risk.

General Migration Directorate:
To prevent trafficking of Dominican children abroad, particular attention is given by Migration officials at the different airports to their departure. Each child not traveling with both parents must have written authorization from either the parent not traveling or both parents, if the child is traveling with a guardian. The IOM has given a positive evaluation of the level of training these officials have received and the effectiveness of their prevention efforts. These officials are part of the Trafficking in Persons Investigation Unit within the Directorate.

Ministry of Foreign Affairs:
As part of the work of the Ministry as coordinators of the Inter-institutional Commission Against Trafficking in Persons, particular attention was given to the protection of minors who were trafficked abroad.

An important example of the work of the Ministry was the assistance provided to minors Katherine Ramírez and Elizabeth Guillen, who were victims of sexual trafficking and forced to work at a cabaret in Port au Prince, Haiti. The minors were recruited by friends to work as waitresses in Puerto Plata, Dominican Republic. One was told she would serve drinks at a car wash. Both of the girls, on different days, were transported to Haiti and exposed to a work environment much different than the one they had been offered. They were forced to sustain sexual relations with clients in exchange for money.

Once there, Katherine managed to communicate with her family, who in turn approached the Ministry of Foreign Affairs and filed a formal complaint to the Human Trafficking and Smuggling Section of the Department of Consular and Migration Affairs of MIREX. The Ministry proceeded to inform the General Consulate in Port au Prince requesting they investigate the matter. During this process, the young girls were able to escape with the help of the family member of another Dominican sexual trafficking victim. The Dominican consular officials in Haiti coordinated with the families to ensure their safe return.

Upon their return to the country, the Ministry arranged for them to contact the Human Trafficking and Smuggling Department of the National Police, for investigation and an official report.

Victim judicial assistance services

The Office of Legal Representation of Victims (RELEVIC), a Department of the Attorney General's Office, is pioneer in the region providing pro bono orientation, assistance and legal representation to low income victims, who cannot afford a private attorney, from the beginning of their process until the indictment. It is staffed with more than 50 attorneys, medical doctors, social workers and family therapists, many of whom speak English. In 2011, RELEVIC's lawyers represented more 412 victims, showing an increment of 64 cases in comparison to the previous year. In 2009 they provided services to 394 victims and 445 in 2008. They have supported more than 1,629 persons during the past four years.

RELEVIC is based in the National District but has additional official representatives in Santo Domingo province, San Francisco de Macoris, Montecristi, La Vega and San Cristobal.

Cooperative international investigations on trafficking

Marco Alexandre Lwimanau. The discovery of a prostitution ring that was sexually exploiting Haitian minors in the Dominican provinces Dajabon and Montecristi led to the capture in November 2011 of German citizen Marco Alexandre Lwimanau, who is one of the alleged leaders of this group along with co-national Dieter Dowopth, who is currently a fugitive.

According to the information provided by the District Attorney's Office in Montecristi, after an initial hearing the court decided to impose preventive custody on Mr. Lwimanau for three (3) months. This decision, however, was overturned on appeal and he was freed on bail bond, but was required to visit periodically the District Attorney's Office and prohibited from leaving the country until the commencement of the trial, the date for which is yet to be determined.

Ralph Brian Baker. Upon being convicted in 2000 of making indecent images of children, UK citizen Ralph Brian Baker was freed on bail and ordered to follow the requirements of a Sex Offenders Register, which he had to sign for ten years. After failing the conditions of his bail, however, Mr. Baker fled to the Dominican Republic in 2004. The UK Police started an investigation into his disappearance and discovered new evidence of possession of pornographic images of children on his computer left at home. A few years later the Police successfully located Baker and contacted the Dominican authorities through the British Embassy in Santo Domingo. An operation led by the Dominican Migration officials and the International Police on

October 1st, 2011 discovered that Baker was living in the east region of the Dominican Republic with two minors. They proceeded to arrest him and deported him to the UK to face new charges relating from the discovery of images on his computer.

Baker was found guilty of 10 counts of making indecent images of children, four (4) counts of possessing indecent images of children, two breaches of a Sexual Offenders Prevention Order, failing to notify police of intention to travel and obtaining a passport by deception. He was sentenced to four (4) years in prison in January 2012, based on what the UK authorities called a successful law enforcement case in conjunction with the Dominican and international authorities.

Edward Earl Sparrow. On June 15th, 2011, Dominican authorities deported U.S. citizen Edward Earl Sparrow who was being requested by authorities in North Carolina. Mr. Sparrow was arrested in a parking lot of a bus company in the Northern Province of San Francisco six months after fleeing from U.S. territory. He had previously been convicted of indecent liberties with a child in 1991 and indecent exposure to a girl in 1995 and 2008 for which he violated probation and had to serve a 12-month prison sentence.

Investigation of Dominican and foreign child sex tourism cases

The following list details various efforts made by the tourism police (POLITUR) in 2011 to combat the issue of the exploitation and abuse of minors in areas with a high presence of foreigners, where minors are especially vulnerable. Of particular relevance was the detection of three (3) cases potentially involving instances of trafficking.

- **Cabarete.** On November 2nd, 2011, German tourists Christian Homo and Caspar Schid were arrested by the local police after an accusation was filed against them by Ana Daisy Figueroa Marte, the mother of 17 year-old VFM and 15 year-old DFM for allegedly having sexual relations with the two minors at the foreigners' apartment in the tourist community of Cabarete. The Criminal Investigations Unit referred the case to the District Attorney's office for further investigation.

- **La Romana**. On March 29th, 2011, Italian tourist Manganaro Franco Mateo, who was staying at the Prince Albert Hotel in La Romana, was detained after an accusation was filed by Ramona Salomon, the mother of 15 year-old DQ who was allegedly sexually harassed by Mr. Mateo in La Caleta beach. POLITUR referred the case to the local District Attorney's office for its investigation.

- **Zona Colonial.** On May 3rd, 2011, POLITUR agents detained Italian tourist Alolmi Plero and Dominican minor MMP for physical violence in a public place. Upon interrogating them, it was discovered that Mr. Plero allegedly seduced the minor into having sexual relations with him in exchange for money, but he never paid which resulted in the fight. The case was referred to the District Attorney's Office.

- **Cabarete.** On June 16th, 2011, 44 year-old U.S. tourist Anthony Busler Phillip was detained by POLITUR agents after being accused by Inocencio Hernandez Hernandez of being responsible for the disappearance of his underage daughter. The case was referred to the District Attorney's Office.

- **Jarabacoa.** On June 17th, 2011, POLITUR agents along with an Assistant District Attorney arrested 85 year-old Cuban citizen George Valdez upon finding him with minors GTD and ECTA who had been reported missing by their parents. Since medical exams performed to the minors indicated no evidence of any sexual encounter a mutual agreement was reached with the participation of the District Attorney's office by which all parties agreed that the minors would no longer visit Mr. Valdez.

- **Puerto Plata**. On July 12, 2011, POLITUR agents detained in Acapulco beach Dominican citizen Manuel de Jesus Gonzalez upon being accused of offering RD$200 to minor DYP in exchange of sexual relations. The case was referred to the District Attorney's office for further investigation. The prosecutor had requested preventive custody, but the judge determined to impose bail and periodic visits to the DA's office until the initiation of the trial, which is pending.

- **Bavaro**. On December 1st, 2011, a complaint was filed at the local POLITUR office against Dominican citizen Alejandro Ramirez by his neighbors for allegedly sexually harassing 12 year-old EJL. Mr. Ramirez was found pulling the minor's hair and offering her RD$200 in exchange for having sexual relations with him. Other witnesses accused him the same day of indecent exposure in front of several underage girls. Mr. Ramirez is currently in preventive custody awaiting the beginning of his trial.

VI. GOVERNMENT POLICIES ON CHILD LABOR

Did the government have any policies or plans that specifically address child labor or any of its forms? Please describe.

Beyond the application of the relevant legislation addressing child labor, in particular the newly enacted National Development Strategy, we can highlight the following government policies to address child labor:

National Plan Against the Worst Forms of Child Labor 2006-2016
The plan combines strategic approaches from sectoral, thematic and territorial dimensions to link strategic and programmatic actions against child labor with a broader range of social policies. It seeks to give greater relevance within the social dimension of government policies to the tacking of the worst forms of child labor. The plan is an integral part of the National Protection System for Children and Adolescents.

Roadmap for Achieving the Elimination of Child Labor and its Worst Forms in the Dominican Republic 2010 - 2020
The Ministry of Labor and CONANI have primary responsibility for the "Roadmap for Achieving the Elimination of Child Labor and its Worst Forms in the Dominican Republic 2010 - 2020" (*Estrategia Regional de la Hoja de Ruta para hacer la República Dominicana un país libre de Trabajo Infantil*) in coordination with the ILO's International Program on the Elimination of Child Labor (IPEC) with financing of the Inter-American Development Bank.

The Roadmap priority has been divided into six dimensions: 1) Social policy and poverty reduction, 2) Health policy, 3) Education policy, 4) Legal and institutional framework – integral protection of rights, 5) Awareness and social mobilization, and 6) Generation of knowledge and public policy monitoring mechanisms.

The Dominican Republic Roadmap is aimed at achieving the ILO's constituent's goals on child labor: the elimination of the worst forms of child labor by 2015 and the elimination of all forms of child labor by 2020.[13]

Public Policy Guidelines for Early Childhood

Launched in November 2011 within the framework of the National Development Strategy 2010-2030, these proposals address the improvement of attention, stimulation and education of children up to five years old. The aim is to develop a National System for the protection of early childhood in accordance with the existing legal framework and the strategic objectives established in the National Strategy.

Policy Guidelines for the Integral Protection of Street Children and Adolescents 2007-2012

The Guidelines were formulated by CONANI as head of the national protection system and the institution receives technical and financial international cooperation to implement them from various agencies and governments, including the Government of Chile, and the following Chilean institutions: SENAME, MIDEPLAN, and CONACE.

The system provides an integral model for interventions aimed at children and adolescents in street situations and exposed to drug use or addiction, with the participation of various institutions and through several government programs.

In December 2011, CONANI launched the first Center for the Integral Attention to Children and Adolescents with Drug Abuse Problems, which will apply specialist techniques to aid children and their families. The infrastructure for the Center was developed with an investment of around RD$5 million. The Center will function as a pilot, with a view to future institutions.

Other related and relevant policies are:

- National Plan to Guarantee the Rights of Children and Adolescents 2003-2012
- Action Plan to Eradicate Child Abuse and Commercial Sexual Exploitation 2009-2014
- The National Action Plan to Combat Trafficking in Persons (2009-2014)
- National Development Plan for UN Millennium Development Goals
- National Program for Decent Work
- Ten-year Education Plan (2002-2012)
- National Anti-Poverty plan
- National Plan on Gender Equality 2006-2016

[13] See ILO Convention No. 182 and ILO Convention No. 138.

"Zero Tolerance" against complicit officials

The GODR is seriously committed to investigating officials who allegedly facilitate, allow, or are complicit in trafficking activities or migrant smuggling (or related activities), and has actions against members.

In 2011, under the Law 137-03 and related legislation, DICRIM reported investigations against two (2) members of the Navy and one (1) public servant. The General Migration Directorate conducted investigations against twenty (22) supervisors, fifty six (56) inspectors, twenty five (25) employees and seven (07) members of the military, for a total of 110 cases.

VII. SOCIAL PROGRAMS TO ELIMINATE OR PREVENT CHILD LABOR

Did the Government have poverty reduction, development, educational or other social policies, such as Poverty Reduction Strategy Papers, etc. that did not explicitly address the worst form of child labor or any one of the worst forms of child labor, but that have had an impact on them?

Office of the First Lady

Undertaken as part of the social work remit of the Office of the First Lady, the following initiatives impact and reduce child labor:

Progresando

The Office of the First Lady had developed the program "*Progresando*", a non-partisan program that seeks to support and empower homeless families through a process of integral development. Since its creation in 2004, *Progresando* has incorporated more than 200,214 families in 87 communities across the country providing income-generating opportunities to families of children at risk of commercial sexual exploitation through awareness of their fundamental rights and correlative duties, contributing to the achievement of the millennium objectives. The program focuses on seven components directed at families: identification, education, integral health, human formation and public awareness, food security and income generation, housing and recreation, and artistic expression.

One of the expected results within the education component is that children that belong to the *Progresando* families do not engage in any labor related activity. In this sense, the monitoring studies, follow-up and impact evaluation of the program indicate that the percentage of children involved in child labor decreased from 13.7% in 2005 when the program began to 3.8% in 2010.

Progresando develops incentives for the yearly registration of children and further completion of the school year, with the regular distribution of backpacks and school supplies, as well as motivational activities such as didactic camps. It also provides participating children with identity documents that include their name and nationality. Another important aspect is the involvement of the parents of these children in programs of labor education and training, providing them with tools for employment or self employment through small businesses. They are provided with financing opportunities for these small businesses, to diminish the reliance on children for income generation.

Technical and vocational training sessions are imparted in over 25 *Progresando* Training Centers. In Santo Domingo, the capital, they are in the neighborhoods Cristo Rey, Villa Juana, Capotillo, Herrera, Villa Duarte, Manoguayabo, Ceuta, Villa Mella, as well as in the communities of Remanzo, Los Guaricanos, Andrés and Los Botados de Boca Chica. They are also found in other cities of the country: Don Juan, Yamasá, Monte Plata, Vicente Noble, Barahona, Samaná, Santiago, Jarabacoa, Mao, El Seibo, Villa Altagracia and San Cristóbal.

Network for a Child Abuse- Free Country

The program "Network for a Child Abuse- Free Country" contributes to the eradication of child labor by creating awareness among children and teenagers on their rights and the prevention of child abuse in all its forms. The process of awareness and orientation is achieved through recreational activities, artistic and athletic groups, thematic summer camps, speeches and workshops, and weekly meetings in communities.

This project involved 27,811 children and teenagers during the reporting period.

Friends of the First Lady

The program "Friends of the First Lady", identifies children and teenagers in the streets, determines their human rights situation, and involves their family members in the "Progresando" program and realizing psychological and social-educational interventions in order to guarantee their human rights. The project identified a total of 470 children and teenagers performing informal types of child labor in the streets.

Progressing through Values

The program "Progressing through Values" provides children and teenagers with a healthy space for fun and reflection. It includes recreational, artistic, athletic and cultural activities and promotes child participation. Its objective is to promote the formation of values and the construction of an active civil society by giving participants knowledge and power to exercise fundamental rights. This project has involved over 90,000 children and teenagers.

Progressing through Values Summer Camp

The Office of the First Lady has established the "Progressing in Values Summer Camp" to promote values in children and teenagers, help enshrine their right to recreation and artistic expression and promote their right to participation.

Reading, I Learn

"Reading, I Learn" is an initiative aimed at promoting e investigation, reading, integral formation and support the alphabetization and educational development of communities. It includes the following sub-programs: Sister Schools, Storytelling Grandmas, Aula Libraries, and Musical Integral Formation.

During the reporting period 193,700 children and teenagers benefited from this program.

Technological Community Centers

The Technological Community Centers (TCC) contribute to the reduction of the digital gap in the Dominican Republic. They are spaces that offer access to Information Technologies and

educational and cultural training in rural and poverty stricken areas of the country. Their purpose is to democratize access to information and knowledge for everyone above the age of six.

Spaces of Hope

This educational program is aimed at providing children from three to five years old with early stimulation and solidarity. Currently, there are 50 operating Spaces of Hope working in CTC buildings, providing service for 300 children.

Cooperation with NGOs

The Office of the First Lady collaborates with different NGOs, among them *Programa Caminantes*, that develop actions of orientation, sensitization and follow-up on the families they work with in order to eradicate sexual exploitation of children and women. They develop workshops that provide the adults with tools for acquiring employment. Also, collaborative efforts have been launched with *Muchachos y Muchachas con Don Bosco*, *Visión Mundial*, and *Aldeas Infantiles*.

Vice-President's Office – *Solidaridad* Program

The conditional cash transfer program *Solidaridad* continued during 2011. A key objective of the program is to increase enrollment and reduce school non-attendance and desertion on the part of children and teenagers in public schools.

In general terms, the total monetary transfers to the beneficiary families of *Solidaridad* by the end of 2011 were RD$7.8 billion of which RD$4.3 billion were destined towards the program "*Comer es Primero*", RD$2 billion to "Bono-Gas Hogar", RD$860 million to "*Incentivo a la Asistencia Escolar*" (Incentive for School Assistance) and RD$601 million for "Bono-Luz."

The coverage for the number of households benefiting from "*Comer es Primero*" increased from 539,171 in 2010 to 622,505 in 2011, representing an increase of 15 percent for a total of 83,334 new beneficiaries.

A verification process of co-responsibilities on which the program is conditioned yielded a compliance result of 82%. The measures examined include keeping children in schooling. This figure is similar to the compliance standards of PTCs in other countries in the region. As a result of this evaluation, on June 17th, 2011, the GODR announced that 42,000 families has been excluded from *Solidaridad* for not sending their children to school or failing to accomplish the 85% assistance to classes, as well as failure to vaccinate their children. Two months later, on September 28th, 2011, 977 families were also excluded from the program for failure to participate in workshops aimed at teaching families on education, health issues, home economics and citizen rights and duties. It was however clearly indicated that those families could return to the program if they complied with the cited requirements.

On September 2nd, 2011, Dominican authorities announced that for the first time since the launch of the program 29,000 families were being excluded because the verification process determined that their monthly income had reached between RD$8,000 to RD$10,000. As a result of this, a request for including in the program an additional 65,000 families was granted by the

International Monetary Fund. These new beneficiaries represented an additional investment of RD$27 million.

The GODR started in 2009, with the support of the Inter-American Development Bank (IADB) and the World Bank, a process of redesign of *Solidaridad* that lasted until 2011. This redesign focused on the cycle of life encompassing on the detection of pregnancy until old age and was also characterized by:

Coordination with the offer of services: a change in the management with a bigger emphasis on inter-sector coordination to guarantee the availability of offers and make compliance co-responsibility viable.

Adjustment to the transfer and co-responsibility scheme: alignment of transfers and co-responsibility with the objectives and priorities of the Ministries of Health and Education.

In accordance to the redesign of the program and institutional restructuring, improvements were made in 2011 to the *Solidaridad* Information System (SIPS). In this sense, the co-responsibility functionalities for the programs "*Incentivo a la Asistencia Escolar*" (ILAE) and "Health" were added to the SIPS.

The changes have produced the following results:

- Acknowledgment on behalf of the Ministries of Health, Education and SENASA that these institutions share common goals with *Solidaridad.*

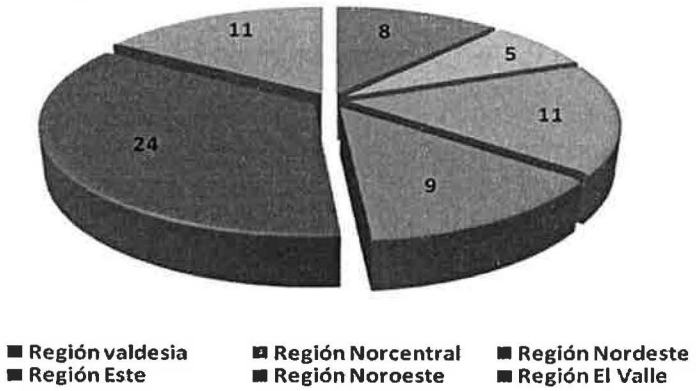
- Alignment of the objectives of *Solidaridad* with the yearly plans of the Ministries of Health and Education.

- Determining, structuring and executing sectoral programs that reduce the gaps in services of the Ministries of Health and Education.

Educational Component

Solidaridad contributes to the completion of at least nine years of initial and basis education, starting from age five, of the members of the beneficiary households. It also motivates young boys and girls between 14 and 18 years old to access, remain and reach at least the first cycle of mid-level education. It impacts on the reduction of school age, to two years above the age of the usual level and it has an associate component to the transfer of ILAE of RD$300.00 (US$9.00) to RD$600.00 (US$16.00), depending on the number of children enrolled in school.

During 2011, the pilot for the Participative Evaluation through Community Reports (RC) was launched in the province of La Vega and a Gradual Execution Plan was approved. Sixty nine (69) Supporting Committees for the program were added and trained, in their work for social oversight in the regions of Valdesia (8), Norcentral (5), Nordeste (11), Este (9), Noroeste (24) and in El Valle (11).



Comer Es Primero

Comer es Primero (Eating Comes First) grants RD$700 each month to heads of households living in extreme to moderate poverty, destined for the purchase of food and conditioned on their part by their compliance of health interventions. These include prenatal care, care for children 0 to 5 years of age, teenagers 10 to 15 years of age, and actions that promote health through training encounters offered to the families.

Incentive for School Attendance

This incentive consists of a conditional transfer of a variable amount, depending on the family members that apply for actions contemplated in the educational component. Households living in extreme to moderate poverty with one or two children or teenagers receive RD$300 each month, those with three receive RD$450 per month, and those with four or more children receive RD$600. These transfers are subject to the compliance of co-responsibility related to the enrollment and regular attendance to school of the children in the beneficiary household.

Maternal and Child Nutrition Project

With the am of improving the nutritional situation of the beneficiaries, especially those groups most vulnerable to malnutrition and poverty, *Solidaridad* began in 2010, together with the World Food Program and the Ministry of Health, a pilot of the Maternal and Child Nutrition Project in the province of La Vega. This will subsequently be extended to other provinces.

This project has the following areas of development:

- Distribution of nutritional supplements to children between 6 and 59 months of age and women who are pregnant or nursing.
- Nutritional education.
- Community nutritional vigilance.
- Field monitoring.

The initiative includes *Las Chispitas Solidarias*, a nutritional supplement aimed towards strengthening the nourishment of children form 6 to 59 months of age. By December 2011, the advances of this project were significant:

Primary Attention Care Units (UNAPs) received 4.8 tons of the nutritional supplement *Chispitas Solidarias* in 30 provinces, of which 15,486 boxes were destined to children form 6 to 59 months of age. Approximately 90,000 children benefited from this program.

2,474 people were trained on the matter of nutrition with an emphasis on micronutrients; of these, 1,017 from the *Solidaridad* program and 1,457 from the Ministry of Public Health.

Innovative Education Pilot

During the 2010-2011 school year, schools in the provinces of Santiago Rodríguez, Valverde, Dajabón and Montecristi, were part of a pilot project aimed at evaluating two aspects:

a) A new ILAE transfer scheme that would be differential and larger depending on school grade completed;
b) The added value of extracurricular academic interventions with a transfer conditioned by the assistance to basic summer courses.

Campaign Against Child Labor

In a joint effort with the Ministry of Labor, *Solidaridad* launched in November 2011 a new campaign to create awareness amongst the program's participants of the damaging effects of child labor. Modules on child labor awareness take place during the meetings of the Núcleo Solidarios groups, led by experts on the subject matters. Chiefs of household are informed of the nature of the worst forms of child labor and the associated risks, such as the possible deterioration of the health of the child. Participants are given an illustrated manual with details on the worst forms of child labor and highlighting the benefits of education over work for the development of children. It also briefly explains how child labor is prohibited by law.

Solidaridad aims to withdraw 100,000 from the worst forms of child labor by 2020. By that date, it will also have raised awareness of the problem amongst 500,000 households.

VIII. OTHER GOVERNMENT PROGRAMS OR PROGRAMS WITH GOVERNMENT SUPPORT THAT ADDRESSED CHILD LABOR

- Agricultural Bank loan agreements include a clause that prohibits recipients from using child labor and guarantees that they send their children to school.

- After the completion of the *Espacios para Crecer* (EpC – Spaces for Growth) program in February 2011, with which the Ministry of Education collaborated, the study to "Validate the Strategies Utilized to Prevent and Reduce Exploitative and the Worst Forms of Child Labor in the Dominican Republic: A Quantitative and Qualitative Study" **(see annex 21)** determined that there had been tangible improvements. It found that the first cohort of children in the sample were actively enrolled and participating in school roughly 1.5

years after their cohort completed the program. Some enrolled students were working at the time of the survey; however, school attendance remained either better than average or average for both children that worked and those that did not. During the 2009-2010 school year, 85 percent of children who were working attended school regularly and 89 percent of children who were not working attended school regularly.

The study found that the majority of the children 14 years and older who were working at the time of the survey were engaged in legally permitted work in accordance with Dominican law. It also established that 63 percent of the children interviewed from cohort 1 were not working at the time of the survey (November 2010). Of the children already engaged in child labor when they entered the program (classified as to be withdrawn), it concluded that 54 percent were no longer working at the time of the survey. Also, 76% of the children who were at-risk of being engaged in child labor maintained the same non-working status. Despite the official end of the EpC program, many of the spaces have been maintained with support from various sources in the private sector or non governmental organizations.

- In collaboration with UNICEF, the Ministry of Health will implement a special program to increase school attendance of children outside the educational system, reducing exclusion and targeting various marginalized groups. UNICEF donated US $50,000.

- The Ministry of Youth designed and implemented early educational policies to achieve higher levels of gender inclusion. NGOs, private sector, mass media and civil society were involved in this initiative. UNICEF granted US $90,000 to implement these policies.

- In November of 2011, CESFRONT trained over 50 border agents to form the department of Childhood Protection Officers (OPIs). The training was the result of joint cooperation with IOM, the General Migration Directorate and the Government of Mexico.

The GODR supports community programs and NGOs in their work on the protection of children at risk and street begging, such as:

- The *YO TAMBIEN* Program, provides shelter, food, education and recreational activities for children working or living on the streets of Santo Domingo. The program's goal is to encourage children to leave the streets and find a proper family setting. The shelter also organizes community service events in the low-income neighborhood of San Carlos, in the city of Santo Domingo.

- *ACCIÓN CALLEJERA*, provides attention and care to children from the streets between the ages of seven and fourteen. Under the program, children received educational support, arts classes, recreation, tips on how to build self-esteem, and legal support. *Accion Callejera,* works in Hato del Yaque, a large marginal neighborhood of the city of Santiago.

- *CAMINANTE PROYECTO EDUCATIVO* works with children living in the streets of the tourist zones of Boca Chica, providing services such as: 1) technical/professional entertainment/training; 2) defense, dignity and rights of mothers and children; 3) learning methodologies to rise the level of mental and physical health of children; 4) recreational activities; 5) assistance and better access to formal education for children; and 6) educational programs for family and community integration. *Caminante Proyecto Educativo*, has its headquarters in Boca Chica, and it works in the Bellavista, Monte Adentro and Los Coquitos communities, which have a high population of children at risk.

- *NIÑOS DEL CAMINO* promotes the social integration of vulnerable children; it raises public awareness about the situation of these children. *Niños del Camino* gives services in neighborhoods of Santo Domingo, including advocacy in favor of public policies for the protection of children's rights. Some of neighborhoods under the program are: 27 de Febrero, Guachapita, Los Guandúes, Los Alcarrizos, La Ciénaga, El Conde and Malecon.

Washington, D.C.
16 March, 2012