

Dominican Republic

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

The Government of the Dominican Republic has been a member of ILO-IPEC since 1997.¹¹⁴⁵ In December 1998, a two-year pilot project was launched to eliminate and prevent child labor in Constanza,¹¹⁴⁶ followed by a USDOL-funded ILO-IPEC project in September 2001 to make Constanza the first municipality free of child labor.¹¹⁴⁷ The Dominican Republic is currently participating in two ILO-IPEC regional projects funded by USDOL to combat child labor in the coffee and tomato sectors.¹¹⁴⁸ With funding from USDOL and technical assistance from ILO-IPEC's SIMPOC, the Ministry of Labor also conducted a national child labor survey in 2000-2001.¹¹⁴⁹ As part of USDOL-funded preparatory activities for the ILO-IPEC Time-Bound Program, a pilot model to combat commercial sexual exploitation is underway in Boca Chica, and several baseline studies and rapid assessments are being conducted in rural and urban sectors.¹¹⁵⁰

In April 2002, ILO-IPEC carried out a study on child domestic work.¹¹⁵¹ With other donor funding, ILO-IPEC is carrying out a project in Santo Domingo and Santiago aimed at raising awareness of, collecting information on, and providing direct attention to children involved in domestic work in the homes of third parties.¹¹⁵² The Dominican Republic's national Time-Bound Program to eliminate the worst forms of child labor within a specific timeframe began in September 2002, and will target children working under hazardous conditions in agriculture, in the informal urban sector, and commercial sexual exploitation.¹¹⁵³ The Government of the Dominican Republic, especially the Ministry of Labor, has been supportive of these efforts to combat child labor through its political and financial commitments.¹¹⁵⁴ In January 2002, the Ministry of Labor

¹¹⁴⁵ ILO-IPEC, *Preparatory Activities for the Elimination of the Worst Forms of Child Labour in the Dominican Republic*, project document, DOM/01/P50/USA, Geneva, September 2001, 1.

¹¹⁴⁶ ILO-IPEC, *Combating Child Labour in High-Risk Agriculture Activities in Constanza*, project document, Geneva, March 2001. See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 0292*, January 2001.

¹¹⁴⁷ ILO-IPEC, *Elimination of the Worst Forms of Child Labour*, project document, 3.

¹¹⁴⁸ ILO-IPEC, *Prevention and Elimination of Child Labor in the Tomato Producing Sector in the Dominican Republic*, DOM/00/P50/USA, Geneva, June - July 2000. See also ILO-IPEC, *Prevention and Elimination of Child Labor in the Coffee Industry in the Dominican Republic*, DOM/99/05/050, Geneva, 1999.

¹¹⁴⁹ ILO-IPEC, *Central America: SIMPOC*, project document, CAM/99/05/050, Geneva, 1999, 11.

¹¹⁵⁰ ILO-IPEC, *Elimination of the Worst Forms of Child Labour*, project document, 3, 8.

¹¹⁵¹ ILO-IPEC, *Esto no es un juego: Un estudio exploratorio sobre el trabajo infantil doméstico en hogares de terceros en República Dominicana*, Santo Domingo, April 2002.

¹¹⁵² ILO official, electronic communication to USDOL official, September 16, 2002.

¹¹⁵³ ILO-IPEC, *Combating the Worst Forms of Child Labour in the Dominican Republic - Supporting the Timebound Program for the Elimination of the Worst Forms of Child Labor in the Dominican Republic*, project document, DOM/02/P50/USA, Geneva, September 2002, 16.

¹¹⁵⁴ *Ibid.*, 2, 7. See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 0292*.

launched a nationwide public campaign, including television and radio spots, and the distribution of calendars and buttons, in order to raise awareness on the harmful and negative effects of child labor.¹¹⁵⁵

In 1996, the Inter-institutional Commission to Prevent and Eliminate Commercial Sexual Exploitation in Tourist Areas was created. The National Steering Committee for the Elimination of Child Labor was formed in March 1997.¹¹⁵⁶

Since 1992, government policy on education has been coordinated through its Ten-Year Education Plan,¹¹⁵⁷ which had some notable achievements in improving basic education coverage, increasing enrollment in pre-school and secondary education, and decreasing the drop-out rate.¹¹⁵⁸ Currently, the government is developing its new Ten-Year Education Plan, which will support ongoing efforts to improve access, retention, and the quality of education.¹¹⁵⁹ The Ministry of Education will also be expanding the Innovative Multi-Grade School Project to provide instruction to children in two or more grades in one classroom, which was funded by UNICEF in 1999, with support from UNICEF, the IDB, and Plan International.¹¹⁶⁰ In 1995, the World Bank, IDB, and local contributors funded the Basic Education Improvement Project to improve school infrastructures, expand school nutrition programs, train teachers, and improve monitoring and evaluation in the education sector.¹¹⁶¹ In addition, to increase access to pre-schools, the World Bank approved a USD 42 million loan to increase the number of pre-schools and provide teacher training.¹¹⁶² In January

¹¹⁵⁵ Government of the Dominican Republic, *Informe Sobre los Esfuerzos de Nuestro Pais para Eliminar las Peores Formas del Trabajo Infantil*, 6, 7.

¹¹⁵⁶ ILO-IPEC, *Timebound Program, project document*, 6, 10. See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 3919*, September 2001.

¹¹⁵⁷ The main goal of the Ten-Year Education Plan (PDE) was to increase access to quality education by reforming curricula, improving teaching conditions, increasing community participation in education, enacting a new education law, and increasing resources for education. See ILO-IPEC, *Elimination of the Worst Forms of Child Labour, project document*, 7.

¹¹⁵⁸ ILO-IPEC, *Timebound Program, project document*, 7. See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 1782*, April 2001.

¹¹⁵⁹ ILO-IPEC, *Timebound Program, project document*, 8.

¹¹⁶⁰ *Proyecto Escuela Multigrado Innovada* is aimed at rural schools where the numbers of children do not necessarily justify the construction of additional classrooms. Under this program, teachers will be able to provide instruction to children in two or more grades in one classroom. This program has allowed many schools that only counted with the first basic education cycle (of four years) to complete the second basic education cycle in order to offer the 8-year compulsory grades. The result has been that more children have continued their education instead of leaving school due to the distance of the assigned schools. See *Ibid.* See also Secretary of Education of the Dominican Republic and Fundación Volvamos a la Gente, *Síntesis de Resultados, Proyecto: Escuela Multigrado Innovada*, UNICEF, 1. See also Inter-American Development Bank, *Basic Education Project III*.

¹¹⁶¹ Inter-American Development Bank, *IDB Approves \$52 million for Basic Education in Dominican Republic*, press release, Basic Education Improvement Program, October 30, 1995, [cited September 8, 2002]; available from <http://www.iadb.org/exr/PRENSA/1995/cp23695e.htm>.

¹¹⁶² ILO-IPEC, *Timebound Program, project document*, 8. See also World Bank, *Projects, Policies, and Strategies: Projects in the Dominican Republic*, [online] [cited October 5, 2002]; available from <http://www4.worldbank.org/projects/Results.asp?Coun=DO&Sec=All&Lend=All&sYr=All&eYr=All&Env=All&Stat=All&display=10&sOpt=Country&st=DetSrc&x=38&y=9>.

2002, the IDB approved an additional education program to provide USD 54 million to improve coverage of the second cycle of basic education, introduce better pedagogic methodologies in multi-grade schools, increase the internal efficiency of basic education, expand the hours of schooling, and modernize the training of basic education teachers.¹¹⁶³

Incidence and Nature of Child Labor

In 2000-2001, the Ministry of Labor, in collaboration with the ILO-IPEC's SIMPOC program carried out a national child labor survey. According to the survey results, released in October 2001, 17.7 percent (428,720 children) of children ages 5 to 17 years in the Dominican Republic were working.¹¹⁶⁴ Children work as agricultural workers, street vendors and shoe shiners, and domestic servants.¹¹⁶⁵ Haitian children work on sugarcane farms in the Dominican Republic, particularly in the Barahona province.¹¹⁶⁶ Children also work as domestic servants in homes of third parties.¹¹⁶⁷ Children from poor families are adopted into others' homes, often serving under a kind of indentured servitude.¹¹⁶⁸

The commercial sexual exploitation of children is reported to be a problem in urban areas, as well as in tourist locations throughout the country.¹¹⁶⁹ According to a study sponsored by UNICEF and the National Planning Office in 1999, 75 percent of minors involved in prostitution were working in brothels, discos, restaurants, and hotels.¹¹⁷⁰ There are reports that women and children are trafficked to, from, and within the Dominican Republic particularly for the purpose of

¹¹⁶³ Inter-American Development Bank, *Basic Education Project III*.

¹¹⁶⁴ ILO-IPEC, *Timebound Program, project document*, 3. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Dominican Republic*, Washington, D.C., March 4, 2002, 2779-83, Section 6d [cited December 26, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8345.htm>. In 2000, the World Bank and the ILO estimated that, in the Dominican Republic, 13.2 percent of children ages 10 to 14 were working. According to the ILO, 124,000 children ages 10 to 14 were economically active. ILO, *Yearbook of Labor Statistics 2002*, Geneva, 2002. See also World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

¹¹⁶⁵ Almost three quarters of working children are boys, and more children work in urban areas than in rural areas. See ILO-IPEC, *Elimination of the Worst Forms of Child Labour, project document*, 1, 7.

¹¹⁶⁶ Agustin Vargas-Saillant, Domingo Jimenez, and Rufina Alvarez, Unitary Confederation of Workers (CTU and Futrazona), Dominican Republic, interview with USDOL official, August 29, 2000. See also U.S. Department of State, *Country Reports- 2001: Dominican Republic*, 2779-83, Section 6d. See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 3869*, October 2002.

¹¹⁶⁷ ILO-IPEC, *Esto no es un juego: Un estudio exploratorio*.

¹¹⁶⁸ They work long hours under the threat of punishment, in agriculture, domestic service, or industry. Some, especially the girls, are sexually abused. See U.S. Department of State, *Country Reports- 2001: Dominican Republic*, 2779-83, Section 6c.

¹¹⁶⁹ ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, Geneva, April 2002. See also U.S. Department of State, *Country Reports- 2001: Dominican Republic*, 2777-79, Section 5. See also U.S. Department of State, *Trafficking in Persons Report- 2001: Dominican Republic*, Washington, D.C., June 5, 2002, 44 [cited December 26, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10679.htm>.

¹¹⁷⁰ Emmanuel Silvestre, Jaime Rijo, and Huberto Bogaert, *La Neo-Prostitucion Infantil en Republica Dominicana*, UNICEF and ONAPLAN, 1999, 33. See also Mercedes Gonzalez, "La explotación sexual y laboral de niños," *El Siglo*, August 20, 2000.

prostitution.¹¹⁷¹ The Directorate of Migration has estimated that approximately 400 rings of alien smugglers, traffickers, and purveyors of false documents operate within the country.¹¹⁷² Haitian children are reportedly trafficked to the Dominican Republic to work as shoe-shiners, street vendors, in agriculture, and to beg in the streets.¹¹⁷³

Basic education is free and compulsory between the ages of 5 and 14 years.¹¹⁷⁴ In 1997, the gross primary enrollment rate was 101.9 percent,¹¹⁷⁵ and the net primary enrollment rate was 84.3 percent.¹¹⁷⁶ In 1999, the repetition rate was 5.6 percent and the drop-out rate was 14.4 percent for children enrolled in grades one to eight.¹¹⁷⁷ Primary school attendance rates are unavailable for the Dominican Republic. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.¹¹⁷⁸ In rural areas, schools often lack basic furnishings and teaching materials, and schools are far from children's homes. In many cases, school fees and the cost of uniforms, books, meals, and transportation make education prohibitively expensive for poor families.¹¹⁷⁹

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years, and places restrictions on the employment of youth between the ages of 14 and 16.¹¹⁸⁰ Youth under 16 may not work more than six hours a day, and must have a medical certificate in order to work.¹¹⁸¹ They are restricted from performing night work and from working more than 12 hours daily. Youth under 16 are also prohibited from performing ambulatory work, delivery work, or work in establishments that serve

¹¹⁷¹ U.S. Department of State, *Country Reports- 2001: Dominican Republic*, 2777-83, Sections 5, 6f. See also U.S. Department of State, *Trafficking in Persons Report: Dominican Republic*, 44.

¹¹⁷² U.S. Department of State, *Country Reports- 2001: Dominican Republic*, 2779-83, Section 6f.

¹¹⁷³ IOM, *Dominican Republic - Workshop on Counter Trafficking: Press Briefing Notes*, [online] August 2002 [cited August 9, 2002]; available from <http://www.iom.int/en/news/PBN200802.shtml>. See also U.S. Department of State, *Trafficking in Persons Report: Dominican Republic*, 44.

¹¹⁷⁴ UNESCO, *Statistics: National Education Systems*, [online], [cited December 31, 2001]; available from http://www.uis.unesco.org/statsen/statistics/yearbook/tables/Table3_1.html.

¹¹⁷⁵ There are no figures currently available for 1998 or 1999. UNESCO, *Education for All: Year 2000 Assessment* [CD-ROM], Paris, 2000.

¹¹⁷⁶ *Ibid.*

¹¹⁷⁷ ILO-IPEC, *Elimination of the Worst Forms of Child Labour, project document*, 6.

¹¹⁷⁸ For a more detailed description on the relationship between education statistics and work, see the preface to this report.

¹¹⁷⁹ ILO-IPEC, *Elimination of the Worst Forms of Child Labour, project document*, 7. See also ILO-IPEC, *Timebound Program, project document*, 13.

¹¹⁸⁰ *Código de Trabajo de la República Dominicana 1999*, Articles 245, 46.

¹¹⁸¹ Permission is needed from both the mother and father. If this is not possible, then authorization can be gained from the child's tutor. If there is no tutor, authorization can be granted by a judge from the child's area of residence. See *Ibid.*, Artículos 247, 48. See also Secretary of State of Labor, *Preguntas y Respuestas*, [online] [cited December 10, 2002]; available from <http://www.set.gov.do/preguntas/menor.htm>.

alcohol.¹¹⁸² Article 254 of the Labor Code requires employers to ensure that minors may continue their schooling.¹¹⁸³

Forced labor is prohibited under the law.¹¹⁸⁴ The Code of the Minor criminalizes child prostitution and child pornography.¹¹⁸⁵ The Penal Code prohibits trafficking in persons for the purpose of prostitution, but does not include other severe forms of trafficking.¹¹⁸⁶ The law imposes fines and imprisonment of 2 to 10 years for traffickers involved in promoting prostitution.¹¹⁸⁷ A migrant smuggling law can be used to prosecute traffickers.¹¹⁸⁸

The Ministry of Labor is responsible for enforcing child labor laws.¹¹⁸⁹ In 2000, the Government of the Dominican Republic had approximately 232 labor inspectors charged with enforcement of the minimum wage, child labor laws, and health and safety legislation. Article 720 of the Labor Code imposes penalties on child labor violators, which include fines and jail sentences.¹¹⁹⁰ The Ministry of Labor has taken employers in violation of the law to court.¹¹⁹¹ Also, the Ministry of Labor has held seminars for labor inspectors and municipal Ministry of Labor representatives throughout the country in order to educate them on child labor laws and enforcement.¹¹⁹²

The Government of the Dominican Republic ratified ILO Convention 138 on June 15, 1999 and ILO Convention 182 on November 15, 2000.¹¹⁹³

¹¹⁸² *Código de Trabajo 1999*, Articles 246, 49.

¹¹⁸³ *Ibid.*, Article 254.

¹¹⁸⁴ U.S. Department of State, *Country Reports- 2001: Dominican Republic*, 2779-83, Section 6c.

¹¹⁸⁵ U.S. Embassy- Santo Domingo, *unclassified telegram no. 3141*, August 2000.

¹¹⁸⁶ U.S. Department of State, *Trafficking in Persons Report: Dominican Republic*, 44.

¹¹⁸⁷ U.S. Department of State, *Country Reports- 2001: Dominican Republic*, 2779-83, Section 6f.

¹¹⁸⁸ U.S. Department of State, *Trafficking in Persons Report: Dominican Republic*, 44.

¹¹⁸⁹ U.S. Embassy- Santo Domingo, *unclassified telegram no. 3919*.

¹¹⁹⁰ *Código de Trabajo 1999*, Article 720. See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 2499*, June 2000. U.S. Embassy- Santo Domingo, *unclassified telegram no. 3869*.

¹¹⁹¹ U.S. Embassy- Santo Domingo, *unclassified telegram no. 2499*.

¹¹⁹² U.S. Embassy- Santo Domingo, *unclassified telegram no. 3869*.

¹¹⁹³ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 8, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.