

Dominican Republic

Incidence and Nature of Child Labor

The Dominican State Department of Labor estimated that 14.5 percent of children ages 5 to 14 years were working in the Dominican Republic in 2000.¹³¹⁹ Many of these children work in agriculture,¹³²⁰ Haitian and Dominican children participate in the planting and cutting of sugarcane.¹³²¹ Children also work as street vendors and shoe shiners.¹³²² Some children also work as domestic servants in homes of third parties.¹³²³ Children from poor families are sometimes “adopted” into the homes of other families, often serving under a kind of indentured servitude, while other poor and homeless children are sometimes forced to beg and sell goods on the streets.¹³²⁴

The commercial sexual exploitation of children is reported to be a problem in urban areas, as well as in tourist locations throughout the country including Boca Chica, Puerto Plata and Sosua.¹³²⁵ According to a study published by UNICEF and the National Planning Office in 1999, 75 percent of minors involved in prostitution were working in brothels, discos, restaurants, and hotels.¹³²⁶ There are reports that women and children are trafficked to, from, and within the Dominican Republic, particularly for the purpose of commercial sexual exploitation.¹³²⁷ There are also reports that poor children are trafficked internally to work as domestics.¹³²⁸ Haitian children are reportedly trafficked to the Dominican Republic¹³²⁹ to work as

¹³¹⁹ Another 31.1 percent of children ages 15 to 17 years were also found working. See ILO-IPEC, *Report on the Results of the National Child Labour Survey in the Dominican Republic*, San Jose, July 2004, xvi, 25; available from <http://www.ipeccr.org/ipeccr/region/acciones/simpoc/publicaciones/RD/RD%20-%20national%20report.pdf>. For more information on the definition of working children, please see the section in the front of the report entitled *Statistical Definitions of Working Children*.

¹³²⁰ Almost three quarters of working children are boys. See 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, 7.

¹³²¹ U.S. Embassy- Santo Domingo, *unclassified telegram no. 4415*, August 22, 2003. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Dominican Republic*, Washington, D.C., February 25, 2004, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27895.htm>.

¹³²² Assessments have been carried out to effectively target child labor in these sectors. See ILO-IPEC, *Preparatory Activities for the Elimination of the Worst Forms of Child Labour*, project document, 7. See also ILO-IPEC, *Evaluación rápida sobre niños, niñas, y adolescentes trabajadores/as urbanos/as en República Dominicana*, Santo Domingo, December 2002.

¹³²³ A study was conducted to effectively target child labor in this sector. See 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, 17-18.

¹³²⁴ U.S. Department of State, *Country Reports- 2003: Dominican Republic*, Sections 5 and 6c.

¹³²⁵ ILO-IPEC, *Explotación sexual comercial de personas menores de edad en República Dominicana*, September 2002, 13. See also U.S. Department of State, *Country Reports- 2003: Dominican Republic*, Sections 5 and 6f.

¹³²⁶ Emmanuel Silvestre, Jaime Rijo, and Huberto Bogaert, *La Neo-Prostitución Infantil en República Dominicana*, UNICEF and ONAPLAN, 1999, 33.

¹³²⁷ U.S. Department of State, *Country Reports- 2003: Dominican Republic*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report: Dominican Republic*, Washington, D.C., June 14, 2004; available from <http://www.state.gov/g/tip/rls/tiprpt/2004/33198pf.htm>.

¹³²⁸ IOM, Press Briefing Notes: Dominican Republic - National Network to Combat Trafficking in Human Beings, June 29, 2004. See also ILO-IPEC, *Esto no es un juego: Un estudio exploratorio*, 17-18.

prostitutes, shoe shiners, street vendors, in agriculture, and to beg in the streets.¹³³⁰ There are also reports that young Dominican girls are trafficked to Haiti to work as prostitutes.¹³³¹

Formal basic education is free and compulsory for 8 years.¹³³² In 2001, the gross primary enrollment rate was 126.1 percent and the net primary enrollment rate was 97.1 percent.¹³³³ Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for the Dominican Republic. Also in 2001, the repetition rate was 5.9 percent.¹³³⁴ As of 1998, 75.1 percent of children who started primary school were likely to reach grade 5.¹³³⁵ 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.¹³³⁶ Haitian children living in the Dominican Republic experience difficulties in attending primary school due to their unofficial status and lack of proper documentation necessary for enrollment into school.¹³³⁷ Children without birth certificates, including Haitian children, can only attend school through the fifth grade.¹³³⁸

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 16.¹³³⁹ Youth under 16 may not work more than 6 hours a day, and must have a medical certificate in order to work.¹³⁴⁰ They are restricted from performing night

¹³²⁹ U.S. Department of State, *Trafficking in Persons Report- 2004: Dominican Republic*. See also UNICEF/OIM, *Tráfico de Niños Haitianos hacia República Dominicana*, July 2002, 31.

¹³³⁰ UNICEF/OIM, *Tráfico de Niños Haitianos hacia República Dominicana*, 8. See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 1683*, March 12, 2004. See also IOM, *Press Briefing Notes: Dominican Republic - National Network of Journalists to Cover Trafficking, Smuggling, and Irregular Migration*, May 14, 2004.

¹³³¹ U.S. Embassy- Santo Domingo, *unclassified telegram no. 1683*.

¹³³² U.S. Department of State, *Country Reports- 2003: Dominican Republic*, Section 5. See also *Constitución Política de la República Dominicana*, (July 20, 2002), Article 8, #16. See also UNESCO, *Statistics: National Education Systems*, [online]; available from http://www.uis.unesco.org/statsen/statistics/yearbook/tables/Table3_1.html.

¹³³³ World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

¹³³⁴ *Ibid.* For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

¹³³⁵ *Ibid.*

¹³³⁶ 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, 13.

¹³³⁷ U.S. Department of State, *Country Reports- 2003: Dominican Republic*, Section 5.

¹³³⁸ U.S. Embassy- Santo Domingo, *unclassified telegram no. 4809*, August 23, 2004.

¹³³⁹ *Código de Trabajo de la República Dominicana 1999*, Articles 245, 46, 47. See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 4415*.

¹³⁴⁰ *Código de Trabajo 1999*, Artículos 247, 48. Permission for children under 14 is needed from both the mother and father. If this is not possible, then authorization can be gained from the child's guardian. If there is no tutor, authorization can be granted by a

work and from working more than 12 hours consecutively. Youth under 16 are also prohibited from performing ambulatory work, including delivery work, or work in establishments that serve alcohol.¹³⁴¹ Article 254 of the Labor Code requires employers to ensure that minors continue their schooling.¹³⁴²

Forced and bonded labor is prohibited under the law.¹³⁴³ Articles 410 and 411 of the 2003 Code for the Protection of Children and Adolescents criminalize child prostitution and child pornography.¹³⁴⁴ The code includes penalties of 20 to 30 years of imprisonment, as well as fines, for sexually abusing children.¹³⁴⁵ Seven businesses that promoted prostitution and sex tourism with minors have been closed down, and several ranking diplomats have been fired for suspected complicity in trafficking activities since the code's enactment. Some child trafficking arrests have also been made, but prosecutions are pending.¹³⁴⁶

The Ministry of Labor is responsible for enforcing child labor laws in coordination with the National Council for Children and Adolescents.¹³⁴⁷ Nationwide, 220 labor inspectors¹³⁴⁸ are charged with the enforcement of child labor laws in the formal sector, health and safety legislation, and the minimum wage. Article 720 of the Labor Code imposes penalties on child labor violators, which include fines and jail sentences.¹³⁴⁹

In August 2003, the Government of the Dominican Republic promulgated an anti-trafficking law, which outlines measures to be taken by government institutions on protection, prosecution, and prevention efforts against trafficking. The new law prohibits all severe forms of trafficking and includes penalties of 15 to 20 years imprisonment for convicted traffickers.¹³⁵⁰ The Office of the Attorney General and the National Police are responsible for enforcing commercial sexual exploitation and trafficking laws.¹³⁵¹ However, the government has limited resources for training of police, prosecutors, and judges for

judge from the child's area of residence. See also Secretary of State of Labor, *Preguntas y Respuestas*, [online] [cited March 18, 2004]; available from <http://www.set.gov.do/preguntas/menor.htm>.

¹³⁴¹ *Código de Trabajo 1999*, Articles 246, 49, 53.

¹³⁴² *Ibid.*, Article 254.

¹³⁴³ U.S. Department of State, *Country Reports- 2003: Dominican Republic*, Section 6c.

¹³⁴⁴ *Código para la protección de los derechos de los Niños, Niñas, y Adolescentes*, Ley No. 136-03, (July 22). See also U.S. Department of State, *Country Reports- 2003: Dominican Republic*, Section 5. See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 4415*.

¹³⁴⁵ U.S. Department of State, *Country Reports- 2003: Dominican Republic*, Section 6f.

¹³⁴⁶ U.S. Department of State, *Trafficking in Persons Report- 2004: Dominican Republic*.

¹³⁴⁷ U.S. Embassy- Santo Domingo, *unclassified telegram no. 3919*, September 2001. See also U.S. Embassy-Santo Domingo official, electronic communication to USDOL official, February 27, 2004.

¹³⁴⁸ U.S. Embassy Official, email communication to USDOL official, October 28, 2004.

¹³⁴⁹ U.S. Embassy- Santo Domingo, *unclassified telegram no. 2499*, June 2000. See also *Código de Trabajo 1999*, Articles 720-22. See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 3869*, October 2002.

¹³⁵⁰ ILO-IPEC, *Technical Progress Report, Supporting the TBP for the elimination of the worst forms of child labor in the Dominican Republic*, September 15, 2003, 2. See also *Ley contra el Tráfico Ilícito de Migrantes y Trata de Personas*, (August 2003). See also U.S. Department of State, *Country Reports- 2003: Dominican Republic*, Section 6f. See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 1683*.

¹³⁵¹ U.S. Department of State, *Country Reports- 2003: Dominican Republic*, Section 6f. See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 1683*.

combating trafficking.¹³⁵² According to the U.S. Department of State, the government also lacks effective trafficking law enforcement and victim protection programs.¹³⁵³

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

The Government of the Dominican Republic, especially the Ministry of Labor, has been supportive of efforts to combat child labor through political and financial commitments. The Dominican Republic is currently participating in several projects funded by USDOL to eliminate the worst forms of child labor in the country.¹³⁵⁴

The Government of the Dominican Republic is participating in a national Timebound Program to eliminate the worst forms of child labor within a specific timeframe. This project began in September 2002, and targets children working under hazardous conditions in agriculture, in the urban informal sector, and engaged in commercial sexual exploitation.¹³⁵⁵

The government is also participating in a Child Labor Education Initiative Program aimed at improving quality and access to basic education, in support of the Timebound Program's efforts.¹³⁵⁶ It is also involved in two ILO-IPEC regional projects to combat child labor in the coffee and tomato sectors,¹³⁵⁷ and a regional Child Labor Education Initiative Program aimed at strengthening government and civil society's capacity to address the educational needs of working children.¹³⁵⁸ With funding from the Government of Canada and other donors, ILO-IPEC is conducting a survey on child labor in the tobacco sector,¹³⁵⁹ and a project in Santo Domingo and Santiago aimed at collecting information, raising awareness, and providing direct services to children involved in domestic work in the homes of third parties.¹³⁶⁰

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	6/15/1999	✓
Ratified Convention 182	11/15/2000	✓
ILO-IPEC Member		✓
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

¹³⁵² U.S. Embassy- Santo Domingo, *unclassified telegram no. 1683*.

¹³⁵³ U.S. Department of State, *Trafficking in Persons Report- 2004: Dominican Republic*.

¹³⁵⁴ ILO-IPEC, *Timebound Program, project document, 7*. See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 0292*, January 2001.

¹³⁵⁵ ILO-IPEC, *Timebound Program, project document, cover, 16*.

¹³⁵⁶ This project began in August 2003. *Cooperative Agreement E-9-K-3-0054*, between USDOL and DevTech Systems, on the Combating Child Labor Through Education Project in the Dominican Republic, in support of the Timebound Program.

¹³⁵⁷ ILO-IPEC, *Prevention and Elimination of Child Labor in the Tomato Producing Sector in the Province of Azua, project document, 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.

¹³⁵⁸ USDOL, "News Release: United States Provides over \$110 Million in Grants to Fight Exploitive Child Labor Around the World," October 1, 2004; available from <http://www.dol.gov/opa/media/press/ilab/ILAB20041715.htm>. See also USDOL/ILAB, *ILAB Technical Cooperation Project Summary: Combating Child Labor through Education in Central America and the Dominican Republic, 2004*.

¹³⁵⁹ ILO-IPEC, *IPEC en la región>Países>República Dominicana*, [online] [cited March 25 2004]; available from <http://www.ipec.oit.or.cr/ipec/region/paises/dominicana.shtml>.

¹³⁶⁰ ILO-IPEC official, email communication to USDOL official, May 12, 2004. See also Rigoberto Astorga, ILO official, electronic communication to USDOL official, September 16, 2002.

In August, the Ministry of Labor issued a resolution outlining a list of activities considered as the worst forms of child labor in the Dominican Republic.¹³⁶¹ In addition, the Ministry of Labor, the National Workers' Confederation, and the Association of Dominican Free Trade Zones signed a protocol of understanding to encourage the adherence of labor laws in free trade zones. This protocol includes a provision prohibiting child labor.¹³⁶²

In support of the anti-trafficking legislation adopted in August 2003, the USAID Mission in the Dominican Republic is providing training to victim protection agencies, as well as justice sector and other government officials.¹³⁶³ In cooperation with the Association of Hotels, the Inter-institutional Commission to Prevent and Eliminate Commercial Sexual Exploitation launched a media campaign warning potential abusers of the penalties for the commercial sexual exploitation of minors.¹³⁶⁴ In addition, the Inter-institutional Commission to Prevent and Eliminate Commercial Sexual Exploitation, including the Department of the Tourist Police and the Armed Forces, began an orientation program for adolescent victims of commercial sexual exploitation.¹³⁶⁵ The Ministry of Education has recently trained 3,000 teachers in high-risk areas on the prevention of commercial sexual exploitation.¹³⁶⁶ In the last year, Dominican tourist offices located in Europe, as well as the Hotel and Restaurant Associations, disseminated information on sex tourism.¹³⁶⁷ With funding from the U.S. Department of State, the IOM is providing a recently created *Network of Journalists Covering Stories on Trafficking, Smuggling, and Irregular Migration* (made up of 17 print, radio, and television journalists) with technical and financial assistance.¹³⁶⁸ In February 2004, the IOM launched a countrywide radio soap opera series that depicts the real-life stories of 10 trafficking victims,¹³⁶⁹ and sponsored seminars for more than 120 prosecutors and police officers on the new law against trafficking.¹³⁷⁰

The new 10-year Strategic Development Plan for Dominican Education (2003-2012) supports ongoing efforts to improve access, retention, and the quality of education, including preschool education.¹³⁷¹ With

¹³⁶¹ This regulation was issued on August 13, 2004. See *Resolución No 52/2004 Sobre Trabajos Peligrosos e Insalubres para Personas Menores de 18 Años*, (August 13). See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 4809*.

¹³⁶² *Protocolo de Entendimiento para Garantizar la Productividad y la Solucion de Conflictos Laborales en las Zonas Francas de la República Dominicana*, (April 30, 2004).

¹³⁶³ U.S. House of Representatives, Committee on Government Reform, Subcommittee on Wellness and Human Rights, Statement by Kent R. Hill, Assistant Administrator, Bureau for Europe and Eurasia, USAID, October 29, 2003, 4.

¹³⁶⁴ Funding for this campaign has been provided by the Governments of the Dominican Republic, Germany, Italy, and the United States. See U.S. Department of State, *Country Reports- 2003: Dominican Republic*, Section 6f. See also U.S. Embassy- Santo Domingo official, electronic communication to USDOL official, February 17, 2004.

¹³⁶⁵ ILO-IPEC, *Technical Progress Report: Stop the Exploitation. Contribution to the prevention and elimination of commercial sexual exploitation of children in Central America, Panama, and the Dominican Republic*, Geneva, March 6, 2004, 5.

¹³⁶⁶ U.S. Department of State, *Country Reports- 2003: Dominican Republic*, Section 6f. See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 1683*.

¹³⁶⁷ ILO-IPEC, *March Technical Progress Report: Stop the Exploitation*, 5.

¹³⁶⁸ IOM, *Network of Journalists to Cover Trafficking, Smuggling, and Irregular Migration*.

¹³⁶⁹ IOM, "Counter-Trafficking Radio Soap Opera in Dominican Republic," *IOM News* (March 2004). See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 1683*.

¹³⁷⁰ U.S. Embassy- Santo Domingo, *unclassified telegram no. 1683*.

¹³⁷¹ The plan was officially launched on April 30, 2003. See 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*, Technical

support from UNICEF, the IDB, and Plan International, the Ministry of Education is expanding the Innovative Multi-Grade School Project to provide instruction to children in two or more grades in one classroom.¹³⁷²

The Government of the Dominican Republic also has several sources of external funding to improve access to and quality of basic education. These projects include a World Bank USD 42 million loan to increase the number of preschools and provide teacher training.¹³⁷³ The IDB is also supporting projects, such as a USD 54 million loan program, 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.¹³⁷⁴ Another IDB project aims to improve the educational achievement of children in rural and marginal urban areas; enhance the management of schools; and promote initiatives developed under the Educational Development Plan.¹³⁷⁵ Currently, the government is providing a USD 17 monthly stipend to poor mothers who keep their children in school and out of work. The government also provides free school breakfasts, nationwide, in order to promote attendance.¹³⁷⁶ In August 2004, the U.S. Department of Agriculture announced that it will provide funds for agricultural commodities for school meals in the Dominican Republic.¹³⁷⁷

Progress Report, Geneva, June 15, 2003, 4. See also Ministry of Education, *Plan Estratégico de Desarrollo de la Educación Dominicana 2003-2012*, April 2003. See also Secretary of Education of the Dominican Republic, *Construir un futuro solidario: Voluntad de la Nación, Plan Estratégico de la Educación Dominicana 2003-2012* (2003). See also ILO-IPEC, *Timebound Program, project document*, 8.

¹³⁷² *Proyecto Escuela Multigrado Innovada* is aimed at rural schools where low numbers of children do not necessarily justify the construction of additional classrooms. This program has allowed many schools that only offered the first four years of compulsory education to provide the full 8 years of mandatory schooling. The result has been that more children in rural areas have continued their primary education after 4 years instead of leaving school at the end of the first cycle. See ILO-IPEC, *Timebound Program, project document*, 8. 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, *Programa Educación Básica III*, January 30, 2002.

¹³⁷³ ILO-IPEC, *Timebound Program, project document*, 8. See also World Bank, *Early Childhood Education Project*, in Projects Database, [database online] March 18, [cited March 18, 2004]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P054937>.

¹³⁷⁴ IDB, *Programa Educación Básica III*, January 30, 2002, 4.

¹³⁷⁵ IDB, *Dominican Republic Multiphase Program for Equity in Basic Education Phase I*, [online] 2002 [cited March 18, 2004], 1; available from <http://www.iadb.org/exr/doc98/apr/dr1429e.pdf>. See also Inter-American Development Bank, *Approved Projects--Dominican Republic*, [online] June 19 2003 [cited July 13, 2003]; available from <http://www.iadb.org/exr/doc98/apr/lcdomi.htm>.

¹³⁷⁶ U.S. Embassy- Santo Domingo, *unclassified telegram no. 4415*. See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 4809*. See also U.S. Trade Representative official, electronic correspondence to USDOL official, June 2, 2005.

¹³⁷⁷ Eric Green, *U.S. funds will provide school meals in Latin America, Caribbean*, U.S. Department of State: Washington File, [online] August 17, 2004 [cited September 22, 2004]; available from <http://usinfo.state.gov/gi/Archive/2004/Aug/18-23606.html>.