

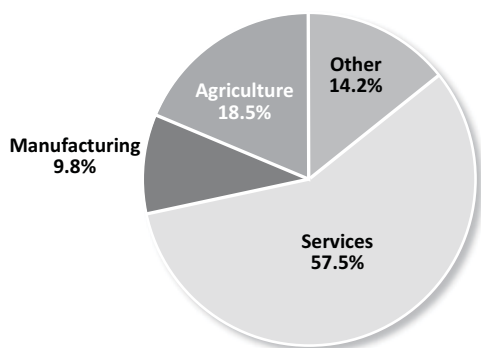
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In 2011, the Dominican Republic made a minimal advancement in efforts to eliminate the worst forms of child labor. The Government has taken steps to expand programs to reduce child labor and to increase the availability of information on child labor. It released statistics on child labor as part of its National Household Survey, initiated a pilot program in 21 schools that extends school hours to a full day and expanded the age range of children eligible for its conditional cash transfer program. However, the potential benefit from those steps may be counteracted by the new 2010 Constitution's immigration provisions, which were upheld by the Supreme Court during the reporting period. These provisions effectively, and in many cases retroactively, deny citizenship and birth certificates to many Dominican-born children of Haitian descent. These children are particularly vulnerable to the worst forms of child labor, and the immigration provisions restrict their opportunities for education and further increase their vulnerability to labor exploitation. Children in the Dominican Republic continue to engage in the worst forms of child labor, including in dangerous tasks in agriculture and in commercial sexual exploitation.

Statistics on Working Children and Education

Children	Age	Percent
Working	10-14 yrs.	5.8 (59,866)
Attending School	5-14 yrs.	96.3
Combining Work and School	10-14 yrs.	5.4
Primary Completion Rate		92.1

Working Children by Sector, Ages 5-14



Sources:

Primary completion rate: Data from 2010, published by UNESCO Institute for Statistics, 2012.(1)

All other data: Understanding Children's Work Project's analysis of statistics from LFS Survey, 2005.(2)



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

In November 2011, the Office of National Statistics released the results of the 2009-2010 child labor module of the national household survey.(3) According to the 2011 report, 15.1 percent of children ages 5 to 17 are economically active, down from 18 percent in 2000.(3) These data were not analyzed in time for use in this report; data from 2005 are included above. Children in the Dominican Republic are engaged in the worst forms of child labor in dangerous activities in agriculture and in commercial sexual exploitation.(4-6) In rural areas, children work in agriculture in the production of coffee, rice, sugarcane, and tomatoes, and may apply harmful pesticides, use dangerous tools, carry heavy loads and work long hours.(5-11) Reportedly, children work in hazardous activities in the production of garlic and potatoes.(5, 8, 11)

Haitian migration to the Dominican Republic is a long-standing phenomenon and Haitians or Dominicans of Haitian descent who lack legal documentation are especially vulnerable to exploitative or forced labor.(5, 12, 13) The January 2010 earthquake in Haiti prompted a surge in the migration of Haitians, including children, to the Dominican Republic.(14-16) Approximately 1 million undocumented immigrants live in the Dominican Republic and an estimated 13 percent of all children younger than age 15 have no birth documents.(5) Many Haitians and Dominicans of Haitian descent, including children, live in villages known as *bateyes* that have traditionally housed sugarcane workers and lack adequate housing, medical and other basic services.(8, 17, 18) According to the ILO Committee of Experts, children work in sugarcane plantations alongside their parents and the work may involve collecting cut cane or clearing land; these children risk injury from carrying heavy loads, using dangerous tools and getting cut by the plants.(11, 17, 19, 20)

In addition to agriculture, children also work as domestic servants in third-party homes.(5, 21) Children are sometimes sent to live with extended or better-off families in the hope of attending school. However, these families sometimes exploit the children as domestic workers.(5, 13, 22) Some child domestic workers are trapped in forced labor or indentured servitude, required to work long hours and may be exposed to physical or sexual abuse.(5, 7, 13, 23) Approximately 3,000 Haitian child domestic workers are reported to be working in the Dominican Republic.(24)

Children in urban areas work in the streets vending, shining shoes and washing car windows. They are vulnerable to many dangers, including severe weather, vehicle accidents, drug trafficking and other criminal elements.(6, 23, 25, 26) Children work in hazardous conditions for long hours in landfills.(27) They also work in construction, which may entail carrying heavy loads and using dangerous tools.(3, 7, 23) The child labor module of the 2009-2010 national household survey found that children work in the food service industry and in the production of baked goods (bread, cakes and pastries), which could subject them to burns from hot ovens.(3) Children are reportedly subjected to hazardous labor while mining for larimar, a blue rock often used for jewelry.(8, 11)

The commercial sexual exploitation of children occurs in tourist locations and major urban areas.(5, 13, 28, 29) The Dominican Republic is a source and destination country for trafficking of children, including for the purpose of commercial sexual exploitation.(5, 28, 30) Children are also trafficked internally for sex tourism and domestic service.(13) The porous border between Haiti and the Dominican Republic has enabled thousands of children to cross into the Dominican Republic without alerting authorities.(13, 31, 32) Some Haitian children who are trafficked to the Dominican Republic work in agriculture.(13, 24, 32) The Ministry of Labor (SET) stated during a regional forum in March 2011 that the lack of opportunities contributes to the recruitment of children and youth into commercial sexual exploitation and trafficking, and that better employment opportunities and conditions are needed.(29)

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the legal minimum age for employment in the Dominican Republic at 14.(33, 34)

The Resolution on Hazardous Work for Persons Under Age 18 prohibits minors younger than age 18 from dangerous work, such as work involving hazardous substances, heavy or dangerous machinery and heavy loads. Minors are also

prohibited from selling alcohol, certain work at hotels, handling cadavers and performing various tasks involved in the production of sugarcane.(35) The Resolution makes exceptions for children older than age 16 in apprenticeships and job training.(35) Special authorization is needed for minors to work in itinerant sales.(33) Minors ages 14 to 16 are prohibited from working as messengers and delivering merchandise.(33) Children younger than age 16 cannot work at night or more than 6 consecutive hours.(33) However, the night work provision does not cover children ages 16 to 17.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

The Code for the Protection of Children and Adolescents guarantees free primary education and sets the compulsory school age at 14.(34) However, in practice, associated school costs and a lack of identity documents prevent some children from attending school.(18, 36-38)

From 1929 until January 26, 2010, the Dominican Constitution conferred Dominican nationality on all those born in the country except those born to a foreign diplomat or to foreign parents who were “in transit.”(5, 39) At the time, the term “in transit” referred to persons who had spent no more than 10 days in the country. The 2004 Migration Law expanded the definition of “in transit” to mean non-residents, including temporary foreign workers, persons with expired residency visas and undocumented migrant workers.(5, 38, 40, 41) Until then, Civil Registry offices did not follow a set policy regarding issuance of nationality documents to the children of illegal migrants; some did and others did not.(42) The 2004 Migration Law severely

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affected Dominicans of Haitian descent who already had Dominican nationality as the Civil Registry began to retroactively apply the law to Dominican citizens of Haitian descent.(42) The new Constitution, which went into effect on January 26, 2010, adopted the 2004 Migration Law's provisions, explicitly excluding from citizenship those born on Dominican soil whose parents reside illegally in the country.(38, 40, 42) On December 1, 2011, the Supreme Court upheld the Central Electoral Board's (JCE) Circular 17, which instructs Civil Registry officials to deny copies of identity documents to children of "foreign parents" residing illegally in the country.(43-45) As a result, many Dominican-born individuals, whose Haitian parents and grandparents had lived and worked in the country for decades under the temporary worker's card (*ficha*) issued to them by the former state sugar company, are not considered eligible for citizenship because their parents are categorized as "in transit" or not residing in the country legally.(5, 12, 18, 37, 42) Although the Government of the Dominican Republic guarantees access to the health care network and public school system regardless of nationality, identity documents are required to receive a high school diploma.(27, 46) Without the opportunity to receive a high school diploma or pursue higher education, access at the legal working age to formal sector jobs is limited, which increases vulnerability of early entry into the worst forms of child labor and trafficking.(5, 13, 18, 38, 47)

The new Dominican Constitution contains a specific prohibition on all forms of "slavery, servitude and human trafficking" and reaffirms the Government's responsibility to protect minors from exploitation.(40) The Law Against Trafficking in Persons and Migrant Smuggling prohibits all forms of human trafficking.(14, 48) The Code for the Protection of Children and Adolescents Law prohibits compensation for the transfer of a child to someone else for the purposes of forced labor, commercial sexual exploitation, including prostitution and pornography, or other degrading activities.(14, 34) The Technology Crime Law criminalizes the production, distribution or possession of child pornography.(14, 49) The Law on Drugs and Controlled Substance specifically prohibits the employment of minors in illicit drug trafficking.(50) Military service is not compulsory during times of peace under the Armed Forces Law and the voluntary age for military conscription is 16. In addition, minors must have completed their education and are prohibited from participating in armed conflict.(27, 51)

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor (SET) leads government efforts to eliminate child labor and established the National Steering

Committee to Eradicate Child Labor (NSC) in 1997 to coordinate all child labor initiatives in the country.(24, 26, 51) SET, through its Child Labor Unit, has established 43 local and municipal committees around the country to develop strategies to combat child labor, including six committees established in 2011.(24, 26, 51, 52) In coordination with the National Council for Children and Adolescents (CONANI), SET is responsible for protecting minors against labor exploitation as well as promoting policies designed to improve the employability of young people and reduce barriers to the labor market(12, 52). SET and CONANI also lead the Inter-Institutional Commission against Child Abuse and Commercial Sexual Exploitation, which includes representatives from various ministries, the National and Tourism Police, the Attorney General's Office, NGOs and the tourism sector, in addition to representatives of UNICEF and the ILO as advisors.(27, 52)

SET employs 207 labor inspectors who receive training to detect child labor.(27, 52) The Government of the Dominican Republic reported that over 72,000 labor inspections were conducted in 2011 to verify compliance with labor laws, including child labor laws.(27, 53) From January 2011 through February 2012, labor inspections revealed 141 child labor violations, resulting in the removal of those children from work sites, evaluations of the children, and some referrals to CONANI shelters.(27) In the first quarter of 2012, SET's inspections removed 17 minors from tomato plantations, 43 from rice fields, and 2 from construction sites; all the violators received sanctions.(27) In the same time period, 77 children were removed from hazardous work in landfills.(27) Although some information on sectors and geographic areas in which inspections are conducted is available, specific information on sanctions imposed for violations was not available.(51, 53-55)

SET and the Secretariat of State for Education have an action plan that requires labor inspectors to report children not attending school.(19) In addition, the Ministry of Agriculture is required to report to labor authorities any information regarding children's employment in the agricultural sector.(27)

The Attorney General's Office trains its investigators on child labor issues and is responsible for prosecuting crimes involving children.(14) The National Judiciary has 33 district attorneys who are tasked with cases involving the worst forms of child labor.(54) However, the number of convictions and prosecutions related to exploitative labor is not published.(8, 55) The National Police receive training to address child labor and commercial sexual exploitation and to refer child victims to CONANI or shelters.(14, 27) During 2011, 467 Tourism Police officers received training on child labor and commercial sexual exploitation.(27)

The Government of the Dominican Republic reports that forced labor currently does not exist in the country and therefore takes no measures to prevent or combat it.(14) The Government provides anti-trafficking training to officials, including those posted overseas, on how to recognize and assist Dominican nationals in other countries who are trafficking victims.(14, 28) The Government follows a zero-tolerance policy for public officials who are complicit in trafficking or migrant smuggling activities; in 2011, 110 officials were investigated.(13, 14, 26, 51) The Government also reports investigations and prosecutions conducted under the Law Against Trafficking in Persons and Migrant Smuggling. However, the statistics are not disaggregated, which prevents an understanding of the extent of trafficking versus smuggling.(13, 14, 28) In 2011, SET initiated prosecutions for nine criminal cases involving the worst forms of child labor—all of which were investigated—resulting in four convictions, with the remainder of the cases awaiting trials.(27) The Government assisted international investigations leading to the detainment of a foreigner who led a prostitution ring responsible for sexually exploiting Haitian minors in the Dominican Republic.(27)

In 2011, CONANI and Haiti's Social Well-Being and Research Institute (IBERS) committed to improve coordination for the protection of Haitian and Dominican children, including at three transit points along the border.(27) In February 2011, a raid conducted by the Directorate of Migration discovered 44 Haitian children who had been trafficked to the Dominican Republic to beg or work on the streets.(57-59) Consequently, child protection authorities in the Dominican Republic and Haiti coordinated to provide family tracing and return and reintegration assistance to those victims; IOM reported that 23 Haitian child victims had been returned home and that the others would be reunited with their families when the conditions were suitable.(56, 57) CONANI is providing temporary shelter and care for 234 vulnerable children, unaccompanied minors, and child trafficking victims in need of protection, including 45 Haitian nationals.(27, 57) Nonetheless, civil society organizations are the principal service providers assisting trafficking victims.(13)

Government Policies on the Worst Forms of Child Labor

CONANI is the primary entity responsible for creating policies to protect children from labor exploitation.(58) The Government of the Dominican Republic has a Strategic National Plan to Eradicate the Worst Forms of Child Labor (2006-2016) and an Action Plan for the Eradication of Abuse and Commercial Sexual Exploitation of Boys, Girls, and

Adolescents (2009-2014).(22, 26, 51, 60) The Government also uses its Program to Reinforce the Protection of Street Children (2007-2012) to reduce the risks contributing to children living and working in the streets.(52, 55) Each plan or program includes strategic measures for reducing poverty.(59) An ILO evaluation suggested that additional personnel are needed to implement these national strategies.(60)

The National Program for Decent Work (2008-2011) supported efforts to eliminate the worst forms of child labor.(61, 62) The Government of the Dominican Republic has collaborated with ILO-IPEC to create a Roadmap Towards the Elimination of Child Labor in the Dominican Republic, which plans to eliminate the worst forms of child labor in the country by 2015 and all other types of child labor by 2020.(6, 13, 55) ILO-IPEC estimates that the Dominican Republic is not currently reducing child labor fast enough to meet these goals.(7, 63)

The Government's 10-year Education Plan and 5-year Strategic Plan are coordinated and executed by the Ministry of Education and include child labor provisions. These plans have identified challenges, including inadequate classroom space, insufficient classroom time and inadequate strategies to address the special educational needs of overage children.(14, 64) A short school day prompts some parents to take their children to work rather than leave them unattended.(65) During 2011, the Ministry of Education initiated a pilot program in 21 schools that extends school hours to a full day (8 a.m. to 4 p.m.).(27) Nonetheless, associated school expenses, such as transportation and books, preclude some children from attending school.(12) Deficiencies in the national education system have been identified as contributing to children's engagement in the worst forms of child labor.(63, 68, 69) UNESCO reports that the percentage of children completing primary school has been declining and that the country will not likely meet the Education For All goal of universal primary enrollment by 2015.(69-71)

Both the National Strategy for Development (2010-2030) and the National Anti-Poverty Plan include child labor provisions.(27, 52) The National Plan on Gender Equality (2006-2016) promotes child care for working mothers.(52)

The Dominican Republic and Haiti have worked together under the 2010 Protocol of Action to Protect Vulnerable Haitian Children as a Consequence of the Earthquake, which includes the protection of children from traffickers.(13, 51, 72) During the reporting period, 407 child victims of the earthquake benefited from the Protocol by receiving care, such as shelter, psychological counseling, food and medicine.(13, 26, 51)

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Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of the Dominican Republic has expanded access to basic education through its Solidarity (*Solidaridad*) Program, coordinated by the Office of the President and supported by the IDB. This includes a conditional cash transfer program that assists the families of poor children ages 4 to 21, an age range that was expanded in January 2011 to include more families.(51, 73, 74) Through the provision of funds for school supplies and food, the program aims to increase the number of students who attend school and to reduce child labor by requiring that child beneficiaries attend school regularly and that parents protect their children from the worst forms of child labor.(13, 51, 70, 73, 74) The Solidarity Program assists over 500,000 families and reaches 76 percent of Dominican homes in extreme poverty.(51, 53, 73, 74) The Government's Social Protection Investment Project, which is supported by The World Bank, is redesigning the conditional cash transfer program to increase its effectiveness and impact. The project also includes a component to promote late birth registration and national identity cards to impoverished Dominicans so that they may access social protection programs.(12, 66). The project plans to reach 170,000 family members and approximately 50,000 children and youth under age 16 by June 2012.(12)

During the reporting period, the Government of the Dominican Republic released statistics on child labor collected as part of the national household survey in order to better understand the country's current child labor situation, including achievements that have been made and additional efforts that are needed.(3)

In November 2011, CONANI and the Ministry of Economy launched a Roundtable for the Coordination of International Cooperation for Children and Adolescents to promote improved coordination among Dominican authorities and international efforts that assist children and adolescents.(27)

The Government of the Dominican Republic participated in a USDOL-funded, 4-year, \$4 million project that closed in February 2011. The project withdrew and prevented 13,109 children from exploitation, primarily in agricultural work and street sales, in addition to commercial sexual exploitation, through the provision of basic and vocational education.(65, 67) The project developed an innovative educational model named Spaces for Growth (*Espacios para Crecer*, EpC), which prevents children from working by keeping them after school in a creative learning environment.(14, 67) The Government committed to expanding the EpC model, but has not yet allocated the resources needed to scale-up and sustain the program.(13, 62, 77)

The Government of the Dominican Republic participates in a 4-year, \$8.4 million regional project funded by the Government of Spain to eradicate child labor in Latin America.(68) SET participates in the Youth Development (*Desarrollo Juvenil*) and the Youth and Employment (*Juventud y Empleo*) Projects supported by The World Bank.(12, 65) These projects work to improve the employability of disadvantaged, at-risk youth through training and internship opportunities that promote entrepreneurial and job-related skills.(11, 13, 67)

The Dominican Republic's Agricultural Bank includes a clause in its loan agreements that prohibits borrowers from using child labor and requires them to send children to school.(27, 52) In January 2012, child labor violations found by labor inspectors in the tomato sector resulted in sanctions against those producers for not complying with the loan agreements.(27) The Office of the First Lady coordinates the Making Progress program (*Programa Progresando*), which raises awareness on trafficking and offers opportunities for income generation to the parents of children at risk for commercial sexual exploitation and trafficking.(52, 69) The program also encourages parents to keep children in school and out of hazardous work.(58) Despite these efforts, current programs do not appear to be sufficient to adequately address the extent of the worst forms of child labor and trafficking in the Dominican Republic, particularly the commercial sexual exploitation of children and the labor exploitation of children of Haitian descent.(13)

Based on the reporting above, the following actions would advance the elimination of the worst forms of child labor in the Dominican Republic:

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Increase the minimum age for night work to 18.	2010, 2011
	Modify the legal framework to allow all children to obtain high school diplomas and have improved opportunities in the job market.	2011

Area	Suggested Actions	Year(s) Action Recommended
Coordination and Enforcement	Publish statistics on penalties, prosecutions and convictions for child labor violations.	2009, 2010, 2011
Policies	Consider allocating additional personnel to support national and sectoral plans to combat the worst forms of child labor.	2009, 2010, 2011
	Add classroom space and increase the amount of time that students are in school, so that parents need not take children to work.	2010, 2011
	Assess the pilot program for extended school hours and scale-up if effective.	2011
	Take steps to reverse the decline in the percentage of students completing primary education.	2011
	Take measures to protect all children without birth certificates from exploitation.	2009, 2010, 2011
Social Programs	Further expand the Solidarity Program to reach more impoverished families that rely on child labor.	2010, 2011
	Extend programs to eliminate child labor, such as the EpC program, to more sectors and additional regions, including to tourist regions where commercial sexual exploitation is prevalent.	2009, 2011
	Increase awareness-raising and other strategies to reduce trafficking and the demand for child sex tourism.	2009, 2010, 2011

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