

Docket No.DOL–2013–0003

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

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

by the

Dominican Sugar Industry

15 January 2014

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

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

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

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

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

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

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

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

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

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

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

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

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

⁴ 2009 TVPRA Report at Pg. 92-94.

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

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

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

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

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

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

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

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

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

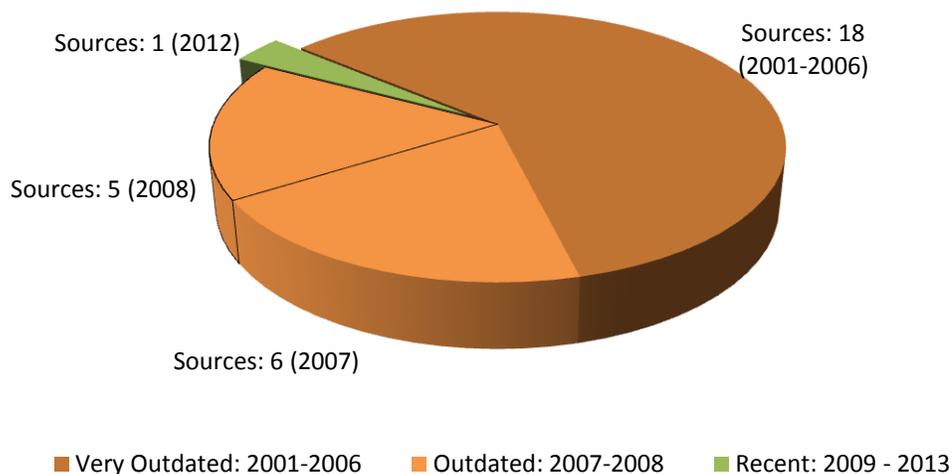
⁶ *Id.* at 79.

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

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

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

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



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

⁸ Verité Report, *supra* note 1 at 79.

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

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

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

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

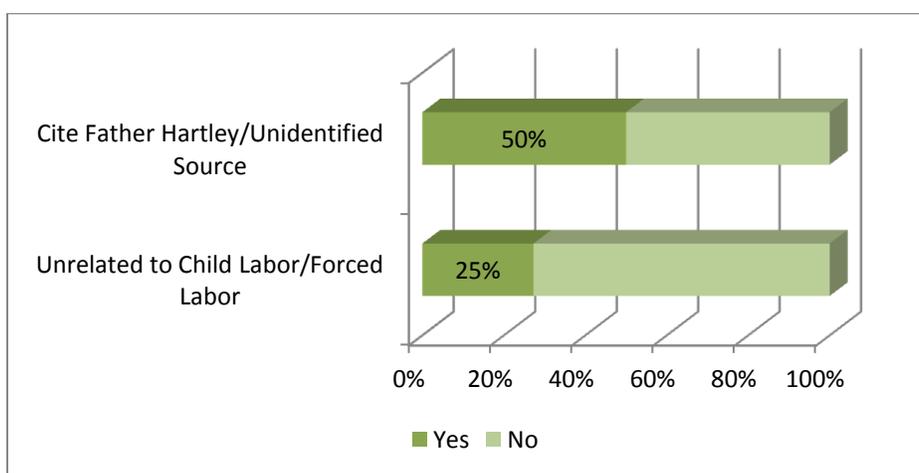
In addition, many of the sources cited seem to rely upon the same critic of the Dominican Sugar Industry: Father Christopher Hartley. Father Hartley has been a critic of the Dominican Sugar Industry, including since his departure from the Dominican Republic in late 2006. He has also provided contradictory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

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

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

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

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



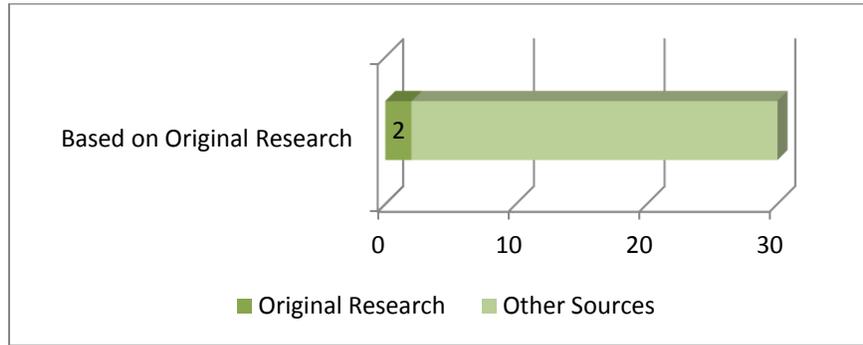
4) *Extent of corroboration.* Ten sources do not corroborate their information with other references, such as interviews or direct observations by the author. Almost none of the sources (only 2 out of 30) produced their studies or reports using a defined research methodology.

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

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

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

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



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

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

TVPRA List, Updated October 1, 2013

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

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

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

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

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

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

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

I. Review of Bibliography

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

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

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

Child Labor

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

Forced Labor

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

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

¹⁴ *Id.* at 6.

¹⁵ *Id.* at 4.

¹⁶ *Id.* at 8.

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

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

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

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

Child and Forced Labor

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

¹⁷ *Id.* at 5.

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

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

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

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

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

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

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

Child and Forced Labor

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

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

²³ *Id.* at 29.

²⁴ *Id.* at 20.

²⁵ *Id.* at 1.

²⁶ *Id.* at 23.

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

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

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

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

“The regime of forced child labour in CEA plantations is highlighted in particular”³⁰

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

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

5) Chapman, Sasha. *Sweet Misery, White Death*. (2008)³²

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

²⁷ Ceolan, Emilia. *Migration and Trafficking in Migrants on the Border between Haiti and the Dominican Republic - A Compilation of Reports from the Conference on 'Trafficking of Human Beings and Migration: A Human Rights Approach'*, Anti-Slavery International, London, (2005), available at http://www.antislavery.org/includes/documents/cm_docs/2009/h/hands_up_for_freedom_conference_report_english.pdf (last visited Jan. 11, 2014).

²⁸ *Id.* at 18.

²⁹ *Id.*

³⁰ *Id.* at 19.

³¹ *Id.*

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

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

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

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

Child Labor

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

Forced Labor

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

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

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

³⁴ *Id.* at 21.

³⁵ *Id.* at 20.

opportunities. Consequently they are living in closer proximity to the Dominican population."³⁶

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

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

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

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

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

9) Harman, Danna. *Haitian Cane-Cutters Struggle*. (2006)⁴⁰

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

³⁶ *Id.* at 21.

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

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

³⁹ *Id.*

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

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

Forced Labor

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

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

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

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

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

⁴¹ *Id.*

⁴² *Id.*

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

⁴⁴ *Id.*

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

Child Labor

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

Forced Labor

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

12) ILO. *Report of the Director-General: Stopping Forced Labour. (2001)*⁴⁸

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

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

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

⁴⁹ *Id.* at 24.

⁵⁰ *Id.*

⁵¹ *Id.*

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

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

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

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

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

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

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

⁵² ILO. *Trabajo Infantil en la Agricultura: Reflexiones Sobre las Legislaciones de América Central y la República Dominicana*, (2007) available at http://white.oit.org.pe/ipec/documentos/trabajo_infantil_en_la_agricultura.pdf (last visited Jan. 11, 2014).

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

⁵⁴ *Id.*

CNN Reports (references 16, 17 and 19)⁵⁵

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

A. Cooper, Reference 16⁵⁶	S. Rattansi, Reference 17⁵⁷	S. Turnham, Reference 19⁵⁸
He hasn't eaten in four days.	He hasn't eaten in four days.	One old man told us he hadn't eaten in four days.
We also met children. They tell us they started in the cane fields at age 7. For less than a penny an hour, they plant rows of cane shoots 100 yards long.	We also met children. They tell us they started in the cane fields at age seven. For less than a penny an hour, they plant rows of cane shoots 100 yards long.	Children told us they planted cane in Vicini fields for three pesos a row. It takes a half day to plant a row.
We found this man cutting cane on a Sunday. With five children back in Haiti to feed, he works seven days a week.	We found this man cutting cane on a Sunday. With five children back in Haiti to feed, he works seven days a week.	One man in his 50s was working on a Sunday, all day, to earn the equivalent of about \$5, some of which he sent home to his children in Haiti, who he said were starving.

Forced Labor

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

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

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

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

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

Child Labor

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

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

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

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

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

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

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

⁶⁴ *Id.* at 6.

⁶⁵ *Id.* at 8.

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

Forced Labor

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

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

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

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

Child Labor

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

⁶⁶ *Id.* at 90.

⁶⁷ *Id.* at 99.

⁶⁸ *Id.*

⁶⁹ *Id.* at 72.

Wages and Living Conditions

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

20) *The Sugar Babies*. Produced by Amy Serrano. Siren Studios. (2007)⁷⁰

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

Child Labor

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

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

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

Forced Labor

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

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

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

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

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

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

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

⁷² *Id.*

⁷³ *Id.*

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

Forced Labor

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

Child Labor

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

Wages

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

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

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

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

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

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

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

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

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

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

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

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

⁸¹ *Id.* at 217.

⁸² *Id.* at 12.

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

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

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

24) U.S. Embassy- Santo Domingo. Reporting. August 29, 2006.⁸⁵

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

Human Trafficking

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

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

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

Child Labor

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

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

⁸⁴ *Id.*

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

⁸⁶ *Id.*

⁸⁷ *Id.*

Forced Labor

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

Batey workers on Vicini operations also now have the freedom to terminate their employment whenever they choose to do so. Previously, those who wished to quit were not allowed to leave⁸⁸.

Living Conditions

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

Wages

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

Other Demands

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

25) U.S. Embassy- Santo Domingo. Reporting. December 18, 2006.⁹¹

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

Child Labor

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

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.*

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

⁹² *Id.*

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

Forced Labor

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

26) U.S. Embassy- Santo Domingo. Reporting. May 10, 2007.⁹³

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

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

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

Child Labor

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

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

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ *Id.*

27) U.S. Embassy- Santo Domingo. Reporting. June 04, 2008, 15:12.⁹⁹

Child Labor

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

Forced Labor

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

28) U.S. Embassy- Santo Domingo. Reporting. June 04, 2008, 18:41.¹⁰³

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

⁹⁸ *Id.*

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

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² *Id.*

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

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

Child Labor

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

Forced Labor

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

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

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

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

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

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

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

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

¹⁰⁹ *Id.* at 79.

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

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

Forced Labor

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

Child Labor

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

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

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

¹¹¹ *Id.* at 89.

¹¹² *Id.* at 62.

¹¹³ *Id.* at 42.

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

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

II. Conclusions

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

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

¹¹⁴ *Id.* at 43.

¹¹⁵ *Id.*

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

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

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Annex 1

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

Annex 2

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

Spanish Version (Original)

English Version (Courtesy Translation)