

RESEARCH ON INDICATORS OF FORCED LABOR

in the Supply Chain of Sugar in the Dominican Republic



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Table of Contents

ABBREVIATIONS AND GLOSSARY	4
Abbreviations	4
Glossary	5
INTRODUCTION	7
Objectives	7
Context	8
Research Methodology and Limitations	8
Main Findings	9
BACKGROUND & SETTING	9
Place	9
People	10
Product	13
Sugar Production and Supply Chain	13
Sugar Producers	17
Recent Reports on Forced Labor in the Dominican Sugar Sector (2000-present)	18
Policies and Programs	20
METHODOLOGY & LIMITATIONS	23
Research Timing	24
Location	25
Qualitative Data Gathering	25
Preparatory Phase and Rapid Appraisals	25
In-depth Interviews and Focus Groups	26
Quantitative Data Gathering	27
Survey Instrument	28
Design and Sample Size	29
Data Processing and Analysis	32
Limitations	33
WORKER DEMOGRAPHICS	34
Concepts and Methodology	34
Age and Nationality	35
Personal Identity Documents	35
Family Situation	35
Level of Education, Literacy, and Mastery of Spanish	36
Place of Origin and Employment in Haiti	36
Links with Haiti	37
Last Year of Entry into the Dominican Republic	38
Point of Entry into the Dominican Republic	38
Transportation Over the Border into the Dominican Republic	38
Transportation within the Dominican Republic	39
Living Situation in the Dominican Republic	40
New and Seasonal Migrants	42
PRESENCE OF INDICATORS OF FORCED LABOR	44
Lack of Consent to (Involuntary Nature of) Work (the “Route Into” Forced Labor)	45
Birth/descent into “Slave” or Bonded Status	45
Physical Abduction or Kidnapping	45
Sale of Person into the Ownership of Another	45
Physical Confinement in the Work Location	45
Psychological Compulsion (Order to Work, Backed up by a Credible Threat of a Penalty for Non-Compliance)	48

Induced Indebtedness (by Falsification of Accounts, Inflated Prices, Reduced Value of Goods or Services Produced, Excessive Interest Charges, etc.)	54
Deception or False Promises About Types and Terms of Work	58
Withholding and Non-Payment of Wages	61
Retention of Identity Documents or Other Valuable Personal Possessions	61
Menace of a Penalty (the Means of Keeping Someone in Forced Labor)	62
General	62
Physical Violence Against Worker or Family or Close Associates	63
Sexual Violence	63
Imprisonment or Other Physical Confinement	63
Financial Penalties	63
Denunciation to Authorities (Police, Immigration, etc.) and Deportation	63
Dismissal from Current Employment	64
Exclusion from Future Employment	64
Exclusion from Community and Social Life	64
Removal of Rights or Privileges	64
Deprivation of Food, Shelter or Other Necessities	65
Shift to Even Worse Working Conditions	65
Loss of Social Status	65
Wages and Hours	65
Wages	65
Working Hours	71
OTHER ISSUES OF CONCERN	72
Benefits	72
Health and Safety	74
Discrimination	75
Living Conditions	76
Housing	76
Electricity	76
Drinking Water	77
Sanitary Services	77
Food	77
Transport	78
Child Labor	78
Worker Satisfaction	79
CONCLUSIONS	79
Main Findings	80
Risk Factors	80
Lessons Learned	81
APPENDIX 1: HAITIAN MIGRATION TO THE DOMINICAN SUGAR SECTOR	82
APPENDIX 2: LEGAL FRAMEWORK	85
APPENDIX 3: HISTORY OF THE SUGAR SECTOR	94
APPENDIX 4: SUGAR PRODUCERS	99
APPENDIX 5: REPORTS ON FORCED LABOR IN THE SUGAR SECTOR	107
APPENDIX 6: FOCUS GROUP INTERVIEW GUIDE	121
APPENDIX 7: QUESTIONNAIRE	122
APPENDIX 8: PRESENCE OF ILO INDICATORS OF FORCED LABOR	135
APPENDIX 9: TABLE OF INDICATORS	142
APPENDIX 10: BIBLIOGRAPHY	148
ENDNOTES	162

Abbreviations and Glossary

Abbreviations

BCDR - Banco Central de la República Dominicana (Central Bank of the Dominican Republic)

CAC - Consorcio Azucarero Central (Central Sugar Consortium)

CAEI - Consorcio Azucarero de Empresas Industriales (Industrial Sugar Consortium)

CR - Central Romana Corporation Ltd.

CEA - Consejo Estatal Del Azúcar (State Sugar Council)

CEACR - Commission of Experts on the Application of Conventions and Recommendations

CESFRONT - Cuerpo Especializado en Seguridad Fronteriza Terrestre (Specialized Body on Land Border Security)

CDL - Centro de Derechos Laborales (Center for Labor Rights)

CNSS - Consejo Nacional de Seguridad Social (National Social Security Council)

CNUS - Confederación Nacional de Unidad Sindical (National Confederation of Unions)

CNM - Consejo Nacional de Migración (National Migration Council)

DR-CAFTA - Dominican Republic – Central America Free Trade Agreement

DUDH - Universal Declaration of Human Rights

EAP - (Economically Active Population)

EU - European Union

FECARE - Federación de *Colonos* de Azucareros de la Región Este (Federation of Sugar *Colonos* of the Eastern Region)

FEDOCA - Federación Dominicana de *Colonos* Azucareros (Dominican Federation of Sugar *Colonos*)

FLACSO - Facultad Latinoamericana de Ciencias Sociales (Latin American Faculty of Social Sciences)

GARR - Groupe d'Appui Aux Rapatriés Et Réfugiés (Support Group for Returnees and Refugees)

G.O. - Gaceta Oficial (Official Gazette)

HRW - Human Rights Watch

IACHR- Corte Interamericana de Derechos Humanos (Interamerican Court of Human Rights)

IDSS - Instituto Dominicano de Seguros Sociales (Dominican Institute of Social Security)

ILO - International Labor Organization

INAZUCAR - Instituto Azucarero Dominicano (Dominican Sugar Institute)

IOM - International Organization for Migration

NCHR - National Coalition for Haitian Rights

ODH - Oficina de Desarrollo Humano (Office of Human Development)

PIDCP - Pacto de Internacional Derechos Civiles y Políticos (Pact of International Civil and Political Rights)

UN - United Nations

UNDP - United Nations Development Program

USDA - US Department of Agriculture

USDOL - US Department of Labor

Glossary

Ajusteros: The *ajusteros* are administrators who coordinate the harvest in the *bateyes* and their job is to supply the *ingenio* with sugarcane, as well as to pay workers' salaries.

Anba fil: Creole term meaning "under the wire," used to refer to undocumented migrants who arrive in the Dominican Republic "illegally"

Barracón: Worker housing in *bateyes* in which picadores tend to live.

Batey: The settlements and/or communities that developed around the sugar industry.

Bodegas: Sites for storage and sale of food (used synonymously *with colmado*).

Braceros: The Labor Code defines *braceros* as wage workers who work exclusively in the field (art. 145 CT). However, historically the term was used to refer to temporary workers recruited to work as cane cutters. The term continues to be used today to refer to workers engaged in cutting cane.

Buscones: Human smugglers who work on the Dominican-Haitian border and sometimes work as labor brokers.

Capataz: A person who supervises a group of workers.

Carreteros: Workers responsible for transporting cut cane in carts.

Cédula: Personal identity document.

Colmado: Small shops selling food and supplies (in the *bateyes*, these are the main food retailers).

Colonos: Sugarcane producers who grow and harvest sugar cane for sale to mills.

Collective agreement: Legal agreement between a company union and the company regarding wages and working conditions, beyond those established by law.

Cultivadores: Workers responsible for planting sugarcane.

Downtime: Period in which no sugarcane is harvested and the workload is dramatically reduced. During this time, workers are generally engaged in maintenance of the plantations (sugarcane cultivation, weeding, etc.).

Field Workers: According to the Labor Code field workers are "regular workers of agricultural, agro-industrial, livestock and forestry businesses, except those who exercise their industrial or commercial activities."

Forced Labor: "All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily" (Art. 2, ILO Convention No. 29).

Hectárea: Unit of measurement equivalent to 2.47 acres.

Ingenio: Industrial area where sugarcane is processed for the production of sugar. The term is also used to designate the industrial complex's plantations and *bateyes*.

Kongó: Term originally used to designate Haitians brought to the Dominican Republic through bilateral contracts. Now used to refer to recent Haitian migrants who do not speak any Spanish.

Mayordomo: A supervisor of *braceros*.

Metric ton: 1,000 kilograms or 2,205 pounds.

Picador: Synonymous with *bracero* or cane cutter.

Tarea: Unit of measurement equivalent to 0.15 acres.

Temporary Workers: According to Migration Law No. 285-04, temporary workers are non-resident workers who are hired to "provide services for a specific period and under contract, either individually or as part of a group [...] (art. 36.5)." Traditionally, the term "temporary" was used to designate *braceros* brought under intergovernmental agreements who were repatriated at the end of the harvest.

Vale: Promissory note traditionally used as payment in the sugar industry and other agricultural plantations and used to buy food or other items.

Zafra: Sugarcane harvest (usually occurs between December and June in the Dominican Republic).

Introduction

Verité carried out research on the presence of indicators of forced labor in the production of goods in seven countries from 2009 through 2011. Research was carried out on the production of shrimp in Bangladesh; Brazil-nuts, cattle, corn, and peanuts in Bolivia; sugar in the Dominican Republic; coffee in Guatemala; fish in Indonesia; rubber in Liberia; and tuna in the Philippines. The following report is based on research on the presence of indicators of forced labor in the Dominican sugar sector. This research was not intended to determine the existence or scale of forced labor in the countries and sectors under study, but rather to identify the presence of indicators of forced labor and factors that increased workers' vulnerability to labor exploitation.

Objectives

The primary objectives of the project were to:

- obtain background information on the Dominican Republic (place, people, product, policies, and programs);
- create a methodology to study the presence of indicators of forced labor in the Dominican sugar sector;

- identify and document indicators of forced labor among workers in the sugar sector of the Dominican Republic;
- document the broader working and living conditions that sugar sector workers experience; and
- determine the risk factors for vulnerability to forced labor and other forms of exploitation in the sugar sector.

Context

In order to gain an understanding of the social, economic, labor market, and cultural context of the Dominican Republic, background research was carried out through comprehensive literature and legal reviews and expert consultations. The Dominican Republic is a country with a relatively high level of economic growth, which has failed to reach a large portion of the population due to a high rate of underemployment and informal sector employment. The Dominican Republic has a large number of Haitian migrants and residents of Haitian descent, most of whom are undocumented, working in the construction, tourism, and agricultural sectors, especially sugar.

Research Methodology and Limitations

The Research Center for Feminist Action (CIPAF, a Dominican Republic-based non-governmental organization (NGO), carried out the study. CIPAF specializes in research, education and public policy advocacy related to issues of gender and equality, including issues of employment. CIPAF's Executive Director supervised the overall research process; a methodology consultant assisted in the development of the research strategy and instruments; and field research teams carried out the research in the provinces. Field research teams included the research coordinator and two or three additional researchers of Haitian origin. CIPAF provided its research material and analysis to Verité, which throughout the project provided research consultation, review, and oversight. Verité analyzed the research and drafted this report.

The research design used a combination of qualitative and quantitative methods. The quantitative study used non-probability sampling. This portion of the research was not meant to be statistically representative at the national or sectoral level, but rather to ensure coverage and interview more workers in order to triangulate information with the qualitative findings. Therefore, the quantitative findings from this study are biased by the use of nonprobability sampling and it is possible that some operational *bateyes* were not identified.

Field work was carried out in two phases during the 2008-2009 and 2009-2010 harvests (between December and June) on the plantations and *bateyes* where sugarcane was still harvested in the eight provinces of San Pedro de Macorís, El Seybo, Hato Mayor, La Romana, La Altagracia, San Cristóbal, Independencia, and Bahoruco. The first phase, the Preparatory Phase, qualitative research included rapid appraisals, expert

consultations, and worker interviews on 42 *bateyes*. At the conclusion of this phase, researchers determined that while a sampling frame of all farms did not exist, a non-representative quantitative survey to access more workers would be possible. During the second phase, a questionnaire was designed and administered to 740 workers, which was complemented by focus groups and in-depth interviews. During the rapid appraisal phase, workers were asked about their current experiences, whereas during the survey, workers were asked about their experiences during the previous harvest.

Main Findings

Verité investigated the presence of indicators of forced labor using International Labor Organization (ILO) guidance titled, “Identifying Forced Labor in Practice”, which was published by the Special Action Program on Forced Labor in a 2005 report, *A Global Alliance Against Forced Labour: Global Report under the Follow-Up to the ILO Declaration on Fundamental Principles and Rights at Work*. Research detected evidence of the presence of the following indicators of lack of consent: physical confinement in the work location, psychological compulsion (i.e. an order to work with a credible threat of penalty for non-compliance), induced indebtedness, deception or false promises about terms of work, withholding and non-payment of wages, and retention of identity documents. Research detected evidence of the presence of the following indicators of menace of penalty (the actual presence or threat of): physical violence against workers, deportation, dismissal from current employment, exclusion from future employment, and deprivation of food and shelter. Other issues of concern detected during research included working hours in excess of legal limits, a lack of days off, subminimum wages, the continued use of the voucher system, illegal deductions, a lack of benefits, poor health services, discrimination, poor living conditions, and child labor. Research found that workers employed by the Consejo Estatal Del Azúcar (State Sugar Council or CEA) under the “quota system” and recently-arrived workers (*kongos*) were more vulnerable to labor exploitation.

Background & Setting

The following chapter will provide background information on the Dominican Republic through an analysis of the “5 P’s” (Place, People, Product, Policies, and Programs). Information covers the economy and labor market of the Dominican Republic (place), Haitian migration to the Dominican Republic (people), the sugar supply chain and recent allegations of forced labor in the sugar sector (product), and government efforts to combat labor violations (policies and programs).

Place

The Dominican Republic shares with Haiti the 77, 914 square kilometers comprising the island of Hispaniola. The Dominican Republic is comprised of slightly over 10 million

inhabitants, of which 69 percent are urban and 31 percent are rural (CIA World Factbook, 2010).

In economic terms, the Dominican Republic is one of the Latin American and Caribbean countries that has registered the highest growth in recent decades, with an average annual growth rate of 5.9 percent between 1991 and 2006 (CEPAL, 2008). The main economic sectors in the country are tourism, remittances, telecommunications and export processing zones (OXFAM, 2010).

Unfortunately, the country has failed to translate this economic growth into job creation and improvements to the quality of life and social welfare for the majority of its population through an equitable distribution of wealth (ODH / PNUD, 2008). It is for this reason that 47.8 percent of the population earn incomes below the amount needed to purchase a “basic basket” (*canasta basica*) of goods and services,¹ and 34.6 percent of people live on less than two dollars per day (SISDOM, 2010). Not surprisingly, the Dominican Republic ranks below average among Latin American and Caribbean countries in terms of the Human Development Index, ranking 88 of 169 countries in the world (UNDP, 2010).

The Dominican labor market is characterized by underemployment and a high level of employment in the informal sector. In the first quarter of 2010, the unemployment rate was 14.4 percent of the economically active population (EAP). If this figure is broken down by gender, there is evidence that women are the hardest hit, with 21.9 percent of economically active women unemployed, compared with 9.7 percent of men. Women also comprised only 32.8 percent of the EAP in 2010 (Central Bank, 2010). Women, along with youth, particularly the less-educated, face the greatest disadvantages in terms of job opportunities (ECLAC, 2008). In addition, more than half of workers were employed in the informal sector,² and therefore were not guaranteed a minimum wage or access to other employment-related rights, such as social security.³

People

Haitian migrants were first brought into the Dominican Republic to work in the sugar sector in 1919 (see *Appendix 1: History of Haitian Migration to the Dominican Sugar Sector*) Haitian migrants comprise the vast majority of workers in the Dominican sugar industry. Researchers did not come across any fieldworker of Dominican descent among the population of sugarcane harvesters.

Migratory movements have played a vital part in the history of the Dominican Republic. However, it was not until the twentieth century that a large number of Haitians began to migrate into the Dominican sugar industry (Baez, Lozano, 2008). In the early 1920's, Haitian migrants began to be recruited by the Dominican Government to work in the sugar industry. According to the 1920 census, there were 28,258 Haitians in the country. Fifteen years later, in 1935, the official figure was 52,657, but the real number was reportedly much higher (Plant, 1987). This migration could be characterized as

"temporary seasonal migration," based on an agreement arranged by the dictatorial governments of both countries through "often coercive mechanisms which sent the cane cutter straight into the workplace" (Silié, et al. al. 2002).

Individual immigration began to prevail with the decreased production of the Dominican sugar industry and the dying out of government-regulated recruitment in 1986. These changes, in turn, led to the generalized use of Haitian labor in other agricultural sectors (such as coffee and rice), construction, urban informal employment, and, more recently, tourism (Moseley-Williams, 2005). Construction and agriculture are the sectors employing the largest numbers of migrant workers (see Table 1 below), but the informal sector is gaining more importance. Data from a survey on Haitian migrants to the Dominican Republic carried out by the International Organization for Migration (IOM) and the Latin American Faculty of Social Sciences (FLACSO) illustrates this fact (IOM/FLACSO 2004).

Table 1: Distribution of Haitian Migrants by Economic Sector			
Economic Sector	Men (percent)	Women (percent)	Total (percent)
Sugar	17.5	0.8	15.4
Agriculture (outside of sugar)	26.5	18.6	25.6
Construction	42.6	4.6	38.6
Industry	2.7	0.7	2.5
Commerce	3.8	49.9	8.7
Services	6.1	24.5	8.0

Source: Báez; Lozano (2008: 200) –Data from IOM/FLACSO survey, 2004.

A consensus on the number of Haitian migrants in the country has never been reached, but most estimates range between 500,000 and 1 million.⁴ However, these figures do not usually make the distinction between Haitian migrants and Dominicans of Haitian descent. These estimates also lack a solid statistical base. An IOM-FLACSO survey from 2004 can be considered the most reliable estimate, which found that in 2002, there were 315,000 Haitian migrants and 195,000 Dominican-born descendants of Haitians in the Dominican Republic.

It is rare to have such a high rate of immigration into a country with such a high level of unemployment and underemployment. Sociologist Frank Evertsz Baez (1986) called this contradiction the "great paradox" that was explained by the "intense exploitation" and "subhuman living conditions" that the Haitian workers had to endure that were "below the socially accepted minimum in the Dominican Republic." Thus, the absence of Dominicans in cane cutting was due to the fact that they had been "historically and structurally" excluded from the sugarcane sector and supplanted with Haitian workers who had less bargaining power and could be subjected to extreme forms of exploitation (Baez, 1986: 121-2).

The vast majority of Haitian migrants to the Dominican Republic are undocumented. Despite the adoption of the Migration Act in 2004 (see *Appendix 2: Legal Framework*) and a number of initiatives to combat human smuggling, illegal immigration continues to predominate. In 2009, according to the Director General of Immigration, only 11,000 Haitian migrants were residing legally in the Dominican Republic.⁵ This shows the prevalence of *amba-fils* (Haitian workers who arrived illegally in the Dominican Republic).

Buscones (called *passeurs* in Haiti) (Cuello, 1997:67), are human smugglers, who in some instances work as labor brokers (Ferguson, 2006). After the end of the inter-governmental recruitment system in 1986, Haitian *buscones* formed connections with the Haitian military and Dominican border agents, both of which became complicit with the Haitian *buscones* in turning recruited Haitian workers over to Dominican *buscones* who brought the workers to *ingenios* in buses (Wooding and Moseley-Williams 2004:41). Despite the significant reduction of the workforce in the sugar sector, the *buscón* is still a key figure in illegal immigration, facilitating the supply of migrant labor to the various economic sectors that demand it. The *buscones* continue to be involved in smuggling and recruitment, but do not always bring Haitian *braceros* directly to Dominican sugar cane plantations.

Many human rights organizations have expressed concern over the level of human smuggling in the Dominican Republic. In 2009, the Support Group for Repatriates and Refugees (GARR) put the number of Haitians smuggled into the Dominican Republic in 2008 at about 38,000.⁶ A 2008 Solidarity Center survey found that 94 percent of Haitian workers in the construction sector were undocumented and that 82 percent reported that authorities demanded the payment of bribes to let them enter the country. According to Solidarity Center, this implies that the smuggling of undocumented immigrants is made possible by the complicity of corrupt authorities.⁷ The prevalence of human smuggling places Haitian migrants in a situation of vulnerability to trafficking, labor exploitation, mass deportations, and other human rights violations.

The earthquake of January 12, 2010 devastated Haiti and resulted in an initial increase in migration to the Dominican Republic. According to the Director General of Migration, after the earthquake, there was a 15 percent increase in Haitian migration to the Dominican Republic, representing 200,000 new immigrants, of whom 57,000 had entered legally.⁸ However, this does not correspond to any published statistics and has been questioned by various entities. An evaluation of Directorate General of Immigration records on inflows and outflows at official border posts between January-April 2010 indicates that although there was an initial increase in immigration, it gradually stabilized over a period of months.⁹ During the days following the disaster, the Dominican government issued an executive order allowing Haitian migrants that were living in the Dominican Republic at the time of the earthquake to go to Haiti and then return to the Dominican Republic. However, according to sociologist Frank Báez Evertsz, overly-complicated requirements included in these measures prompted the majority of migrants to use illegal crossing routes to go back to Haiti and to return to the

Dominican Republic.

An IOM-FLACSO survey published in 2004 found that 15.7 percent of all Haitian migrants in the Dominican Republic were employed in the sugar industry. According to the results of this survey, about 300,000 Haitian migrants resided in the country, which would suggest that there were approximately 40,000 Haitian workers in the sugar sector. However, at the time that the survey was carried out many of the privatized state-owned mills which are now abandoned were still active. This figure of 40,000 Haitian workers exceeds recent INAZUCAR estimates of 30,000 jobs generated by the sugar sector, including 10,000 *braceros* employed in the sector (INAZUCAR, 2009). Undoubtedly, there has been a reduction in the amount of labor required for harvesting due to both the declining sugar industry (especially in the public sector) and higher levels of mechanization. Still, it is difficult to arrive at exact figures because not all the *ingenios* provide data on the number of workers employed and the tenant farmers provide no clear estimates.

Product

Sugar has played an important role in the history of the Dominican Republic, and although the industry is in decline, it continues to play an important role in the economy and social structure of the country (see *Appendix 3: History of the Sugar Sector*). The following section details the sugar production process and supply chain, as well as recent reports of forced labor in the sugar sector.

Sugar Production and Supply Chain

Sugar production entails a long process from germination of the seed to marketing of sugar (refined or raw) and its derivatives in domestic and international markets. Summarized below are the general stages of the sugar supply chain (including the production process).

Cane Cultivation and Maturation

The first step is the preparation of the land where sugarcane is planted, including weeding. Next, the cane is planted by farmers and the maturation process takes place for 12 to 14 months (INAZUCAR, 2008). Sugar cultivation is not done annually, but rather every five to seven years. This step may include the application of fertilizers or herbicides and irrigation (USDA, 2010).

Harvest

The harvest, known as the *zafra*, usually takes place from December to June or July. The cutting is done in three ways: manually, through the work of *braceros* or *picadores*; the manual harvesting of sugarcane with the assistance of mechanical lifts, which facilitate transportation of sugarcane and increase worker productivity; and by using

mechanized harvesters and loaders to cut and lift the cane, without the use of *braceros*. According to official data, mechanical production takes place in 60 percent of cases, while the remaining 40 percent is done manually, although this data varies by *ingenio* (INAZUCAR, 2009).

In manual harvesting, teams of *picadores* cut the cane at locations designated by a *capataz* or foreman. Each team is composed of four to ten workers. The cane is then placed in wagons, either by the workers or by mechanical lifts.¹⁰

Weighing and Transport

Traditionally, sugarcane was transported in carts driven by oxen or tractors, weighed and then transferred to wagons (by *vagoneros*) or trucks that brought it to the *ingenios*, where it was weighed again. However, increasingly, sugarcane is now only weighed at the *ingenios*.

Sorting and Cleaning

Once at the *ingenio*, the milling and production of sugar begins. The cane is deposited in cane patios, in which the cane is separated by quality, purity, and level of fiber. Sugar cane cannot be stored for long periods,¹¹ so the *ingenios* immediately start the washing process for mechanically harvested cane. Cane that is harvested manually is clean and free of debris.

Processing

The processing of sugarcane for the production of sugar is an industrial process that includes cutting, crushing, and grinding of the cane; the purification of the extract; and the evaporation, crystallization, and spinning of sugar. It starts with the process of chopping, in which the stems are cut to give them the uniform size required to extract the juice from the cane. This is followed by crushing and grinding, resulting in chips that go to the mills, which separate the “juice” from the cane fiber with shredders. The juice is extracted through an industrial process using metal clubs and knives.¹² Next, the juice is weighed on scales and the purification and mechanical and chemical evaporation process begins. This is followed by the crystallization and centrifugation processes. This produces the honey used in the production of alcohols, as well as yellow-brown mass called raw or unrefined sugar.

Refinement

For refined or white sugar, the sugar crystals are cleaned with water and dried to avoid formation of lumps. It is then taken to chillers to reduce its temperature. In the Dominican Republic, the refinement process is only carried out by the Central Romana sugar mill.

Packing

Sugar is packaged according to market demands in bags or sacks.

Domestic Sales

Traditionally there were two main distribution channels nationally: large industrial companies (such as Pepsi Cola, Refrescos Nacionales, Coca Cola, Cervecería Nacional Dominicana, etc.) and wholesalers (and in some cases retailers) who buy directly from sugar mills. The wholesalers act as intermediaries that distribute to retailers. More recently, some of the *ingenios* have stopped selling directly to wholesalers and use intermediate companies, which sell the sugar at wholesale prices.

Export

The exportation of sugar is carried out in accordance with export quotas for sugar and molasses. Export permits are issued by INAZUCAR (including Certificates of Eligibility and loading permits). Raw and refined sugar is exported to companies in the United States (the main market) and to a lesser extent to other countries, including European Union countries.

Geography of Production

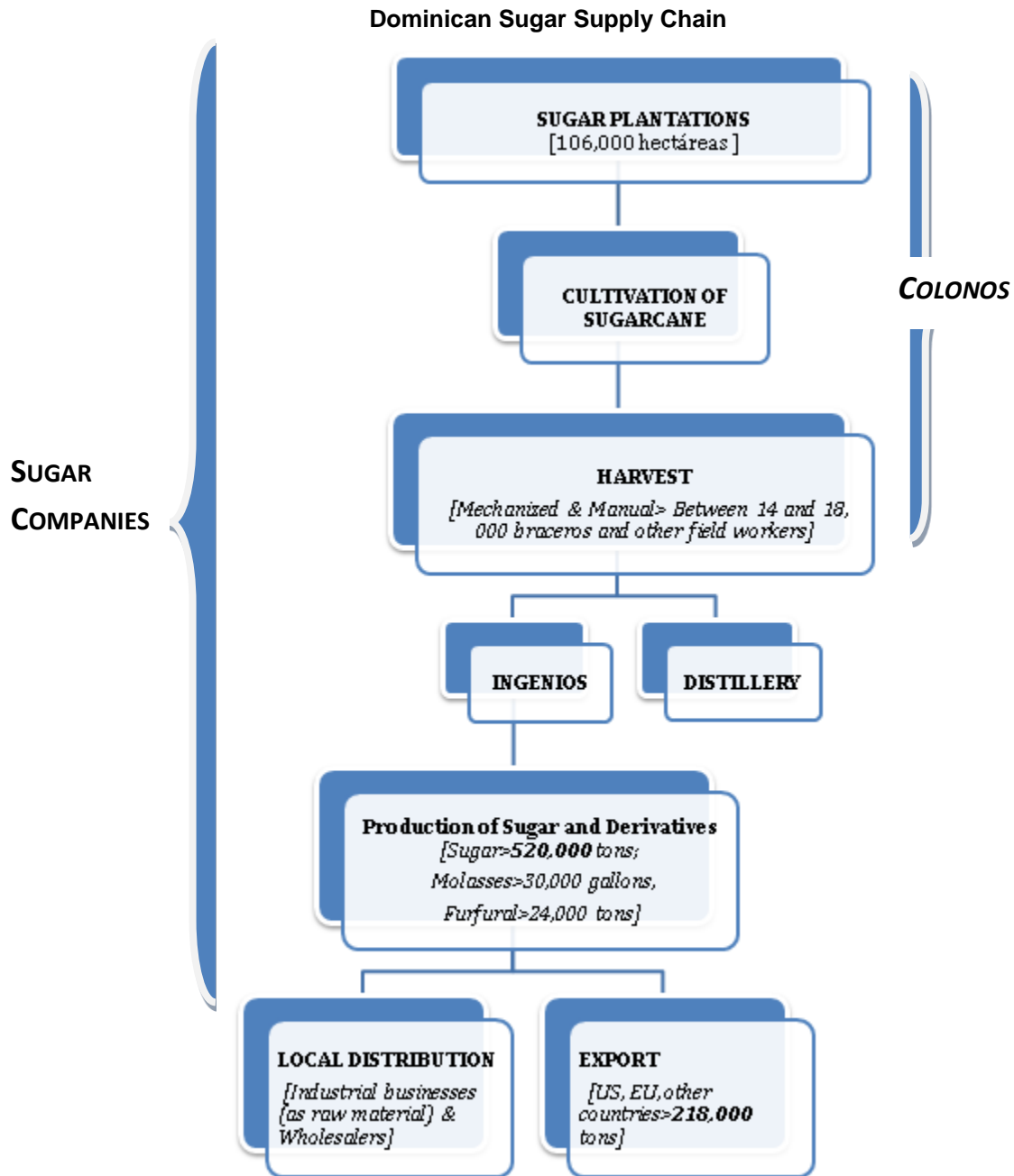
Sugar production is currently concentrated in two regions, the Eastern Region (covering five provinces: La Altagracia, La Romana, San Pedro de Macoris and Hato Mayor Seybo) and the Southwest Region (comprising three provinces: Independencia, Barahona, and Bahoruco). Some sugar production is also carried out in the province of San Cristobal, west of Santo Domingo.

The Eastern Region accounts for 90 percent of sugar production, which is concentrated in three *ingenios* and one distillery: Ingenio Central Romana, Ingenio Cristóbal Colón, Ingenio Porvenir, and a distillery which began operating in 2010. In the three southwestern provinces, located in the border region, only Ingenio Barahona, a state-owned *ingenio* operated by a private company, was operating in 2011. The plantations in San Cristobal are owned by Consorcio Azucarero de Empresas Industriales (Industrial Sugar Consortium or CAEI).

The *Bateyes*

Sugar plantations are comprised of *ingenio* and *bateyes*. *Batey* is a Taíno term¹³ that has been used in the West Indies to designate "industrial sugar complexes and all of their housing." *Bateyes* may be classified as either "central" or "agricultural" *bateyes*. Central *bateyes* house the *ingenios*. Agricultural *bateyes*, meanwhile, house the workers in the vicinity of the central *bateyes* (Yanguela Tejada, 2001).

The Dominican Republic has more than 500 *bateyes*, of which 220 are owned by the State Sugar Council (*Consejo Estatal de Azúcar [CEA]*) and the rest are owned by private companies. In 2002, approximately 250,000 people resided in the *bateyes* (Ferguson, 2006). However, today the vast majority of these communities are not linked to the sugar industry, especially in the case of the CEA, due to the collapse of state-run sugar production.



Source: INAZUCAR (2009).

Sugar Producers

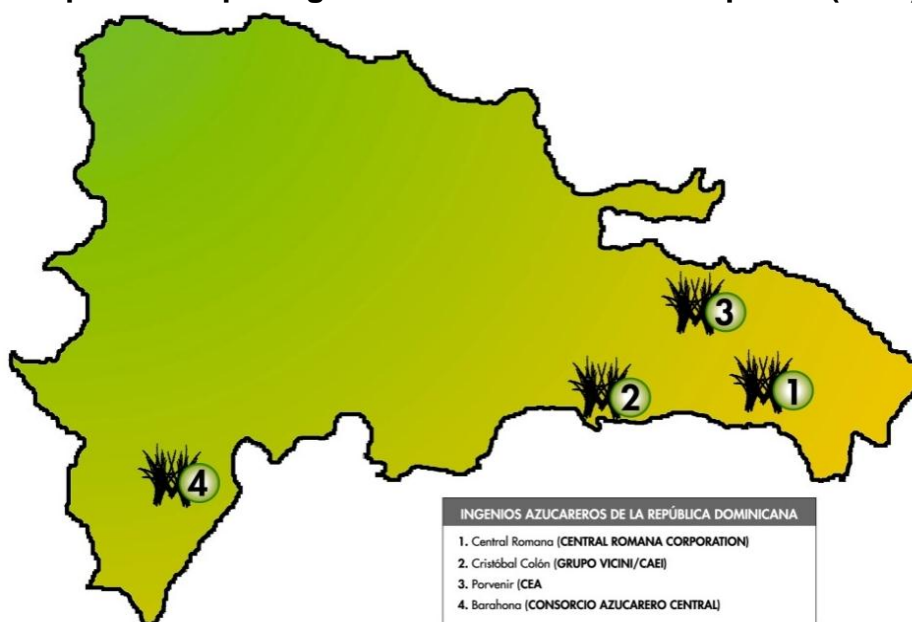
In the Dominican Republic there are two types of sugar producers: sugar companies, which have both large plantations and mills, and independent producers called *colonos* that harvest sugarcane for sale to the *ingenios*. During the 2009-2010 sugar harvest, four companies operated *ingenios*: Ingenio Central Romana (owned by Central Romana Corporation Ltd. [CR]), Ingenio Cristóbal Colón (owned by CAEI), Ingenio Barahona (owned by the CEA, but administered by Consorcio Azucarero Central or Central Sugar Consortium [CAC]), and Ingenio Porvenir (owned and administered by the CEA).¹⁴ Each year the Executive branch of the Dominican government authorizes the amount of sugar production for each of the sugar companies. For a detailed description of sugar producers see *Appendix 4: Sugar Producers*.

Table 2: Sugar Companies in the Dominican Republic					
Sugar Company	Ingenio Administered 2009-2010	Location	Year Founded	Daily Milling Capacity	Sugar Production 2009-2010
CAC	Barahona	Barahona Province	1922	5,000 MT	68,276 MT
CAEI	Cristóbal Colón	San Pedro de Macorís	1859	8,000 MT	69,765 MT
CEA	Porvenir	San Pedro de Macorís	1879	2,500 MT	10,106 MT
CR	Central Romana	La Romana	1912	20,000 MT	366,757 MT

The Sugar Colonato

Colonos are independent producers who sell their harvested sugarcane to the *ingenios* (Central Romana, CAEI, and Ingenio Porvenir). At present, *colonos* produce 28 percent of total sugarcane processed in the Dominican Republic (INAZUCAR, 2009) and operate mainly in the Eastern Region (in the provinces of San Pedro de Macoris, El Seibo, Hato Mayor, La Romana, and La Altagracia).

Map of Principal Ingenios in the Dominican Republic (2011)



Recent Reports on Forced Labor in the Dominican Sugar Sector (2000-present)

There have been many reports on forced labor in the Dominican sugar sector (see *Appendix 5: History of Reports on Forced Labor in the Sugar Sector*), including a series of reports and documentaries since 2000. These reports generally indicate that there have not been drastic improvements in working conditions or systems to protect Haitian *braceros*, and many of the past abuses continue to be reported.

The 2001 ILO report "Stopping Forced Labor" focused on modern manifestations of forced labor, as well as ways to combat them. Among the issues covered in the report was forced labor in the Dominican sugar sector. The report stated that the Dominican sugar industry was one of the most coercive working environments in the world. This study outlined recruitment and hiring systems, as well as working conditions of sugar *braceros* at the end of the twentieth century. It also noted the actions that the Dominican government had taken in response to the ILO's previous reports.

The only exhaustive study on the hiring mechanisms and working conditions of *braceros* carried out in the 21st Century is "*Tras las Huellas de los Braceros*." This study was carried out in 2002 by *Plataforma Vida*. The study was based on a survey of 815 of the 1,200 workers contracted by Ingenio Barahona for the 2001 harvest. The report indicated that in May and September 2002, thousands of *braceros* were trafficked through Puerto Escondido, Independencia Province by *buscones* and military personnel and brought to sugar plantations, for which the *buscones* were paid USD 10 (DOP 391) per person. *Plataforma Vida* published the names of *buscones* working as labor brokers. The report also indicated that guards ("*vigilantes*") were in charge of waking up workers and prohibited them from leaving after they finished work for the day. In

addition, the report criticized the low wages paid to *braceros*, the lack of days off, shifts of between 15 and 17 hours, and a lack of medical services, potable water, electricity, and bathrooms (Ferguson, 2006).

In 2002, the International Confederation of Free Trade Unions (ICFTU) issued a report "Internationally Recognized Core Labor Standards in the Dominican Republic" for the World Trade Organization's General Council Review of Trade Policies of the Dominican Republic. The ICFTU reported on a number of labor violations in the Dominican Republic, including in the sugar sector. The report stated that, "Haitian workers on sugar plantations often work under conditions tantamount to slavery, as they have no legal protection in the country, and are completely at the mercy of their employer. There are numerous reports of clothes and belongings being locked away, or wages withheld, in order that workers cannot leave. They are in continual fear of deportation or violence at the hands of the authorities, and face deplorable working and living conditions without any recourse."

The 2004 report, "Sugar Cane Slavery: *Bateyes* in the Dominican Republic," by Barbara Bernier, focused on the system of forced recruitment carried out by the CEA. The report was based on visits to *bateyes*, but not on an exhaustive survey of workers. The report stated, "There is always a shortage of workers during the harvest season and the State Sugar Council known as the CEA uses a system of employment that violates every applicable international law regarding the use of forced labor." The report alleged that Haitians were sold to Dominican soldiers and deceived into working on sugarcane plantations in the Dominican Republic. The report also indicated that Haitian recruits were kept in barracks before being sent to plantations, that their belongings were confiscated, and that they were kept under surveillance by armed soldiers. Bernier also reported on workers' low wages, payment in vouchers, and poor living conditions.

In 2006 Christian Aid published a report, "On the Margins: Discrimination against Haitian migrants and their descendants in the Dominican Republic." This report focused on the discrimination of Haitians and Dominicans of Haitian descent. However, it did refer to forced labor on sugar plantations, stating that, "living and working conditions on these estates were appalling, with forced labour and fraudulent remuneration practices continuing right up into the 1990s and, in some cases, to the present day." Also in 2006, James Ferguson published an academic report, "The Haitian Migrant Minority in the Dominican Republic." The report referred to the persistence of "voluntary and involuntary" migration of Haitian workers to the Dominican sugar sector and to continued allegations that *braceros* were victims of forced labor.

The U.S. Department of State's 2010 Trafficking in Persons Report indicated that the Dominican Republic was "a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor." It further indicated that, "While the Ministry of Labor [of the Dominican Republic] reported that sugar plantations no longer use child labor, the sugar industry has been cited as vulnerable for possible use of forced labor." The U.S. Department of State in 2010 gave the Dominican Republic the worst score of Tier 3 (down from Tier 2

in 2009) for its failure to combat trafficking in persons and criticized its weak efforts to prevent and prosecute cases of human trafficking. In 2011, the country was upgraded to the Tier 2 Watch List as a result of its increased efforts to identify victims, but the country still had not prosecuted any human trafficking cases.

There have also been a number of documentary movies, press articles,¹⁵ and art exhibits on forced labor in the Dominican sugar sector. Documentaries include “Big Sugar,” by Brian McKenna; “Batey Cero,” by Gérard Maximin; “Azúcar Negro,” by Michel Régnier; Sugar Hell, by Adriano Zecca; “The Price of Sugar,” by Bill Hane; and “Sugar Babies,” by Amy Serrano. These last two documentaries, released in 2007, focus on child labor in sugar production in the Dominican Republic, the poor living conditions on the *bateyes*, and the trafficking of workers by the sugar companies. “The Price of Sugar,” which has drawn the most attention, focuses on the working and living conditions on CAEI *bateyes* (owned by Grupo Vicini). *Esclaves au Paradis* (Slaves in Paradise), an exhibit sponsored by Amnesty International and presented in France and Canada in 2007, included photographs, discussions, and audiovisual presentations on the forced labor of Haitian *braceros* in the Dominican sugar sector.¹⁶

Policies and Programs

The Dominican government has reacted strongly to a number of reports and complaints on forced labor in the sugar sector and exploitation of migrants. In the 1980s and 1990s, the government roundly rejected allegations of forced labor, including those coming from the ILO. The government took dramatic steps in reaction to complaints about the treatment of Haitian migrants, including an Americas Watch complaint brought before the U.S. House of Representatives. In June 1991, the Dominican government issued Decree No. 233-91, which demanded the repatriation of all undocumented Haitian migrants under the age of 16 or over the age of 60. As a result of this Decree, 30,000 Haitians were expelled from the Dominican Republic, in violation of the American Convention on Human Rights, Article 22 of which prohibits the collective expulsion of foreigners. This caused a large number of complaints, which led to an Inter-American Commission on Human Rights visit to the country and the publication of a report demanding that the Dominican Republic permanently suspend the “collective expulsions” and indemnify deported Haitian workers for lost wages and benefits. The Commission also demanded the derogation of “all legislative or administrative measures that tend to undermine the rights of foreigners or Dominicans of Haitian origin” (CIDH, 1999).

The practice of mass deportations without respect for Haitian migrants’ rights continued through the 1990’s despite the 1999 ratification of the Bilateral Protocol in the Expulsion of Haitians (*Protocol Bilateral sobre la Expulsión de Haitianos*) by the Dominican government, which guaranteed Haitian migrants certain rights, such as the right not to be separated from their families. This mechanism, denominated “regulated mass deportations” (“*deportaciones masivas reguladoras*”) by Wilfredo Lozano and Frank Báez E., continued to be used to deport undocumented Haitian migrants. It was

condemned as a violation of Haitian migrants' rights, as well as a reflection of the Dominican government's lack of political will to establish immigration reforms that provide for the demands of Haitian migrant labor as well as the elimination of trafficking of undocumented immigrants (Wilfredo Lozano and Frank Báez E. 2008b: 248 y ss.).

Dominican law and policy restrict the legal status and rights of individuals of Haitian descent. For example, according to the U.S. Department of State, provisions of the 2004 Migration Law deny identity documents to individuals of Haitian descent who were born in the Dominican Republic. In addition, the 2010 Constitution denies Dominican citizenship to the children of individuals who are in the Dominican Republic illegally.¹⁷ For more information see *Appendix 2: Legal Framework*.

The Dominican government has not recognized the existence of forced labor in any economic sector in the DR, including sugar.¹⁸ For this reason, there are no plans or programs designed to explicitly combat forced labor. However, the government carries out labor inspections in the sector that directly and indirectly target the problem of forced labor.

The Executive branch is the main entity responsible for enforcing the prohibition of forced and compulsory labor through various government agencies, especially the Ministry of Labor and the Directorate General of Immigration, given the immigration status of most sugar *braceros*.

In recent years, the Ministry of Labor has maintained efforts to increase labor inspections in the agricultural sector, including on sugar plantations. These inspections cover both field and industrial work and are carried out throughout the sugar production chain. They are usually coordinated by provincial representatives of the Ministry of Labor and carried out in two stages: during land preparation/planting and the harvest, during which there are a greater number of workers (CIPAF, 2009).

In 2008, the ILO recognized the Dominican Republic's efforts at "permanent inspection in the sugar sector," but suggested that the government include "qualitative information to assess the effectiveness of the results" of the inspections (ILO, 2008). In 2010, the ILO reported that permanent inspection had been achieved in the sugar sector, in which 64 inspections were carried out from August 2009 to January 2010, during which one violation was found (ILO, 2010).

According to the Ministry of Labor's Director of Inspections, Federico Gomera, inspections have continued on a regular basis. For the 2010-2011 harvest, inspections were conducted in the plantations of various *ingenios* in order to verify compliance with labor law, including on health issues (access to drinking water, toilets, kitchens, etc.). The visits take place away from management so that workers can converse freely with the inspectors. According to Mr. Gomera, the Department of Inspections includes information on the prohibition of forced labor (within the framework of the ILO's eight core conventions) in its training sessions for inspectors, employers, and workers. He further stated that inspections include mechanisms to prevent forced labor and inform

workers about their right to resign in order “to avoid this situation and to protect them from it.”

In 2011, the Inspection Protocol for the Agricultural Sector was implemented. This Protocol was prepared under Proyecto Cumple y Gana by Social Accountability International, and includes forced labor as a labor issue to be checked by inspectors. The Protocol includes the legal basis for the prohibition of forced labor, as well as verification mechanisms that can be used to detect it (including interviews and document reviews).

In recent years, the government has begun to focus on the problems of human trafficking and human smuggling; however, it has not publicly admitted that human trafficking can result in forced labor. Following the enactment of the Law on Smuggling of Migrants and Trafficking in Persons, 2003 (No. 137-03), a Specialized Body on Land Border Security (CESFRONT) was created in 2007 by Decree No. 325-06 to "establish a security force and continuous monitoring of entry and exit points along the Dominican land border."¹⁹ Also in 2007, the Interagency Commission against Trafficking in Persons and Smuggling of Migrants (CITIM) was created by Decree No. 575-07. This Commission is composed of the main public institutions responsible for combating human trafficking and smuggling. In 2009, the CITIM approved the National Plan of Action against Trafficking and Smuggling of Migrants 2009-2014, with technical support from the International Organization for Migration (IOM). The Plan, supported by Law No. 137-03, includes specific policies and targets needed to combat human trafficking and smuggling, taking into account a gender and human rights perspective. The Plan focuses on three strategic areas: prevention; detection and prosecution of traffickers; and protection of victims and witnesses. Although the Plan does not explicitly refer to forced labor, it does state that the prevention and prosecution training offered to public officials should be based on ILO Conventions 29 and 105 on Forced Labor, among others.

Despite these efforts and government claims of increased border enforcement by the Department of Migration and CESFRONT, the authorities have not achieved a reduction in the flow of undocumented migrants, nor the prevention and sanctioning of human trafficking, including of children and adolescents. The legislation against human trafficking has been called deficient.²⁰ Furthermore, according to the National Plan, the budget allocated to combat these problems has never been sufficient for the size and complexity of the problem (CITIM, 2009:7). According to the 2010 US Department of State Trafficking in Persons Report, the government had not yet appointed the budget necessary to implement the National Plan of Action.

Various UN agencies have also demonstrated their concern over the Dominican Republic's lack of action on human trafficking, human smuggling, and forced labor. In 1998, the Committee on Economic, Social, and Cultural Rights (CESCR), responsible for overseeing compliance with the Covenant on Economic Social and Cultural Rights, urged the Dominican Republic to take the necessary measures to regularize the situation of "illegal residents,"²¹ and to combat human smuggling, human trafficking, and

forced labor by prosecuting and sanctioning those who violate the law against trafficking and by supporting public awareness campaigns to prevent trafficking. The Committee also expressed concern about the lack of funding to implement and monitor the Plan (CESCR, 2010). The Committee on the Elimination of Racial Discrimination (CERD) acknowledged in 2008 the government's efforts to combat trafficking for economic exploitation, but showed concern about the trafficking of Haitians for underpaid labor in the sugarcane, tourism, and construction sectors (CERD, 2008).

Methodology & Limitations

The Research Center for Feminist Action (CIPAF, a Dominican Republic-based non-governmental organization (NGO), carried out the research for this project. CIPAF specializes in research, education and public policy advocacy related to issues of gender and equality, including labor issues. CIPAF is a member of the *Iniciativa Regional para la Responsabilidad Social y el Trabajo Digno* (IRSTD), a regional network of NGOs that work collaboratively on labor issues in Central America and the Caribbean. CIPAF's Executive Director supervised the overall research process; a methodology consultant assisted in the development of the research strategy and instruments; and field research teams carried out the research in the provinces. Field research teams included the research coordinator and two or three additional researchers of Haitian origin. CIPAF provided its research material and analysis to Verité, which throughout the project provided research consultation, review, and oversight. Verité analyzed the research and drafted this report.

The research process included both qualitative and quantitative research to ensure a comprehensive analysis of such a complex issue. Qualitative data gathering techniques were used to clarify workers' motivations, perceptions and experiences; and to shed light on research topics that are more difficult to capture quantitatively (such as deception in recruitment). Quantitative methods (which were included later in the research process) were used to analyze the patterns and general tendencies of prevailing working conditions and practices, as well as the demographic and migratory characteristics of the workers in the sample. During the application of both methods, emphasis was placed on indicators of forced labor. (See below for a more detailed discussion of qualitative and quantitative methods.)

In addition, throughout the project, an extensive literature review was carried out, including an analysis of books, magazine and newspaper articles, reports on human rights, statistics, audiovisual materials, etc. Topics in this review included the history of the Dominican sugar industry; history and patterns of Haitian migration to the Dominican Republic; and labor conditions among sugarcane harvesters in the Dominican Republic, with an emphasis on reports of forced labor and slavery. Documents and publications were obtained and analyzed in Spanish, English and French.²²

Desk research was supplemented with semi-structured expert interviews with representatives of public institutions, academia, the private sector, labor unions and

NGOs with experience in migrant rights. Experts consulted for the study included current or former representatives of:

- Government or semi-governmental institutions, including the State Sugar Council (*Consejo Estatal de Azúcar [CEA]*), the Ministry of Safety and Health (*Superintendencia de Salud y Riesgos Laborales*), the Dominican Institute of Social Security (IDSS), the Institute of Industrial Health and Safety (*Higiene y Seguridad Industrial [DGHSI]*), the Labor Inspections Directorate (*Sistema de Inspección*), and the Dominican Sugar Institute (INAZUCAR)
- Various human rights NGOs
- FUTRAZUCAR (labor union)
- The Association of Migrant Workers from the Northwest (*Asociación de Trabajadores Migrantes Línea Noroeste*)
- Various companies and employers organizations, including Federación de Colonos de Azucareros de la Región Este (Federation of Sugar Colonos of the Eastern Region [FECARE], Federación Dominicana de Colonos Azucareros (Dominican Federation of Sugar Colonos [FEDOCA]) CEA, CAEI, and CAC
- The United Nations
- Academic institutions

Based on the results of the literature review and expert consultations, a field research plan and survey instruments were developed. Survey instruments were written in Spanish and translated into Creole. Members of the research team were provided with a week-long in-person training on implementing surveys among vulnerable populations.

Interviews were carried out in Spanish and Haitian Creole, and Creole responses were later transcribed into Spanish. To ensure that researchers would be able to interact directly with workers without the presence of intermediaries or prior coaching, researchers did not solicit authorization or permits from producers (*colonatos*) or sugar companies. Instead, they conducted the interviews on the *bateyes* on which the workers lived, which were open to the public. Given the complex and sensitive nature of the research topic, special emphasis was placed on guaranteeing the confidentiality and anonymity of workers during interviews and other data-gathering activities.

Research Timing

Field work was carried out principally from May 2009 to November 2010. From the beginning to the end of the 2009-2010 harvest season (December 2009 through May 2010), the Rapid Appraisal phase was carried out. From March through May 2010, the survey and sample were designed and researchers were trained. Between June and August 2010, the cross-sectional survey was carried out. During the off season (from June through November 2010), the research team conducted interviews in CEA *bateyes* and in the *colonato* and visited the border region in order to obtain information about migrant workers. During the rapid appraisal phase, workers were asked about their present experiences, whereas during the survey, workers were asked about their experiences during the previous harvest (December 2009 through May 2010).

Location

Research was conducted in the eight provinces in which sugar cane is currently harvested: San Pedro de Macorís, El Seybo, Hato Mayor, La Romana, La Altagracia, San Cristóbal, Independencia, and Bahoruco. In order to simplify the field research, these provinces were divided into regions or production zones: the Eastern Region, which included the plantations of Central Romana Corporation (CR), el Consorcio Azucarero de Empresas Industriales (CAEI), el Consejo Estatal del Azúcar (CEA) and el *colonato azucarero* (hundreds of small producers); the Southeastern Region, which included the plantations of Consorcio Azucarero Central (CAC); and la Provincia de San Cristóbal, where some of the plantations of CAEI are located.

Qualitative Data Gathering

Preparatory Phase and Rapid Appraisals

Field work began with qualitative data gathering techniques that were used during the first and second phases of research. Rapid Appraisals were used to allow researchers to obtain a qualitative understanding of working conditions in the sugar sector.²³

The preparatory phase consisted of the first exploratory visits to the main sugar producing areas in the Dominican Republic and the *bateyes* in which workers lived in order to obtain a general understanding of the situation and to carry out the first worker interviews. In addition, the research team identified the main human rights organizations (especially those that have experience in labor rights), as well as unions that worked on *bateyes* associated with the sugar industry in order to obtain their opinions and to gather information about current reports of labor exploitation.

The preparatory phase was followed by the rapid appraisal phase. The objective of this phase was to research the possible persistence of labor rights violations and indicators of forced labor. In all cases, interviews of recently-arrived workers were prioritized due to their increased vulnerability to forced labor (including a decreased ability to communicate in Spanish and a lack of a social network and knowledge about conditions of employment).

This phase covered all of the sugar producers in all of the production zones, including a total of 13 trips to *bateyes* and plantations: nine in the Eastern Region (where the majority of production is concentrated); two in the Southeastern Region and two in San Cristóbal. Some visits were carried out randomly and others were carried out in reaction to key informants' reports of labor violations.

Throughout this phase, the research team visited a total of 42 *bateyes*: 12 from Central Romana, 11 from CAEI, nine from CAC, seven from CEA, and three *colonatos*.

In selecting the *bateyes*, the researchers ensured that they sampled all types of employers, and at least two *bateyes* that were geographically remote among each type

of employer. Central Romana *bateyes* were sampled more heavily, due to their larger scale of production and in order to ensure that a number of different areas were visited. Regarding CAEI, a larger number of *bateyes* in San Cristobal were sampled, because many indicators of labor rights incomppliance were detected during the preparatory phase. In the case of CAC, surveys were carried out in all of the *bateyes* to avoid gathering a sample size so small that it was irrelevant.

In the 42 *bateyes* visited, dozens of semi-structured one-on-one and small group interviews (of between two and four workers) were carried out with workers who were selected through convenience sampling. Researchers made an attempt to gather a diverse pool of workers. Additionally, in five *bateyes*, large group interviews were carried out with between eight and 15 workers during their breaks or at the end of the working day. Both of these types of interviews lasted from a half-hour to an hour. In addition to the worker interviews, three unstructured interviews were carried out with supervisors or ex-supervisors from the CAC, CAEI and CEA.

During the off season, the research team also visited and conducted interviews in public and private *bateyes* of the CEA and in the *colonato*. Lastly, this phase included a trip to the border region, especially Puerto Escondido (Independencia Province, Duvergé Municipality) and the border posts of Jimaní and Dajabón, in order to obtain information from organizations that work on the borders on the mechanisms utilized by workers to migrate to the Dominican Republic.

In-depth Interviews and Focus Groups

Some of the workers surveyed who reported indicators of forced labor or unique experiences were selected for in-depth interviews. Nine in-depth interviews were carried out with workers who represented different paths or points of entry into the sugar sector. Among the producers with the largest number of recently-arrived workers (CR, CEA, and CAC), the researchers were able to interview at least one recently arrived worker, as these workers demonstrated the highest level of vulnerability. In all cases, the researchers verified that the workers interviewed had worked during the 2009-2010 harvest. At least one worker from each employer was interviewed. See the chart below for more information on interview subjects.

Table 3: In-Depth Interviews				
Date	Employer²⁴	Batey	Time in country	Age
06/02/2010	CR	Cacata	Recently arrived	24 years
06/06/2010	CR	El Salado	Recently arrived	24 years
06/06/2010	CR	Las Flores	Worker living in the DR (for a long time)	83 years
06/10/2010	CEA	Victoria	Circular migrant between Haiti and DR	20 years
06/10/2010	CEA	Experimental	Recently arrived	28 years
05/05/2010	CAEI	Cumbá	Worker living in the DR (recent)	33 years
06/11/2010	CAEI	Los dos Hermanos	Worker living in the DR (medium-term)	57 years
07/16/2010	Colonos	Victorina	Worker living in the DR (not in batey)	39 years
07/03/2010	CAC	Batey 8	Recently arrived	23 years

After a review of findings, focus groups were assembled through convenience and purposive sampling in order to ensure that various perspectives and experiences were included. The focus groups were used to fill in gaps not covered by the questionnaire. During the final field research phase, the research team conducted five focus group discussions (one for each employer type), with between ten and 15 workers in each group. Workers were first selected through convenience sampling and then workers were screened using purposive sampling to ensure that various paths into the Dominican sugar sector, and lengths of time working in the sugar sector were represented in the focus groups. Focus group discussions were conducted using a semi-structured, flexible interview guide (see *Appendix 6: Focus Group Interview Guide*). Focus groups were used as a tool for validating/confirming critical findings and exploring issues that were not sufficiently understood through other research means.

The focus groups were facilitated by the Research Coordinator, with the support of a research assistant. All the focus groups lasted between two and two and a half hours.

Quantitative Data Gathering

At the beginning of the research project, the researchers did not consider including in-depth quantitative research, including a survey, as part of the research methodology. First, the effectiveness of such methods has been questioned for issues as sensitive as forced labor, in which obstacles exist in reaching the group under study.²⁵ Second, the lack of precise, detailed information about the object of the study (the number of workers, the *bateyes* at which they work, etc.) made it difficult to obtain a sample frame in order to carry out a survey.

However, after carrying out the first qualitative phase of research, the research team made the decision to include a survey of sugarcane workers. The surprising ease of access to the living areas of the *bateyes* (both public and private) and to workers, as well as the ability to establish an estimate of the population living on the “active” *bateyes* with a reasonable degree of accuracy allowed for the possibility of carrying out quantitative research. Researchers deemed that such quantitative research would be valuable and meaningful in providing the opportunity to gather robust information about workers’ paths into the sugar sector, and the conditions under which migrant workers labor therein.

Between March and May 2010, the research team prepared for the survey. The survey instrument was designed, the sample was determined, and field researchers were hired and trained.

A comprehensive and up-to-date record of public and private *bateyes* in the country and the number of sugarcane harvesters was not available.²⁶ This necessitated the establishment of a sample frame through the triangulation of desk and field research and expert consultations. This was performed during March, April and May of 2010.

For the eight provinces in which sugar is produced,²⁷ researchers used the National Statistic Office’s (ONE) 2008 national territorial matrix to map out the location of the *bateyes* in areas in which sugar was still being produced. They also used reports and documents from sugar companies that made reference to the number of *bateyes* linked to sugar production, as well as other qualitative research techniques carried out during the preparatory and rapid appraisal stages (described above).

Once the listing of *bateyes* was established, researchers went into the field to confirm that each *batey* still existed and was actively involved in sugar production for the 2009-10 harvest.²⁸ This process resulted in the identification of 178 “active” *bateyes* housing workers involved in sugar production during the 2009-10 harvest. Since there may have been some *bateyes* that were not identified through this process, a random sample was not possible. The researchers conducted the survey on 52 *bateyes*.

Survey Instrument

The survey was designed taking into account the research objectives, and the information gathered during the Rapid Appraisals and expert consultations. It included 106 closed, semi-closed, and open-ended questions, divided into seven sections that covered demographic, migratory, and labor characteristics: I. Personal and Family Information; II. Residence and Migratory Activity; III. Haiti-DR Trajectory; IV. Work in the Sugar Sector; V. Freedom of Movement; VI. Payment and Daily Life; and VII. Additional Observations (See *Appendix 7: Questionnaire*).

Questions on indicators of forced labor were included in the survey regarding worker recruitment and hiring (Section III), their work situation (Section IV), and freedom of movement (Section V).

The research team consulted two sociologists with vast experience on forced labor in the Dominican sugar sector for their suggestions and observations. Finally, a pilot survey was carried out with workers at Batey Alejandro Bass in order to ensure the clarity and coherence of the questions.

Design and Sample Size

The universe or group under study was the population of all sugarcane workers (*braceros*) living on *bateyes*, including transporters (*carreteros*) and planters (*cultivadores*). In interviewing medical staff, workers, and other individuals, the research team arrived at a range of 14,325 to 17,850 sugarcane workers living and working on the *bateyes* in order to ensure that an adequate number of workers (broken down by employer type) was captured in the sample. For sampling purposes, employers were categorized into five types, listed in the table below. These five types represent an exhaustive list of employers producing sugar in the Dominican Republic.

Table 4: Estimate of Number of Workers by Employer			
Employer	<i>Batayes</i>	Provinces	Number of Workers
Central Romana (CR)	77	San Pedro, La Romana, El Seibo, Altagracia	11,000-13,000
Consortium of Industrial Sugar Companies (Consortio de Empresas Azucareras Industriales [CAEI])	32	San Cristóbal, San Pedro de Macorís	1,000-1,500
Central Sugar Consortium (Consortio Azucarero Central [CAC])	8	Independencia y Bahoruco	325-350
State Sugar Council (Consejo Estatal de Azúcar [CEA])	39	El Seibo, San Pedro y Hato Mayor	1,000-1,500
<i>Colonos</i> ²⁹	22	El Seibo, La Romana, San Pedro y Hato Mayor	1,000-1,500
TOTAL	178		14,325-17,850

While Verité understands that a representative sample was not possible, a multi-stage approach was still applied to ensure proportional coverage by employer type. The sample was determined using a multi-stage approach, in which a stratified sampling methodology was applied, with probability proportional to size (PPS) stratification by employer type. A sample for each type of employer was identified based on the estimated total number of workers working under each employer type. *Bateyes* from

each employer type were then randomly selected proportional to the number of workers employed in each *batey*. A sample size of 740 workers was established.

Table 5: Sample Size by Employer	
Employer	Sample
Central Romana (CR)	280
Consortium of Industrial Sugar Companies (Consortio de Empresas Azucareras Industriales [CAEI])	120
Central Sugar Consortium (Consortio Azucarero Central [CAC])	100
Consejo Estatal de Azúcar [CEA])	120
<i>Colonos</i>	120
TOTAL	740

In order to determine the sample size per *batey*, a flat rate of ten workers for each primary sample unit was used. In some of the larger *bateyes*, more than ten workers were interviewed as these *bateyes* were composed of two to three primary sample units.

Random sampling of workers at the *batey* level was not possible given that no comprehensive roster of workers in each *batey* was available to researchers. An additional complication was that the full population of workers was never present in one place at the same time, since some workers are sent to distant plantations for longer work days, and workers depart for and return from work at different times. Conducting the research later at night, after all workers had returned, was not possible due to a lack of electricity in many *bateyes*. Therefore, a convenience sample was used for the selection of workers. Convenience sampling is a form of non-probability sampling that can include snowball sampling and respondent-driven sampling. Researchers were instructed to ensure that newly-arrived workers were included in the sample for each *batey*, as these workers were deemed to be more vulnerable to exploitation.

Between June and August 2010, the cross-sectional survey was carried out among 740 workers in 49 *bateyes* (The surveys and interviews were carried out by bilingual interviewers (Spanish/Creole). Workers were asked about their experiences during the previous harvest (December 2009 to May 2010). The response rate was nearly 100 percent.

Table 6: Estimate of Workers and Sample Size by Employer

Name of <i>batey</i>	Employer	Estimate of <i>braceros</i>	Sample	
BATEY ISABELA	CAC (Consortio Azucarero de Central - <i>Ingenio</i> Barahona)	25-50	20	
BATEY 5		25-50	10	
BATEY 7		25-50	20	
BATEY 8		25-50	20	
BATEY 9		25-50	10	
BATEY 6 (Santa Bárbara)		25-50	20	
Name of <i>batey</i>	Employer	Estimate of <i>braceros</i>	Sample	
LA ERMITA O NAJAYO EN MEDIO	CAEI (Consortio Azucarero de Empresas Industriales -CAEI – <i>Ingenio</i> Cristóbal Colón)	25-50	10	
BATEY CONTADOR		100-200	20	
BATEY COPEYITO		25-50	10	
BATEY SAN FELIPE		50-100	10	
LAS MERCEDES O LOS MELLA		25-50	10	
LOS DOS HERMANOS		50-100	10	
SAN JOSÉ		100-200	10	
BATEY ATILANO II		50-100	10	
CAÑADA DEL NEGRO		25-50	10	
MORUNO DEL GUANO		50-100	10	
CANIPA		25-50	10	
Name of <i>batey</i>		Employer	Estimate of <i>braceros</i>	Sample
BATEY PARAÍSO DOS	CEA (Consejo Estatal del Azúcar – <i>Ingenio</i> Porvenir)	25-50	10	
BATEY VICTORIA		25-50	10	
BATEY ALEMÁN		25-50	10	
BATEY ULLOA		25-50	10	
BATEY ALEJANDRO BASS		25-50	10	
BATEY CONSUELITO		25-50	10	
BATEY EXPERIMENTAL		25-50	10	
BATEY MARGARITA		1-25	10	
CAONABO (BATEY SIRIA)		1-25	10	
EL BOTE		1-25	10	
LAS PAJAS		50-100	10	
MONTE COCA		50-100	10	
Name of <i>batey</i>		Employer	Estimate of <i>braceros</i>	Sample
BATEY BRADOR 104		COLONOS	100-200	20
KM. 10/KM. 11	25-50		10	

KM. 8		25-50	10
BATEY SANTONI		50-100	10
BATEY COMO QUIERA		100-200	10
LANON		100-200	20
LOS CHICHARRONES		100-200	10
BATEY ALTAGRACIA		100-200	10
BATEY TORONJA		25-50	10
BATEY EUSKARDUNITA		100-200	10
Name of <i>batey</i>	Employer	Estimate of <i>braceros</i>	Sample
BATEY AGUA BLANCA	CR (Central Romana Corporation – <i>Ingenio Central Romana</i>)	200-300	20
BATEY LA GINA		50-100	20
BATEY LECHUGA		300-400	20
EL SALAO O EL SALADO		200-300	20
PRADO 16		100-200	20
LA MAJAGUA		300-400	20
LA MALENA		300-400	20
BATEY 412		300-400	20
BATEY CACATA		200-300	20
BATEY EL 20 /EI 20B		100-200	20
BATEY LAS FLORES		50-100	20
BATEY RENGUELITO		200-300	20
LA CUCHILLA		100-200	20
BATEY LIMA		300-400	20

Workers were interviewed in their living quarters. The majority of interviews were carried out at the end of the working day. Worker interviews began between 3 P.M. and 4 P.M and went into the evening. Some workers who did not go to work on the day of the interviews, or had returned early, were interviewed earlier in the day. Workers were interviewed individually in the most private settings possible. Of the workers interviewed, the vast majority were judged by the interviewer to be comfortable and open during the interview process.

Data Processing and Analysis

Once all of the surveys had been completed, they were reviewed and coded and a tabulation plan was created. The data was processed by a data capture program, *Epidata*, which operates on a Windows platform and was exported to SPSS for tabulation. The digitization and data processing was monitored by double digitalization of 20 percent of the forms.

The responses to the questionnaire were analyzed according to ILO guidance on “Identifying Forced Labor in Practice,” described in the Presence of Indicators of Forced Labor section. The ways in which questions from the questionnaire were used to determine whether indicators of forced labor were present can be found in *Appendix 9: Table of Indicators*.

Preliminary information which was not fully analyzed was presented by CIPAF for feedback in two validation workshops that brought together various stakeholders in the sugar sector, including representatives from public institutions, employers, NGOs and human rights defenders, and academics. A report was then drafted and submitted to Verité, followed by further analysis and formatting by Verité using the guiding framework that was applied to all seven countries studied under its research grant.

Verité also conducted a post-hoc analysis of data in all seven country studies by applying a larger set of forced labor indicators issued by the ILO in December 2011 (*Hard to see, harder to count: Survey Guidelines to Estimate the Forced Labour of Adults of Children*), which are intended for use in forced labor survey design and analysis but which were not available at the time the fieldwork was carried out. See *Appendix 7* for a chart reflecting the analysis for this study.

Limitations

The research design used a combination of qualitative and quantitative methods (non-probability sampling). The quantitative portion of the research was not meant to be statistically representative at the national or sectoral level, but rather to ensure coverage and interview more workers in order to triangulate information with the qualitative findings. Therefore, the quantitative findings from this study are biased by the use of nonprobability sampling.

Furthermore, the possibility remains that some *bateyes* were not identified or that some existing *bateyes* were incorrectly deemed non-operational.³⁰

An important limitation of the study regards indebtedness while on the *bateyes*. Based on results of desk research and expert consultation, the survey instrument was designed to capture indebtedness related to fees paid to *buscones*. While questions were also included related to the ability of workers to buy all of their food in cash, the issue of indebtedness to food stores was not encompassed by the survey instrument. Once field research was well underway, it became clear that workers were, in fact, in debt to food stores. Because it was too late to alter the quantitative survey instrument, this issue was explored with qualitative research methods, including in-depth interviews and focus group discussions. Thus the findings on this subject are not as quantitatively robust as the findings in other areas of the study. This is an important limitation, as the quantity of workers’ debt to the food stores is important in determining the level of induced indebtedness.

The questionnaires also lacked questions on perceived or actual threat of deportation. This resulted in a lack of harmony between the survey results, which suggested that most workers felt they could leave their jobs, and more in-depth case study data, as well as legal analysis, that suggest workers are coerced by the fact that they face deportation if they leave. Because the survey questions did not probe this issue, it is unclear whether those who responded to the survey were effectively unable to leave their jobs because the consequence would be deportation.

Another concern not covered by the survey instrument or the qualitative data collection regards the terms under which workers performed excess hours. The quantitative results do not provide information about who established the work schedule that led to overly long workdays, nor whether workers felt obligated to work overtime for fear of deportation or other retribution. These factors are relevant to understanding whether workers experienced forced overtime.

Worker Demographics

Concepts and Methodology

In referring to field workers in the sugar industry, one must be precise in the use of terminology, as field workers perform a myriad of tasks, some of which were noted in the description of the sugar production process.

As explained in the Legal Framework (see *Appendix 2*), the Labor Code stipulates that workers who work in the field "for daily wages" are called "braceros" (art. 145 of the Labor Code). However, in the sugar industry, the workers in charge of cane cutting are also often called *braceros*. This study focused on the latter, also called *picadores* or *cortadores*, who are Haitian workers that comprise the largest category of workers in the sugar sector,³¹ perform the most strenuous work, and are the worst paid in the industry. Historically, allegations of slavery and forced labor in the sugar sector have surrounded *braceros*.

Braceros or *picadores* constitute the vast majority of sugarcane workers and represent the lowest level of the hierarchy. They are comprised of migrant Haitian workers or Dominicans of Haitian descent that have been historically repressed and exploited in the sugarcane sector, and are thus most vulnerable to forced labor. In addition, many *picadores* also carry out other tasks, such as cultivation and weeding. Although *picadores* are the main object of our study, the survey included a small proportion of *carreteros* (in charge of loading and transporting cut cane in carts) and *cultivadores* (who cultivate the sugar cane), as they are in a vulnerable situation comparable to that of the *picadores*. Therefore, this report covers these three types of workers (with a greater emphasis on *picadores*).

This study focuses on male workers, as researchers did not detect a substantial presence of women in the cutting or planting of sugarcane, although they did receive testimony in some *ingenios* (CEA, CAEI) that occasionally female labor was used for planting cane. In some *colonato bateyes* of the CEA, researchers did identify women who worked in the harvest of tomatoes and other vegetables, but in other *bateyes*, they were not employed.

Age and Nationality

Of the workers surveyed by researchers, 446 (60 percent) were 34 years old or younger, 372 (50 percent) were between 21 and 34 years of age and 74 (ten percent) were between 15 and 20 years old.³² The average age of workers surveyed was 35 years old. Although 592 (80 percent of) workers surveyed were less than 50 years of age, a relatively large number, 107 (15 percent) were 55 years of age or older and 20 workers (three percent) were 70 years of age or older and were still working.

Research did not detect any workers of Dominican descent among the population of *braceros*. Of the workers surveyed, 677 (91 percent) were born in Haiti, in contrast to 63 (9 percent) who were born in the Dominican Republic.³³ However, only 55 percent of *carreteros* and 57 percent of *cultivadores* were born in Haiti. This shows that the Dominican-born descendants of Haitian migrants tend to be employed as *carreteros* and *cultivadores* at higher rates than Haitian-born migrants and supports the claim that the Dominicans of Haitian descent tend to look for other work than as *picadores*.

Personal Identity Documents

Of the workers surveyed who were born in Haiti, 291 (43 percent) did not have any identification documentation. However, 217 (32 percent) of Haitian-born workers had a Haitian birth certificate, 115 (17 percent) had a Haitian *cedula* (national identity document), and 54 (eight percent) had a Haitian passport. This data indicates that almost all of the workers interviewed had to cross the border illegally due to lack of an official immigration document that permits them to legally exit Haiti and enter the Dominican Republic.

Of 63 workers interviewed who were born in the Dominican Republic, 22 (35 percent) reported that they did not possess any identity document, while 18 (29 percent) reported that they had only birth certificates, and 23 (37 percent) reported that they had identity cards.

Family Situation

Of the workers surveyed, 352 (48 percent) reported that they were single, 259 (35 percent) reported being married or in a committed relationship, and 67 (nine percent)

reported that they were separated. In addition, 430 workers (58 percent) reported that they had children, while 310 (42 percent) reported that they did not. Of the workers interviewed, 252 (34 percent) had one or two children, 59 (eight percent) had three children, 37 (five percent) had four children, and 78 (11 percent) had five or more children.

In addition, 347 workers (47 percent) reported that they lived in the Dominican Republic with a family member. Of these workers, 159 (46 percent) said they were living with their wives, sons, or daughters; 80 (23 percent) reported that they lived with a brother or sister; and 73 (21 percent) reported that they lived with a cousin.

Level of Education, Literacy, and Mastery of Spanish

Of the workers surveyed, 362 (49 percent) said they had never attended school. Only 370 (50 percent) of workers interviewed reported that they had attended school. Of these workers, approximately half completed some primary school and the other half completed some secondary school.

The level of illiteracy was also high. Of the workers interviewed, 355 (48 percent) reported that they could not read or write and 110 (15 percent) reported that they could read and write “a little” (“*solo un poco*”). Of the 275 workers (37 percent) that reported that they could read and write, 228 (83 percent) reported that they were literate in Creole, 96 (35 percent) reported that they were literate in French, and 78 (29 percent) reported that they were literate in Spanish.

In terms of speaking fluency in Spanish, only 176 workers (24 percent) reported that they were able to speak Spanish and 207 (28 percent) reported that they could do so, but with difficulty. Of the workers surveyed, 352 (48 percent) reported that they did not speak any Spanish. According to the interviewers, only 136 workers (18 percent) demonstrated that they could speak comfortably in Spanish during the interviews and it was almost always necessary to conduct the interviews in Creole. In general, only workers living in the Dominican Republic for twenty to thirty years demonstrated that they were fully comfortable communicating in Spanish.

Place of Origin and Employment in Haiti

Of the 677 Haitian-born workers surveyed by researchers, 367 (54 percent) reported that they came from the Southeast Department of Haiti (which includes the communities of Jakmel, Belle-Anse, Morigot, Ansapit), 122 (18 percent) reported that they were from the Western Department (where Port-au-Prince and Fond Parisien are located), and 95 (14 percent) reported that they were from the Northern, Northeastern, and Northwestern Departments.

Regarding prior employment in Haiti of Haitian-born workers, 502 (74 percent) reported that they had worked in agriculture, primarily on a family farm, before becoming involved in the sugar sector in the Dominican Republic. Only 77 (11 percent) reported that they had been salaried workers prior to their employment in the Dominican sugar sector.

Links with Haiti

Of the workers surveyed, 718 (97 percent) reported that they had family in Haiti and 377 (51 percent) reported that they sent them money. Of these 377 workers, 38 (ten percent) reported that they sent money home every month, 234 (62 percent) reported that they sent money home every few months, 72 (19 percent) reported that they sent money once a year, and 19 (five percent) reported that they sent money every few years. Of the workers who sent money home, 100 (27 percent) reported that they sent less than DOP 1,000 (USD 28)³⁴; 181 (48 percent) reported that they sent between DOP 1,000 and DOP 3,000 (USD 28-USD 83); and 76 (20 percent) reported that they sent more than DOP 3,000 (USD 83), more than half of whom did so once a year. Qualitative interviews indicated that workers often sent money to relatives in Haiti through acquaintances or money transfers. However, money transfers can only be made by workers with identity documents.

Of the 363 workers surveyed (49 percent) who reported that they did not send money to their families, 243 (67 percent) reported that the main reason was that they did not know how to save money or simply had no money to send. For example, a worker interviewed at a CAEI *batey* said, "If I did not get enough bread to eat, how are you to send [money] to another country?" ("*si no conseguí pa comé, como va a mandá a otro país?*")

Of all the workers surveyed, 651 (88 percent) were in contact with relatives in Haiti; 376 (51 percent) used their own mobile phone to contact relatives in Haiti, while 257 (35 percent) did so with a borrowed cell phone.³⁵ After the January 12, 2010 earthquake that devastated Haiti, 379 (51 percent) reported that they had contacted their family members but did not have money to send. Of the workers interviewed 131 (18 percent) reported that they had tried unsuccessfully to contact relatives in Haiti after the earthquake, 137 (19 percent) reported that they had sent money, eight (one percent) reported that they had gone to Haiti to take money and/or help their family, and 22 (three percent) reported having done nothing or had no family or friends in Haiti. An additional 22 workers (three percent) surveyed reported having been in Haiti during the earthquake.

Last Year of Entry into the Dominican Republic

Year	percent
2009-2010	25
2005-2008	32
2001-2004	14
2000 or before	29
Total	100

Of the 677 Haitian-born workers surveyed, 389 (58 percent) had entered the Dominican Republic for the last time in the previous five years, of whom 215 (32 percent of Haitian-born workers) had entered the Dominican Republic for the last time in the previous two years (between 2005 and 2008), and 170 (25 percent) had entered within the previous year. In addition, 92 workers (14 percent) reported that they had entered the Dominican Republic for the last time between five and nine years earlier (between 2001 and 2004) and 197 (29 percent) had entered the Dominican Republic for the last time more than nine years earlier.

Point of Entry into the Dominican Republic

Of the five Haitian border provinces, workers often entered Dominican territory through the two southernmost Dominican provinces of Independencia and Pedernales. It is logical that these two are the most commonly used because they correspond with the major Departments of origin of most workers: the Southeastern and Western Departments.

Of the 677 migrant workers surveyed, 427 (63 percent) crossed the border at Independencia Province (either by the official border crossing of Jimaní, or by one of the clandestine border crossings, such as Puerto Escondido, el Limón, or el Aguacate). Another 150 (22 percent) entered the Dominican Republic through Pedernales Province (through the official border crossing of Ansapit or by a clandestine crossing), 49 (seven percent) crossed the border through the province of Dajabón, and 20 (three percent) crossed at Elías Piña Province.

Transportation Over the Border into the Dominican Republic

Of the 677 migrant workers surveyed, 290 (43 percent) crossed the border into the Dominican Republic on foot, while 301 (44 percent) crossed by bus, 49 (seven percent) crossed by motorcycle taxi (*motoconcho*), and 28 (four percent) crossed by truck.

Of the 677 migrant workers interviewed, 181 (27 percent) reported that they had not used *buscones* or complicit government authorities to cross the border, while 406 (60 percent) reported that they had made the crossing through a *buscón* and/or with the help of some authority. Of the migrant workers, 364 (54 percent) reported that they crossed the border with the help of a *buscón*, (308 used a Haitian *buscón* and 49 used a Dominican *buscón*), 48 (seven percent) reported that they had been helped by Dominican authorities and eight (one percent) reported that they had been helped by Haitian authorities (including immigration agents, the military, and police).

Transportation within the Dominican Republic

After crossing the border, workers use two main modes of transportation to reach the final destination in the Dominican Republic:

- Through a *buscón*, who generally transport workers via bus or truck
- Independently by bus by paying a large sum of money to the driver due to their undocumented status (this bribe is usually called a *compromiso*)

Research determined that in most cases the *buscones* transported workers over the border and directly to a *batey*. Nevertheless, in most cases, workers asked to be left at a specific *batey* as opposed to being recruited for a particular *batey*.³⁶ This was not the case with 78 workers (11 percent), including workers who were recruited to work for the CEA under the “quota system,” regulated by Migration Law 285-05, under which workers were recruited and transported by *buscones* who were linked to the military, migration agents, and the state-run CEA. Workers brought into the Dominican Republic under the “quota system” for the 2009-2010 harvest did not go through official migration channels, as required by the law, but rather were smuggled over the border.

Of all the workers interviewed, 351 (47 percent) reported that they had paid a *buscón* to take them to their final destination. The *buscones* drop off workers across the country, including to the sugar region (leaving them in different *bateyes*). Of the workers who were transported by a *buscón* to their final destination, 234 (67 percent) reported that they were transported directly to an *ingenio*, while 85 (24 percent) were left in Santo Domingo and 32 (nine percent) were left in other parts of the country. The latter generally tended to be repeat migrants or workers with family settled in the *bateyes* who gave them instructions on how to get to the *bateyes*.

A bribe to bus drivers, or *compromiso*, was the second most commonly used method, as 207 (28 percent) of workers interviewed reported that they used this mode of transportation after crossing the border. Workers paid money to the bus driver, who, in turn, must pay a fee for each undocumented passenger at military posts located along the various roads connecting the border provinces with the rest of the country. An additional 74 workers (ten percent) were transported by bus without having to pay a bribe.

Finally, a third mode of transportation should be mentioned, known as the “trip” or *el viaje*, used to denote direct recruitment by Dominican and Haitian authorities during the period of intergovernmental recruitment. Although this type of recruitment officially ended in 1986, the term continued to be used to describe recruitment coordinated by authorities, *ingenios*, and *buscones*. Seventy-four workers (ten percent) reported that they had been transported by *viaje*.

Among the 167 workers who had entered the country for the last time a year or less prior to being surveyed, 89 (53 percent) were transported by a *buscón* to their final destination. First-time migrants depend more on the *buscones* to be brought to their workplace, making them more vulnerable. However, of workers who had entered the

Dominican Republic for the last time within the twelve month period prior to being interviewed, 11 (seven percent) reported being transported by *viaje*, which was a lower rate than the overall percentage of workers who had used this mode of transportation. Researchers determined that the majority of workers who reported that they used *viaje* as a mode of transportation had been recruited by the CEA for the 2010 harvest, as CEA used the "quota system."

CAC (Ingenio Barahona) workers reported the highest rate of using the *compromiso* system of paying bribes to bus drivers (77 percent), probably because this *ingenio* is closer to the border. In the other *ingenios* most workers reported being transported by a *buscón*: 48 percent of Central Romana workers, 52 percent of CEA workers, 40 percent of CAEI workers, and 49 percent of *colonato* workers.

Case Study: Lilo, 23 years-old, transported by *compromiso* to a CAC *batey*

Lilo, born in Haiti, was 23 years old, and had no wife or children. He worked in Haiti cultivating beans and corn. He immigrated to the Dominican Republic because he could not find work in Haiti. He arrived in December 2009 in the Dominican Republic, entering through Malpasse and, as most workers who arrive at Ingenio Barahona, he came by *compromiso*, paying DOP 1,200 (USD 33) to a bus driver. He had to borrow money from a friend saying he would pay it back when he returned to Haiti. However, the friend charged him 100 percent interest, so he would have to pay him back DOP 2,400 (USD 66) when he returned. He reached Batey 8 through a friend who had been working every harvest at the *batey* for the previous five years. When they arrived, the friend talked to the foreman, who assigned them a room and a small mattress.

Living Situation in the Dominican Republic

Of the workers surveyed, 577 (78 percent) reported residing in the Dominican Republic, including those born in the Dominican Republic. Of these workers, 29 (five percent) had resided in the Dominican Republic for less than two years, 146 (26 percent) had resided continuously in the Dominican Republic for between two and five years, 84 workers (15 percent) had resided in the Dominican Republic for five to nine years, and 249 (44 percent) had resided in the Dominican Republic for ten years or more. Of the workers residing in the Dominican Republic, 63 (11 percent) had been born in the Dominican Republic, 29 (46 percent) of whom reported that they had never been to Haiti.

Table 8: Amount of Time Settled in the DR		
Time in DR	No.	Percent
Born in DR	63	9%
Fewer than 2 years	29	4%
2-5 years	146	20%
5-9 years	84	11%
10 years or more	249	34%

After the harvest, 496 workers (67 percent of all workers surveyed) reported that they stayed on the *batey* and 71 (ten percent) reported staying in Dominican Republic, but moving to another province (mainly Higüey, La Romana and Santo Domingo).

Researchers identified several cases of Haitian workers who lived in the Dominican Republic and had worked in other sectors of the economy, but had moved into the sugar industry. Two workers interviewed reported that they had worked in construction but were temporarily working in cane cutting because there was less risk of being deported and because there was no work in the construction sector. Other workers interviewed used cane cutting as a means to "earn enough money" and be able to find jobs in other sectors, such as construction work in Bavaro in the Eastern Region. A 27 year-old worker who had resided in the Dominican Republic for 12 years and had been forced to cut cane for the first time due to economic necessity said, "If you do not want to steal, you must do this [...] where I live there is no work."

Additionally, 518 workers (70 percent of all workers surveyed) reported working at the same *batey* during at least two consecutive years. Of the workers surveyed, 229 (31 percent) had worked in the same *batey* for between two and five years, 227 (31 percent) had worked in the same *batey* for between six and nine years, and 66 (nine percent) had worked in the same *batey* for ten years or more. It is also important to note that 39 workers (five percent) reported that they had been born on the same *batey* in which they currently lived.

CAEI is the company with the greatest number of workers settled in the *batey* year-round (75 percent), followed by Central Romana (68 percent), the *colonato* (66 percent), CEA (46 percent), and CAC (27 percent).

	Central Romana		Colonato		CAEI		CEA		CAC	
	No.	%	No.	%	No.	%	No.	%	No.	%
In the same <i>batey</i>	190	68%	76	66%	86	75%	57	46%	27	26%
In other town/city in the DR	22	8%	12	10%	11	10%	24	19%	1	1%
In Haiti for a few days or months and then come back	18	7%	6	5%	2	2%	1	1%	14	14%
In Haiti until the next harvest begins	27	10%	11	10%	10	9%	7	6%	32	31%
Other	5	2%	1	1%	0	0%	2	2%	0	0%
Not applicable	16	6%	10	9%	5	4%	33	27%	28	28%

Of the workers surveyed, 148 (20 percent) reported that they had worked for their employer for less than a year, 50 (seven percent) reported that they had been working for the same employer for one to two years, 239 (32 percent) reported that they had been working for the same employer for two to five years, and 298 (40 percent) had

been working for the same employer for more than five years. The CEA and CAC had the highest percentage of first-year workers, with 38 and 32 percent, respectively.

How long worked for employer	Central Romana		Colonato		CAEI		CEA		CAC	
	No.	%	No.	%	No.	%	No.	%	No.	%
Less than a year	38	14%	19	16%	12	10%	47	38%	32	31%
1-2 years	19	7%	16	14%	6	5%	8	7%	1	1%
2-5 years	98	35%	34	29%	36	31%	25	20%	46	45%
6-9 years	37	13%	11	9%	10	9%	14	11%	19	19%
10-20 years	33	12%	15	13%	23	20%	10	8%	4	4%
Over 20 years	52	19%	22	19%	28	24%	20	16%	0	0%

Of all the workers surveyed, 381 (51 percent) reported that they had not been back to Haiti since they first time they came to the Dominican Republic. Of the workers who had not returned to Haiti, 290 (83 percent) reported that they had not returned due to a lack of money, 44 (12 percent) said that it was because it was their first harvest, and (seven percent) said that it was because they had no contact with their family in Haiti.

Why they had not returned	No.	Percent
Did not have Money	290	83%
Were not in contact with family in Haiti	26	7 %
Did not have family in Haiti	2	1 %
Would not be permitted to return to DR	0	0 %
First harvest in DR	44	12 %
Other (did not have papers, did not have family in Haiti, or did not want to)	20	5 %

New and Seasonal Migrants

Of the workers surveyed, 103 (14 percent) reported that they had worked for less than a year in the Dominican Republic. These workers are often called "kongos," originally a derogatory term used to refer to the laborers brought to the Dominican Republic through bilateral contracts (Plant, 1987), but now used to refer to new migrants who have never worked in the sugar industry and do not speak Spanish.

Ingenio Porvenir (administered by CEA), Central Romana, and the Barahona Ingenio (CAC) were the *ingenios* where the largest percentages of newly arrived workers were found. In both the CEA and Central Romana, the arrival of new migrants was clearly

evident. In some Central Romana *bateyes*, older workers told researchers that "there are too many new cane cutters, more than last year."

Research indicates that this increase in new migrants was not directly related to the earthquake that struck Haiti in January 2010, as most of these workers had already migrated to the Dominican Republic at the time of earthquake. The only exception was Ingenio Porvenir (CEA), which began its harvest in March 2010 and did have a substantial presence of workers who arrived after the earthquake. In 2010, CEA brought in a substantial number of workers from Haiti after the earthquake. In fact, 65 percent of CEA workers who arrived in the Dominican Republic in 2010 did so in February.

Among the workers that arrived after the earthquake, especially those employed by the CEA, there were notable cases in which skilled workers, given the desperate situation in Haiti, decided to migrate to the Dominican Republic to cut cane. In the CAC, for example, researchers interviewed a 23 year-old worker who before the earthquake was a professor of mathematics at a school sponsored by an international NGO and spoke English and French. He explained that he arrived on January 15, 2010 with his cousin because he could not find any work after everything had been destroyed. Because he was not accustomed to farm work, he confessed that it was very hard to get used to cutting cane, and at the end of the harvest he would return to his country to try to continue working as a teacher. Another testimonial, which is summarized below, describes the difficult situation faced by many of these migrants.

Case Study: 36 Year-Old Worker Interviewed in CEA *Batey*

"Luis" went to the Dominican Republic for the first time on March 13, 2010. His house was damaged by the earthquake, but he was happy because his family was still alive and his wife was pregnant with a daughter.

He could read and write and was a teacher of construction. He did not speak any Spanish, but did speak English, because he had lived for seven years in Saint Martin where he worked in construction.

He decided to go to the Dominican Republic because he could not find work in Haiti. He had a passport and a visa, so he did not have to pay a *buscón*. The only setback he found was that the USD 120 that he had was stolen from him, so he was left without any money.

This was his first time working in the cane fields. "It's so hard," he lamented. The worker reported that he felt that he could not do this type of work, so he would only keep working for a few days so that he could save enough money to get a return ticket to Haiti. "They cannot force me to work," he said, but he was sure that the *mayordomo* would not help him get another job because he would not want him to go. When researchers returned months later, "Luis" was still at the *batey*.

Of the workers surveyed, 115 (16 percent) reported that they had returned to Haiti during at least part of the down time. Most of these seasonal workers had migrated to work seasonally in the Dominican Republic for between two and ten years. The only *ingenio* with a strong presence of seasonal workers was the CAC, with 45 percent of workers returning to Haiti during the down time. This probably can be explained by the proximity of the *ingenio* and its *bateyes* to the border region, and the fact that the CAC offers transportation to the border once the harvest has been completed. The CAC is followed by Central Romana, with 15 percent of workers returning to Haiti during the downtime and Ingenio Porvenir (CEA) with 11 percent.

Of the workers surveyed, 175 (24 percent) reported that they would go to Haiti after the 2010 harvest, while 92 (12 percent) reported that they were considering working in another sector of the Dominican economy and 459 (62 percent) reported that they would remain in the *bateyes*.

Presence of Indicators of Forced Labor

The categories for indicators of forced labor are based upon the ILO's guidance on "Identifying Forced Labor in Practice," which are broken down into lack of consent and menace of penalty, as shown below.³⁷ Information about wages and hours has also been included, as wage and hour violations may constitute indicators of forced labor. Although the presence of these indicators signals an increased risk for forced labor, each case must be assessed individually to determine the interplay of indicators and the context to determine whether or not it rises to the level of forced labor. The following findings are based on worker interviews, as well as researchers' direct observations, expert consultations, and a comprehensive literature review.³⁸

Box 1: Identifying forced labour in practice

Lack of consent to work (the "route into" forced labour)

- Birth/descent into "slave" or bonded status
- Physical abduction or kidnapping
- Sale of person into the ownership of another
- Physical confinement in the work location – in prison or in private detention
- Psychological compulsion, i.e. an order to work, backed up by a credible threat of a penalty for non-compliance
- Induced indebtedness (by falsification of accounts, inflated prices, reduced value of goods or services produced, excessive interest charges, etc.)
- Deception or false promises about types and terms of work
- Withholding and non-payment of wages
- Retention of identity documents or other valuable personal possessions

Menace of a penalty (the means of keeping someone in forced labour)

- Physical violence against worker or family or close associates
- Sexual violence
- (Threat of) supernatural retaliation
- Imprisonment or other physical confinement
- Financial penalties
- Denunciation to authorities (police, immigration, etc.) and deportation
- Exclusion from future employment
- Exclusion from community and social life
- Removal of rights or privileges
- Deprivation of food, shelter or other necessities
- Shift to even worse working conditions
- Loss of social status

Lack of Consent to (Involuntary Nature of) Work (the “Route Into” Forced Labor)

Birth/descent into “Slave” or Bonded Status

The researchers did not find evidence of indicators of workers being born into a “slave” or bonded status in the Dominican sugar sector.

Physical Abduction or Kidnapping

The researchers did not find evidence of indicators of workers being abducted or kidnapped for the purposes of forced labor in the Dominican sugar sector.

Sale of Person into the Ownership of Another

The researchers did not find evidence of indicators of workers being sold for the purposes of forced labor in the Dominican sugar sector.

Physical Confinement in the Work Location

Isolation

Of the workers surveyed, 734 (99 percent) reported that they lived in employer-owned housing and 496 (67 percent) reported that they remained in that housing during the down season. As many of the *bateyes* are embedded in the sugar plantations, which are far away from other communities, many workers do not leave these *bateyes* unless, as one expert put it, "it is to go to the doctor." In addition, the low level of workers' wages, coupled with the high cost of transport, makes it difficult for workers to leave the *bateyes*. Finally, workers' physical isolation is accentuated by a lack of access to information, as only 217 workers (29 percent) reported that they had access to a radio and 81 (11 percent) had access to a television.

Carnets

Republic Act No. 285-04 on Migration states that immediately after clearing customs, temporary migrant workers (under the individual and quota systems) must be provided with a "temporary worker card" (*carnet de trabajador de temporero*).³⁹ This *carnet* enables foreign workers "to perform the gainful activity for which they were admitted, for the authorized period of time and within the authorized area." According to the law, a worker may be considered an "illegal alien subject to deportation" due to the lack of a *carnet*, the failure to carry a *carnet* outside of the authorized work area, or the expiration of a *carnet*. Migration Law 285-04 stipulates that employers should "repatriate" workers once their *carnets* expire, giving employers the authority to deport workers. The *carnets* are issued by the General Migration Directorate (*Dirección General de Migración*) and are provided to some non-resident *braceros* by their employers.

This creates a legal restriction on workers' freedom of movement, as these cards only allow migrant workers to remain in an "authorized zone" under the threat of deportation. In addition, these *carnets* link workers to a specific employer and do not allow them to work for another employer without losing their legal status, even if they are unsatisfied with their conditions of employment. This is a unique system that allows employers to confer workers with temporary "legal" status, even if they have crossed the border illegally. It also makes the workers dependent upon their employer for their legal status and restricts them to a limited geographical area in which their employer may be the only source of employment. Verité consider this to be a mechanism which ties workers' legal status to their employer and creates an inherent menace of penalty of deportation for leaving their jobs or workplaces.

Although the *carnets* allow workers limited movement within an "authorized zone," they do not constitute official migration or identity documents and do not allow workers to travel freely throughout the Dominican Republic nor to travel to Haiti and return legally to the Dominican Republic. Additionally, the *carnets* are intended for "temporary workers" and are only valid for six months, while the majority of workers surveyed resided in the Dominican Republic year-round. Therefore, during the six months that

their *carnets* are expired, workers who possess these *carnets* risk deportation if they travel outside of the *bateyes*.

The failure to provide workers with these *carnets* further limits their freedom of movement since they are at risk for deportation anywhere in country including at and around the worksite. In practice, certain employers (such as the CEA during the 2009-2010 harvest) were in possession of workers *carnets*, but did not provide them to workers with the possible consequence of preventing workers from leaving the *bateyes*, as workers who lack the *carnets* and leave the *bateyes* and travel even within the “authorized zone” are subject to deportation. Of the workers surveyed, just 157 (21 percent) reported having been provided with a *carnet*. Worker interviews and expert consultations indicated that the only employers that provided workers with *carnets* in 2010 were the CAEI and CAC. Additionally, only 34 percent of these *carnets* were issued in 2010, meaning that the 687 (93 percent of) workers lacked *carnets* or had expired *carnets*, and were thus eligible for deportation. The percentage of workers who reported receiving *carnets* is extremely low considering that 89 percent of workers surveyed were employed by a sugar company with the ability to provide workers with *carnets*.

Only three workers surveyed (less than one percent of all workers surveyed) reported that they could not return to Haiti because they “had no papers.” However, this does not mean that the lack of a *carnet* or the fact that *carnets* restricted workers to a certain geographical area did not prevent workers from leaving the *bateyes* to seek employment in other areas of the Dominican Republic. For example, when one worker was asked why he had not left his employment before the end of the harvest season, he said, “Well, it is mandatory, at the time I had no papers, that is the reason why I stayed, because I had no papers.” (*“Bon, c’est forces, je pas de papiers n’avais, c’est la raison que je me reste, parce que je n’ai pas de papiers”*).

Workers’ undocumented status thereby contributes to their vulnerability. The lack of identity documents and the undocumented status of Haitian migrants and Dominican-born workers of Haitian decent restrict their freedom of movement and make it harder for them to leave their jobs, even if their terms of employment are changed and/or they are made to work under poor conditions.

Surveillance

In addition, there were some cases of surveillance of workers. Two workers interviewed (less than one percent of workers surveyed) reported that they could not leave the *bateyes* because they had “been watched” or because their supervisor would not let them go. In addition, all 11 CEA workers interviewed during a focus group discussion carried out in 2010 reported that workers recruited by the CEA under the “quota system” (see below) were under constant surveillance by guards (*guardacampestres*) in Ingenio Porvenir *bateyes*. They reported that these guards would not let these workers leave, especially during the first few weeks of the harvest and that some workers fled at night and had to leave their belongings behind.

Psychological Compulsion (Order to Work, Backed up by a Credible Threat of a Penalty for Non-Compliance)

The CEA-administered Ingenio Porvenir (which is the only *ingenio* administered by the government) recruited workers for the 2010 harvest with the help of the General Migration Directorate (Dirección General de Migración) and other public authorities, including local military authorities, under the “quota” system. The General Migration Directorate is empowered by law to enable this type of recruitment, as Migration Law 285-04 allows a “quota” recruitment system. Workers were recruited from Haiti by CEA-contracted *buscones*, who transported them illegally across the border to the CEA *bateyes* in complicity with migration and military authorities. They sometimes went days without food and slept outside in another *batey* before being brought to the CEA *batey*. Once arriving at the plantation, the workers were divided into different *bateyes* according to demand, as determined by the harvest coordinators (*ajusteros*), who had to guarantee to the CEA that the workers would stay in the *bateyes*. These workers had no employment contracts, no prior knowledge of how or how much they would be paid, no control over where they lived or worked, and no guarantee of access to food or water for at least several days. Some workers were also subjected to surveillance and threats to prevent them from leaving at the beginning of the harvest. The complicity between a government-run employer, *buscones*, the military, and migration authorities to recruit, smuggle, transport, and employ vulnerable migrant workers creates a coercive system in which workers were ordered to work and perceived credible threats for non-compliance with these orders.

Ingenio Porvenir (administered by the CEA), has not operated on a regular basis in recent years, which reduced the number of workers living on Ingenio Porvenir *bateyes* who were available to work for the 2009-2010 harvest. After several setbacks, the *Ingenio's* harvest period began in March 2010. In order to recruit the necessary work force, the CEA, together with the General Migration Directorate and other public authorities began a program of recruitment of Haitian workers through *buscones*, under the “quota” system created by Migration Law 285-04 (Article 51).

During the months of February and March 2010, hundreds of workers were smuggled into the Dominican Republic in an operation that lasted several weeks, with the complicity of the CEA, migration officials, and local military authorities. The operation used *buscones* to recruit workers in Haiti and to smuggle them into the Dominican Republic through the remote village of Puerto Escondido, Independencia Province, which has been used in the past to smuggle thousands of Haitian migrants.

Both qualitative techniques and survey results helped researchers to reconstruct the facts. Survey data validated the information gathered by qualitative techniques, indicating that the CEA was the employer with the largest number of recently-arrived workers in absolute terms (despite the fact that CEA's Ingenio Porvenir was the last *ingenio* to begin the harvest and produced less than five percent of the Dominican Republic's sugar). In addition, 26 percent of CEA *braceros* were workers who had never before been in the Dominican Republic and at least 20 percent had come to the

Dominican Republic during the month of March 2010. A key informant reported that in Batey Jalongo and Batey Consuelito alone, 150 migrant workers were brought in under the “quota” system and placed in the *barracones* for single workers. Researchers estimate that at least 300 workers were brought in by the CEA using the “quota” system.

The recruitment process lasted several weeks, according to information collected by inhabitants of Puerto Escondido, including a representative of *Red Janó Siksé* (a human rights NGO operating in the border region). Researchers found that Haitian migrants crossed the border on foot, accompanied by *buscones*, who grouped them together after they had crossed the border. From there, they were transported by truck to Duvergé, and then to Ingenio Barahona’s Batey 9 (Ingenio Barahona was previously administered by the CEA, but was being administered by CAC at the time of research). The workers stayed at Batey 9 for up to a week until the next group of workers was brought in. During this time, they slept in the open in most cases and received almost no food, at best eating once a day. Several of the workers interviewed who migrated in this way reported that they had no money to buy food and “suffered and went hungry” during this time.

Inhabitants of Batey 9 who were interviewed and witnessed these groups of migrants that came in under the “quota” system reported that they came by *viaje*. They reported that one group came right after another, including a group that arrived in eight buses. Inhabitants of Batey 9 also reported that these migrants were accompanied by soldiers and men in black jackets with the word “*migracion*” printed on them. Researchers later verified that the General Migration Directorate in fact authorized and participated in this operation, as permitted by the Migration Act.

Workers were then brought to the CEA’s Ingenio Porvenir, where researchers interviewed foremen, *mayordomos*, workers, and *colonos*. These interviews indicate that once transported to Ingenio Porvenir, *ajusteros*⁴⁰ (and in some cases *colonos*) “divided up” workers, depending on the demand for labor and the size of areas of production.

During a research trip to the CEA *bateyes* in March 2010, when the harvest was just beginning in Ingenio Porvenir, the researchers identified dozens of workers who were recruited in Haiti and had arrived the night before. They reported that they had come by *viaje*, for which they had paid DOP 3,500 (USD 96) to a *buscón* who had offered them work in the cane fields (“*Koup travayer kann*”). They decided to leave Haiti because they could not find work after the earthquake, as Haiti had collapsed (“*Ayiti Karst*”). They reported that they were in the *batey* because they had been left there, but that they wished to find a better job because they were not able to make enough money harvesting sugarcane “even to eat.”

The *mayordomo* of one of the *bateyes* described how workers were brought to the *batey*, “they bring them in groups. The *buscones* take them to the *ingenios* ... last night nine busses arrived in Ingenio Porvenir ... the *ajusteros* go and distribute them by *batey*” (“*los están trayendo por parte. Los buscones los llevan al Ingenio...anoche*”).

llegaron 9 guaguas al Ingenio Porvenir... los ajusteros van y se los reparten por batey). The *mayordomo* said that Ingenio Porvenir (administered by the CEA) coordinated the trip from Haiti to the Dominican Republic and that the government paid the *buscones* and made sure that workers were not charged. He said that once workers were delivered in the *batey*, he had to make sure that they stayed in the *batey*, according to him “by giving them the best treatment” (“*dándoles el mejor trato*”).

Once they were on the *bateyes*, researchers verified forms of coercion that prevented them from leaving. Researchers verified that these workers were issued *carnets* during the recruiting process, but none of the workers were provided with these *carnets*, which were retained by the authorities. This finding was based on workers interviews, focus groups, and unofficial information received from the Directorate General of Migration. In the focus group, for example, three workers pointed out that they had taken a photo in Batey 9 for the *carnets*, but that they had never received these documents.

Researchers received reports that, in some *bateyes*, there were some cases of threats and other coercive mechanisms to keep the workers from leaving. According to survey results 98 percent of CEA workers felt that they could leave their jobs and 99 percent reported that they could leave the *batey* at any time. However, one worker interviewed reported that he could not leave because he was being watched and another worker reported that he could not leave because doing so would be illegal. The apparent discordance between these survey results and the aforementioned case study data and legal analysis (which suggest that workers are coerced by the fact that they may be deported if they leave their jobs) may be due in part to the lack of survey questions on perceived or actual threats of deportation experienced by workers.

In interviews on non-CEA *bateyes*, researchers identified some workers who had come to the Dominican Republic through the CEA, but had moved on to work for other sugar companies. Such was the case of Gaspar, who, after several weeks in the CEA’s Basque Batey, sought a way to get to Central Romana. His testimony highlights the harsh conditions that workers brought in under the “quota” system were subjected to.

Case Study: Gaspar, from CEA to Central Romana

Gaspar, a young man in his twenties, decided to migrate to the Dominican Republic in March 2010 in search of work and in order to visit another country. He crossed the border walking with a group of migrants led by a *buscón*, to whom he paid DOP 2,500 (USD 69). After entering the Dominican Republic close to Jimani, he spent a night in Puerto Escondido, sleeping in the open. From there, he was taken in a truck to Ingenio Barahona's Batey 9, where he slept on the floor in an area he described as "large, roofed, and empty." He stayed there for three days without food or drink.

The *buscón*, who was accompanied by "immigration agents," then left him in an Ingenio Porvenir *batey*. He stayed there for two weeks. As he was alone and knew no one and had a brother and a cousin in a Central Romana *batey*, he decided to leave the CEA *batey* and go to the Central Romana *batey*. He left the CEA *batey* without incident. He took a bus to San Pedro de Macoris, another to Central Romana, and yet another bus to the *batey* (with help from other Haitians, who told him how to take a bus to the *batey* without encountering any problems). Since then, he has cut cane for Central Romana.

He told the researchers that he believed that he would not continue to harvest sugarcane because "cutting cane is a job that is too hard" ("*travay two di coupé can*"). He was planning to return to Haiti at the end of the harvest, as he did not want to live alone in the Dominican Republic (and his brother and cousin would also be returning). He did not think that he would find work in Haiti, but his parents were there and he could grow corn and bananas. However, he said that if he found a better job in the Dominican Republic that he would stay.

Another case serves to illustrate the desperation that motivated many Haitians to leave their country following the January 2010 earthquake and highlights these migrant workers' lack of rights and dissatisfaction with working conditions.

Case Study: Frito, 28 years old

Frito went to the Dominican Republic for the first time in March 2010 at the age of 28. He had raised animals in Haiti and decided to migrate to the Dominican Republic after the earthquake because he had lost everything and needed to make a living. He said, “after the disaster of January 12, all I had was lost ... so we came to look for resources in the Dominican Republic ... I came for a better life, but did not find it” (*“apre katastròf 12 janvye, tout saw te genyen pèdi [...] epi nou te vinn chache resous nan Repiblik Dominiken ... m vin deyè on lavi miyò, m pa jwenn li”*).

He was brought to the Dominican Republic by a *buscón* who had contacted him through a friend, and charged him DOP 2,000 (USD 69) to smuggle him in. He told researchers that he had crossed the border by foot, spent two hours in Puerto Escondido, and was then left in Batey 9 by the *buscón*. He then rode by bus accompanied by the “chiefs” (*“chèf yo”*). The bus, stuffed with 52 migrants, stopped at each checkpoint and the “chiefs” gave a paper to the soldiers, who counted the workers and let them through. They arrived at Ingenio Porvenir at 10P.M. and were divided up among *bateyes* “as if we were objects to be distributed” (*“se kòm si se on bagay yap distribye”*).

When he started cutting cane, he found that the work was very difficult. He said, “the work was not good ... it is difficult cutting cane ... we cut it but we were not used to this work, we had the problem of water, we had all kinds of problems” (*“travay la pat bon[...] li di coupé can [...]nou koupe li men nou pat abitye travay la, nou gen poblèm dlo... nou gen tout poblèm”*). After being paid, he and his friends decided to buy a bus ticket for DOP140 (USD 4) to another *batey* because one of his colleagues had previously worked there. No one tried to prevent him from leaving, although they took away the mattress and machete that they had given him.

He told the researchers that he felt better in the new *batey* because he had been treated well and because “here the cane is weighed better” (*“aquí la caña pesa mejor”*). However, he did not know how much he was being paid per ton of cane that he harvested. He said that after each time he harvested cane, they gave him a receipt (*“recibo”*), which he could cash in. He also said that he always bought food on credit and that he paid the grocery store when he was paid.

He longed to find a better job but stated that he knew that he needed to have identity documents, saying “if I had papers, I would seek work elsewhere, but I have no papers” (*“Sim te gen papye m ta chèche travay lòt kote; menm m pa gen okenn papye”*).

Additional information surfaced during focus groups that illustrated the use of coercive practices against workers brought into the Dominican Republic by the CEA under the “quota” system in March 2010. In a focus group conducted with eleven CEA workers in July 2010, workers reported that workers who were recruited through the “quota” system were watched by guards (*“guardacampesres”*) who would not let them leave the *bateyes*, at least during the first few weeks of harvest. Workers interviewed in the focus groups further reported that in order to leave the *bateyes*, they had to leave at night and leave behind all of their belongings.

In addition, 13 percent of CEA workers interviewed reported that they were not satisfied with their treatment. Seventy percent of these workers reported that this unsatisfactory treatment involved verbal abuse by their supervisors, while one worker reported physical abuse, and the rest reported too much work and too little pay. This shows how the “quota” system can lead to worker vulnerability.

One worker interviewed, who had first come to the Dominican Republic in 2008 and had returned to Haiti on several occasions, was recruited through the “quota” system to work for the CEA in 2010. His testimony, in Creole, revealed the existence of remnants of coercive and violent practices in some CEA *bateyes*. In a focus group, he stated, “from the time that you arrive at the *batey* you cannot leave, it's as if one were in prison ... you cannot refuse to cut cane because people are watching you” (“*gen moun kap veye w*”). This worker explained how workers were recruited through the “quota” system and transported by *buscones* and authorities to work on CEA *bateyes*. He distinguished between workers who arrived on their own and paid their own smuggling fees (who could go whenever they wanted) and those who arrived through the “quota” system (who could not easily leave once they had arrived on the *bateyes*). He said, “if they found you in Haiti, you cannot go easily” (“*depi se Ayiti yo ta chache ou, ou vini isit ou pa ka alé fasil*”). He said that “bosses” (“*jefes*”) told workers brought in under the “quota” system that they had paid for them to get to the *bateyes* (“*moun te paye pou w*”) and that they had been fed, both during the trip (for a cost of DOP 50 or USD 1) and when they arrived at the *batey*. Therefore, they were not able to leave the *batey* at the beginning of the harvest and had to sneak out at night if they wanted to leave, leaving behind the few belongings that they had (including the mattress and machete that were given to them). He added that experienced workers could find a way to escape, but that it was difficult for most “new” workers, who may have to stay at the *bateyes* for months before being able to leave. Another worker interviewed in a focus group reported having to leave a CEA *batey* at night, but the other workers interviewed in the focus group reported this had not happened in their *bateyes*.

The CEA was the only employer identified during research that worked in complicity with public authorities and *buscones* to recruit, smuggle, and transport workers to their *bateyes* using exploitative mechanisms that violated their rights. Workers were transported across the border illegally, forced to sleep in the open, given little or no food, and provided with no information about their rights. Furthermore, there were reports that their *carnets* were retained, they had to pay the *buscón*, and they were subjected to surveillance and threats to make them stay on the *bateyes*. The workers who came in under the “quota” system were also very aware of the collaboration between migration authorities, the military, *buscones*, and their employers, which can create a high level of fear in workers and a disincentive to leave or complain. Therefore, it is clear that the Directorate General of Migration’s authority to engage in this type of recruitment through the “quota” system results in the violation of workers’ rights and increases their vulnerability to forced labor.

Induced Indebtedness (by Falsification of Accounts, Inflated Prices, Reduced Value of Goods or Services Produced, Excessive Interest Charges, etc.)

Buscones

Although most workers did not have to borrow money to pay for smuggling fees and transport from Haiti to their workplaces in the Dominican Republic, many had to sell their possessions to pay these fees and some of those who borrowed money had to provide collateral and/or were charged excessive interest rates.

Of the 677 migrant workers interviewed, 437 (65 percent) reported that they paid money directly to a *buscón*, 159 (24 percent) paid money to a bus driver to transport them to their final destination, and 34 (five percent) reported that they made direct payments to Dominican or Haitian authorities. Of the migrant workers interviewed, for 450 (67 percent), the total cost of their last trip to their workplace in the Dominican Republic was between DOP 1,000 and DOP 5,000 (USD 28-USD 138); 111 (16 percent) had paid less than DOP 1,000 (USD 28); and 59 (nine percent) had paid over DOP 5,000 (USD 138). Of the 170 workers who entered the Dominican Republic for the last time within the previous year, 142 (84 percent) had paid between DOP 1,000 and DOP 5,000 (USD 28-USD 138).

Table 13: Amount Paid (in DOP and USD) for Trip from Haiti to the DR Carried out Within the Past Year	
Amount paid	Percent
Did not have to pay	3%
Less than 1,000 DOP (USD 28)	7%
From 1,000-2,000 (USD 28-USD 55)	21%
From 2,001 to 3,000 (USD 55-USD 83)	15%
From 3,001 to 4,000 (USD 83-USD 110)	23%
From 4,001 to 5,000 (USD 110-USD 138)	25%
More than 5,000 (USD 138)	6%

The cost of illegal migration is not extremely high compared to the cost and difficulty of obtaining the documents required to migrate legally (the cost of a passport, visa, and administrative expenses).⁴¹ However, the cost of smuggling fees is high for Haitian migrants, many of whom do not have any savings, and earn low wages in the sugar sector and well above the cost of the trip back to Haiti at the end of the harvest. For example, for workers in the CAC (the *ingenio* closest to the border) the cost to return to Haiti does not exceed DOP 200 (USD 6), while the cost to enter the Dominican Republic was between DOP 1,000 and DOP 2,000 (USD 28-USD 55). For Central Romana workers (whose plantations are the furthest away from the border), the cost of return is DOP 1,200 (USD 33), while the cost to enter the Dominican Republic and to get to the *bateyes* was more than DOP 3,000 (USD 83), for 46 percent of workers.

It should be added that some workers did not have to pay to enter the Dominican Republic. Many workers who came by *viaje*, as well as workers who were recruited and brought to work in CEA *bateyes* in 2010 did not have to pay for the trip.

Table 14: Percent of Workers who did not Have to Pay According to the Last Year of Entry	
Last entry into DR	%
2009-2010	3%
2005-2008	2%
2001-2004	10%
1991-2000	14%
1990 or before	29%

Of the 677 migrant workers surveyed, 600 (89 percent) used their own resources to pay for transit from Haiti to their workplace in the Dominican Republic. However, as the vast majority of workers did not have savings, many of them had to sell goods or animals to afford the trip. In addition, 77 (11 percent) of migrant workers surveyed had to borrow money to pay their smuggling fees, including 31 (five percent) who borrowed money from a money lender and 46 (seven percent) who borrowed money from a family member. In some cases, workers borrowing money from both money lenders and family members had to put up collateral in order to obtain the loan, generally in the form of a deed to a piece of land. Of the 77 workers who had to borrow money, 35 (46 percent) reported that they had to pay interest on the loan. Interest rates were generally between five and 30 percent. However, researchers identified cases of workers who arrived in 2010 who had to pay 100 percent interest on their loans. Of the 77 workers interviewed who reported that they had to borrow money, 46 (59 percent report) reported that they still owed money when they were interviewed.

Although researchers did not find that workers owed money for smuggling fees to either the *buscón* or their employer, researchers consider that any debt for smuggling fees increase workers' vulnerability to forced labor, especially when compounded with high interest rates, low wages, and additional debt to food stores.

Food Stores

Workers and their families depend almost entirely on grocery stores and *bodegas* located in the *bateyes* for their food, as they do not generally have their own parcels of land on which they can grow subsistence crops and do not have access to affordable food programs or grocery stores outside of the *bateyes*. Although CAC and Central Romana claim to have programs that offer workers food at affordable prices, workers interviewed were not aware of these programs.

High food prices and low wages often prevent workers from buying their food with cash: 332 workers (45 percent) reported that they acquired food "on credit" at least part of the time from stores located within the *bateyes*. Focus group and expert interviews

indicated that while the vast majority of these stores were independently owned, some were tied to employers.

Even more troublesome, research indicated that workers continued to purchase food with "tickets" (or vouchers), which shows that the voucher system continues to be used despite international repudiation. In this system vouchers (official, numbered company documents that specify the amount to be paid to workers) are provided by employers to workers ahead of paydays, which generally come every seven to 15 days. Workers can either cash them in at the end of the pay period or use them as credit in order to acquire cash or food in the *colmados* or *bodegas* before their payday. Food stores then cash these vouchers in for their full value with the *ingenios* on payday although the vouchers have the workers' names or identification numbers on them, showing that employers are aware of this practice. Workers interviewed reported that if they use these vouchers as credit, ten to 20 percent of the value of the voucher is deducted by the stores as interest. Therefore, if a worker has a voucher worth DOP 1,000 (USD 28) and cashes it in early to buy food or to obtain cash for other necessities such as medical care, the worker will only receive DOP 800 to DOP 900 (USD 22-USD 25) in cash or food. Of the workers interviewed, 56 (eight percent) reported that they paid for food with vouchers. Over 40 percent of CEA workers interviewed reported that they paid in vouchers, while the percentage of workers employed by other *ingenios* who reported that they paid with vouchers did not exceed seven percent.

Workers' already low wages are thus reduced further by their need to "borrow" money at high rates of "interest" of ten to 20 percent. All workers interviewed reported that they wanted to buy food in cash all the time. However, their low wages meant that many of them had to buy food on credit regularly. This can lead to a vicious cycle of debt in which workers are permanently indebted to grocery store owners, as they are forced to cash in their vouchers early every pay period because they have already cashed in or redeemed their vouchers from previous pay periods to pay off their previous loans. Sometimes, workers are indebted throughout the harvest season, and there were cases in which workers were not able to pay off their debt at the end of the harvest, even with their end-of-harvest bonuses. A worker at Batey Contador (CAEI) told the researchers that he did not have enough money to buy food and that workers had to work very hard to pay off their debts, as the owners of the stores had power over workers.

In some cases, the cycle of debt can originate at the beginning of the employment relationship. In the case of the CEA, there were cases in which *mayordomos* advanced money to workers so that they could buy food before they got their first voucher or payment. In the case of Central Romana, *ajusteros* (*batey* administrators in charge of paying workers' salaries) gave advances to workers when they arrived on the *bateyes*. In both cases, the workers had to pay back these advances when they received their paychecks, forcing them into a cycle of debt, as they then had no money with which to buy food and thus had to buy it on credit. These workers sometimes end up in this cycle of debt throughout the harvest season and sometimes even after it ends, as their weekly wage is inadequate so they are forced to rely solely on credit.

CAC workers were the most susceptible to indebtedness for food, as 77 percent of CAC workers interviewed reported that they had to buy food on credit at least part of the time. In a focus group of 20 CAC workers, one worker said, "when I cash in my check, I cannot finish paying off [the debt]. I can never finish paying it. The little money that they pay me is not enough" (*"lèm touche, m pa ka finn peyel. M pa janm ka finn peyel. Ti sa yo peye a pa soblá"*).

Another CAC worker reported that he was forced to live off of "what he had in his pocket to eat" and could not pay off his debt of DOP 4,000 (USD110) to the grocery store because what he earned each week was "almost nothing." He reported that he would try to pay off half of the debt with his next payment and pay the rest of the debt with his end-of-harvest bonus.

Workers also reported that they could not leave without paying off the debt and, some said that they were resigned to that fact. One worker said, "I want to go, but as I have not paid the grocer I cannot"

Even more troublesome, some workers are unable to pay off the debt for their smuggling fees by the end of the harvest season. A young CAC worker interviewed reported that even after he had finally made enough to pay off the *bodega* owner, he did not have enough money to pay off his debt for his smuggling fees. He reported that he would have to work planting sugarcane during the down season in order to pay back the DOP 3,200 (USD 88) that he still owed to the friend who loaned him the money for the smuggling fees.

The cycle of debt is in many cases due to the payment system. Workers are paid per ton of sugarcane that they harvest. While 462 workers (62 percent) reported that they were satisfied with this system, 162 (22 percent) reported that they thought that the cane was not being weighed properly and 102 (14 percent) reported that they were not satisfied with this system. Upon further inquiry, approximately one-third of the workers who reported they were not satisfied with the payment system reported that it was because their employers did not always weigh the cane accurately and ten percent reported that they were deceived or cheated in the weighing of the cane. Some of these workers reported that the cane was not weighed in front of them and that the cane was sometimes left on the ground for days before it was weighed (allowing the cane juice to evaporate and reducing its weight). Workers reported that when payday came they were paid much less than the amount that they were entitled to.

Focus group interviews and expert interviews indicate that workers earn extremely low wages for the amount of cane that they harvest, and these wages may be reduced through deductions and fraud in the weighing of cane, as there are no verification systems in place. The sub-minimum wages that workers earn, combined with the payment of workers with vouchers, and the high interest rates charged when cashing in the vouchers before payday, result in extremely low payments to workers. The products sold at the food stores are priced at above market value in many cases, which causes workers, especially those with families, to have to spend more than they earn or to have

to borrow money between paydays just to buy enough food to survive. Therefore, workers accrue debts of DOP 3,000 to DOP 5,000 (USD 83-USD 138) that can continue until to the end of the harvest season. Some workers are unable to pay off their debts even with their end-of-harvest bonuses or incentives, causing them to have to stay after the end of the harvest season to pay off their debt. As one worker put it, "this here is to be in jail" ("*esto aquí ta preso*").

Focus group interviews indicated that the majority of workers who were indebted were able to pay their debts each pay period or by the end of the harvest and workers did not report explicit penalties for failing to pay back the loans. In addition, the researchers reported that workers could generally choose between two or more *colmados* or *bodegas* in each *batey* and the researchers did not generally find links between food stores and employers, so workers were not directly indebted to their employers. Nevertheless, researchers judged this worker debt to represent an indicator of forced labor due to the fact that they are sometimes drawn into a cycle of debt due to their low wages, the inflated cost of food, the issuance of vouchers by employers, and the high interest rates charged by the stores. Furthermore, subcontracting of the provision of food effectively shelters the employer from culpability for the workers' indebtedness while enabling that employer to benefit from the potentially coercive nature of that debt.

Deception or False Promises About Types and Terms of Work

Of the 677 migrant workers surveyed, 364 (54 percent) reported having entered the Dominican Republic through an intermediary, known as a *buscón*. About half of workers interviewed who used a *buscón* found their *buscón* through a friend or family member, 101 (28 percent) knew the *buscón* prior to migrating, and 65 (18 percent) reported that the *buscón* contacted them to offer them work in the Dominican Republic.

Contracting mechanisms vary, but generally workers ask to be taken to a specific *batey*. Upon arrival at the workplace, workers present themselves at the offices of the *ingenio* and fill out documents with human resources staff or present themselves to the contactor or foreman, who assigns them work according to labor needs. Many workers go to *bateyes* or plantations which they know are seeking employees, or they access them through the *buscones*. Generally, after hiring the worker, the foreman or contractor also sends the worker to an available bed in a barracks room and provides the main tools (machete, lime, etc.) needed for the job. In some cases, especially the CAC, employers announce the date that the harvest will begin by radio in Haiti.

Workers' vulnerability to deceptive recruitment is exacerbated when workers are taken directly to the *bateyes* by *buscones*. Workers surveyed were asked why they had gone to a specific *batey*, of which 482 (65 percent) reported that it was because there was work there, 106 (14 percent) reported that it was because a family member lived there, and 78 (11 percent) reported that it was because a *buscón* had brought them there. This means that about one in five of the 364 workers who were brought into the Dominican Republic by a *buscón* were brought to a specific *batey* based on a *buscon's* decision. Of the 170 workers who had made their last journey to the Dominican

Republic less than a year prior to the survey, 68 (40 percent) had been left in a Central Romana *batey*, 17 (ten percent) were left in a CEA *batey*, 13 (eight percent) were left in a CAEI *batey*, eight (four percent) were left in an Ingenio Barahona *batey*, and seven (four percent) were left in a *colonato*.

Of all the workers surveyed, 71 (ten percent) reported that they knew who the *buscón* who brought them into the Dominican Republic was working for. Of these workers, 23 (32 percent) reported that the *buscón* worked independently, while the other 48 (68 percent) reported that they worked for sugar companies (23 percent said they worked for the CEA, 17 percent reported that they worked for the CAEI, and 18 percent reported that they worked for Central Romana). Of the workers who emigrated in 2009-2010 who reported that they knew who the *buscón* worked for, 62 percent reported that they worked independently, but four workers reported that they worked for the CEA, one worker reported that he worked for Central Romana, and another worker reported that he worked for another individual. Any link between *buscones* and employers can result in increased vulnerability of migrant workers, as in this case the *buscones* are acting as labor brokers who are more prone to deceive workers about the conditions under which they will be working, rather than simply smuggling workers over the border.

Worker interviews indicate that workers are not deceived about the type of work that they will be carrying out, as they are told that they will be working in sugarcane and the researchers did not detect cases in which workers were deceived into thinking that they would be obtaining other types of employment. However, there are indications that workers were not informed about the conditions under which they would be working, as described below.

The Dominican Labor Code does not require that workers be provided with written employment contracts. Workers in the sugar sector do not generally sign a written contract detailing their conditions of employment, despite Decrees that encouraged this practice. Even when workers are provided with written contracts, they are almost never written in Creole, and workers' high level of illiteracy, especially in Spanish, prevents them from being able to understand the contracts. Most workers interviewed were not aware of having a "contract," verbal or written, with their employer.

Private sugar companies generally provide workers with an ID (card also known as *fichas* or *códigos*) when they start working, while those working for independent *colonos* or the CEA do not receive this documentation. This card contains a code or number that identifies the employee during their employment relationship and allows the cane cutters to record the number of tons that they cut for salary purposes. In some cases, including Central Romana and CAEI, a worker's photo is inserted into the ID card. Of the workers surveyed, 570 (77 percent) reported that they had received an ID card or number that identified their employment status. The only *ingenio* in which the majority of workers interviewed reported that they did not possess such a document was Ingenios El Porvenir (CEA), where 81 percent of workers reported that they did not have an ID card or number.

In the vast majority of cases, workers do not receive any other document or oral or written information on the conditions governing their employment relationship (hours, wages, rights, etc.) at the time of recruitment or hiring. For this reason, often after months or years harvesting sugarcane, workers continue to lack an accurate understanding of their conditions of employment. A lawyer who is an expert on this issue, said, "Each time a harvest begins, workers begin to cut the sugarcane without knowing how much they will earn."⁴²

Generally, the only information that workers are aware of is the amount that they are paid per ton of sugarcane harvested. Of the workers surveyed, 694 (94 percent) knew how much they were paid per ton of sugarcane, but 46 workers (six percent) were not even aware of this basic information. In addition, 15 percent of CAC workers and 17 percent of CEA workers interviewed were unaware of the amount that they were paid per ton of sugarcane harvested. In a CAC *batey* in March 2010, after months of cutting cane, all workers interviewed except for one did not know how much they were being paid per ton (which was DOP 50 or USD1).

Research further indicates that workers did not receive clear information about deductions. While employer representatives interviewed (from CAEI, CEA, CAC, and *colonos*) indicated that they did not make deductions from workers' wages for social security, housing, meals, or union fees, 359 workers (49 percent of workers surveyed) reported that they believed that deductions for these services were made from their wages. As migrant workers are not eligible for social security, deductions for social security would constitute fraud.

In addition, 460 workers (62 percent) reported that they believed that deductions were made for the tools and equipment needed for their jobs (i.e. machetes, lime, boots, gloves, and goggles). Most workers interviewed did not know the exact amount deducted, with the exception of Central Romana workers, who reported deductions of DOP 400 (USD11) for boots, DOP 200 (USD 6) for a machete, and DOP 100 (USD 3) for a ration of lime (workers can use up to four in one season). In addition, some CAC workers interviewed reported that they had to buy boots for DOP 400 (USD11) from a *bodega*. These deductions for equipment are in violation of the Labor Code, which establishes employers' obligation to provide workers with the materials/equipment that they need to carry out their jobs free of charge (Article 46.5).

Workers also lack information on bonuses and incentives, which the ILO noted in the 1980s were used as a way to retain workers' wages until the end of the harvest, in contravention with ILO Convention 95 concerning the Protection of Wages. Thus workers cannot verify whether the "bonuses" or "incentives" paid to them at the end of the harvest season are actually withheld wages. Although collective bargaining agreements recognize workers' right to bonuses and production incentives, most workers do not know that they are entitled to these benefits, and in some cases, especially in the CAEI, employers have ignored the existence of this benefit. This may be due to the fact that the production goals on which the incentives are based are too high for workers to reach in many cases. Some CAEI workers interviewed reported that

for several years, they were told that they were going to receive attendance incentives and a bonus, but that they never received these payments. They reported that they had been making demands for these payments for a long time, saying "we fight for the bonuses." Only a few CAC workers interviewed reported that they were entitled to an "incentive" at the end of the 2009-2010 harvest of DOP 1,000 or DOP 1,500 (USD 28 or USD 41), but were unclear of the factors that determined the amount of the incentive.

The researchers judged that workers were not provided with clear information about their conditions of employment during recruitment, hiring, or when starting work. In a number of cases, workers were still unaware of their conditions of employment after years spent cutting cane for the same employer.

Withholding and Non-Payment of Wages

As mentioned above, the ILO has reported that in the past, employers have retained part of workers' wages to be paid to them at the end of the harvest season in the form of a "bonus" or "incentive." As workers lacked awareness on salary deductions and bonus and incentive payments, researchers could not determine whether this practice continued. However, employers' failure to provide workers with documents detailing their conditions of employment and payments and deductions make them extremely vulnerable to the withholding and non-payment of wages.

In addition, the CAEI reported that they were going to offer an incentive of DOP 5.00 (USD 0.14) per day of work to workers who had worked for at least 80 percent of the harvest. As the vast majority of workers were paid under the minimum wage, this can be considered a retention of wages due to workers, which is used to ensure that they work for most of the harvest. In addition, nine CAEI workers interviewed during the 2010 and 2011 harvests reported that if they complained or protested about their conditions of employment, their ID cards would be cancelled and they would not be paid for their work.

Retention of Identity Documents or Other Valuable Personal Possessions

Republic Act No. 285-04 on Migration requires that workers be provided with a "temporary worker card" (*carnet de trabajador de temporero*) and that workers who lack a current *carnet* may be considered an "illegal alien subject to deportation." The *carnets* are issued by the Directorate General of Migration (*Dirección General de Migración*) and are to be provided to non-resident *braceros* by their employers. While the *carnets* come with many limitations (see *Psychological Coercion* section above), they do provide workers with limited freedom of movement in a reduced geographical area and the failure to provide workers with these *carnets* limits their freedom of movement and subjects them to an elevated risk of deportation.

Only 157 workers (21 percent) reported having been provided with a *carnet*, and only 34 percent of these *carnets* were issued in 2010, meaning that the 687 (93 percent) of

workers lacked *carnets* or had expired *carnets* , and could thus be deported. The only employers that provided workers with *carnets* in 2010 were the CAEI and CAC. Nevertheless, only 43 percent of CAC workers and 36 percent of CAEI workers interviewed reported that they possessed *carnets* and research indicates that Central Roman had last provided workers with *carnets* in 2008. During the 2009-2010 harvest, CEA was in possession of workers' *carnets* , but did not provide them to workers with the possible intention of making sure that the workers did not leave the *bateyes* , as workers who lack the *carnets* and leave the *bateyes* and travel even within an "authorized zone" close to the *bateyes* are subject to deportation. The percentage of workers provided with *carnets* is extremely low, especially considering that 89 percent of workers surveyed were employed by a sugar company with the ability to provide workers with these *carnets* , and the percentage of workers provided with *carnets* in previous years was much higher.

Menace of a Penalty (the Means of Keeping Someone in Forced Labor) Actual Presence or Credible Threat:

General

Workers interviewed reported menace of penalty for missing work and leaving the *bateyes* and their jobs. Of all the workers surveyed, 148 (20 percent) reported that they would have problems with their supervisor if they missed work for one or more days, including 70 (ten percent) who said that they would be issued a warning (" *les llamaba la atención* "), 19 (three percent) who said that they would make less money and would not be able to eat, and 20 (three percent) who reported that they would "be taken off the *batey* " (because their housing was employer-provided). In addition, 23 workers (three percent of all workers interviewed) reported that they could not leave the *batey* when they wanted, while 47 (six percent) reported that they could not leave their jobs during the harvest. Of these workers, 25 (three percent of all workers interviewed) said that they could not leave their jobs because they would be thrown out of their houses, seven workers (less than one percent) reported that they would be issued a warning (" *les llamaba la atención* "), 11 workers (two percent) reported that they did not have another place to work, and another 11 workers (two percent) reported that they did not have enough money to leave.

The incidence of menace of penalty was much higher among workers recruited to work for the CEA in 2010 through the "quota" system. Surveys and interviews indicate that in some CEA *bateyes* threats and other mechanisms of coercion were used to keep workers on the *bateyes* . Once on the *bateyes* , it was hard for workers who were brought into the Dominican Republic through the "quota" system to leave during the harvest and some had to sneak out in the middle of the night and leave all of their possessions. New recruits had to stay for many months before being able to leave the *bateyes* . Workers interviewed during focus groups reported that they could not leave their CEA *batey* because they were being watched and because they lacked *carnets* , which the CEA had retained.

Physical Violence Against Worker or Family or Close Associates

The ILO considers an important factor to take into account when determining whether physical violence is being used against workers is the presence of physical signs of violence among workers interviewed, such as anxiety or bruises (Andrees, 2008: 18). The researchers judged that eight workers (one percent) showed signs of fear, anxiety, or intimidation. This was mostly observed among recently-arrived workers. In addition, seven workers interviewed (less than one percent of workers interviewed) reported that they could not leave because their supervisor was violent or threatening towards them, and two workers (less than 0.5 percent) reported that they could not leave because they had “been watched” or because their supervisor would not let them. One CEA worker was reportedly subjected to violence at a CEA *batey*.

Sexual Violence

The researchers did not find evidence of sexual violence being used against workers as a threat or practice in the Dominican sugar sector.

Imprisonment or Other Physical Confinement

While workers were in fact confined to the *bateyes* in some cases, the researchers did not find evidence of threats or the use of imprisonment or physical confinement being used as a penalty for workers in the Dominican sugar sector.

Financial Penalties

Nine CAEI workers interviewed reported that if they complained about their conditions of employment, their ID cards would be canceled and they would not be paid for their services.

Denunciation to Authorities (Police, Immigration, etc.) and Deportation

Dominican Law states that temporary migrant workers must be provided with a “temporary worker card” (*carnet*), which allows them “to perform the gainful activity for which they were admitted, for the authorized period of time and within the authorized area.” This law provides for the deportation of workers who lack a *carnet*, are found without a *carnet*, travel outside of the “authorized zone,” or have an expired *carnet*. The *carnets* are intended for “temporary workers” and are only valid for six months, while the majority of workers surveyed resided in the Dominican Republic year-round, and the law states that employers should “repatriate” workers once their *carnets* expire. The *carnets* are issued by the General Migration Directorate (*Dirección General de Migración*), but are generally provided to workers by their employers. This creates a legal mechanism that ties workers to their employers and a limited geographical area, which creates an inherent menace of penalty of deportation for workers leaving their place of work. It also confers on employers the power to provide workers with documents that give them a semi-legal status and to deport workers whose *carnets* have expired.

There were cases in which employers were in possession of the *carnets* or had the ability to produce and distribute them, but did not provide them to workers, leaving them vulnerable to deportation. Of the workers surveyed, 157 (21 percent) reported having been provided with a *carnet*, but only 34 percent of them had *carnets* that were issued in 2010, meaning that only 53 workers (seven percent) had valid, unexpired *carnets*. This meant that the vast majority of workers were vulnerable to deportation due to employers' failure to provide them with *carnets*, as required by law.

CEA workers brought in under the "quota" system were especially vulnerable. The complicity between the CEA (which was government-run), *buscones*, migration authorities, and the military in bringing workers into the Dominican Republic reinforced that notion that their employer had strong links to the military and migration authorities with the power to deport them. In addition, CEA workers were not provided with their *carnets*, which were produced, but withheld by the CEA and authorities and were never distributed to workers during the 2009/2010 harvest.

Dismissal from Current Employment

One CAC worker interviewed reported that a foreman had fired him for complaining that "he did not get paid much" ("*no cobraba mucho*").

Exclusion from Future Employment

Of the workers surveyed, 28 (four percent) reported that they would receive a punishment or penalty if they missed work, all of whom reported that the penalty was that they would not be able to harvest sugarcane the next day. In addition, a labor contractor who supplied workers to the CAC informed researchers that any worker who does not like cutting cane can leave work at any time, but that their "code" (worker ID number that allows them to be paid) is erased and they cannot return" ("*se le borra el código y no puede regresar*"). Nine CAC workers interviewed reported that if they complained about their conditions of work, their "code" would be erased.

Exclusion from Community and Social Life

The researchers did not find evidence of exclusion from community and social life being used against workers as a threat or in practice in the Dominican sugar sector.

Removal of Rights or Privileges

"Removal of rights or privileges" was interpreted by the research team as rights and privileges at the workplace (for example, taking away workers' right to bathroom breaks as a form of reprisal). The researchers did not find evidence of the removal of rights or privileges being used against workers as a threat or in practice in the Dominican sugar sector.

Deprivation of Food, Shelter or Other Necessities

Of the workers surveyed, 734 (99 percent) reported that they depended on employer-provided housing and 496 (67 percent) reported that they remained in the same *bateyes* even during the down season. Of the workers surveyed, 20 (three percent) reported that they would “be taken off the *batey* if they failed to show up to work for one or more days. In addition, 25 workers (three percent of workers surveyed) reported that they could not leave their jobs because they would be thrown out of their houses.

While 19 workers (three percent) feared leaving their jobs because they would not be able to make enough money to buy food, researchers did not find evidence that deprivation of food was used as an explicit penalty. However, CEA workers interviewed reported that they were deprived of food during their transport to *Batey Porvenir*.

Shift to Even Worse Working Conditions

The researchers did not find evidence of shifts to even worse working conditions being used against workers as a threat or in practice in the Dominican sugar sector.

Loss of Social Status

The researchers did not find evidence of loss of social status being used against workers as a threat or in practice in the Dominican sugar sector.

Wages and Hours

Wages

Of the workers surveyed, 699 (94 percent) reported that they were paid in cash and on time (either weekly or biweekly) almost all of the time. However, 41 workers (six percent) reported that their payments were sometimes or always delayed. Of these workers, 19 (48 percent) reported that they did not know why their payments were delayed, five (12 percent) reported that the payment office delayed their payment, and other workers reported that records of the amount of cane that they had cut had not been reported to the payment office.

Of the workers surveyed, 703 (95 percent) reported that they were paid a piece rate (based on the number of tons of cane cut or transported), while 30 (four percent) reported that they were paid a daily wage, most of whom were *cultivadores*, who generally earn a daily wage of between DOP 100 (USD 3) and DOP 200 (USD 6) pesos per day. While 462 workers (62 percent) reported that they were satisfied with this system, 162 (22 percent) reported that their cane was not being weighed properly, and 102 workers (14 percent) reported that they were not satisfied with the weighing system. Upon further inquiry, a little over half of the workers who reported they were not satisfied reported that it was because they were paid too little, while a third reported that their

employers did not always weigh the cane accurately, and ten percent reported that they were deceived or cheated in the weighing of the cane. Some of these workers reported that the cane was not weighed in front of them and that the cane was sometimes left on the ground for days before it was weighed (which can reduce the weight through evaporation of the cane juice), and that when payday came they were paid much less than the amount that they were entitled to according to the number of tons of sugarcane that they had actually harvested.

Picadores and *carreteros* are paid in tons of sugarcane harvested and transported, respectively. The amount that workers earn per ton varies slightly depending on the work carried out, as *carreteros* earn less per ton but transport more tons of cane per day than *picadores*. For this reason, while approximately 80 percent of *picadores* reported that they earned between DOP 100 (USD 3) and DOP 200 (USD 6) per ton, almost half of the *carreteros* interviewed reported that they earned less than DOP 100 (USD 3) per ton. The researchers determined that the only employer that paid *picadores* less than DOP 100 (USD 3) per ton of cane harvested was Ingenio Barahona (CAC). The remaining employers paid between DOP 100 (USD 3) and DOP 140 (USD 4) per ton. There were some variations, such as some companies paying less per ton for burnt cane than green cane because the green cane requires more work and yields less. In addition, some workers are paid more per ton when they do not have the assistance of a mechanical “lift” (*alce*). For example, *colonatos*, which usually do not have lifts, generally pay workers more per ton as a way of attracting workers. Incentives and bonuses were another way to attract workers.

Table 15: Payment and Incentives/Bonuses Offered to Cane Cutters by Employer (2009-10 harvest)

Employer	Price per ton of green cane	Price per ton of burned cane	Mechanical lift	Incentives
CAC	DOP 60 (USD 2)	DOP 55 (USD 2) (authorized burning) DOP 45 (USD 1) (unauthorized burning)	Sometimes	DOP 10 (USD 0.27) per workday and DOP 2 (USD 0.06) per ton in excess of 14 tons per week
CAEI	DOP 110 (USD 3)	DOP 90 (USD 2)	Sometimes	None
CEA	DOP 127 (USD 4)	N/A	No	None
Central Romana	DOP 110 (USD 3) (increased to DOP 120 (USD 3) in May 2010)	N/A	Sometimes	DOP 120 (USD 3) per ton in excess of 11 tons per week
Colonato (Salvo Central Romana)⁴³	DOP 130-DOP 140 (USD 3.58-USD 3.86)	N/A	No	None

Of the workers surveyed, 647 (87 percent) reported that they were paid weekly and 93 (13 percent) reported that they were paid bi-weekly. Workers who were paid bi-weekly were concentrated in the CEA, where 95 percent of workers were paid every other Friday, as well as in the *colonato*, where 39 percent of workers were paid bi-weekly, which probably corresponds with *colonos* who sell their sugarcane to the CEA.

National Wage Committee Resolution No. 1-2010 established the 2010 minimum wage for field workers in the sugar industry as DOP 110 (USD 3) per working day. As the vast majority of workers surveyed (88 percent) reported working seven days per week, they should be entitled to a weekly minimum wage of DOP 770 (USD 21), a biweekly minimum wage of DOP 1,540 (USD 42), and a monthly minimum wage of approximately DOP 3,300 (USD91). These minimum wages correspond to a regular workweek of a maximum of ten hours per day, while workers in fact worked in excess of legal limits, and should thus be entitled to a higher payment.

Of the workers who were paid weekly, 65 (ten percent) reported that they earned DOP 500 (USD 14) or less in their last weekly payment, 276 (43 percent) reported that they earned DOP 501-1,000 (USD 14-USD 28) per week, 256 (40 percent) reported receiving between DOP 1,001 and DOP 2,000 per week (USD 28-USD 55), and 23 (four percent) reported receiving more than DOP 2,000 per week (USD 55). Therefore, at least ten percent of workers who were paid weekly were earning less than the minimum wage, even before taking into account overtime payments owed to them. The amount *picadores* and *carreteros* earned was roughly the same. However, 50 percent of *cultivadores*, who are generally paid a daily wage, earned between DOP 500 and DOP 1,000 (USD 14 and USD 28) per week.

Table 16: Last Amount Received by Workers Paid Weekly

Amount paid in DOP (USD)	No.	%
500 or less (USD 14)	65	10%
From 501 to 1,000 (USD 14-28)	276	43%
From 1,001 to 2,000 (USD 28-55)	256	40%
From 2,001 to 3,000 (USD 55-83)	17	3%
More than 3,000 (USD 83)	6	1%
Did not know/ respond	27	4%

Table 17: Last Amount Received by Workers Paid Bi-Weekly

Amount paid in DOP (USD)	No.	%
500 or less (USD 14)	8	9%
From 501 to 1,000 (USD 14-28)	14	15%
From 1,001 to 2,000 (USD 28-55)	48	52%
From 2,001 to 3,000 (USD 55-83)	14	15%
From 3,001 to 4,000 (USD 83-110)	1	1%
From 4,001 to 5,000 (USD 110-138)	2	2%
Did not know/ respond	5	5%

Of the workers surveyed who were paid biweekly, 48 (52 percent) reported that they earned between DOP 1,001 and DOP 2,000 (USD 28-USD 55) in their last bi-weekly payment, 14 (15 percent) earned DOP 2,001 to DOP 3,000 (USD 55-USD 83) every two weeks, another 14 (15 percent) reported that they earned between DOP 501 and DOP 1,000 (USD 14-USD 28), and eight workers (9 percent) earned DOP 500 (USD 14) or less every two weeks. This indicates that at least 24 percent of workers who were paid bi-weekly (who were generally affiliated with the CEA) were earning less than the bi-weekly minimum wage of DOP 1,540 (USD 42), even before taking into account overtime payments

owed to them.

The researchers further noted that workers' incomes can be subject to change based on the weather, the capacity of the *ingenio*, the amount of workers or *braceros*, etc. in any given pay period. For example, a 27 year-old worker in Batey Las Flores (CR) pointed out that on a good week he could earn DOP 1,500 (USD 41), but on a bad week, he could only earn DOP 500 (USD 14). Another respondent from San Germán Batey (CR) informed researchers that he generally earned DOP 200 (USD 6) to DOP 600 (USD 17) per week, but that on a "good week" he could earn DOP 1,000 (USD 28).

Article 151 of the Labor Code establishes that workers should be paid when they are inactive due to factors that are outside of their control and Article 46.7 establishes that workers should be paid for the time that they are unable to work due to the fault of the employer. Therefore, workers should be paid when their employer suspends the harvest. However, in practice, external factors that affect workers' ability to harvest cane were born by the workers instead of by their employers, including the time that it takes to transport the cane to the *ingenio*, the evaporation of the cane juice (causing it to weigh less), the low quality of sugarcane, and decreased production due to rain. Many workers interviewed reported that when the harvest was suspended by their employer, they were unable to work for several days or worked on and off, reducing their ability to earn money. Some workers reported that they were without work and pay for two weeks, during which they had to live off of "what they had in their pockets to eat" (*"de lo que tienen en el bolsillo pa comé"*). This forced them to become indebted to store owners or impeded them from saving money.

Of the workers surveyed, 133 (18 percent) reported that they also worked on small plots of land (*"conucos"*) during the down time to supplement their income, while 496 (67

percent) remained in the *bateyes* once the harvest was over. In order to survive, 446 of the workers who remained on the *bateyes* during the down time (90 percent) continued working on the *bateyes* planting, weeding, and fertilizing the sugarcane. In the CAEI, dozens of workers from the San Cristobal Batey noted that they earned DOP 100 (USD 3) per half day of work weeding or fertilizing the cane. In Central Romana, workers were paid DOP 32 (USD 0.88) for each *tarea* of land they planted.

In addition to minimum wage violations, the researchers found that the payment system resulted in a number of other labor law violations. Article 156 of the Labor Code and National Salary Committee Resolution No. 1/2010 establish that workers should be paid overtime for hours worked exceeding normal working hours. As almost all workers worked in excess of ten hours per day, they should have been entitled to overtime pay (even if they received a piece rate). Article 164 of the Labor Code stipulates that workers are entitled to double time for hours worked on their weekly day of rest. Again, as almost all workers surveyed worked seven days per week, they should have been entitled to one day of double time pay per week.

The low piece rates paid per ton of sugarcane harvested did not allow workers to earn the minimum wage or a living wage during a normal workday. According to Frank Báez Evertsz, this causes workers to exploit themselves (*“auto-explota”*) by working excessively long hours, as employers do not guarantee workers the minimum wage for working the maximum number of legally permitted weekly working hours. As one scholar put it, “A piece rate system quietly ensures that the *braceros* work hard almost without direct supervision. The salary is so low that they must work shifts of 10 to 12 hours or more just to earn enough to feed themselves”(Martinez, 1996: 20).

Voucher System

Many employers provide their workers with receipts or “tickets” that detail the money due to workers on their paydays, which they can use as vouchers to obtain food or money from *bodegas* and *colmados*. These vouchers generally include workers’ ID numbers or names. Workers can either cash the vouchers in at the end of the pay period or use them as credit in order to acquire cash or food in the *colmados* or *bodegas* before their payday. Of the workers surveyed, 56 (eight percent) reported that they paid for food with “tickets” (or vouchers), with over 40 percent of CEA workers interviewed reporting that they paid in vouchers, while the percentage of workers employed by other *ingenios* who reported that they paid with vouchers did not exceed seven percent. Workers interviewed reported that if they used these vouchers as credit, the value of the voucher was devalued by ten to 20 percent by the stores. This effectively means that workers were charged ten to 20 percent interest by the stores, which further reduced their already low incomes.

Bonuses

About half of worker surveyed reported that they received a bonus or incentive from their employer, the vast majority of whom were employed by Central Romana or

colonatos sourcing to Central Romana, where 80 percent of workers reported receiving bonuses. These bonuses represent an attraction for some workers who consider the bonuses to represent a way to receive a lump sum of money at the end of the harvest, allowing them to “save” money. Various workers interviewed at other *ingenios* reported that they wanted to work at Central Romana because of the bonus.

Although the collective bargaining agreements of CAEI and CAC also mandate bonuses, many workers did not report receiving them in practice. This may be due to the fact that the production goals on which the incentives are based are too high for workers to realistically reach.

The ILO noted that bonuses were used in the 1980s as a way to retain workers’ wages until the end of the harvest, in contravention with ILO Convention 95 concerning Protection of Wages. Researchers determined that workers lack information on their bonuses or incentives and workers could not verify whether the bonuses or incentives paid to them at the end of the harvest season were actually withheld wages.

Deductions

Research indicates that workers did not receive clear information about deductions and that illegal deductions were made from workers’ pay in practice. Various employer representatives interviewed reported that they did not make deductions from workers’ wages for social security, housing, meals, or union fees. However, 359 workers (49 percent) reported that they believed that deductions for these services were in fact made from their wages. Some workers commented, “they discount what they want ... if they charge us, we do not know.” A worker living for many years in a CAEI *batey* said “There is no paperwork to see whether we are being charged for housing or not, but we cannot lie, we do not know if we are being charged or not.”

Workers did not know whether payments were being withheld for healthcare, and if so, how much was being withheld. Researchers determined that payments for “social security” were deducted from some field workers’ pay at Central Romana by inspecting their ID cards. Researchers were unable to conduct interviews at the Central Romana factories. Therefore they were not able to determine whether these deductions were for private healthcare or for the social security system, to which migrant workers cannot register under the Social Security Law, and which would thus constitute fraud. Among other employers, researchers determined that deductions were made for private healthcare.

The Labor Code establishes employers’ obligation to provide their workers with the materials/equipment that they need to carry out their jobs free of charge (Article 46.5). Of the workers surveyed, 460 (62 percent) reported that they believed that deductions were made for the tools and equipment needed for their jobs, including machetes, lime, boots, gloves, and goggles. Most workers interviewed did not know the exact amount deducted. However, Central Romana workers reported deductions of DOP 400 (USD

11) for boots, DOP 200 (USD 6) for a machete, DOP 100 (USD 3) bags of lime, and DOP 400 (USD 11) for a mattress.

Working Hours

Of the workers surveyed, 518 (70 percent) reported that they worked from five or six in the morning until five or six in the afternoon, meaning that they worked an average of 12 hours. In all cases the average number of working hours per employer was greater than 11 hours per day and exceeded the legal maximum of ten working hours per day established for farm workers in Article 281 of the Labor Code.

Employer	Average number of hours
Central Romana	12.1
Colonato	12.0
CAEI	11.2
CEA	11.6
CAC	12.5

Employer	%
Central Romana	88 %
Colonato	88 %
CAEI	85 %
CEA	86 %
CAC	91 %
Total	88 %

In addition, 651 workers (88 percent) reported that they worked seven days per week, with no days off. Some employers only required that workers work half days on Saturdays and Sundays, and beginning in 2010, the CAEI began to pay DOP 50 (USD 1) to workers for working on Sundays (in violation of Article 164 of the Labor Code). Workers interviewed for the survey and focus groups indicated that while workers were not obligated to work on Sundays, in practice only Christian workers generally took Sundays off. Only 70 workers (ten percent) reported that they took at least one day off

per week. This shows that employers were not respecting the legal requirement contained in Article 163 of the Labor Code that workers be provided with 36 hours of uninterrupted rest, beginning at noon on Saturdays.

There were also many cases in which workers reported working two consecutive shifts (a day shift and a night shift). Some workers preferred to work at night in order to avoid prolonged exposure to the sun. Some workers reported that they lost count of the number of hours that they work per week, including a worker who reported, “I am not calculating the time anymore ... as I am working all the time” (“*Yo no ‘toy calculando el tiempo... como yo ‘toy trabajando to’ el tiempo*”).

During the harvest, workers were not usually provided with a one-hour break, as required by the Labor Code, and were generally only provided with a short break in the shade.

Employer representatives interviewed by researchers denied that workers generally worked such excessive hours and said that workers who exceeded limits on working hours chose to do so. However, researchers noted that the payment system, which provides workers with extremely low piece rate wages that are further reduced through

the use of vouchers, requires workers to work excessively long hours in order to earn the minimum wage, which should be guaranteed to all workers.

On several occasions, researchers witnessed workers returning from work at 3 P.M. and noted that some workers had little or no work. This can also be problematic, as workers who were not provided with work were not able to make enough money. For example, during the December 2009 harvest, researchers witnessed that Central Romana *bateyes* (especially Lechuga and Baiguo) were filled with workers during the day who complained that they had been provided with little work, saying “the cut is stopped” (“*el corte ‘ta parao’*”), and that they were not able to make enough money to eat. Some workers had worked every other day since November, as there were too many workers and not enough cane to cut.

Other Issues of Concern

Benefits

Very few employers give workers other benefits besides health care. Exceptions include the literacy programs offered by CAEI and Central Romana, although only ten workers (one percent of workers surveyed) reported that they had attended a literacy program or technical training. The researchers noted that this may be due to workers’ lack of free time.

Central Romana has offered healthcare to workers for years through a medical center in the city of La Romana and two sub-centers located in the *bateyes*, one in Lechuga and one in the Baiguo. The healthcare program also includes two mobile medical units and a mobile dental unit. While the company reported that it does not discount money from workers’ wages for this benefit (CR 2008), researchers’ inspection of workers’ ID cards indicated that deductions were being made for “social security” to which migrant workers are not entitled. Central Romana workers complained about the high cost to travel to the Central Hospital in La Romana, and Central Romana workers employed near the municipality of Guaymate reported that they had to go to the nearest public hospital to avoid spending between DOP 100 and DOP 300 (USD 3 and USD 8) for transport, so they were unable to use the medical services offered by the company. Moreover, according to an organization working in the area, Central Romana’s Mobile Units operated only on Fridays and provided workers with very poor medical attention.

The CAEI provides workers and their dependents with private health insurance (*la ARS Universal*). Through this system, they have established 16 primary healthcare centers in *bateyes*. The Director of Institutional Relations of Grupo Vicini (which owns CAEI) reported that deductions were not made from workers’ pay for this benefit. Among CAEI workers who were injured or had become ill, 43 percent had visited a public hospital, 11 percent said they had not sought any medical attention, and 10 percent said they had bought their own medicine.

CAC uses *ARS Salud Segura*, which has replaced the old social security system to provide migrant workers not entitled to social security coverage with health care (a 2007 National Social Security Council Resolution, cited in the legal framework section, created this temporary solution for migrant workers excluded from the social security system). According to *ARS Salud Segura* representatives, *ARS Salud Segura* only covers health insurance, and does not cover occupational hazards or provide workers with pension funds (both of which are covered under the normal social security system). For *ARS Salud Segura*, CAC deducts 2.5 percent of workers' pay and contributes the equivalent of seven percent of workers' pay to *ARS Salud Segura*. Workers can go to a hospital located in the Central Batey or a Primary Care Center in Batey 6 if they are injured, and an ambulance is available for workers.

Case Study: Alexis, 20 years old (CAC)

Alexis arrived in the Dominican Republic in September 2009 and did not speak any Spanish. He had had a machete wound on his hand that was a little over a week old. His hand was severely swollen and looked infected. He had been treated at a clinic in Batey 6, which gave him some medication. Since then he could not work and was hungry "*grangou mwen*." He noted that he had tried to talk to the foreman, but that he told him he that he "had nothing to complain about," so he decided to keep silent. When the researchers met him again months later, he told them that he had been unable to work for four weeks and that the *ingenio* still owed him DOP 3,000 (USD 83) for the weeks during which he was unable to work.

Workers employed by Ingenio Porvenir (administered by CEA) in 2010 and workers in the *colonato* (except those sourcing to Central Romana) did not have access to health benefits. In the case of accidents or health problems, they must go to public hospitals on their own. In a limited number of cases, employer representatives brought them to hospitals or private clinics. It should be noted that in 2011, Azucarera Porvenir, which took over the lease of Ingenio Porvenir, began to offer workers health care coverage under the *ARS Salud Segura* system. A CEA worker interviewed reported that he had a high fever for four days and the foreman only provided him with "a few aspirins" as the company did not have the ability to send him to a hospital.

Although most employers provided workers with some type of healthcare system in place of social security coverage, the researchers found this system to be deficient. One reason is that workers are not provided with occupational risk insurance or a pension fund as they would be under the social security system. Workers are not generally entitled to compensation if they are disabled due to a work-related injury. A CAEI representative reported that the company was contemplating providing workers with occupational injury insurance and a representative of the CAC informed researchers that workers who were injured were provided with a lump sum payment, depending on the amount of time that they would have to miss work. However, the researchers found various cases in which workers were injured and did not receive any compensation and did not find cases in which CAC workers had received compensation. One CAEI worker interviewed who had been working for the company for 25 years reported that after he

suffered a workplace accident in 2005 that had prevented him from working ever since, he was only given DOP 8,000 (USD 220) in compensation. In addition, workers who worked for the same employer for years were not entitled to retirement benefits. It is thus not surprising that twenty workers (three percent) were 70 years of age or older. Another problem is that workers showed low levels of awareness of the medical benefits available to them and the amount of money deducted from their pay for these benefits.

Of workers surveyed, 345 (47 percent) had been injured or become ill during their employment in the sugar sector. Of these workers, only 114 (33 percent) had been treated at a hospital or by a doctor at an *ingenio*, with most of these cases taking place in Central Romana, while 128 (37 percent) reported that they had gone to a "*hospital del seguro*" (which are generally public hospitals related to the old social security system), and 54 (16 percent) reported that they went to a public hospital. The quality of medical services provided proved to be deficient in some cases. Some workers reported that they were given pills and told to go home, while others reported that they were only given medication when they had a severe medical problem, and that their only option was to go to a public hospital.

Workers are legally entitled to additional benefits under the Labor Code, including paid vacation (Article 177), a Christmas bonus (Article 219), a percentage of company profits (Article 223) and other benefits, including severance pay (Article 80). During the 2011 harvest, the CAEI informed workers that they would receive a Christmas bonus for the first time. However, researchers found that workers were not provided with the benefits to which they were legally entitled in almost all cases. Although 30 workers (four percent) reported that they were given "vacation," researchers determined that many workers took "vacation" to mean time off instead of the paid vacation required by the Labor Code.

Some employer representatives reported that *braceros* were not provided with these benefits because they were "seasonal contract workers." However, according to Article 30 of the Labor Code, *braceros* contracts should be considered permanent workers entitled to benefits. Mr. Federico Gomera, the Director of Inspections for the Ministry of Labor said that *braceros* "are not seasonal workers according to the Labor Code [...] They work all their lives cutting cane and they should be counted as permanent workers."⁴⁴ In addition, the Court of First Instance of San Pedro de Macoris recognized that a *picador* who had worked more than 15 years for Ingenio Cristóbal Colón (CAEI) had the right to vacation, a Christmas bonus, a share of the company's profits, and severance pay.⁴⁵

Health and Safety

Cutting sugar cane is intense agricultural work lasting many hours, and workers face the risks of dehydration and work-related accidents, especially regarding the use of machetes (HRW, 2004). Other factors that affect the workers' health is the practice of burning cane just before it is harvested to facilitate cane cutting (WWF, 2004),⁴⁶ which

exposes workers to toxic gases such as carbon monoxide and causes eye irritation and respiratory problems. While most of the *ingenios* use this practice, researchers found that CAC utilizes this practice the most. CAC workers interviewed complained about the health implications of this practice, and stated that they preferred to harvest green cane, as it also made them less dirty.

Of the workers surveyed, 345 (47 percent) reported that they had been injured or had become ill during their employment in the sugar sector. Healthcare services were generally deficient and worker compensation was essentially nonexistent (see *Benefits* section above).

Discrimination

The primary issue of discrimination in the sugar sector concerns the discriminatory practices carried out against undocumented workers. As mentioned earlier, undocumented workers are expressly excluded from the Social Security system, although the Constitution guarantees the fundamental right to social security and even though many of these workers are issued *carnets* which are supposedly intended to "regularize" their migration status.

Generally speaking, undocumented workers are given lower-paying, more demanding jobs such as *picadores*, *cultivadores*, *vagoneros*, and *carreteros*. This is also true to a certain extent with Dominicans of Haitian descent. In general, the better paying jobs that are higher up in the hierarchy are given to Dominicans, who work as *mayordomos*, *ticketeros*, and *listeros*. Some *ingenios* require that applicants for these higher level jobs have a Dominican identity card. In Central Romana, undocumented Haitian migrants and Dominicans of Haitian descent can only work as *carreteros*, *capatazes de carreta*, or *capatazes de corte* (even if they have lived in the Dominican Republic and worked for the company for decades). The rest of the workers (*listeros*, *pesadores*, *ayudantes de pesador*, etc.) must be Dominican. This constitutes an illegal form of discrimination, as Principle VII of the Labor Code states that promotion should be based "on the qualifications required for a particular job," not the migration status or ethnicity of workers. In addition, as *picadores*, *carreteros*, and *vagoneros* are often characterized as "temporary" workers year after year, they are not provided with a number of benefits to which they are legally entitled.

Living Conditions

Worker interviews and site visits indicate that many *picadores*, *cultivadores*, *carreteros*, and *vagoneros* had little or no access to electricity, waste collection, and kitchen facilities (see *Table 20: Living Conditions*)

The living conditions on CEA *bateyes* were generally the worst in terms of infrastructure and sanitation, as many CEA *bateyes* were abandoned after the failure of privatization (Yanguela-Tejada, 2001). However, conditions were not much better among other employers.

Services	No.	%
Employer-provided housing	734	99%
Mattress	118	16%
Electricity	92	12%
Potable Water	297	40%
Sanitary Services	364	49%

Housing

As for employer-provided housing, which 734 workers (99 percent of workers) lived in, the vast majority was in very poor condition. *Picadores* were generally housed in *barracones* (blocks of rooms that each house four to eight workers and/or family members), which were often in the worst physical condition. Of the workers surveyed, 427 (58 percent) lived in *barracones*; 238 of these workers (56 percent) shared their *barracones* with other workers and 189 (44 percent) shared their *barracones* with their family members. In addition, 278 workers (38 percent) reported that they lived in “collective houses” (“*casas colectivas*”); 175 of these workers (63 percent) shared their collective houses with other workers and 103 (37 percent) lived in the houses with their families.

The researchers indicated that there were many issues surrounding crowding and a lack of adequate beds and cooking and dining facilities. Of the workers surveyed, 538 (73 percent) shared a room with one to four other people, 131 (18 percent) shared a room with between 5 and 8 people, and 44 (six percent) shared a room with more than eight people. Workers only had small beds and only 118 workers (16 percent) reported that they had a mattress. Workers also lacked kitchen facilities and dining rooms, forcing them to use improvised stoves outdoors and to eat on the floor.

Electricity

Of the workers surveyed, 92 (12 percent) reported that they had access to electricity. Central Romana workers had the lowest rates of access to electricity. Only six percent of Central Romana workers surveyed reported that they had electricity, followed by 22 percent of *colonato* workers, 27 percent of CEA workers, 41 percent of CAEI workers, and 62 percent of CAC workers. As *bateyes* housing CAC workers were not administered by the CAC, the higher level of access to electricity among CAC workers was not reflective of increased efforts of the company.

Drinking Water

Of all the workers surveyed, 297 (40 percent) reported that they had access to drinking water. Central Romana workers had the lowest rates of access to potable drinking water. In Central Romana’s Batey Guazuma (Magdalena Division), for example, workers and their families had one well for 69 homes. Over 60 percent of CAC and CAEI workers surveyed reported that they had access to drinking water, while 30 to 40 percent of workers employed by other employers reported that they had access to drinking water.

Sanitary Services

Of the workers surveyed, 364 (49 percent) had access to sanitary services. The only employer that provided access to sanitary services to more than half of workers surveyed was Central Romana (with 58 percent), followed by the CAC and CAEI (with approximately 30 percent each), the *colonato* (with 23 percent), and CEA (with 15 percent). In many cases, even when workers were provided with sanitary services, the bathrooms or toilets were closed or cannot be used due to their poor sanitary conditions.

Food

Workers and their families depended almost entirely on *colmados* and *bodegas* located in the *bateyes* for their food, as they did not generally have their own parcels of land on which they could grow subsistence crops and did not have access to affordable food programs or grocery stores outside of the *bateyes*. Although CAC and Central Romana claimed to have programs that offered workers food at affordable prices, workers interviewed were not aware of these programs. High food prices combined with low wages forced 332 workers (45 percent) to buy food "on credit" at least part of the time, including with vouchers (see *Induced Indebtedness*).

Of the workers surveyed, 47 (six percent) reported that their employer provided them with food and 242 (33 percent) reported that their employer provided them with water. Research indicates that CAC and CAEI have begun to distribute lunches to the workers during the harvest (and CAEI also distributed a gallon of water). However, workers complained that the distribution was very irregular and that they were provided with small amounts of low-quality food. Central Romana does not provide lunches for the workers, so workers generally prepare their own food or buy food from independent cooks. CEA workers were not provided with food. Many workers interviewed reported that they brought something to eat to the cutting area or bought food for DOP 75 (USD 2) to DOP 100 (USD 3). Some workers interviewed reported that they ate sugar cane to keep up their energy level.

Table 21: Provision of Transport, Water, and Lunch		
Workers provided with	No.	Percent
Transport	564	76%
Water	242	33%
Lunch	47	6%

Transport

Of the workers surveyed, 564 (76 percent) reported that their employer provided them with transportation. Traditionally, *braceros* had to walk to the cutting area, which increased the amount of time and energy that they had to expend. In recent years, however, some employers have begun to transport workers on buses or trucks. This system has been put in place not only as a benefit to workers, but also because of the increased distance between workers' homes and the cutting areas. Still, 163 workers (22 percent) surveyed reported that they had to get to the cutting areas on their own, either by walking or asking for a ride from a tractor or truck.

Child Labor

Until 2007, there had been numerous complaints about the widespread use of child labor in the planting and harvesting of sugar cane. When the researchers asked workers about child labor, all workers answered that it was not allowed by the employers and that employers did not hire minors. However, the researchers did find some cases of child and juvenile labor and stress that the reduction of child labor has been fairly recent, and it is thus important to maintain efforts to combat child labor to ensure that it does not resurface. For example, according to key informants, 2010 was the first harvest in which Central Romana carried out an effective ban on child labor.

The researchers detected two cases of child labor concerning boys of nine and twelve years of age who were employed cutting cane.⁴⁷ The nine year-old resided in a CAEI *batey* and the 12 year-old resided in a CEA *batey*. The researchers were only able to interview the nine year-old, who reported that he had worked helping his father to harvest sugarcane since he was eight years old. He reported that he was currently helping other *picadores*, who paid him DOP 50 (USD 1) per day to help harvesting cane. He reported that he only worked during the hours that he did not attend school. This reflects a common phenomenon, especially in CAEI *bateyes*, in which laborers who are not directly employed by the companies (and lack a worker ID card) harvest cane for workers directly employed by CAEI. The workers pay these "helpers" a portion of the amount that they receive per ton of cane harvested. This mechanism increases the possibility of child labor, as these workers are not directly hired by the companies.

In addition, the researchers found cases of juvenile labor in the sugarcane sector. Ministry of Labor Resolution No. 52-2004 determined that the planting and harvesting of sugar cane constituted a dangerous job for all minors under the age of 18, which makes it a worst form of child labor in which no minor under the age of 18 should be working. Despite this prohibition, the researchers found and surveyed ten adolescents between the ages 15 and 17. In the interviews, researchers were informed that some *ingenios*, especially the CEA, used workers between the ages of 15 and 17 years to plant sugarcane. In a CEA *batey*, a 17 year-old worker was interviewed who reported that he had been cutting cane for several years, during which he had not been studying, as he left school in second grade. He said he had to work "because my family is poor and you

have to work to not go hungry." Researchers interviewed a 15 year-old "seed picker" ("*picasemillas*") at a CEA *batey* who reported that he earned DOP 50 (USD 1) per *tarea*, but that he only worked when he did not attend school. Researchers also interviewed a 15 year-old CAC worker who had come to the *batey* at 14 years of age on his own and was cutting cane.

Worker Satisfaction

Of the workers surveyed, 685 (93 percent) reported that they did not think that the conditions had improved much over the past few years. Only four workers interviewed (less than one percent) reported that they thought that conditions had improved. Of workers surveyed, 525 (71 percent) indicated that the main change that they would like to see is fair payment of wages. Additionally 111 workers (15 percent) reported feeling dissatisfied with their treatment by their superiors, including 77 (69 percent) who reported that the foreman "talked bad" to them, 11 (ten percent) who reported "hard work and low pay," six (less than one percent) who reported that they "treat them like animals," and five (less than one percent) who reported that they were cheated in the weighing of the sugarcane. Other recurring complaints surrounded poor living conditions, especially in relation to a lack of electricity and drinking water, and that employer representatives did not listen to or respond to their complaints.

Workers also made much reference to how hard it is to cut cane. One worker interviewed stated, "Sometimes one cannot get up the next day ... we are experiencing misery." Another worker interviewed for an in-depth interview in a CAC *batey* said, "There are days when one does not eat ... if you work they should give you food, at mid-day, when the sun is hot, they should give you a place to rest so that you can then return to work. You almost do not get hungry, I mean, it is a job that becomes difficult."

Conclusions

This report has covered background information on the Dominican Republic and the sugar sector, the methodology that was developed to study the presence of indicators of forced labor in the Dominican sugar sector, findings on the presence of indicators of forced labor and other labor violations, and the factors that increase workers' vulnerability to labor exploitation. 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. However, the report does provide an overview of the indicators of forced labor and other forms of labor exploitation uncovered among sugar sector workers in the Dominican Republic, as well as factors that increase workers' vulnerability to labor exploitation.

Main Findings

Using ILO guidance on “Identifying forced labor in practice,” research detected evidence of the presence of the following indicators of lack of consent and menace of penalty, as well as other issues of concern:

Lack of consent:

- physical confinement in the work location,
- psychological compulsion,
- induced indebtedness,
- deception or false promises about terms of work,
- withholding and non-payment of wages, and
- retention of identity documents.

Menace of penalty (the actual presence or threat of):

- physical violence against workers,
- deportation,
- dismissal from current employment,
- exclusion from future employment, and
- deprivation of food and shelter.

Wages and hours:

- subminimum wages,
- the continued use of the voucher system,
- illegal deductions,
- working hours in excess of legal limits, and
- a lack of days off.

Other issues of concern:

- a lack of benefits,
- poor health services,
- discrimination,
- poor living conditions, and
- child labor.

Risk Factors

An increased incidence of risk factors was detected amongst workers who were recruited to work for the CEA under the “quota system,” including:

- a higher incidence of being transported across the border by *viaje* (*buscones* in complicity with *ingenios* and government authorities),
- deprivation of food and shelter during transportation to the *bateyes*,
- a lack of employment contracts,
- a lack of knowledge about payment mechanisms,

- a lack of control over where they would live and work,
- retention of *carnets*, and
- a higher level of surveillance and threats about leaving work.

A higher rate of risk factors was detected amongst new workers (*kongos*), including:

- an inability to communicate due to a lower level of Spanish,
- a lack of a social network in the Dominican Republic,
- a lack of knowledge about conditions of employment,
- a higher rate of being recruited to work on specific *bateyes* by *buscones*,
- a higher incidence of being transported across the border by *viaje* (*buscones* in complicity with *ingenios* and government authorities),
- a higher rate of working for the CEA under the “quota system,” and
- a higher incidence of migration following the January 2010 earthquake in Haiti.

Lessons Learned

This research exposed some of the challenges of conducting research on hidden populations and vulnerable workers. These challenges included the inability to randomly sample respondents due to the lack of a list of workers, a lack of a list of all active *bateyes*, and the emergence of new issues, such as indebtedness to food stores, which were not captured on questionnaires. In addition, some of the factors that made workers more vulnerable to exploitation also made it difficult to obtain information from them. For example, workers with lower levels of education sometimes found it harder to understand payment mechanisms or answer researchers’ questions about them.

To try to overcome these challenges, researchers used multiple sources of both quantitative and qualitative information to triangulate findings and provide an accurate, nuanced picture of the Dominican sugar sector. This included a literature review; expert consultations with a wide variety of stakeholders; interviews with employers, supervisors, labor brokers, and other actors; focus groups; and qualitative and quantitative interviews with workers.

Appendix 1: Haitian Migration to the Dominican Sugar Sector

At the beginning of the modern sugar industry in the Dominican Republic, cane cutters were predominantly Dominican. However, in the early twentieth century, sugar producers began to hire workers from English-speaking Caribbean islands, known as "cocolos," to do such work (Latorre, 1980). Thousands of workers were recruited by agents of private plantations from St. Kitts, Nevis, Anguilla, Antigua, Montserrat, and St. Martin (Smith, 1999).

In 1919, in the midst of U.S. military occupation, Haitian labor was used for the first time to harvest sugarcane, after three executive orders issued by the occupation government (Cuello, 1997). This marked the beginning of the displacement of the Dominican labor force from this work despite the resistance of the peasantry.

During the 1930s, with Trujillo in power, a process of regulating immigration and labor through the adoption of several laws on migration was put into place to hinder migration into the sugarcane sector and promote the use of Dominicans in the sector. In 1932, Trujillo passed an immigration bill that doubled the cost of entering the country for all foreigners (from USD 3 to USD 6), and mandated an annual payment of USD 6 for residence and the cost of ID cards. Dominican sugar companies and the U.S. government opposed these laws, objecting that the Act allowed for Haitian aliens not working in the sugar sector to be sentenced to work in "agricultural colonies of the state" until they could pay fines, "which amounted to virtual slavery." In 1934, Trujillo was forced to change the law to reduce the cost of entering the country for foreign laborers. A year later, Law No. 837 on "Dominicanization" of Labor (which required that 70 percent of the employees of any company be Dominican) was passed.⁴⁸ The following year, Trujillo relaxed the requirements of the law, allowing for foreigners with family members born and living in the Dominican Republic to be legally considered Dominican. In 1937, the National Congress - controlled by Trujillo - approved Law 1243, which sought to regulate within six months the status of all foreigners in the country (Caves, 1999: 123 ff.).

In October 1937, on the orders of Trujillo, thousands of Haitians were massacred in Dominican territory. Although no exact figures exist regarding this atrocity, many experts agree that at least 12,000 Haitians were killed in the border provinces of northern and central Dominican Republic.⁴⁹ But the so-called "1937 massacre of Haitians" did not affect Haitians working in the sugar sector nor did it stop the seasonal migration of Haitians into this sector, which was far too important to the Dominican economy. On the other hand, this episode resulted in military control of the border to stop "illegal immigration" (Baez-Evertsz, 1986).

In 1939, Trujillo passed Immigration Act No. 95, which required "that every individual who was not of the Caucasian or Native American descent, should pay DOP 500 (USD 14) to reside in the Dominican Republic" while those of Caucasian or Native American descent only had to pay DOP 6 (USD 0.17). This law authorized sugar mills to recruit laborers through presidential decrees. At the same time, the regime encouraged

smuggling of Haitians to sugar plantations (Veras, 1985:26).

In 1942, the Haitian government suspended "official" government recruitment of Haitian workers, resulting in periods in which there was a lack of *braceros*. This ushered in a new system in which the Dominican government resorted to sending troops to recruit Haitian men in non-sugar producing areas of the Dominican Republic and bringing them to the sugar plantations to work as *braceros* (Martinez, 1999).

In 1952, Trujillo and the Haitian dictator, Francois Duvalier, signed an international convention on the recruitment of Haitian workers for the Dominican sugar harvest. This agreement marked the beginning of an institutionalized system of trafficking and exploitation that would last several decades under which thousands of Haitian migrants were victimized. Under the first agreement, 16,400 Haitian *braceros* were brought into the Dominican Republic (Gavigan, 1996:8). From 1952 until 1966, the recruitment of these workers was governed by three agreements approved by Congress, each with a duration of five years.

Through these agreements, the Haitian government received between USD 1-2 million annually for the recruitment and transportation of a certain number of Haitian migrants. In turn, the Dominican government had to make guarantees regarding wages, transportation, housing, and medical insurance, among others. These guarantees were never observed. Furthermore, Haitian *braceros* recruited through this system were required by the agreements to stay on the plantations until the end of the harvest (ILO, 1983: 126). The agreements allowed new mechanisms of coercion by legally tying the *braceros* to the *ingenios* that they were recruited to work for. Under this system, an illegal migrant could be arrested and sent to an *ingenio* under the pretext of having left his place of employment (Martinez, 1999).

Beginning in 1971, the "recruitment" of *braceros* by Haitian authorities was coordinated by the CEA, although this entity was never expressly authorized to do so. The government also ceased to submit the agreements with Haiti to Congress for approval or publish the terms of the agreements. In 1980, for the first time in nearly ten years, the government made public the terms of the contract between the CEA and the Haitian government. It revealed the "commissions" for the Haitian government for the delivery of workers and the financial conditions of the contract, creating controversy both nationally and internationally (Cuello, 1997: 64 y ss).

The "importation" of *braceros*, however, continued. According to some sources, while the private *ingenios* benefited from it, they claimed not to participate directly in the process. Roger Plant noted that of the 16,000 Haitians brought to the Dominican Republic by the CEA for the 1979-80 harvest, 14,000 were assigned to State *ingenios*, but 1,500 were delivered to Central Romana and 500 were delivered to *ingenios* owned by the Vicini Group (Plant, 1987: 79). Another source, however, reported that private *ingenios* owned by Central Romana and Vicini used "illegal laborers each year" hired through their own recruiters (Veras, 1985:29).

During the twelve years of the Joaquin Balaguer government (from 1966 to 1978), the "importation" of *braceros* remained relatively stable: 14,000 during the 1966-67 harvest, 10,000 in 1967-68, and 12,000 between 1969 and 1977, with the exception of three years during which there was no contract (Plant, 1987: 93). By 1983, according to government statements, the Dominican sugar industry employed 44,800 agricultural workers, and between 12,000 and 14,000 were brought in under inter-governmental agreement (ILO, 1983: 186).

Robert Plant in his book, *Sugar and Modern Slavery: A Tale of Two Countries* (1987) describes precisely how the recruitment of *braceros* worked. According to Plant, after the contract was signed between the Haitian and Dominican governments and a payment had been made to the Haitian government, Haitian public radio stations began to announce where Haitian workers should report for work, and gave a deceptive description of the working conditions and the pay that workers would receive. Due to the lack of decent paying jobs in Haiti, there were sometimes more applicants than there were positions for *braceros* (p. 87).

In 1986, with the fall of the dictatorship of Jean Claude Duvalier (Baby Doc), the inter-governmental contracting system died out. The Dominican sugar industry was without a labor force and the government had to resort to emergency measures to save the harvest, replacing the Haitian migrants with 5,000 Dominican soldiers (González Báez, 1990). According to Plant (1987:3), that did not stop the military from forcing Haitians living in different parts of the country to work on sugar plantations. Thereafter, the CEA assured the supply of Haitian migrants to cut sugar cane, not through contracts with the Haitian authorities, but rather through *buscones* (called *passeurs* in Haiti) (Cuello, 1997:67), who were labor brokers with experience recruiting workers and smuggling them to the sugar plantations (Ferguson, 2006). The end of the inter-governmental agreement system thus ushered in a system under which the majority of sugarcane workers were smuggled by *buscones*, who had previously co-existed with the inter-governmental agreement system. This gave rise to the prevalence of *amba-fils* (Haitian workers who arrived illegally in the Dominican Republic).

Appendix 2: Legal Framework

International Instruments

The Dominican Republic has signed a number of treaties and international instruments that protect labor rights, including all eight of the International Labor Organization's (ILO) Core Conventions, which set out the principles and fundamental rights of workers, established by the ILO Declaration on Fundamental Principles and Rights at Work (1998), as shown below:

ILO Core Conventions Ratified by the DR		
Fundamental Principles or Rights	Conventions	Date of Ratification
Freedom of Association and Collective Bargaining	Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)	December 5, 1956
	Right to Organize and Collective Bargaining Convention, 1949 (No. 98)	September 22, 1953
Elimination of Forced or Compulsory Labor	Forced Labor Convention, 1930 (No. 29)	December 5, 1956
	Abolition of Forced Labor Convention, 1957 (No. 105)	June 23, 1958
Elimination of Discrimination	Equal Remuneration Convention, 1951 (No. 100)	September 22, 1953
	Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	July 13, 1964
Elimination of Child Labor	Minimum Age Convention, 1973 (No. 138)	June 15, 1999
	Worst Forms of Child Labor Convention, 1999 (No. 182)	November 15, 2000

Regarding the protection of migrant workers, the Dominican Republic has ratified only the ILO Equality of Treatment (Accident Compensation) Convention 19.⁵⁰ The Dominican Republic has not ratified ILO Convention No. 97 (1949) or Convention No. 143 (1975) on migrant workers.

It should be noted that the Dominican Republic has also ratified the main UN conventions on human rights, including provisions on the right to work and non-discrimination, such as the Universal Declaration on Human Rights;⁵¹ the International Covenant on Economic, Social and Cultural Rights;⁵² the Convention on the Elimination

of All Forms of Racial Discrimination;⁵³ and the Convention on the Elimination of All Forms of Discrimination against Women.⁵⁴

The Free Trade Agreement between the United States, Central America, and Dominican Republic (DR-CAFTA) was ratified by the Dominican Republic in 2005. Chapter 16 refers to inter-country cooperation on the protection of labor rights. The agreement also highlights the parties' commitment to protecting labor.⁵⁵

Dominican Legal Framework

Labor Law

In the Dominican Republic, workers' rights are protected by the Constitution, the Labor Code, and other legislation and regulations.

The new Dominican Constitution, promulgated on January 26, 2010, provides in Article 62 that "Work is a right, a duty and a social function that is exercised with the protection and assistance of the State. Promoting decent work and pay is an essential function of the State. Public authorities shall promote dialogue and cooperation between workers, employers, and the state." Article 62 also lists a number of principles and rights, such as:

- Equality between men and women in employment.
- The prohibition of discrimination in access to employment or services.
- Freedom of association and the right to strike.
- The right to just wages that provide workers with a decent life and allow them to cover their families' basic material, social and intellectual needs.
- Other basic rights, including social security, collective bargaining, professional training, and respect for privacy and personal dignity.

The Labor Code of the Dominican Republic (Law No. 16-92)⁵⁶ was approved in 1992, and demonstrated the intention to comply with international standards set by the ILO. Among the main improvements in the 1992 Labor Code are the recognition of the right to *fuero sindical* (protection of union members),⁵⁷ the right to strike in cases of disputes concerning the collective interest of workers,⁵⁸ equality between men and women, the formal establishment of Labor Courts,⁵⁹ and grievance mechanisms for labor disputes (Albuquerque, 1995: 46).

The Code is supplemented by special laws and by Decree No. 258-93 of October 1, 1993 and other executive orders and Ministry of Labor resolutions.

Braceros' Legal Rights

The Labor Code defines *braceros* as laborers who are employed exclusively in field work (Article 145). *Braceros'* employment contracts are covered by Title VI of the Labor Code, entitled "Del Trabajo del Campo," which defines field workers (*trabajadores de*

campo) as agricultural workers not engaged in industrial or commercial activities (Articles 277-278).

The Labor Code provides that agricultural enterprises, including sugar *ingenios*, are subject to all of its provisions, except those related to working hours and the closure of businesses during holidays:

- Instead of eight hours per day, field workers can work ten hours per day (Article 281), and
- farms are not required to suspend their activities on Sundays and non-working days (religious and national holidays).⁶⁰

Article 208 of the Labor Code states that agricultural workers' wages should be paid at least every 14 days. Field workers are guaranteed all rights laid out in the Labor Code and supplementary rules regarding the minimum wage, days off, vacations, Christmas pay, and severance pay.

The minimum wage is set by the National Wage Committee. For sugar sector workers, the minimum wage was established by Resolution No. 1 / 2010 as RD 110 (USD 3) per eight-hour workday, to be increased or decreased proportionately according to the number of hours worked.

Article 30 of the Labor Code states that the "seasonal" employment contracts of workers in the sugar industry are to be deemed valid for an indefinite period of time unless otherwise provided for by law or collective agreement. The Code states that the working time of workers who are employed for several consecutive seasons should be accrued in order to determine the benefits and rights to which they are entitled.

Labor law gives foreign workers the same rights as Dominican workers. However, it also calls for a "nationalization of work" by demanding that Dominican nationals comprise at least 80 percent of workers in an enterprise (Article 135). Agro-industrial companies are exempted from complying with these provisions because the Labor Code authorizes the Executive to grant permits each year to such companies to employ *braceros* in excess of the legal limit (Article 145).

Regarding the minimum age for field work in the sugar industry, Ministry of Labor Resolution No. 52/2004 of August 13, 2004 has defined the planting, cutting, and transport of sugarcane as dangerous and unhealthy work not suitable for individuals under the age of 18.⁶¹

Social Security

Article 60 of the Constitution states that, "everyone has the right to social security. The State shall encourage the progressive development of the social security system to ensure universal access to adequate protections against diseases, disability, unemployment and old age."

The right to Social Security is guaranteed by the Constitution and Social Security Act No. 87-01 of 2001, which created the Dominican Social Security System (SDSS). This system is universal and compulsory and comprises health, old age, disability, and occupational hazard insurance.

Despite the assertion that access to social security is “universal,” Law 87-01 states that the only beneficiaries of the system are "Dominican citizens and legal residents in the country" (Article 5). This provision excludes workers whose residence in the country is not legal (i.e. the vast majority workers of Haitian descent). The exclusion represents a setback in terms of protection of migrant rights, as the old Social Security Act of 1948 (No. 1896) provided compulsory social security insurance regardless of gender, nationality, occupation, or type of employer.⁶²

Given the legal loophole left by Law 87-01, the National Social Security Fund (CNSS) attempted to find a temporary solution. In August 2007, Resolution No. 165-07 was issued, authorizing the SDSS to continue providing health services to migrant temporary construction, agricultural, and port workers, and required that employers continue to make payments into the social security system on these workers' behalf for a period of 90 days.

Although the Resolution expired in 2007, as the CNSS took no subsequent action, the Resolution has continued to be implemented, mainly in construction, but also in the sugar sector to ensure that workers excluded from the Dominican Social Security System are provided with minimum health insurance coverage.

Workplace Health and Safety and Living Conditions

The Dominican Constitution protects the "right to integral health". Article 61 states that the government must ensure all peoples' access to clean water, nutrition, health services, sanitation, prevention and treatment of all diseases, quality medications, and medical and hospital care. The Constitution further requires that all employers ensure that their employees work in a safe, hygienic, healthy, and adequate working environment (Article 62.8).

The Labor Code includes rules allowing workers to resign (i.e. to terminate their labor contracts without liability) if the employer fails to protect them from "a serious threat to the safety or health of the worker" (section 97.11). The Labor Code also sets out severe criminal penalties for employer violations of these standards (Article 720.3).

In 2006, the Executive approved the Regulations on Safety and Health at Work (No. 522-06), which regulate working conditions and the prevention of workplace accidents and damage to workers' health. The Regulations require that employers eliminate all physical and mental threats to workers' health and safety (Article 2.21). It also guarantees workers' right "to participate in the design, adoption and implementation of preventive actions" by workplace Committees on Workplace Health and Safety (Article 4.2). In addition, the Regulations list employers' obligations, including to ensure the

safety and health of workers in all aspects of work (Article 6.1 .1) without any cost to workers (section 6.1.4).

The Regulations lay out the precautionary measures that companies must take to protect workplace health and safety (Article 7) and require, among other things, the design and implementation of "Workplace Health and Safety Programs " on a regular basis. Finally, the Regulations empower the Directorate of Industrial Safety and Health of the Ministry of Labor to prevent and control the risks of occupational accidents and diseases through evaluations, investigations, and monitoring (Article 3). They also establish the obligations of workers, who must comply with preventative measures laid out in the labor laws, as well as by employers (Article 5).

In 2007, the Secretary of Labor adopted Resolution No. 04-2007, to complement and ensure the implementation of Regulation 522-06 and Social Security Law 87-01. The Resolution establishes requirements regarding workplace health and safety in all economic sectors, as well as requirements for workplace health and safety "conditions" for specific sectors (particularly construction, offices, and mines). The following are some of the most important requirements:

- Ensure that the worksites and tools are in good condition.
- Ensure access to a sufficient quantity of drinking water or other healthy beverage and indicate the sources of drinking water.
- Ensure the maintenance and cleanliness of sanitary facilities (which must include sinks, toilets and showers) "in the vicinity of the workplace."
- Ensure that there is a portable, well-equipped first aid kit.

Forced Labor and Human Trafficking

Regarding the prohibition of forced labor and human trafficking and other forms of servitude, the new Constitution of the Dominican Republic represents an important advance because for the first time it expressly:

- regulates the rights, guarantees, and fundamental duties of individuals and includes a ban on all forms of slavery, servitude, and trafficking in persons (Article 41);
- prohibits anyone from forcing another person to work against his or her will; and
- states that the deprivation of liberty should only be used for convicted criminals and that their incarceration shall not involve forced labor (Article 40).

However, the Dominican Republic lacks specific legislation on the prevention and punishment of forced or compulsory labor. The Penal Code neither defines nor sanctions forced labor. The Labor Code only refers to forced labor implicitly, referring to the voluntary nature of employment contracts in its Fundamental Principle II, stating "every person is free to pursue any profession or trade, industry or commerce allowed by law. Nobody can prevent others from working or force them to work against their will."

Only the Code for the Protection of the Rights of Children and Adolescents (*Código para la Protección de los Derechos de los Niños, Niñas y Adolescentes*), Law 136-03, explicitly sanctions forced labor in Article 25. This article bans the sale of children and adolescents in various forms and prohibits forced labor as an internationally recognized worst form of child labor. The Act provides for penalties of 20-30 years imprisonment and fines of 150 minimum monthly wages for those who subject minors to forced labor.

Law on Human Trafficking and Migrant Smuggling (No. 137-03)

The Dominican Republic is a country of origin, transit, and destination for victims of human trafficking (CITIM, 2009).

The government's actions to combat human trafficking have been minimal. In 2003, the Dominican Republic passed a law on Smuggling of Migrants and Trafficking in Persons (No. 137-03), which defines, explicitly prohibits, and establishes sanctions for both offenses, as well as prevention and prosecution guidelines. The law recognizes the seriousness of human trafficking and the various forms it takes, stating that "millions of people, mostly women, children, and adolescents, are deceived, sold, coerced or otherwise subjected to situations of slavery, sexual exploitation, forced labor and other forms of exploitation."

The law defines the crime of human trafficking (based on the definition of the Palermo Protocol) as "the recruitment, transportation, transfer, harboring or receipt of persons by means of threat, force, coercion, abduction, fraud, deception, abuse of power or vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for purposes of exploitation, to exercise any form of sexual exploitation, pornography, debt bondage, forced labor or services, servile marriage, illegal adoption, slavery and/or similar practices, or the removal of organs "(Article 1).

In turn, the law establishes the Smuggling of Migrants as "facilitating the entry, exit, transit or passage of a person illegally into the country or abroad, without fulfilling the legal requirements to obtain, directly or indirectly, a financial or other benefit " (Article 1).

These definitions make clear the differences between human trafficking and human smuggling, but these terms are often confused or used interchangeably, especially since the term *trata de personas* (human trafficking) is confused with the term *tráfico de ilícito de personas* (human smuggling). The main distinction is that human trafficking is a violation of human rights and can occur both within and outside of national boundaries, while smuggling is an offense against the state and requires crossing a national border. In addition, smuggled people generally consent to be illegally transported to another country; while in trafficking, consent is achieved through coercion, deceit, or threats. Finally, victims of trafficking are exploited sexually or through forced labor, while people who are smuggled generally do not maintain a relationship with their smuggler after they are transported and are thus not victims of ongoing exploitation (CITIM, 2009).

Finally, under the law, there are stiffer prison sentences for human trafficking and larger financial penalties for human smuggling. Law 137-03 provides for a penalty of 15 to 20 years imprisonment and a fine of 175 minimum monthly wages for the crime of human trafficking and imprisonment of 10 to 15 years and a fine of 150 to 250 minimum monthly wages for human smuggling (articles 2 and 3). The law further states that both individuals and corporations may be convicted of these crimes, with corporations being subjected to additional penalties (Article 4).

Migration

In 2004, Congress passed Republic Act No. 285-04 on Migration (LGM). This law regulates migration, emigration, and the return of nationals (Article 1), recognizing international migration as "one of the most important social processes of the Dominican nation at the beginning of XXI Century".

The Act defines the categories and sub-categories of foreigners (who are classified as non-residents) and immigration and residency requirements and procedures, as well as procedures to combat human trafficking and human smuggling. It also establishes the rights and duties of foreigners, promotes the regularization of migrants (via a regularization plan), and includes regulations on the birth of children of foreigners in the Dominican Republic.

The Act stipulates that workers "entitled to work" in the Dominican Republic are covered by labor and social protections (Article 26). It also states that when foreigners are deported, it must be done "with due respect for human rights, as provided in existing laws and agreements ratified by the Dominican Republic" (Article 27).

The implementation of the Act is delegated to the Ministry of the Interior and the Police (through the Directorate General of Immigration) (Article 5). However, the Act also created the National Migration Council (CNM), composed of representatives of 11 institutions, responsible for implementing immigration policy (Article 7) and policy design and planning (Article 9.2), among other functions. Under the Act, the CNM must form a National Migration Institute for technical support and to aid in the "design, promotion, and implementation of studies on international migration" (Article 11).

Section (XI) of the Act regulates the entry into the Dominican Republic of "temporary workers," defined as a sub-category of non-residents, including "all foreigners who enter the country to offer their labor services for a given time, and under contract" (Article 36.5). The CNM is given the authority to determine the sectors of the economy that need to bring in "temporary workers"⁶³ and to establish quotas per sector as a result of consultations with producers, employers, and trade unions (Article 49).

Article 36 adds that seasonal work contracts in the sugar sector shall be of a temporary nature, thereby ensuring that *braceros* remain temporary workers unable to obtain "regular status" once the harvest has ended.

Article 49 prohibits the employment of temporary workers in free trade zones or tourism, except in border areas.

The definition of temporary workers is split into two types of workers: those recruited individually, and those recruited through "quotas". Article 50 of the Act establishes that individual workers must apply for admission into the Dominican Republic to a Dominican Consulate and provide necessary documentation. Under the "quota system," an application for admission to the Directorate General of Immigration may be made by the individual or by a company interested in hiring migrant laborers. The law requires that the applicant ensures compliance with requirements on labor rights and working conditions, provision of information to workers, transportation, travel expenses, and repatriation (Article 51).

The law establishes that individuals who are physically disabled, have a contagious disease, or lack necessary identification documents may not be admitted into the Dominican Republic as temporary workers under Article 53.

Article 54 states that immediately after clearing customs, temporary migrant workers (under the individual and quota systems) must be provided with a "temporary worker card" (*carnet de trabajador de temporero*).⁶⁴ This card enables foreign workers "to perform the gainful activity for which they were admitted, for the authorized period of time and within the authorized area." According to the law, a worker may be considered an "illegal alien subject to deportation" due to the lack of a *carnet*, the failure to carry a *carnet* outside of the authorized work area or expiration of a *carnet* (Article 56). This restricts foreign workers' freedom of movement and creates the menace of penalty for failing to carry a valid *carnet* or for traveling outside of the authorized area.

The Act requires that employers contracting temporary workers obtain a surety bond for each worker hired under the quota system (Article 57) to ensure compliance with their responsibility for repatriating the temporary workers upon eight days after the expiration of their contracts (Article 58).

In 2007, the Dominican government passed Circular 17 and Resolution 12, thereby requiring that the civil registry investigate the birth certificates of individuals born to foreigners for irregularities. Under these provisions, when a person of Haitian origin solicits a Dominican birth certificate from the civil registry, they may be investigated to ensure that no fraud is being committed. In addition, on January 26, 2010, the Dominican Constitution was amended to require that in order for children born in the Dominican Republic to obtain citizenship, at least one of their parents must be a legal resident of the Dominican Republic. In practice, it was reported that individuals of Haitian ancestry who solicited their birth certificates (even when one parent was Dominican) were told that their issuance had been suspended due to investigations, but that investigations were not in fact taking place. There have also been reports that these provisions have been used to discriminate against individuals of Haitian descent, who need birth certificates and citizenship to graduate from high school, register in higher education, obtain a passport, register for social security, and to get married.⁶⁵

It should be noted that these laws have been widely debated due to controversy surrounding provisions on the right to Dominican nationality and other provisions considered discriminatory against Haitians and Dominican-born children of Haitian descent. This led a group of civil society organizations to file a suit before the Supreme Court, claiming that the law was unconstitutional. The Supreme Court held that the law was constitutional.⁶⁶ In addition, the full implementation of Republic Act No. 285-04 on Migration depends upon the drafting and approval of General Regulations and the Migration Regularization Plan.

Appendix 3: History of the Sugar Sector

Dominican sugar production goes back to the beginning of the seventeenth century with the creation of rudimentary mills, called *trapiches* (Latorre, 1988). The modern sugar industry emerged in the late nineteenth century, driven by Cuban investors who began to invest in the Dominican Republic, as a result of the Cuban ten-year war, bringing the country's capital, technology, and business knowledge to the Dominican sugar sector. Between 1875 and 1895, more than 30 mills driven by steam were built and in 1896 sugar production reached 36,000 tons (Madruga, 1986).

Between 1900 and 1914, the sugar industry was affected by low prices and U.S. preferential treatment of Puerto Rican and Cuban sugar. Later, however, sugar price increases during the First World War caused the expansion and domination of the Dominican sugar industry by U.S. monopolies (Evertsz Báez, 1986).

During the U.S. occupation of the Dominican Republic (1916-1924), an industrial model was implemented, which transformed the Dominican economy from a subsistence economy to an agro-export economy. U.S. control of the Dominican Republic resulted in the increased presence of U.S. companies in the country and ushered in a period of economic integration between the two nations, creating the so-called "enclave economy" (Madruga, 1986). This led to the modernization of the sugar industry and the definitive replacement of the Dominican labor force by foreign workers, first from the Virgin Islands and then from Haiti (Báez-Evertsz, 1978).

By 1920, the sugar industry was concentrated in three business groups: the Vicini family, the Cuban-Dominican sugar company, and the South Porto Rico Sugar Company, which managed to insert in the Constitution of 1924 (Article 89) a prohibition on taxes on exports (Cuevas, 1999: 122).

Sugar production would remain controlled by foreign capital up until the 1950's, when the dictator Rafael L. Trujillo, in the name of "national interest," declared the sugar sector the "high priority of the regime." The Trujillo regime benefitted significantly from the increase in world sugar prices (Cuevas, 1999: 161). In 1948, Trujillo created three new mills⁶⁷ and between 1952 and 1956 nationalized nine of the thirteen mills that were owned by foreigners.⁶⁸

The 1950's also marked the last period of growth in terms of total volume of sugar production and the establishment of new mills. In 1958, 838,000 tons of sugar were produced, about 700,000 of which were exported. At that time, Britain was the leading importer of Dominican sugar and only 58,000 tons were destined for the United States (Latorre, 1988). With the triumph of the Cuban revolution in 1959 and the subsequent suspension and annulment of the Cuban sugar quota by the United States, the Cuban quota of 3.2 million tons was redistributed among other countries and the U.S. came to monopolize Dominican sugar exports. In 1960, the Dominican Republic increased its sugar exports to the U.S. market by 300 percent, for a total of 460,000 tons. At that time, Trujillo controlled twelve of the sixteen *ingenios* in the country.⁶⁹

In May 1961, Trujillo was executed and in November his family members were exiled. In 1962, with the final collapse of the dictatorship, there were two important developments for the sugar sector: first, the mills owned by Trujillo were transferred to the Dominican government,⁷⁰ and secondly, the economic sanctions imposed on the Dominican Republic by the Organization of American States (OAS) against the Trujillo regime were lifted. This led to an increase in the share of sugar exports to the U.S. by 130 percent, to 863,000 metric tons of sugar. With the new U.S. preferential market access, the Dominican Republic's dependence on U.S. sugar policy increased. (Cuevas, 1999: 181-2).

In 1966 the State Sugar Council (CEA) was created as an autonomous body responsible for managing state-owned mills. In 2003, the CEA produced over 60 percent of Dominican sugar, making it the leading company in the country (CEA, 2003).

Until the 1980's, when the worst crisis in the sugar sector's history began, the country was extremely dependent on sugar exports. Between 1975 and 1981, an annual average of 775,715 tons of sugar was exported. In 1982, there were 16 mills producing 1.2 million metric tons of raw sugar (TMVC). But by 1988, there were indications of the sugar crisis: two of the state mills had closed, CEA production was reduced by 50 percent, and significant portions of the sugar lands were ceded to private hands for production of "nontraditional" agricultural products (CESDEM, 2007).

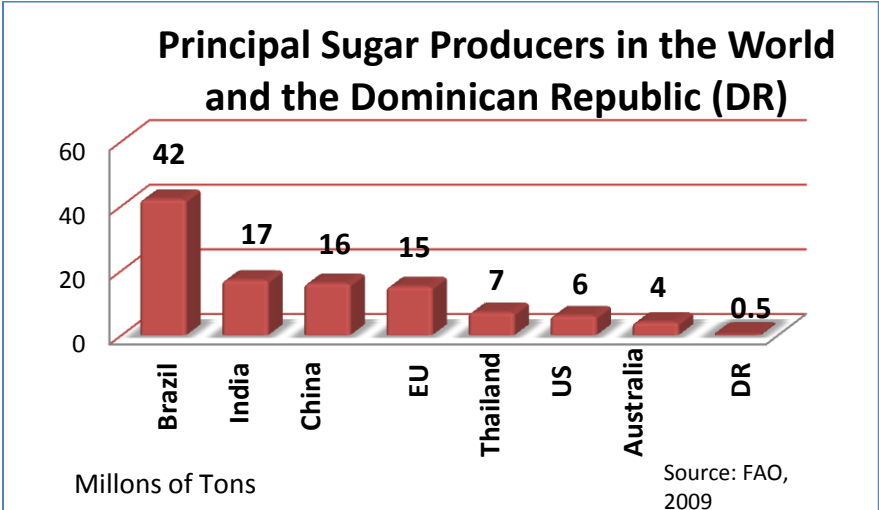
The collapse of the sugar sector was exacerbated by a number of factors, both international and domestic. Internationally, the development and commercialization of high fructose corn syrup as a sugar substitute in the U.S. led to a reduction of the sugar quota, reaching only 123,000 tons in 1988 (Latorre, 1988) . This also caused the price of sugar to fall significantly from USD 0.19 per pound in the early eighties to USD 0.04 in 1985. At the national level, a decisive reduction in the levels of productivity, a lack of investment, inefficiency in the administration of the mills, and high levels of corruption in the CEA led to further decline of the sugar sector (Wooding, Moseley-Williams, 2004).⁷¹

Between 1989 and 1999 the preferential sugar quota for the Dominican Republic was reduced by more than sixty percent, from 460,996 to only 190,657 metric tons. However, private sugar companies (Central Romana and Grupo Vicini), which were not affected by this reduction or by the State production decline, started to produce almost 70 percent of sugar in 1996 and became the main exporters. They were assigned 45 and ten percent of the sugar quota, respectively (Cuevas, 1999: 217).

The final significant change that the industry experienced in the last five years of the twentieth century was a result of the enactment of the *Ley general de Reforma de la Empresa Pública* No. 141-97 in 1997. The law promoted the reform and privatization of public enterprises in order to ensure "efficient management." The state sugar industry embarked on this process by allowing private entities to lease state-owned sugar mills for thirty-years, resulting in the transfer of administration of the CEA mills to Dominican and foreign investors.⁷² The ten CEA mills were leased in late 1999, recording the lowest sugar production in its history at 59,000 metric tons.

Although that process allowed some of the CEA-owned mills to continue to operate temporarily, most of the leases with private groups did not go beyond the 2004-2005 harvest. Out of the CEA’s Barahona, Boca Chica, Consuelo, and Montellano sugar mills, only the first remained in operation in 2011, and was administered by CAC.

In recent years the price of sugar recorded a significant increase due to a number of factors: the rise of renewable energy sources such as ethanol and biomass, the decrease in production in some countries due to climate change, and growing demand from countries like China. The price of raw sugar (which is listed on the NYSE) went from USD 0.07 per pound in 1999 to USD 0.24 in 2009 (EFE, 2009). By January 2011, the price of raw sugar reached the highest price in decades, standing at USD 0.30 per pound. However, the price fell to USD 0.24 in April, and in June 2011, prices went up slightly to USD 0.25 per pound.⁷³ Experts estimated that in 2011-2012 there would be a production increase of 5.8 percent.⁷⁴ The increased price of sugar has generated an increase in world sugar production, which was as high as 158.2 million tons in 2010, a rise of four percent compared with 2009 (INAZUCAR, 2010).



In 2011, the Dominican Republic had a total of 106,000 hectares of sugarcane planted and produced a total of 520,878 tons of raw and refined sugar for both local consumption and export. It also produced about 30 million gallons of molasses and more than twenty thousand tons of furfural, both derived from sugarcane (INAZUCAR, 2009). The total sugar production in the Dominican Republic has increased slightly since 2000. Currently, the Dominican Republic's sugar production is about equal to that of the mid-nineties, but much lower than production in 1986.

Production of Sugarcane and Derivatives in the DR (1986-2010)

Source: INAZUCAR

Year	Surface Area Planted	Raw Sugarcane	Refined Sugar
	Hectares^A	MV/1000000^A	TVC
1986	255,008	8,904,663	866,872
1990	205,560	6,483,455	589,658
1995	219,202	5,442,473	508,314
2000	142,891	6,549,180	437,868
2005	116,389	4,858,059	463,856
2010	106,939	--	504,900

The decline in sugar production has been accompanied by a reduction in the area under cultivation and the total number of jobs created by the sugar sector. The table below compares the area planted, the amount of raw sugar produced, and the amount of refined sugar produced in the Dominican Republic from 1980 to 2010.

Dominican Sugar Industry 1980 and 2010		
	1980	2010
Area Planted	200,000	106,939^
Percentage of GDP	5 percent	0.9 percent*
Sugar production	1.3 million	504,900^
Number of Ingenios	16	4
Colonos (percent of National production)	7,200 (40 percent of sugarcane)	3,000 -aprox- (32 percent of sugarcane^)
Jobs created	80,000	30,000^
Number of braceros	49,000**	10,000^
Source: *Banco Central, 2009; ^INAZUCAR (Informes 2009-10), Latorre (1980), **Báez Evertsz, 1986.		

The sugar industry now represents less than one percent of the Dominican Republic's Gross Domestic Product (GDP). Similarly, the number of mills has declined dramatically: only three private *ingenios* produced over 96 percent of all sugar in 2010 (INAZUCAR, 2010). In recent years, the sugar sector has experienced slight economic growth: according to Central Bank data, in 2009 the sector grew by 4.5 percent from production increases of five percent in raw sugar production and 5.8 percent in refined sugar production (Central Bank, 2009). This increase was due, among other factors, to the improved international marketing of Dominican sugar.⁷⁵

The Dominican Republic sells sugar and its derivatives, furfural and molasses, both nationally and internationally, to the U.S., the European Union, and other countries.⁷⁶ Exports to the United States reached 185,000 tons in 2009, and increased by ten percent after the signing of DR-CAFTA. The United Kingdom received 30,000 tons in 2009, but there were no exports to the EU in 2010.⁷⁷ According to INAZUCAR, 215,945 tons of sugar valued at USD 111.2 million had been exported from the 2009/2010 harvest as of June 2010, a significant increase of 22.2 percent over 2009. Exports of molasses and furfural totaled USD 10.5 and USD 16.8 million, respectively (INAZUCAR, 2010).

In 2009, 326,477 tons of sugar were consumed domestically. Surprisingly, the Dominican Republic often has to import sugar due to shortages and speculation. In 2010, for example, according to INAZUCAR, hoarding, speculation, and smuggling of sugar to Haiti led to the importation of 70,000 tons of sugar, valued at USD 53 million (INAZUCAR, 2010), in a year in which total exports exceeded USD 100 million.

Appendix 4: Sugar Producers

Consortio Azucarero Central, C. x A. (CAC)

Since 1999, CAC has administered *Ingenio* Barahona, which is owned by the CEA and leased to CAC.⁷⁸ CAC is owned by the Guatemalan Grupo Campollo and Dominican investors.

CAC's contribution to the DR's total sugar output has increased in recent years. *Ingenio* Barahona currently produces about ten percent of all sugar in the Dominican Republic, including 63,478 tons of sugar in 2009 and more than 68,000 tons in 2010. In 2010, *Ingenio* Barahona registered the largest harvest in 25 years (INAZUCAR, 2010).

CAC is also the company that has achieved the highest levels of mechanization in the past ten years (80 percent according to the INAZUCAR -2009), which has significantly decreased the number of *picadores* it uses from 4,000 in 2000 to 350 in 2011.

The main problem that CAC has faced is fires on its sugar plantations in the provinces of Bahoruco, Barahona, and Independencia. In 2010, about 80,000 tons of sugarcane were burned, resulting in large losses for the company.

Union and Collective Agreement:

CAC currently has two unions, the *Sindicato de Picadores de Caña del Ingenio Barahona* (formed in 1986) and the *Sindicato Unitario de Trabajadores del Consorcio Azucarero Central* (created in 2000 after the privatization process). Both unions signed a collective agreement that "benefits all employees except management, supervisors, inspectors, security, monitors or quality control [...]."

The Agreement reinforces rights provided for by the Labor Code, including: a bonus comprising ten percent of profits at the end of the fiscal year (in accordance with Article 223 of the Labor Code), a Christmas bonus, vacation time, double time for working on days off, and overtime pay, among others. Moreover, beyond their legal obligations, the company is committed to ensuring additional "privileges" such as loans for home furnishings, staff training through programs with INFOTEP, a "*alimentos de primera necesidad*" program by which workers may buy food from stores through payroll deductions, a Christmas celebration for workers, financial assistance in case of death of relatives, and a contribution to school fees for the children of workers.

The Agreement also provides certain benefits for cane cutters, including:

- Medical workshops for all *picadores*;
- A vaccination and de-worming program.;
- Motivational workshops in all *bateyes*;
- Dinner the night before the start of the harvest;
- Festivals and awards, once every two months;

- A “DR Assistance Bonus” of DOP 11.00 (USD 0.28) per day ;
- A “DR Productivity Bonus” of DOP 5.00 (USD 0.13) per ton if over two tons are harvested;
- An end of harvest bonus of DOP 5.00 (USD 0.13) per ton harvested;
- Transportation to and from the workplace;
- Company provided lunch at the workplace;
- Transfer to the *batey* at the start of each harvest, a mattress, a plate, a spoon, and potable water;
- Tools.

Social Investment

CAC has established a "social assistance program" that includes improvements to living conditions, support for agricultural production, and micro-loans, among other things (CEA, 2006). Unlike other *ingenios*, according to CAC representatives, the *bateyes* where CAC workers live are independent of CAC and the vast majority of its inhabitants do not depend on the company for work or shelter.⁷⁹

CAC made a social investment of USD 4 million between 2003 and 2008 (INAZUCAR, 2009). The social investment of CAC is significantly less than the two other major private sugar companies (partly because of this separation from the *bateyes*). According to the directors of CAC, social investments include infrastructure improvements in the *barracones*; prizes for the best workers (every two months the 15 best workers are awarded televisions, stoves, radios, etc.); parties; and educational seminars for workers in Creole (as set out in the Collective Agreement).

Consorcio Azucarero de Empresas Industriales (CAEI)

The CAEI was founded in 1859 by Juan Bautista Vicini Canepa, who created several *ingenios* in the late eighteenth and early nineteenth centuries. In 1921, the family business, Cristóbal Colón C x A., acquired Ingenio Cristóbal Colón (which was founded in 1883).

CAEI comprises Ingenio Cristóbal Colón and Ingenio Angelina (although the only currently operating *ingenio* is Ingenio Cristóbal Colón), which today is one of the most important businesses in the Dominican Republic. The *ingenio* is dedicated to the production of cane sugar and molasses and the cultivation and marketing of mangoes, pineapple, livestock, and construction. As for sugar production, CAEI was the second largest producer in recent years, comprising about 15 percent of the Dominican Republic’s sugar production (77,688 tons of raw sugar in 2008). However, in 2009 its share fell to 69,765 tons as a result of the explosion of a boiler at Ingenio Cristóbal Colón (which forced it to stop the harvest for a month).

The company has sought to improve its profitability through a sustained increase in sugar production and its derivatives, using greater efficiency to reduce production costs

(BSR, 2010).

Union and Collective Agreement

The two companies that administer Ingenio Cristóbal Colón, located in San Pedro de Macoris, and CAEI, located in San Cristobal, have signed collective agreements with their unions. Current agreements were signed in August 2010, and are valid until 2013 - the first between the company Cristóbal Colón, C. by A. and the *Sindicato de Empleadores y Trabajadores de la Industria Azucarera de la Empresa Cristóbal Colón (Obreros y Empleados)* and the second between Compañía Anónima de Explotaciones Industriales and the *Sindicato Autónomo de Trabajadores del Ingenio CAEI (SATIC)*.

Both agreements apply to "all production and maintenance workers" employed by the companies with the exception of those carrying out management and inspection responsibilities and echo provisions of labor laws regarding working hours, days of rest, minimum wages, overtime, holiday pay, profit sharing, etc. The Agreements also provide for the creation of several committees comprised of union and company representatives, including a "Grievance Committee" to settle and resolve complaints and disputes surrounding the Agreement and the "Committee for Home Improvement" to study topics such as housing availability and workers' compensation.

Some specific "privileges" guaranteed by the two Agreements are that workers are to be paid a bonus for meeting production goals, a Christmas and Labor Day contribution to the union, financial contributions to cover the costs of the death of a worker or family member, the provision of scholarships and school supplies for children of union members, and ambulance service for workers and their dependents, among others.

The agreement between Cristóbal Colón C. by A. and the *Sindicato de Empleadores y Trabajadores de la Industria Azucarera de la Empresa Cristóbal Colón (Obreros y Empleados)* also mandates the creation of a disability and social expenditures fund and a fund for a savings and loan cooperative (Cooperativa de Ahorros y Préstamos del Ingenio Cristóbal Colón) - two percent of net profits for savings and one percent for loans.

Social Investment

In 2010, BSR conducted a study for the U.S. Department of State on CAEI cane cutters, entitled, "Labor Conditions and Human Rights in Dominican Sugar Production." This study was based on a survey of 1,200 *braceros* and evaluated freedom of movement, freedom of association, child labor, discrimination, wages, and occupational health and safety. The study included the following recommendations for CAEI:

- the adoption of a Code of Conduct;
- the evaluation of the wage system and the adoption of necessary changes;
- an increase in the amount of support offered to workers' families in or to prevent child labor;
- issuance of personal identity documents to workers;

- changes to the occupational health and safety systems, in accordance with international standards; and
- the reevaluation and improvement of internal communication channels.

According to the report, CAEI began to immediately implement the recommendations.

According to INAZUCAR, CAEI has been the sugar company that has made the largest social investment (USD 60 million between 2003 and 2008). Among its social projects has been a project to improve the quality of life of workers in three *bateyes*. This Project included the construction of a “model *batey*” named Nuevo Cayacoa that was inaugurated in 2009 and includes housing, a church, an educational center, a community center, a recreational area, and a health center.

CAEI has invested in the construction of 28 schools (administered by the Ministry of Education), especially the Felipe Vicini Perdomo School, located in the Central Batey of Ingenio Cristóbal Colón (INAZUCAR, 2009).

Consejo Estatal del Azúcar (CEA)

The CEA was created in 1966 (by Law No. 7) as the independent body responsible for control and operation of the 12 State-owned *ingenios*. The CEA administered these *ingenios* until 1999 when the administration was leased to private companies, under the mandate of Law No. 141-97 (previously addressed) - which promoted the reform and privatization of public enterprises. However, Law 141-97 allowed other forms of transformation and reform of public companies beyond privatization, such as concessions (consortiums, management, leasing, etc.) and the transfer or sale of stocks, shares, and/or assets (Article 16). Under this Act, in 1999 the state sugar industry embarked on a process by which the ten CEA *ingenios* still in operation were leased out under a simple thirty-year lease, resulting in the transfer of the administration of the CEA *ingenios* to Dominican and foreign investors.

The CEA was put in charge of monitoring compliance with leases, in order to preserve the properties. However, the "lack of capital in state enterprises," along with the inability of groups of investors to meet their commitments, among other difficulties, led to the failure of the privatization process, as explained in the analysis of historical context of the industry (INAZUCAR, 2006).

Therefore, the CEA has returned to intermittently and precariously managing two of its' *ingenios*, Porvenir and Consuelo, which have deteriorated due to a lack of government capital to invest in the mills and road and railway infrastructure (CEPAL, 2008).

Social investment

Since its creation, the CEA has continued to assume responsibility for maintenance of the *bateyes* under its jurisdiction. Nevertheless, the CEA's ability to make social investments gradually decreased, especially with the decline of the sugar sector.

Despite this, in 2006 the CEA signed an agreement with various public institutions and NGOs working in sugar *bateyes*⁸⁰ "to promote sustainable development on behalf of thousands of people inhabiting the *bateyes*." In the agreement, a commitment was made to repair roads and bridges in order to improve access to state-run *bateyes*, and to promote reforestation campaigns in the *bateyes*. An agreement was also made to continue to develop assistance plans, including for "medical and dental procedures, distribution of food and furnishings in the case of natural disasters, and financial aid to cover the funeral services of indigent persons." The CEA has also established agricultural programs to stimulate the economy in depressed areas, which according to the CEA, have benefited the *bateyes* of San Pedro de Macoris.

In the 2010-2011 harvest, the CEA was not administering any *ingenios*, and had leased Ingenio Porvenir to *Azucarera Porvenir (SRL)*, a company with Spanish capital. SRL mechanized the harvest and hired about 800 cane cutters. SRL also made some improvements to the *barracones* (painting and waterproofing, etc.). However, SRL alleged that the lease also included 6,000 hectares of land in another CEA-owned ingenio in San Pedro Macoris, Ingenio Santa Fe. Ingenio Santa Fe, along with inactive CEA ingenios Consuelo and Quisqueya, were later leased to Constructora Castelar, owned by Grupo Vicini and Grupo Campollo (which own CAEI and CAC).⁸¹

Central Romana Corporation, Ltd. (CR)

Central Romana Corporation, Ltd. is an "agro-industrial and tourism business" belonging to the multinational Fanjul Corporation, which owns some of the world's major sugar companies.⁸² For decades, this company has been the main producer of sugar in the Dominican Republic (producing more than 70 percent of the Dominican Republic's sugar in 2009⁸³). It also has the only sugar refinery in the Dominican Republic.

Over time, in addition to sugar, Central Romana Corporation has diversified into different areas of the Dominican economy: chemicals, Free Trade Zones, livestock, meat processing and dairy products, construction materials iron production, and the operation of a port, airport, hotels, and real estate business. Central Romana Corporation's enterprises generate about 25,000 jobs.⁸⁴ Central Romana has been classified by the Central Bank as one of the largest companies registered as a "foreign business" in the country.⁸⁵

Central Romana was the most efficient sugar business in the country and according to INAZUCAR, had mechanized 50 percent of its production and aimed to reach 70 percent between 2014 and 2015 (INAZUCAR).

Union and Collective Bargaining Agreement

The union of CR is *Sindicato Unido de Trabajadores*, which has 15,000 members, the largest in the Dominican Republic. A collective bargaining agreement was signed in 2007, which contemplated a salary increase of 30 percent for workers. The union has

defensores del trabajador (worker representatives) in each *batey* (CR 2008). The currently collective bargaining agreement was signed in May 2010 for a period of three years and applies to employees whose salaries do not exceed DOP 17,000 (USD 437) and who do not exercise certain leadership positions such as in administration or human resources.

The collective bargaining agreement reiterates many of the rights established by the Labor Code, such as wages, Christmas bonuses, vacation, and days off. In addition, it grants additional benefits - annual wage increases during the term of the agreement (between eight and ten percent), reimbursement of expenditures for technical studies and/or basic education, awards to distinguished workers, educational plans for the children of workers, ambulance service, and housing.

The following are among the measures that affect *braceros*:

- Installation "to the extent of their abilities" of faucets in the *bateyes* and water fountains close to where the cane is cut (Article 24).
- Creation of health facilities "in the places legally deemed necessary" and their maintenance (Article 28)
- Transport adequate "to all workers who are ordered to work outside their workplace (Article 31.b).
- Provision of the supplies and tools needed to perform the work (Article 32).

Social Investment and Corporate Social Responsibility (CSR)

CR has a variety of CSR programs, including for: health (a health center at Romana headquarters, two sub-centers in the *bateyes*, and three mobile medical units, with a budget of DOP 30 million [USD 770,614] per year); education (the construction and maintenance of 57 schools in the *braceros* communities, which provide schooling to approximately 8,500 students, as well as adult literacy programs, with 250 people graduating between 2003 and 2007); food (subsidized food programs); among others (CR, 2008/Bacardi, 2009). According to INAZUCAR, the total social investment made by CR between 2003 and 2009 reached USD 32 million (INAZUCAR, 2009).

The Sugar Colonato

Although the first sugar *colonato* dates back to the late nineteenth century, the type of tenant farmers that exist today emerged in the 1960s, after the fall of the Trujillo dictatorship. By 1966, the CEA was created, and *colonos* controlled nine percent of Dominican sugarcane plantations and supplied their sugarcane mainly to Central Romana (Neck, 1997).

Since 1969, *colonos* are governed by Law No. 491 on the Sugar *Colonato*, which defined the settlers as "all persons or entities engaged in the cultivation of sugarcane which is designated as a raw material for the industrial processing of raw sugar and its

derivatives, whether such persons possess a title to the land or are entitled to use it by virtue of a lease, tenant farming, sharecropping, or any other temporary title."

This law determined that according to their performance and the link and history that they had with a particular company,⁸⁶ *colonos* could benefit from "grandfathering". The law also created a system by which sugar companies could finance *colonos'* sugar harvests.⁸⁷ Likewise, the legislation delegated to sugar companies the responsibility for the transport of the sugarcane and payment to *colonos* based on the percentage of sucrose sugar resulting from the processing of all ground sugarcane, after making deductions for tax payments and cash payments to the *colonos* or their workers (as well as social security and workplace accident insurance).⁸⁸

Since 1970, the sugar *colonato* spread mainly in the eastern and southeastern areas of the Dominican Republic (but also in the north, in the Province of Puerto Plata). At the end of the 1970s, there were about 11,000 *colonos* who cultivated sugar on 48 percent of the total amount of land under cultivation for sugar. They also produced 45 percent of the sugar produced by state-owned *ingenios* and 38 percent of the amount of sugar produced by the largest private producer, Central Romana (Murphy, 1989). In the late eighties, *colonos* were affected by the collapse of the sugar industry and 35 percent decrease in sugar prices. Subsequently, the failure of reforms in the sugar industry that began in 1999, and the subsequent closure of most of the CEA plantations, has made it difficult for *colonos* to maintain production, especially those with smaller plots of land.

Colonos are organized into two federations: *la Federación Dominicana de Colonos Azucareros (FEDOCA)*, created in 1968 and *la Federación de Colonos Azucareros de la Región Este (FECARE)*. According to FEDOCA president, Mr. Bernardo Díaz, FEDOCA has a membership of approximately 3,800 *colonos*. Both federations meet with *colonos'* associations created around the old plantations of the CEA. Many of these

There is also an *Asociación de Colonos de Romana* (linked to Central Romana) with over 700 members, which has maintained steady production by not depending on the old *ingenios* of the CEA, and whose mode of production is different from that used by the CEA *ingenios*. It is the association that is the most independent of FEDOCA (CIPAF, 2009).

Projects and Social Investment

In 2010 and 2011 FECARE *colonos* were part of *Proyecto Cultivar*, a Social Accountability International (SAI) project implemented in the Dominican Republic for the Center for Research and Cultural Aid (*Centro de Investigación y Apoyo Cultural - CIAC*), which aims to improve compliance with labor rights in the agricultural sector in Central America and the Dominican Republic. As part of this project, trainings were carried out on labor rights and occupational health and safety for the *colonos* and their workers. Additionally, as part of this project, several Social Dialogues were conducted

concerning the main problems which impact these sugar producers (migration, social security, etc.).

Appendix 5: Reports on Forced Labor in the Sugar Sector

It was not until the middle of the twentieth century that some authors began to write about the inhumane conditions faced by Haitian migrants in the Dominican *bateyes*. One such author was the Haitian ambassador in Santo Domingo, Price-Mars (1953), who described the "drama of Haitian immigration" in the early fifties. He expressed how migrants lacked "all legal status" and continued:

"[...] The ingenios that employed the braceros granted a sui generis statute that transformed them into the property of the company. They did not have the right or the freedom to leave the places where they worked and were even less able to escape the tasks that they had been assigned. The police would catch them just outside the mills without any personal identification documents (such as a national identity card) since the only ID they had was the workers' residence permit issued and held by the head of the company they worked for. They were paid as directed by the company and once the harvest was complete, the employer could terminate all salaries [...]."

Although the exploitation of Haitian migrants in the Dominican Republic was known to many, it was not until the late sixties and early seventies that people began to formally study the conditions of migrants in the Dominican Republic. Sociologists, anthropologists, social scientists, and Dominicans of Haitian descent took on the task of analyzing and interpreting the so-called "question of Haiti." These intellectuals included such individuals as Gerard Pierre Charles, Suzy Castor, Franklin Franco, Frank Hernandez, Isis Duarte, Magda Acosta, Jose del Castillo, Ruben Silié, Roberto Cassa, Lis Despradel, Franc Báez, Wilfredo Lozano, Joseph M. Madruga, Carlos Dore, and Frank Moya Pons, among many others. Many of them focused their academic studies and publications on the "sugar issue" and described migrant labor in the Dominican sugar industry.

During the same period, various international organizations and individuals concerned with human rights, such as the Anti-Slavery Society, also became active in addressing the issue of Haitian migrants in the Dominican Republic. Individuals such as author Roger Plant, journalist Maurice Lemoine, and attorney Ramon Veras⁸⁹ published books, papers, and reports denouncing the bilateral contracting agreements on *braceros* between Haiti and the Dominican Republic and the conditions of "slavery" to which these workers were reduced. The growing number of domestic and international accusations added weight to the claims of the exiled Duvalier regime and eventually drew the attention of the United Nations and the International Labor Organization (Ferguson, 2006: 314).

It should be noted that these allegations of systematic human rights violations in the sugar sector were generally alleged against the CEA (although many also mentioned how the private mills benefited from the system). At first, these reports mainly criticized the "massive hiring of workers" under inhumane conditions, under an intergovernmental agreement between the Dominican Republic and Haiti. This agreement essentially

meant the "sale" of Haitian workers by the Haitian government to the Dominican Republic. The reports also documented the physical abuse committed against workers and the restrictions on freedom of movement achieved through constant surveillance in the *bateyes* and in the fields. After the elimination of the inter-governmental recruitment system in 1986, the Dominican government began to remove the armed forces and the CEA from their involvement in the forcible recruitment of Haitian migrants living in the country. Finally, the reports also criticized the deplorable working conditions and wages, as well as the miserable living conditions of workers (lack of potable water, latrines, electricity, overcrowding, etc.).

Some international organizations called for economic sanctions against the Dominican Republic. One example was Human Rights Watch, which in 1989 asked the US government to investigate the Dominican Republic before renewing their status as a beneficiary of the Generalized System of Preferences (Minorities at Risk Project, 2004). This request, in addition to the other allegations levied against the Dominican Republic, was met with staunch denials by Dominican authorities, as well as the general Dominican public (Gavigan / NCHR, 1996).

Starting in the mid-nineties, local and international human rights organizations (such as the Center of Social Studies Juan Montalvo, Amnesty International, Christian Aid, the National Coalition for Haitian Rights, among many others) began to question and criticize human rights violations and various forms of discrimination faced by Haitian migrants and their descendants in the Dominican Republic. These new areas of interest included forced mass deportations, the perpetuation of Haitian workers' status as "illegals" and "persons in transit," and the consequent denial of access to citizenship to Haitians and Dominicans of Haitian descent. Many complaints and reports, however, also included some reviews and/or criticisms of the working conditions of sugar *braceros* and the living conditions of the thousands of Haitians and Dominicans of Haitian descent who continued to reside in the *bateyes* and work for the sugar industry.

Finally, it should be added that these "new" allegations were also brought to international bodies, both within the UN System, and the Inter-American System of Human Rights within the Organization of American States (OAS). Specifically, allegations were brought to the Inter-American Commission on Human Rights, which ruled in 1991 and 1999 against collective expulsions, and the Inter-American Court of Human Rights (IACHR), whose jurisdiction the Dominican Republic recognized on March 25, 1999. Starting in the late nineties, several local human rights organizations, including the Human Rights Clinic of American Universities, began to submit complaints to the Inter-American Commission for the thousands of cases of deportation of Haitians⁹⁰ and the denial of the right to Dominican citizenship. In 2005, the Court ruled against the Dominican Republic in the historic case of *Yean v. Bosico* for breaching the right to equality before the law and the right to nationality of the victims in their capacity as Dominicans of Haitian descent (IACHR, 2005).

Anti-Slavery Society for the Protection of Human Rights: “Migrant Workers in the Dominican Republic,” 1979

In 1979, the first international human rights organization, the Anti-Slavery Society for the Protection of Human Rights, based in London, presented a report to the UN Working Group on Contemporary Forms of Slavery. This document, entitled “Migrant Workers in the Dominican Republic,” was one of the reports that served as the basis for a wave of international reports on Haitian workers and started the international discussion about forced labor in the Dominican Republic (Plant, 1987:73).

The report acknowledged that Haitian migrants were compelled to leave their country of origin to "escape unemployment rates of up to 65 percent." The report deplored the coercive mechanisms of recruitment for the sugar industry and the "sale" of migrants to the *ingenios* by the Haitian government:

[O]nce at the border they are stuck in trucks or in collection areas where they hope to be hired either by Dominican landowners, whether by representatives of the three main producers—the State Sugar Council, the Vicini family, or Gulf and Western, a transnational American company. In transit, the only meal offered to the migrants is sugar cane juice or brown sugar. At the collection points, workers are sold for 10 pesos (11 dollars) each and trucked to the plantations of their buyers."

The report also criticized the deplorable conditions in the *bateyes* of the state-run CEA. In particular the report listed:

- The payment system of paying workers according to the weight of the cane they harvested, which allowed for deceptive practices since illiterate workers could not verify the accuracy of the weighing receipts
- Biweekly exchanges of *vales* (coupons) for cash, which encouraged borrowing and generated the need to cash in *vales* for food at *bodegas* for a loss of ten percent of their value
- The violations of freedom of association in the 12 CEA mills, and
- The absence of social security, overcrowding, malnutrition, and poor sanitation (lack of electricity, drinking water, latrines, etc.).

The Anti-Slavery Society concluded that Haitian laborers were kept in a condition of "abject submission on behalf of the accumulation of profit, both private and public, thanks to foreign aid used to maintain and equip a large police force."⁹¹ They also noted that such a situation was possible for the same reasons that made the trans-Atlantic slave trade possible: the abuse of the profit motive, coupled with ignorance and apathy on the part of consumers.

Maurice Lemoine: “Bitter Sugar,” 1981

In 1981, French journalist Maurice Lemoine published "Sucre Amer: Esclaves aujourd'hui dans les Caraïbes" ("Bitter Sugar: There are slaves in the Caribbean"). The

book describes the adventures facing *Estimé Mondestin*, a Congo who decides to work on the sugar plantations, but is deceived by false promises. He recounts in detail the recruitment in Croix-de-Bouquets, Haiti, the "prisons" that the sugar *bateyes* became once workers arrived after being trafficked there, and the discrimination to which they were subjected once in the Dominican Republic. In addition, Lemoine sprinkles the text with historical details about Haitian history, relations between the two countries, and the prejudices the Dominicans held against the Haitians.

Lemoine described the violence and fear that marked the recruitments, "Croix-des-Bouquets, hit by a crowd of Haitians adrift, was about to explode, the batey conscriptions had not even started and four workers had died when a wall collapsed. Since the beginning of his 'recruitment', Mondestin had many problems. First, he became the target of a Tonton Macoute who had struck him without the slightest provocation. He should have been careful. The National Security Volunteers (VSN) (official name of the 'Tontons Macoutes,' the Duvalier regime's police) seemed very excited. Shouldering rifles, machine guns in hand, machetes strapped to their belts, they made for an impressive sight in their blue cloth uniforms. Mondestin received the blow without flinching. Like everyone else, he feared them. Lackeys, torturers, mercenaries, thugs, they were the law and order in Haiti since its creation by Francois 'Papa Doc' Duvalier (p. 27)."

He also recounted in detail the extreme difficulty of the work in the *bateyes* and sugar cane fields:

"The foreman pounded on the door. It was four o'clock. Let's go! Let's go! To the cane fields! When the workers took too long to wake up, he would knock down the door. Arise, Kongos, Jean Claude sold you to me! And the workers would rise grumbling. They no longer knew how long they had been there. They departed into the chilly dawn like zombies. The foreman did not cut the cane. The workers were put to work immediately; they cut on an empty stomach. They could not do otherwise. They stopped at noon to rest a little if there were no foremen or overseers to be seen.

To drink the cane juice, the workers squeezed the cane out of sight of the Dominicans. They could spend three or four days drinking only juice from the cane. Then, thousands of machetes gave rhythm to the monotonous hours. They smashed their shoulders on the cane in the stifling heat that gave them no respite until the evening. The Dominicans watched, mounted on their horses. There were always two or three overseers, with the eyes of inquisitors, their speech dry and humorless as they patrolled the field. The Kongos were not allowed to talk or tell stories to kill the time. They slept hungry, woke up hungry and worked all day with their hunger. If they stopped for a moment the overseers would yell at them. A worker found sitting in exhaustion, his face distorted from the pain, would not be excused. They were beaten. The chiefs said they were not going to stop wasting the money they paid for them. You do not want to work, you band of bums! But we will get our money's worth! [...]"(p.181).

One of the striking aspects of the book was that it reproduced in full detail the contract between the government of Haiti and the Dominican CEA in 1978-79 and the harvests from 1979 to 1980, after years during which these conditions were hidden. The contract called for the recruitment of 15,000 agricultural workers "to fulfill the needs of the sugar plantations of the Dominican State" and for payment to the Haitian government the sum of US \$1,225,000 in order to cover the costs of recruitment and "transportation from the recruitment centers to Malpasse" (Article 10).

Lemoine's publication and the previously mentioned report by the Anti-Slavery Society were the principal documents relied on for complaints filed with the ILO. These complaints, in turn, led the agency to form and send a Commission of Inquiry into the Dominican Republic, as detailed below, to assess the working conditions of the sugar industry.

ILO Commission of Inquiry Report, 1983

As a result of the complaints submitted to the ILO against the Dominican Republic, in 1981, the ILO sent a Commission of Inquiry to both Haiti and the Dominican Republic in January of 1983. In their summary, the Commission identified the "subhuman" conditions in which the laborers lived and worked in what should be classified as "slavery."

The second step of the Commission was to determine whether both countries had failed to comply with ILO Conventions on Forced Labor (No. 29 and 105), on Freedom of Association (No. 87 and 98), and the Convention on Protection of Wages (No. 95). The Commission was also supposed to make appropriate recommendations.

The Commission carefully analyzed a wide range of materials, including annual intergovernmental agreements from 1979 to 1983. The Commission also received testimony from parties who testified in preliminary hearings in Geneva and gathered information from government authorities, organizations, and individuals in the Dominican Republic and Haiti.⁹² Labor officials, immigration officials, and representatives of the *ingenios* denied the allegations of illegally trafficking migrants and forcing them to work on plantations. The CEA argued that such mistreatment could have occurred, but that it was not perpetrated purposefully by the institution.

On June 17, 1983, the Commission published a 200 page report in which it found that both Haiti and the Dominican Republic had failed to comply with the Convention on the Abolition of Forced Labor (No. 105) and the Convention on Forced Labor (No. 29). Specifically, the contractual terms of the existing agreement between the Dominican government and the Duvalier regime, which outlined the forcible recruitment of Haitians and the practices used to keep them working in the sugar plantations, were found to be in violation of international conventions on forced labor.

It should be emphasized that in determining the violations of the conventions cited, the Commission distinguished between different types of workers depending on whether they were recruited under inter-governmental contracts, whether they entered illegally on their own, and whether they were resident agricultural workers. For the workers recruited by the Haitian government, the Commission denounced the annual contracts which required them to remain in their designated villages for the six-to-seven month harvest and which required them to surrender their personal documents to the overseers.

The Commission also recognized that many workers sought employment voluntarily and that the number of workers offering their services exceeded the quota of workers to be recruited. Although the workers had complaints about the working conditions and treatment, they explained that they "had sought this job because living conditions were even worse in Haiti." The Commission pointed out that the workers did not receive a copy of the employment contract and "without exception none of the interviewed workers on the plantations had been informed about the conditions under which they would be working." They had only been informed that "the conditions would be good." The Commission found that if the workers could terminate the employment relationship, then the violations would not have been so egregious, but workers trying to leave the plantations before the end of the harvest were forced to return to work by the overseers despite express prohibition of this behavior by Convention No. 105, which bans any form of forced or compulsory labor employed as a "measure of labor discipline" (Article 1.c). Violations of this provision also negatively affected "illegal" workers who were recruited outside the parameters of the contracts, as it was questionable whether the work was voluntary and whether they could leave these plantations.

In the case of workers residing permanently in the *bateyes*, the Commission found that the Dominican Republic had also breached the Convention on Forced Labor since the workers could not leave the plantation in search of other work, as they risked deportation if they left the vicinity of the *batey*. In addition, workers residing in other parts of the country were often arrested and forced to work on plantations.

The Commission also determined that the DR was in contravention with the Convention on Wages for several reasons: the income of workers (wages plus incentives) were "substantially below the minimum wage in the agricultural sector"; there were no real guarantees to prevent fraud in the weighing of cane; the practice of "enforced idleness" in which workers remained idle and unpaid for days because of the "operational requirements" of the mills; and the large deductions made from workers' wages.

In Chapter V of the Report, the Commission listed the recommendations to the Dominican government in order to correct the violations indicated:

First, the Commission recommended that the Dominican government enact measures that would enable the establishment of a stable workforce, design mechanisms for better and more productive farming, implement complementary systems of labor on sugar plantations that would involve other crops, and

designate arable land for workers to supplement their income and ensure their survival outside of the harvest season.

As conditions for the recruitment of Haitian workers for the harvest, the Commission stated that intergovernmental hiring arrangements must include provisions requiring that:

- the two nations publish their agreements, including the conditions of recruitment and any additional clauses;
- the Haitian government record in their governmental accounts and make public all fees paid by the Dominican Republic for the recruitment of workers, and that these costs correspond to the actual cost of recruitment and transportation; and
- the Dominican Republic prohibits authorities and CEA officials involved in the recruitment of workers from receiving additional payments for this purpose.

With regard to freedom of movement both nations must:

- Take appropriate measures to provide clear information to workers about working conditions and ensure that these workers are not transferred to other jobs without their consent and without being fully informed about the terms of the contract. The Commission also required the delivery of individual contracts for workers in Creole, or at least a written statement of working conditions, indicating among other things, the terms of remuneration and the nature of the employment relationship;
- Stop the practice of withholding personal identity documents (passports) by the CEA or the Haitian Embassy;
- Eliminate the use of security forces to locate plantation workers recruited outside the inter-governmental agreement;
- Ensure that public administrations and private mills do not take action involving the confinement of workers on sugar plantations.

The Commission noted that it was not legitimate for a state to leave workers in an illegal status, when their labor was necessary for the functioning of the economy, especially when the state was their employer. To correct this situation, the Commission recommended that:

- The Dominican government should formally approve the stay of workers seeking employment in the sugarcane harvest, to be implemented by the Dominican governmental office which coordinates and supervises the recruitment of workers. This office should also provide a medical examination and an official document that will ensure the legality of their stay in the Dominican Republic.
- The Dominican Republic should establish and promote a program to regulate the status of Haitians who have lived and worked in the Dominican Republic for a period of time, according to criteria and conditions deemed appropriate.
- The Dominican Republic should ensure strict adherence to military and police regulations and prevent any arbitrary and oppressive conduct towards Haitian residents.

With regard to ensuring the protection for the fair payment of wages, the Commission stressed the need for legislative reforms that include direct payment to workers in cash and the prohibition of payment vouchers. The Commission stated that employers should also be banned from interfering with the freedom of workers to freely dispose of their wages, and should be obligated to inform their workers about established policies covering pay and deductions. Finally, the Commission urged the implementation of inspections by the Ministry of Labor "as an effective instrument to ensure compliance with labor standards and the rights of workers in sugar plantations."

Ramon Antonio Veras Publications, 1983 and 1985

The lawyer, Ramon A. Veras, wrote articles, presented papers, and published two works in which he denounced the "slavery" of Haitian workers in the Dominican Republic. His first work "Haitian Migration and Slavery" (1983), referred to the living conditions of Haitian workers in the sugar industry and the recruitment mechanisms implemented at the private and government levels, which allowed these workers to labor in conditions "akin to a new form of slavery, in different areas of the Dominican national economy" (Veras, 1985:105). The second paper, more extensive than the first, was entitled "Caribbean Migration and the Haitian Chapter" and covered topics such as the protection of migrant workers by the ILO from discriminatory practices and an analysis of various migration flows from the Dominican Republic and Puerto Rico, as well as Haitian immigration into the Dominican Republic.

On this last point, the author analyzed the annual contracts for transportation, living, and working conditions of Haitian workers and criticized that the employers had never complied with the terms of these agreements, which stipulated that workers would enjoy "all the benefits of Dominican law, to include Social Security, health care, social work, weekly rest, bonuses, etc. " He reported:

"Immigrants living in huts or cramped shacks, with dirt floors, without electricity or safe drinking water [...], the laborers are forced to work 14 hours a day and only receive payment in the sum of RD 3.50.

The laborers are victims in the weighing of the cane. The *bracero* does not know how heavy the wagon is when he drops off the cane he has cut. And the measured weight, which is the fruit of their hard work, is usually "fixed" so that it weighs less, thus cheating the *bracero* even further.

The laborers do not receive medical attention [...] The lack of economic means condemns the Haitian *braceros* to starve. When in the field cutting cane, if they have money, they eat what they can buy with what little they earn: they drink cane juice with lemon and eat bread.

The health of the laborers is strongly affected not only by the limited supply of food, but also by the nature of the work they do [...].

With all these injustices, the Haitian cane cutters in the Dominican Republic cannot protest, and the protests are silenced by the '*tontons macoutes*.' These men are agents of the *bateyes* who come from Haiti to play the dual role of

vigilantes and silencers of the protests of the *braceros* and who spy on Haitian political exiles living in the Dominican Republic.”

For all these reasons, the author concludes: "The life led by Haitian workers in the Dominican Republic is one of real slavery. There is no possible definition to describe the living conditions of these laborers." He added that there was no difference between workers who came through the intergovernmental contracts and those already residing in the Dominican Republic illegally (Veras, 1985: 29, 30).

Roger Plant, “Sugar and Modern Slavery,” 1987

In 1987, Roger Plant published “Sugar and Modern Slavery: A Tale of Two Countries” in London, with the support of the Anti-Slavery Society. In 1982 he had been hired by the United Nations to investigate the situation of sugar *braceros* in the Dominican Republic, following reports suggesting that their working conditions were "analogous to slavery," and filed his report before the UN’s Working Group on Slavery.

“Sugar and Modern Slavery” describes the historical growth of the sugar industry and analyzes relevant policies of the time. Chapter 6, entitled “Haitian Forced Labor in the Dominican Republic from 1976-1986,” details the findings obtained by the author in his interviews with hundreds of sugar *braceros* and recounts the events that had taken place beginning in the early 1980s as a result of international claims against the country. In general, the author explains that the Dominican press, in particular *El Nacional de Ahora* and the *Listín Diario*, strongly rejected the term "slavery" even when they recognized that the conditions were unacceptable. In a few cases, they also contested the forcible arrests, the sale of laborers, and the continued exploitation of these workers (p. 73).

Describing the situation in 1986, Roger Plant stated that forced recruitment was being used "whenever there is a significant deficit of Haitian labor in particular regions," and went on to assert: "The *bateyes* are like concentration camps in which workers are not free to leave" (p. 80).

This is why, said Plant, despite the changes announced by the government and marginal wage increases, the situation was "as bad as ever."⁹³ At the beginning of the 1985-1986 harvest, the Dominican government announced that it would not “import” *braceros*, as the situation did not permit the CEA to fund the cost of the intergovernmental agreements, given that in Haiti they had sparked national protests that culminated in the fall of the Duvalier regime. In order to fill the labor shortage, the Dominican government tried, without much success, to promote measures such as the “Dominicanization” of the harvest. However, according to the author, allegations of massive forced recruitment and repatriation at the hands of the Dominican army continued, even in the Dominican press (p. 79).

In particular, Plant highlighted that in Haiti, opponents of the Duvalier regime began to consider the labor recruitment of Haitians for the Dominican sugar sector as an "affront to national dignity." The author noted that until 1986 there had been only sporadic criticism of the inter-governmental agreement due to the control of the media by the Duvalier dictatorship, which ensured that criticism was stifled. The last few months of the regime experienced a surge of criticism of the situation of Haitian workers in the Dominican Republic by the opposition, who ranked high on its agenda the issue of the "slavery of Haitians" in Dominican cane fields (pp. 87-88).

According to Plant, in late February 1986, the Dominican government made public announcements that illegal Haitians in the country that did not show up for the cane harvest would be repatriated; although no deportations actually occurred. Only some Haitians agreed to work in the harvest, lured by the promise that the wage per ton would be increased to RD \$3.00. According to official figures, in mid-March there was a deficit of 10,000 tons of sugarcane and the harvest of 1986 ended up being the lowest of the decade (pp. 89).

Americas Watch / Human Rights Watch: Reports on Forced Labor, 1989-1992

Between 1989 and 1992, the monitoring organization Human Rights Watch and its Division for Latin America and the Caribbean, Americas Watch,⁹⁴ reported human rights violations against the Haitian cane cutters in various reports and publications.⁹⁵

Two of these reports focused exclusively on the issue of forced labor in the sugar sector and were published in collaboration with the National Coalition for Haitian Refugees and Caribbean Rights. The first report, "Harvesting Oppression: Forced Labor in the Dominican Sugar Industry," was published in 1990, followed by "Half Measures, Reform, Forced Labor and the Dominican Sugar Industry" in 1991, which addressed various initiatives launched by the Dominican government to improve working conditions. Both documents were made after the dispatch of a fact-finding mission that conducted interviews with dozens of workers in five CEA *ingenios* and at some border points.⁹⁶ The fact finders concluded that the use of coercive recruitment and forced labor persisted in the sugar industry, specifically in the CEA *ingenios*, in clear violation of internationally recognized labor standards.

According to the report, "the continuing use of forced labor begins with the abusive recruitment policies practiced by recruiters, who are hired by the CEA in conjunction with the Dominican armed forces, and ends with the imprisonment of *braceros* on the sugar plantations. The use of *buscones* and deceptive practices to obtain these Haitian workers is a recurrent element in the operations of the CEA [...]."

Both reports included testimony from dozens of workers who supported these conclusions, and the various indicators discussed. Some of these indicators are summarized below.

Recruitment: Use of force and deceptive practices:

- Use of force in the recruitment of cane cutters, which continued to be "not only tolerated but encouraged by the Dominican government." Dominican armed forces continued the practice of arresting Haitians on the border (or near it) to gather them and send them against their will to the CEA plantations.
- Deceptive recruitment systems. Given the need of the CEA to attract enough workers despite the poor conditions of work and life, the *buscones* had a "strong incentive" to lie to induce workers to cross the border and would then leave them in the hands of the military or "CEA managers." Most of the workers interviewed by the delegation had been offered specific jobs (harvesting tomatoes or rice) or were promised a "good job" and that they could "make good money."

Restrictions on freedom of movement:

- The report notes that "most of the workers interviewed knew they could not leave the plantation until the end of the harvest because they had:
 - asked permission to leave and were denied, or
 - believed that if they attempted to leave, they would be arrested.
- Those who tried to leave were physically abused or threatened with physical violence. Those who escaped were often later arrested by the *guardacampestres* (guards employed by the CEA).

Confiscation of personal property of employees:

- The confiscation of identity documents and personal property (especially clothing), was used as a mechanism to keep workers on the plantations.

Living and working conditions:

- The report highlighted the continued use of payment vouchers that could only be exchanged for cash every two weeks (in the meantime, many workers used their vouchers in the CEA stores, where their vouchers were worth ten percent less than their actual value).
- With a payment per ton of approximately USD 1.44, the new workers earned less than a dollar per day (an average of USD 0.87), which was only enough for one meal.
- Lack of medical care and overcrowding (4 to 6 workers lived in a small dark room no larger than 8 x 10 feet). The absence of proper kitchens, latrines, electricity, and water showed that the living conditions had not visibly improved compared to previous years.

Child labor:

- The Human Rights Watch research team found six children less than 14 years of age working and concluded that "tolerance to forced recruitment of minors is one of the most disturbing elements of the practices used by the CEA."

ILO: Report by the Committee of Experts on the Application of Conventions and Recommendations (CEACR), 1991.

In 1991, the CEACR was assigned the task of evaluating the measures taken by the government of the Dominican Republic to comply with ILO Conventions. The CEACR also sought to follow up on the recommendations made by the ILO in 1983. While it noted some improvements, it also noted many areas in which exploitation continued.

The CEACR highlighted some advances made by the Dominican government, such as the regularization of the migration status of some Haitian citizens through Decree No. 417-90; a reduction in the number of raids and the incidence of forced recruitment; the establishment of hiring points on the border;⁹⁷ the creation of labor inspection delegations; and the demilitarization of the *bateyes*.

Nevertheless, the CEACR criticized that the majority of workers continued to arrive on sugar plantations through intermediaries, known as *buscones*, who used deceit to induce them to work in the sugar industry. The CEACR reported that the CEA paid these *buscones* and that their recruitment practices could not be considered as “part of a free labor relationship. The CEACR also noted that working hours continued to be excessive and that payment mechanisms did not guarantee that workers would receive the minimum wage for an eight hour workday. In addition, workers were paid in vouchers, which they exchanged for cash or food with high interest rates. The Commission reported that although there had been some improvements in the systems for weighing sugarcane cut by workers, both workers and workers’ organizations continued to complain of fraud in the weighing of sugarcane. Finally, the Commission reported that workers were not covered by social security, even when deductions for social security were made from their pay and workers did not receive pensions, or received pensions so small that they could not live off of them.

In its recommendations, the CEACR insisted that a labor law reform was needed to guarantee that *braceros*’ rights to the fair payment of their wages were protected, as stipulated by ILO Convention 95, which had also been recommended by the ILO in 1983. In particular, the Commission noted that it was necessary to ensure that workers were not paid with vouchers that cash payments be made directly to workers, that workers’ right to wages not be impeded, and that workers be informed of their conditions of employment and wage deductions. Finally, the Commission recommended the continuation of programs to provide workers with low-priced food (such as the INESPRES and Central Romana programs), as well as programs to distribute parcels of land to families of sugarcane workers, so that they could plant crops on them (pp. 315 ss.).

National Coalition for Haitian Rights (NCHR): “Beyond the *Bateyes*.” 1996.

A report of the National Coalition for Haitian Rights (NCHR) was written by Patrick Gavigan, after an NCHR mission was sent to the Dominican Republic to evaluate the

immigration status of Haitians and individuals of Haitian descent born in the Dominican Republic. The report found a number of issues that plagued Haitian migrants and their descendents, including issues facing those working in the sugar industry.

The report noted that the crisis facing the CEA sugar plantations caused the CEA to de-prioritize labor issues. Gavigan noted the absence of improvements in labor conditions since the Americas Watch/Human Rights Watch report of 1995. The NCHR report also noted that the mission confirmed the persistence of forced recruitment by CEA *buscones* and the armed forces, although forced military recruitment had been significantly reduced after the 1991 military coup in Haiti.

The NCHR also reported forced labor during the 1996 harvest, stating that, “it appears that the Army is using round-ups to obtain forced labor for the 1996 sugar cane harvest. A Dominican human rights NGO, the Dominican Human Rights Committee, issued a statement in January 1996 claiming that hundreds of Haitians had been detained by the army and transported to cut cane. The report stated that a group of 500 Haitians collected over several days had been transported in 13 minibuses from Santo Domingo to various *bateyes* pertaining to the Ozama sugar mill, noting that many of the Haitians had been rounded-up while working on construction sites near the capital.” They also cited examples of forced recruitment of Haitian adults and children in the Dominican Republic and Haiti for work in the sugar sector, which came from multiple sources, including press articles, NGO reports, and interviews carried out in the Dominican Republic (pp. 32-3).

Anti-Slavery International: “Forced Labor on Sugar Cane Plantations in the Dominican Republic.” 1998.

In May 1998, Anti-Slavery International submitted a document entitled, “Forced Labor on Sugar Cane Plantations in the Dominican Republic” to the UN Committee on Economic, Social and Cultural Rights. This document alleged that the Dominican Republic was in violation of ILO Convention 29, as well as the UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956.

Anti-Slavery International recognized that the new Dominican Labor Code of 1992 had resulted in a “significant reduction in the numbers of children working on the sugar cane plantations and that trade unions had been allowed to recruit on the estates.” Despite these advances, Anti-Slavery International asserted that recruitment mechanisms and working conditions on the State sugar plantations continued to be in contravention with ILO Convention 29 and the UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery. Specifically, the organization reported the persistence of a military presence on the *bateyes*, which led to the illegal detention of *braceros*; cases of physical and sexual violence against *braceros* and their family members; the continued payment of *braceros* with vouchers despite an express prohibition in the Labor Code; the non-payment of *braceros* during

their first three months of work; fraud in the weighing of sugarcane; and withholdings of payments to cover a return trip to Haiti, which workers did not actually receive at the end of the harvest.

Anti-Slavery International demanded, among other things, the elimination of military posts in the *bateyes*, that recruitment be carried out locally by unions and not by *buscones*, the provision of written employment contracts and information about working conditions to workers, weekly cash payments to workers, and the implementation of an inspections system for the weighing of sugarcane.

Inter-American Commission on Human Rights. “Report on the Human Rights Situation in the Dominican Republic.” 1999.

In 1999, the Inter-American Commission on Human Rights carried out an on-site visit to the Dominican Republic, followed by the publication of a report entitled “Report on the Human Rights Situation in the Dominican Republic.” Chapter IX of the Report, entitled “Situation of Haitian Migrant Workers and their Families in the Dominican Republic,” analyzed the issues facing Haitian migrant workers. The report stated that, “the working and living conditions in the *bateyes* are extremely difficult.” The Commission urged the Dominican government to “adopt measures aimed at improving and regularizing the situation of undocumented Haitian workers by distributing work permits and residency cards; and to legalize the situation of their children, in cases that proceed pursuant to the principle of *jus soli*, in keeping with Article 11 of the Constitution.” The report also highlighted complaints made by organizations such as el Movimiento de Mujeres Dominicano-Haitianas (MUDHA) and el Comité Dominicano de Derechos Humanos that workers continued to be paid with vouchers in some areas and that workers’ freedom of movement continued to be restricted, including through “the presence of armed guards in the cane fields, who oversee the migrant laborers to ensure they not flee the plantations”⁹⁸ (CIDH, 1999).

Appendix 6: Focus Group Interview Guide

I. Contratación

- Contratación. ¿Contratan a todo el que llegue? ¿Quién? ¿Cómo les asignan los barracones o casas?
- Entrega de Carnet de Migración (Año, lugar y qué costo tiene o ha tenido)
- Retención de documentos:** Verificar si a ellos o a algunos de sus compañeros les han retenido algún documento de identificación personal.

II. Asuntos Migratorios

- Buscón (para quién trabajaba, qué les ofrecía, cuánto pagaron)
- Autoridades dominicanas y haitianas (presencia, problemas, acercamiento)
- Han podido ir a Haití y regresar con el Carnet de migración. Qué necesitan para poder regresar a Haití?

III. Derechos laborales

- ¿Conocen sus derechos?
- ¿Tienen contrato laboral?
- Sobre representante sindicato en *Bateyes CR* (¿lo conocen? ¿Qué hace?) ¿Qué hace el sindicato? (¿cobro?)
- Bonificación (Parámetros. ¿Conocen carácter legal?)
- A los que llegan por primera vez: ¿Volverían a trabajar en la caña? (¿Porque?)
- Accidentes o Enfermedad
 - ¿Cuánto les descuentan por el seguro?
 - Prefieren ir a *Ingenio* Público o Privado.

IV. Aspectos cotidianos

- Compra de comida!.. (¿cómo pagan? ¿Cuándo pagan? - (¿cómo funciona el sistema?... Identificar relación con ajustero u otro).
- ¿Cuánto les descuentan por la vivienda?
- ¿Les hacen otros descuentos?

VI. Terminación del vínculo laboral

- ¿Qué hacen cuando termina la zafra? ¿Se quedan? ¿Porqué se quedan?

Appendix 7: Questionnaire

PROVINCIA.....	<input type="text"/>	<input type="text"/>
MUNICIPIO.....	<input type="text"/>	<input type="text"/>
NOMBRE DEL BATEY.....	<input type="text"/>	<input type="text"/>
EMPLEADOR.....	<input type="text"/>	<input type="text"/>

Buenos días! Mi nombre es _____. Gracias por su atención. Trabajo para una ONG y estamos haciendo un estudio sobre vida y trabajo en el batey. ¿Puedo hacerle unas preguntas durante unos minutos?. Las informaciones que usted me dé son confidenciales (no se divulgará ninguna información personal).

RESULTADO DE LA ENTREVISTA			
Entrevista Completa.....	1	DÍA	<input type="text"/>
Entrevista Incompleta.....	2	MES	<input type="text"/>
Entrevista rechazada.....	3	AÑO	2 0 1 0
Otro _____	4	RESULTADO	<input type="text"/>
(Especifique)			
HORA FINAL	<input type="text"/>	HORA DE INICIO	<input type="text"/>
ENCUESTADOR/A	SUPERVISOR(A)	CRITICO(A)	DIGITADOR(A)
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
EL/LA ENCUESTADOR/A NO LLENA AQUI			

SECCION: I – INFORMACIÓN PERSONAL y FAMILIAR

No.	Preguntas y filtros	Categorías de codificación	Pasar a
P101	SEXO	Hombre Mujer	1 2
P102	¿Cuál es su edad en este momento?	EDAD	<input type="text"/>
P103	¿Habla español?	Si Regular/Sólo un poco No No sabe/no responde	1 2 3 96

P104	¿Sabe leer y escribir?	Sí Regular/Sólo un poco No No sabe/no responde	1 2 2 96	P 106
P105	¿En qué idioma/s? (Puede marcar más de una respuesta)	Kreyol Francés Español Inglés No sabe/No responde	1 2 3 4 96	

P106	¿Cuál es su nivel escolar?	Llegó hasta la Primaria Llegó hasta secundaria Bachiller Nunca fue a la escuela Otro(especificar) _____ No sabe	1 2 3 4 6 96	
P107	¿Cuál es su estado civil?	En pareja (unión libre) Casado Soltero Separado Divorciado Viudo No sabe/no responde	1 2 3 4 5 6 96	P109
P108	¿Su esposa/o o pareja es haitiana/o o dominicano/a?	Dominicana Haitiana No sabe/No responde	1 2 96	
P109	¿Cuántos Hijos/as tiene en total?	No. de hijos..... <input type="text"/> No tiene hijos.....1 No sabe/no responde.....96		
P110	¿Vive con algún miembro de su familia en RD?: mujer, hijos, papá, mamá, hermanos, etc.	Sí No No sabe/no responde	1 2 96	P112
P111	Señale los miembros de su familia con quienes vive (Marcar TODOS)	Mujer Hijos/as Papá Mamá Hermanos/as Primos/as; Tíos/as; Sobrinos/as Otro (especifique) _____ No sabe/No responde	1 2 3 4 5 6 7 96	
P112	¿Tiene Familia en Haití?	Sí No No sabe/No responde	1 2 96	P114
P111	¿Les manda dinero?	Sí Anteriormente les enviaba pero ya no Nunca les ha enviado dinero	1 2 3	P113

		No sabe/No responde	96	
P112	¿Más o menos cuánto dinero les manda y con qué frecuencia?	Mensual (RD\$ _____) Cada varios meses (RD\$ _____) Una vez al año (RD\$ _____) Cada varios años (RD\$ _____) Otro _____ (especifique _____)	1 2 3 4 5 96	P114
P113	¿Por qué no les envía dinero?	No tiene contacto con ellos No tiene dinero para mandarles (no puede ahorrar) No tiene cómo mandarles dinero No le permiten mandar dinero (señalar quién) _____ No sabe/No responde	1 2 3 4 5	
P114	¿Qué hizo luego del terremoto que hubo en Haití el 12 de enero de este año?	Contactó a su familia/amigos pero pudo hacer nada porque no tenía dinero Intentó contactar a su familia/amigos pero no contactarlos Le mandó dinero a su familia en Haití Fue a Haití a llevarle dinero y/o ayuda a su familia y se regreso a RD Se trajo a su familia a RD Nada, porque no tiene familia/amigos en Haití Otra _____ (especifique) _____ No sabe/No responde	1 2 3 4 5 6 7 96	
SECCION II. RESIDENCIA Y ACTIVIDAD MIGRATORIA				
P201	¿En qué país nació usted?	En Rep. Dom. (indicar Provincia y sección) _____ En Haití No sabe no responde	1 → 2 96	P204
P202	(Si nació en Haití) ¿De qué departamento proviene?	Norte Nordeste (Fort Liberté, Ouanaminthe) Noroeste (Port de Paix) Centro (Hinche, Belladere) Oeste (Puerto Principe, Fond Parisien) Artibonite (Gonaives) Sur (Les Cayes) Sudeste (Jakmel, Belle-Anse, Morigot, Ansapit) Grand'Anse Nippes Otro (especificar) _____ No sabe/No responde	1 2 3 4 5 6 7 8 9 10 11 96	
P203	¿Tiene algún documento de identificación personal de Haití? (Especificar CUAL)	Acta de Nacimiento Cédula (Carte d'Identité) Pasaporte Otro (especificar) _____ No	1 2 3 4 5	P206

		No sabe/No responde	96	
P204	-Si nació en RD (Verificar P201)-¿De donde son o eran sus padres?	Madre y Padre haitianos Madre dominicana y padre haitiano Madre haitiana y padre dominicano Madre y padre dominicanos No sabe/ No responde	1 2 3 4 96	
P205	-Si nació en RD-¿ Tiene algún documento de identificación personal de RD? (Especificar)	Acta de Nacimiento Cédula de Identidad Pasaporte Otro (especificar) _____ No No sabe/No responde	1 2 3 4 5 96	
P206	¿Dónde vive cuando no está trabajando en la caña, durante el tiempo muerto?	En Haití En el mismo batey En RD, en otra provincia/comunidad(especificar) _____ _____ (especifique) _____ Otro No sabe/No responde	1 2 3 4 96	P208
P207	<u>SI VIVE EN HAITÍ, EN EL TIEMPO MUERTO</u> ¿Cuánto tiempo tiene <u>viniendo</u> a RD?	Menos de 1 año Menos de 2 años 2-5 años 6-9 años 10-20 años Más de 20 años No sabe/No responde	1 2 3 4 5 6 96	P209
P208	¿Cuánto tiempo tiene <u>viviendo</u> en RD?	Nació en RD Menos de 1 año Menos de 2 años 2-5 años 6-9 años 10-20 años Más de 20 años No sabe/No responde	1 2 3 4 5 6 7 96	
P209	¿Cuánto tiempo tiene <u>viniendo</u> a ESTE batey o <u>viviendo</u> en él?	Nació en el batey Menos de 1 año(señalar MES) _____ Menos de 2 años 2-5 años 6-9 años 10-20 años Más de 20 años No sabe/No responde	1 2 3 4 5 6 5 96	P401
P210	¿Por qué llegó a <u>ESTE</u> Batey? NO LEER RESPUESTAS	Le ofrecieron buenas condiciones de trabajo El buscón lo dejó en el batey El amigo/conductor lo dejó en el batey Tenía familiares/amigos en el batey Había vivido anteriormente en el batey Otro (especificar) _____ No sabe/No responde	1 2 3 4 5 6 96	

P211	¿Cuándo fue la última vez que estuvo en Haití?	Nunca ha ido a Haití	1	→P401	
		Desde que vino a RD, <u>nunca</u> ha regresado a Haití	2		→P213
		Menos de 1 año	3		
		Menos de 2 años	4		
		2-5 años	5		
		6-9 años	6		
		10 – 20	7		
		Más de 20 años	8		
		Otro	9		
		(especifique)_____	96	→	
		No sabe/No responde			
				P301	
P212	Esa vez, ¿Por qué regresó a Haití?	Porque terminó la zafra o el trabajo que realizaba (para regresar a su casa)	1	}	P301
		Porque no encontraba trabajo en RD	2		
		Para visitar/ llevar dinero a su familia	3		
		Fue deportado por migración	4		
		Otro(especifique)_____	5		
			96		
		No sabe/no responde			
P213	¿Por qué nunca ha regresado?	No tiene dinero	1	}	
		No tiene contacto con su familia en Haití	2		
		No tiene familia en Haití	3		
		No le permiten regresar (detalle quién)_____	4		
		Otro(especifique)_____	5		
			96		
		No sabe/no responde			
SECCION III. TRAYECTO HAITÍ-RD					
LEER: POR FAVOR RESPONDA A LAS SIGUIENTES PREGUNTAS SOBRE EL ÚLTIMO RECORRIDO QUE HIZO DESDE HAITÍ HACIA RD					
P301	¿Cuándo fue la última vez que vino a RD desde Haití? Encuestador: Debe coincidir con P211	Menos de un año (SEÑALAR MES)_____	1		
		Menos de 2 años	2		
		2-5 años	3		
		6-9 años	4		
		10-20 años	5		
		Más de 20 años	6		
		No sabe/No responde	96		
P302	¿Por cuál punto de la frontera cruzó para llegar RD?	Independencia (Jimaní/El Aguacate/Puerto Escondido)	1		
		Pedernales (El Manguito/Ansapit)	2		
		Dajabón	3		
		Eliás Piña	4		
		Barahona	5		
		Otro	6		
		(especificar)_____			
		No sabe/No responde	96		

P303	¿Por qué medio de transporte cruzó la frontera?	A pie Motoconcho Guagua Camión Otro(especificar) _____ No sabe/No responde	1 2 3 4 5 96	
P304	¿Cuántas personas cruzaron la frontera con usted?	NO. DE PERSONA <input type="text"/> <input type="text"/> No sabe/No responde.....96		
P305	¿Quién o quienes le ayudaron a cruzar o le permitió el paso? (NO LEER. Puede marcar más de una respuesta)	Buscón dominicano Buscón haitiano Policía dominicano Policía haitiano Militar dominicano Agente de migración dominicano Nadie/Ninguno Otro(especificar) _____ No sabe/No responde	1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2	P 3 0 8
P306	(SI CRUZÓ CON BUSCÓN), ¿Cómo contactó al buscón?	A través de un amigo/familiar Lo conocía desde antes El buscón lo contactó a usted para ofrecerle trabajo Otro(especificar) _____ No sabe/No responde	1 2 3 4 96	
P307	(SI CRUZÓ A TRAVÉS DE BUSCÓN) ¿Sabe para quién trabajaba el buscón?	Sí (ESPECIFICAR _____) No No sabe/No responde	1 2 96	
P308	Después de cruzar la frontera, ¿cómo se transportó?	En viaje En camión (con buscón) En guagua (con buscón) En motoconcho En guagua (compromiso) Otro (especifique) _____ No sabe/No responde	1 2 3 4 5 6 96	P 3 1 0
P309	(SI CRUZÓ A TRAVÉS DE BUSCÓN) ¿Dónde lo dejó el buscón o la guagua (si vino en viaje)	En el batey en el que vive ahora En batey del CEA En <i>Ingenio</i> del CEA En Batey del CR En Batey de CAEI En <i>Ingenio</i> de CAEI En Batey <i>Ingenio</i> Barahona En Santo Domingo Otra (especifique) _____ No sabe/No responde	1 2 3 4 5 6 7 8 9 96	
P310	¿Cuánto dinero tuvo que pagar			<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>

	en total?	RD\$		
		No tuvo que pagar.....1	}	P316
		No sabe/No responde..96		
P311	¿A quién o quienes le tuvo que pagar? (Puede marcar varias opciones)	Buscón dominicano	1	2
		Buscón haitiano	1	2
		Policía dominicano	1	2
		Policía haitiano	1	2
		Militar dominicano	1	2
		Militar haitiano	1	2
		Agente de migración dominicano	1	2
		Otro(especificar) _____	1	2
		No sabe/No responde	1	2
P312	¿Cómo consiguió el dinero?	Prestamista	1	P316
		Se lo prestó un familiar/amigo	2	
		Pagó con su propio dinero	3	
		Otro (especificar) _____	4	
		No sabe/No responde	96	
P313	¿Le cobraron intereses por el dinero?	Sí	1	P315
		No	2	
		No sabe/No responde	3	
P314	¿Cuánto pagó o va a tener que pagar de interés?	% <input type="text"/> <input type="text"/>		
		No sabe/No responde....	96	
P315	¿Todavía debe ese dinero?	Sí	1	
		No	2	
		No sabe/No responde	3	
P316	¿Qué situaciones encontró durante su viaje de entrada a RD? NO LEER RESPUESTAS	No encontró ninguna dificultad o problema	1	
		Las autoridades dominicanas le pidieron papeles	2	
		Las autoridades dominicanas lo obligaron a pagarles	3	
		Las autoridades dominicanas lo despojaron de sus bienes	4	
		Las autoridades dominicanas lo detuvieron o lo deportaron	5	
		Las autoridades dominicanas lo agredieron físicamente	6	
		Asaltantes le robaron sus pertenencias	7	
		Otro (especifique) _____	8	
		No sabe/No responde	96	
SECCION IV. TRABAJO EN LA CAÑA				
P401	¿Cuánto tiempo tiene cortando caña en RD?:	Menos de 1 año	1	
		Menos de 2 años	2	
		2-5 años	3	
		6-9 años	4	
		10-20 años	5	
		Más de 20 años	6	
		No sabe/No responde	96	

P402	¿Qué hacía antes de empezar a cortar caña en RD?	Trabajaba en Haití	1	P404
		Trabajaba en la Construcción en RD	2	
		Trabajaba en cosecha café/arroz/tomate, etc. en RD	3	
		Trabajaba en su conuco o en conuco de familiar	4	
		Trabajo informal (Vendedor ambulante, etc.)	5	
		No tenía trabajo	6	
		Otro (especificar) _____ No sabe/No responde	7 96	

P403	¿Qué trabajo hacía en Haití?	Asalariado (operario, obrero, construcción, taller, etc.)	1	
		Trabajaba en agricultura	2	
		Trabajaba en su conuco o en conuco de familiar	3	
		Trabajo informal (Vendedor ambulante, etc.)	4	
		No tenía trabajo	5	
		Otro (especificar) _____ No sabe/No responde	6 96	
P404	¿Trabaja para un <i>ingenio</i> o un colono?	<i>Ingenio</i>	1	
		Colono	2	
		Otro	3	
		(especifique) _____ No sabe/No responde	96	
P405	¿Desde hace cuánto tiempo trabaja para este <i>ingenio/colono</i> ?	Menos de 1 año	1	
		Menos de 2 años	2	
		2-5 años	3	
		6-9 años	4	
		10-20 años	5	
		Más de 20 años	6	
		No sabe/No responde	96	
P406	¿El <i>ingenio/colono</i> le entregó una <i>ficha</i> o <i>número</i> al empezar a trabajar?	Sí	1	
		No	2	
		No sabe/No responde	96	
P407	¿El <i>ingenio/colono</i> le entregó un Carnet de Migración (<i>canetización</i>)? EN CASO POSITIVO, PEDIR QUE SE LO MUESTRE (SI ES POSIBLE) Y ANOTAR AÑO DE EXPEDICION	Sí	1	
		AÑO DE EXPEDICIÓN _____	No	
		No sabe/No responde	96	
P408	¿Cuál es su trabajo principal en la caña durante la zafra? (SELECCIONAR UNA SÓLA OPCIÓN)	Picador	1	
		Carretero	2	
		Vagonero	3	
		Desyerbe/Cultivo (Cercle)	4	
		Otro (especifique) _____	5	
		_____	No sabe/No responde	

P409	Regularmente, ¿a qué hora comienza su jornada de trabajo y a qué hora termina?	<table border="1"> <tr> <td>Hora de entrada</td> <td></td> </tr> <tr> <td>Hora de salida</td> <td></td> </tr> </table> No sabe/No responde.....96	Hora de entrada		Hora de salida			
Hora de entrada								
Hora de salida								
P410	¿Cuántos días a la semana trabaja?	DIAS <table border="1"> <tr> <td></td> <td></td> </tr> </table> No sabe/No responde.....96						
P411	¿Cómo le pagan a usted?	Por toneladas Por jornada/día trabajado Otro (especificar) _____ No sabe/No responde	1 2 3 96	P 4 1 3				

P412	SI LE PAGAN POR TONELADA, ¿Está conforme con el pesaje de la caña?	Sí No (especificar) _____ No están pesando la caña No sabe/No responde	1 2 3 96					
P413	¿Cuántos pesos le pagan por tonelada/por jornada?	RD\$ <table border="1"> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </table> No sabe/No responde.....					96	
P414	¿Cada cuanto tiempo le pagan?	Semanal Quincenal Mensual No sabe/ no res	1 2 3 96					
P415	¿De cuánto fue su último pago?	RD\$ <table border="1"> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </table> No sabe/No responde.....					96	
P416	¿Le pagan a tiempo?	Sí, siempre A veces No No sabe/No responde	1 2 3 96	P418 P418				
P417	¿Por qué razón?							
P418	¿Le hacen descuentan <u>de su salario</u> sus herramientas de trabajo (Machete, lima, lentes, mocha etc.)?	Sí No No sabe/No responde	1 2 96					
P419	En su trabajo, usted cuenta con (LEER. Marcar más de una opción):	Transporte para ir al corte Agua en el corte Almuerzo en el corte Seguro Médico Bonificación (Bono) Vacaciones Un día libre cada semana Ninguna de las anteriores	1 1 1 1 1 1 1 1	2 2 2 2 2 2 2				

		No sabe/no responde	1	2	
P420	¿Usted se ha enfermado o ha tenido algún accidente de trabajo durante la zafra? ¿alguna vez, varias veces, ninguna?	Sólo alguna vez Varias veces Ninguna No sabe/No responde	1 2 3 96		P422
P421	Quando Ud. se ha enfermado o accidentado, ¿Qué ha hecho? (PUEDE MARCAR MÁS DE UNA RESPUESTA)	Curandero del Batey Consultorio/clínica PÚBLICA Consultorio/clínica del SEGURO Consultorio/clínica del INGENIO Compro alguna medicina Nada Otros (especificar)	1 1 1 1 1 1 1	2 2 2 2 2 2 2	
P422	¿Se siente conforme con la manera en que su supervisor lo trata a usted y a sus compañeros?	Sí Más o menos conforme No No sabe/No responde	1 2 3 96		P425
P423	¿Por qué no está conforme? (NO LEER)	Le habla mal Le agrede físicamente (detallar _____) Le amenaza Es violento Otro (especificar) _____ No sabe/No responde	1 2 3 4 5 96		P425 P425
P424	¿Con qué lo ha amenazado?	Con no pagarle Con pagarle menos de lo que le toca Con despedirlo Con obligarle a trabajar más horas Con denunciarlo a Migración Con no contratarlo la zafra que viene Otro (especifique) _____ No sabe/ no responde	1 2 3 4 5 6 7 96		
P425	¿Qué le gustaría que cambiara de las condiciones de trabajo en la caña?				
P426	¿En el tiempo que tiene trabajando para ese empleador, considera que las cosas han cambiado? (Si o No, y ¿Por qué?)				

SECCION V. LIBERTAD DE MOVIMIENTO

P501	¿Usted ha faltado uno o varios días al corte en esta zafra (porque no ha podido ir o no ha querido)?	Sí No Otro (especifique) _____ No sabe/No responde	1 2 3 96	
P502	¿Qué pasa si usted falta uno o varios días al corte?	El supervisor (mayordomo, etc.) le llama la atención El supervisor le pone algún tipo de castigo Nada, el supervisor no le da problema Otro (especifique) _____	1 2 3 4 96	

		No sabe/No responde		
P503	¿Usted puede salir cuando quiere del batey?	Sí No Otro (especifique) _____ No sabe/No responde	1 2 3 96	
P504	¿Usted puede dejar el trabajo y no volver, aunque no haya terminado zafra?	Si No No sabe/No responde	1 2 96	P506 P506
P505	¿Por qué no puede? _____			
P506	SÓLO SI TIENE MÁS DE UN AÑO CORTANDO CAÑA (Si P401 NO ES 1) Generalmente, ¿Qué hace cuando termina la zafra? (en el tiempo muerto)	Se queda en el batey Se va del batey pero se queda en RD Vuelve a Haití unas cuantas semanas/meses y luego regresa a RD Vuelve a Haití hasta que empiece la zafra otra vez Otro (especificar) _____ No aplica No sabe/No responde	1 2 3 4 5 6 96	P508
P507	SÓLO SI TIENE MÁS DE UN AÑO CORTANDO CAÑA (Si P401 NO ES 1) ¿Por qué se queda en el Batey? (PUEDE MARCAR VARIAS RESPUESTAS)	Tiene a su familia en el Batey Trabaja en la siembra/desyerbe Trabaja en un conuco cerca del batey No tiene dinero para ir a otro lugar El supervisor no lo deja ir El supervisor/jefe tiene sus papeles y/documentos personales Otra (especificar): _____ No sabe/No responde	1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2	
P508	¿Qué piensa hacer cuando termine ESTA zafra?	Quedarse en el batey Trabajar en otro sector económico en RD (especificar) _____ Regresar a Haití Otro (especificar) _____ No sabe/No responde	1 2 4 5 96	P601
P509	SI SE QUEDA EN EL BATEY, ¿Por qué se queda?	Tiene a su familia en el Batey Trabaja en la siembra/desyerbe Trabaja en un conuco cerca del batey No tiene dinero para ir a otro lugar El supervisor no lo deja ir El supervisor/jefe tiene sus papeles y/documentos personales Otra (especificar): _____ No sabe/No responde	1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2	

SECCION VI. FACILIDADES y ASPECTOS COTIDIANOS			
P601	¿Qué tipo de vivienda le facilita su empleador? (LEER)	Cuarto en Barracón con otros trabajadores Cuarto en barracón con su familia Vivienda en casa con otros trabajadores Vivienda en casa sólo con su familia Vivienda en casa compartiendo con otra familia Otros (especificar) _____ No sabe/No responde	1 2 3 4 5 6 96
P602	¿Con cuántas personas comparte su cuarto o habitación?	No. Personas No sabe/No responde...96	<input type="text"/>
P603	¿Además de la vivienda, que otras facilidades le da su empleador a los trabajadores y sus familiares en el batey? (MARCAR MÁS DE UNA RESPUESTA)	Colchón Luz eléctrica Agua Potable Sanitario Baño Escuela para los niños Alfabetización y/o formación técnica Fiestas/celebraciones para los trabajadores Otro (especificar) _____	1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2
P604	¿A usted le cobran o le hacen descuentos de su salario por la vivienda y las facilidades mencionadas?	Sí No No sabe/No responde	1 2 3
P605	¿Cómo compra su comida? (PUEDE MARCAR VARIAS)	Con dinero en efectivo Con tickets Crédito (coge "fiado") Otro (especifique) _____ No sabe/No responde	1 2 3 4 96
P606	Usted oye, lee, ve o usa (LEER):	Televisión Radio Internet Teléfono publico Periódico Revistas Ninguno Otro (especifique) _____ No sabe/No responde	1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2
P607	¿Cómo se comunica con sus familiares y amigos tanto en RD como en Haití?	Celular propio Celular prestado Celular alquilado Teléfono público Internet Ninguno Otro(especifique) _____	1 2 3 4 5 6 7

P608	¿Qué hace en su tiempo libre? (MARCAR MAS DE UNA RESPUESTA)	Va a la iglesia	1	2
		Comparte con familia	1	2
		Comparte con amigos dominicanos	1	2
		Comparte con amigos haitianos	1	2
		Va a otro pueblo o batey a visitar a familia o amigos	1	2
		Juega dominó	1	2
		Va a una disco terraza	1	2
		Otra	1	2
(especifique)_____	1	2		
No sabe/No responde	1	2		
...Muchas Gracias!!				
SECCIÓN VII. OBSERVACIONES Y COMENTARIOS FINALES (SÓLO PARA EL/LA ENCUESTADOR/A)				
P701	Señalar idioma en el que hizo la entrevista	Español	1	
		Kreyol	2	
		Español y kreyol	3	
P702	¿El trabajador podía desenvolverse cómodamente en español?	Sí	1	
		No	2	
P703	¿Hay señales visibles que indican que el trabajador no puede irse libremente de los bateyes (alambres de púa, cerraduras, supervisores/guardias armados, etc.)?	(especificar)_____ Sí	1	
		No	2	
P704	¿El trabajador demostró alguna señal de ansiedad, miedo o intimidación en su lenguaje corporal o gestos?	Sí	1	
		No	2	
P705	¿Tuvo alguna dificultad/obstáculo para hacer la entrevista? ¿Había otras personas presentes o tan cerca que podían escuchar? ¿Quiénes?	(especificar)_____ Sí	1	
		No	2	
P706	Observaciones y/o Comentarios: _____ _____			

Appendix 8: Presence of ILO Indicators of Forced Labor

As discussed in the Methodology section, Verité analyzed its findings with respect to the indicators of forced labor presented in the ILO’s 2011 publication, *Hard to See, Harder to Count: Survey Guidelines to Estimate Forced Labour of Adults and Children*. A chart of these indicators follows.

		Present
Indicators of unfree recruitment of adults	Strong Indicators of Involuntariness	
	Tradition, birth (birth/descent into 'slave' or bonded status)	
	Coercive recruitment (abduction, confinement during the recruitment process)	Workers recruited by the state-run CEA under the “quota” system were recruited, smuggled across the border, and transported by <i>buscones</i> tied to the CEA and complicit migration and military authorities, who were legally authorized to do so. The workers were confined during transport, during which they had to sleep in the open and were provided with little or no food for up to a week.
	Sale of the worker	
	Recruitment linked to debt (advance or loan)	Workers surveyed reported that they had to take out loans to pay smuggling fees to <i>buscones</i> or bus drivers. Although the workers were not indebted to the <i>buscones</i> or their employers, they did have to take out loans from friends, family members, and money lenders who sometimes charged high interest rates.
	Deception about the nature of the work	
	Medium Indicators of Involuntariness	
	Deceptive recruitment (regarding working conditions, content, or legality of employment contract, housing and living conditions, legal documentation or acquisition of legal migrant status, job location or employer, wages/earnings)	Workers surveyed showed low levels of awareness about the conditions of their employment, especially surrounding working conditions, payments, deductions, and benefits. While researchers did not find evidence of outright deception, they did find that workers were not informed by recruiters or their employers of their conditions of employment, either verbally or in written form. In addition, many workers who had been working in the sugar sector for years still registered low levels of awareness about their conditions of employment.
	Deceptive recruitment through promises of marriage	
	Strong Indicators of Menace of Penalty	
	Denunciation to	Workers recruited by the state-run CEA under the “quota”

	authorities	system were recruited, smuggled across the border, and transported by <i>buscones</i> tied to the CEA and complicit migration and military authorities, who were legally authorized to do so. These workers were transported by clearly marked migration agents and soldiers, which could easily create the impression that they could be deported if they complained or tried to escape.
	Confiscation of identity papers or travel documents	The CEA produced <i> carnets </i> for workers but retained them and never provided them to workers. Some workers reported that pictures of them were taken for the carnets during the time that they were being transported, but that they never received the <i> carnets </i> .
	Sexual violence	
	Physical violence	
	Other forms of punishment	
	Removal of rights or privileges (including promotion)	
	Religious retribution	
	Withholding of assets (cash or other)	
	Threats against family members	
	Medium Indicators of Menace of Penalty	
	Exclusion from future employment	
	Exclusion from community and social life	
	Financial penalties	
	Informing family, community, or public about worker's current situation (blackmail)	

Indicators of work and life under duress of adults	Strong indicators of involuntariness	
	Forced overtime (beyond legal limits)	Although workers were not explicitly forced to work overtime, the vast majority of workers surveyed worked overtime in order to make enough money to survive. Researchers judged that the piece rate system in which workers received small amounts of money per ton of sugarcane harvested, along with possible fraud in the weighing of sugarcane, deductions, and high interest rates for cashing in vouchers before payday, resulted in extremely low wages that caused workers to work overtime.
	Forced to work on call	

(day and night)	
Limited freedom of movement and communication	
Degrading living conditions	Most workers lived on employer-provided housing. Many of these workers lacked access to health care, electricity, drinking water, toilets, and adequate food.
Medium indicators of involuntariness	
Forced engagement in illegal activities	
Forced to work for employer's private home or family	
Induced addiction to illegal substances	
Induced or inflated indebtedness (by falsification of accounts, inflated prices for goods/services purchased, reduced value of goods/services produced, excessive interest rates on loans, etc.)	Some workers had to buy food on credit from food stores that charged inflated prices for the food. In order to obtain this credit, workers presented these stores with “vouchers,” which are employer-provided receipts that indicate the amount that workers are to be paid on the next payday. If workers exchange these vouchers at the stores for money or food before payday, they only receive 80-90 percent of the value of the voucher. However, when the food stores cash these vouchers in with employers on payday, they receive the full value of the vouchers (which have workers names or ID numbers on them). This indicates that employers are knowledgeable about the voucher system, which they benefit from, because workers become indebted to the food stores and are unable to pay their debt off sometimes even after the end of the harvest season, causing them to stay on the <i>bateyes</i> and work more hours.
Multiple dependency on employer (jobs for relatives, housing, etc.)	The vast majority of workers lived in employer-provided housing. Many workers interviewed reported that they could be thrown out of this housing if they left their jobs.
Pre-existence of dependency relationship with employer	
Being under the influence of employer or people related to employer for non-work life.	
Strong indicators of penalty (or menace of penalty)	
Denunciation to authorities	In the Dominican Republic, migrant workers in the sugar sector must legally be provided with “temporary worker cards” (<i>carnets</i>). These <i>carnets</i> tie them to a certain

	<p>employer and a certain geographical area and are only valid for six months, while many migrant workers reside on the <i>bateyes</i> year-round. Migrant workers who lack a valid <i>carnet</i>, change employers, or are found outside of the authorized area are subject to deportation. The law gives employers the power to provide workers with these <i>carnets</i> and to deport workers whose <i>carnets</i> have expired. This system ties workers to a specific employer and geographic area and creates an inherent menace of penalty of deportation for migrant workers who leave their employers or areas of employment.</p>
Confiscation of identity papers or travel documents	<p>Only a small number of workers were actually provided with these <i>carnets</i> in practice, although employers were legally obligated to provide workers with the <i>carnets</i> and had the capacity to do so. There were cases in which employers, especially the CEA, produced the <i>carnets</i>, but retained them and never provided them to workers. Although the <i>carnets</i> provide workers with very limited freedom of movement, the retention of these documents presents further constraints on workers' freedom of movement and a greater threat of deportation.</p>
Confiscation of mobile phones	
Further deterioration in working conditions	
Isolation	
Locked in workplace or living quarters	
Sexual violence	
Physical violence	<p>A few workers interviewed showed signs of intimidation and a few workers interviewed reported threats or acts of violence carried out by supervisors.</p>
Other forms of punishment (deprivation of food, water, sleep, etc.)	
Violence against worker in front of other worker	
Removal or rights or privileges (including promotion)	
Religious retribution	
Constant surveillance	<p>A few workers interviewed reported that they were under surveillance. Some workers brought in under the "quota" system by the CEA were under constant surveillance by guards who would not let them leave the <i>bateyes</i>, at least during the first few weeks of the harvest, causing some of these workers to have to escape at night, leaving all of their belongings behind.</p>

	Withholding of assets (cash or other)	
	Withholding of wages	
	Threats against family members	
	Medium indicators of penalty (or menace of penalty)	
	Dismissal	One CAC worker interviewed reported that a foreman had fired him for complaining that "he did not get paid much."
	Exclusion from future employment	Some workers interviewed reported that if they missed work, they would be prohibited from harvesting sugarcane the following day. A supervisor reported that workers who complained would have their ID number erased and would not be able to return to work.
	Exclusion from community and social life	
	Extra work for breaching labor discipline	
	Financial penalties	A few CAEI workers reported threats that if they complained about their working conditions, their worker ID numbers would be cancelled and they would not be paid for the work that they carried out.
	Informing family, community or public about worker's current situation (blackmail)	
Indicators of impossibility of leaving employer for adults	Strong indicators of involuntariness	
	Reduced freedom to terminate labor contract after training or other benefit paid by employer	Some CEA workers recruited through the "quota" system reported that they were under constant surveillance and were not allowed to leave, at least during the first few weeks of the harvest season. Workers reported that workers who were recruited under the "quota" system were less free to leave than other workers, because supervisors said that the CEA had paid fees to transport the workers from Haiti to the <i>bateyes</i> .
	No freedom to resign in accordance with legal requirements	
	Forced to stay longer than agreed while waiting for wages due	
	Forced to work for indeterminate period to repay outstanding debt or wage advance	Due to workers' low wages and debt to food stores, some workers were not able to pay off these debts until the end of the harvest season, and a small number of workers were not able to pay off their debts by the end of the harvest. Workers thus had to stay on at the <i>bateyes</i> throughout the harvest cutting sugarcane or during downtime at planting or carrying other activities to try to pay off their debts.

Strong indicators of penalty (or menace of penalty)	
Denunciation to authorities	The law governing the <i>carnet</i> system creates the inherent menace of penalty of deportation for workers who leave their jobs or geographical areas of employment or whose cards expire. It also gives employers the power to issue the <i>carnets</i> and to deport workers whose <i>carnets</i> have expired.
Confiscation of identify paper or travel documents	
Imposition of worse working conditions	
Locked in work or living quarters	
Sexual violence	
Physical violence	
Other forms of punishment (deprivation of food, water, sleep, etc.)	
Removal of rights or benefits (including promotion)	
Religious retribution	
Under constant surveillance	Some workers interviewed, especially CEA workers, reported that they were under constant surveillance. CEA workers brought into the Dominican Republic through the “quota system” were reportedly constantly watched by guards and were not allowed to leave the <i>bateyes</i> , at least during the first few weeks of the harvest.
Violence imposed on other workers in front of all workers	
Withholding of assets (cash or other)	
Withholding of wages	
Threats against family members (violence or loss of jobs)	
Medium indicators of penalty or menace or penalty	
Dismissal	
Exclusion from future employment	
Exclusion from community and social life	

	Extra work for breaching discipline	
	Financial penalties	
	Informing family, community or public about worker's current situation (blackmail)	

Appendix 9: Table of Indicators

WORKER DEMOGRAPHICS		
Age and nationality		
Workers' age?	15-20: 74 21-34: 372 35-54: 187 55-69: 87 70 and older: 20	15-20: 10% 21-34: 50% 35-54: 25% 55-69: 12% 70 and older: 3%
Where workers born?	Haiti: 677 Dominican Republic: 63	Haiti: 91% Dominican Republic: 9%
Personal identity documents		
Had identification documents?	All workers: 427 Workers born in Haiti: 386 Workers born in the DR: 41	All workers: 58% Workers born in Haiti: 57% Workers born in the DR: 65%
Family situation		
Civil status?	Single: 352 Married/in committed relationship: 259 Separated: 69	Single: 48% Married/in committed relationship: 35% Separated: 9%
Had children?	Yes: 430 No: 310	Yes: 58% No: 42%
Number of children?	1-2: 252 3: 59 4: 37 5 or more: 78	1-2: 34% 3: 8% 4: 5% 5 or more: 11%
Lived in DR with family member?	Yes: 347 No: 393	Yes: 47% No: 53%
Level of education, literacy, and mastery of Spanish		
Attended school?	Yes: 362 No: 378	Yes: 49% No: 51%
Could read and write?	Yes: 275 No: 355	Yes: 37% No: 48%
Could speak Spanish?	Fluent: 176 With difficulty: 207 None: 352	Fluent: 24% With difficulty: 28% None: 48%
Place of origin and employment in Haiti (of Haitian-born workers)		
Department in which they were born?	Southeast Department: 367 Western Department: 122 Northern Departments: 95	Southeast Department: 54% Western Department: 18% Northern, Northeastern, Northwestern Departments: 14%
Type of employment?	Agriculture: 502	Agriculture: 74%

	Salaried work: 77	Salaried work: 11%
Links with Haiti		
Had family in Haiti?	Yes: 718 No: 22	Yes: 97% No: 3%
Sent money to family in Haiti?	Yes: 377 No: 363	Yes: 51% No: 49%
In contact with family in Haiti?	Yes: 651 No: 89	Yes: 88% No: 12%
Last year of entry into the Dominican Republic (of Haitian-born workers)		
Last year entered DR?	2009-2010: 170 2005-2008: 215 2001-2004: 92 2000 or before: 197	2009-2010: 25% 2005-2008: 32% 2001-2004: 14% 2000 or before: 29%
Point of entry into the Dominican Republic (of Haitian-born workers)		
Where entered DR?	Independencia Province: 427 Pedernales Province: 150 Dajabón Province: 49 Elías Piña Province: 20	Independencia Province: 63% Pedernales Province: 22% Dajabón Province: 7% Elías Piña Province: 3%
Transportation over the border into the Dominican Republic (of Haitian-born workers)		
Mode of transportation into DR?	By foot: 290 (43%) By bus: 301 (44%) By taxi: 49 (seven%) By truck: 28	By foot: 43% By bus: 44% By taxi: 7% By truck: 4%
Who helped to cross border?	Buscon: 364 Haitian buscon: 308 Dominican buscon: 49 Dominican authority: 48 Haitian authority: 8	Buscon: 54% Haitian buscon: 46% Dominican buscon: 7% Dominican authority: 7% Haitian authority: 1%
Transportation within the Dominican Republic		
Buscon brought them to specific batey?	Yes: 78 No: 662	Yes: 11% No: 89%
Mode of transportation to final destination?	Paid buscón: 351 Compromiso: 207 Viaje: 74	Paid buscón: 47% Compromiso: 28% Viaje: 10%
Living situation in the Dominican Republic		
Residing in DR?	Yes: 577 No: 163	Yes: 78% No: 22%
Time residing in DR?	Less than 2 years: 29 2-5 years: 146 5-9 years: 84 10 years or more: 249	Less than 2 years: 4% 2-5 years: 20% 5-9 years: 11% 10 years or more: 34%
Where live in DR after the harvest?	On the batey: 496 workers Stayed in another province in DR: 71	On the batey: 67% Stayed in another province in DR: 10%

Number of consecutive years in batey?	2-5 years: 229 6-9 years: 227 10 years or more: 66 Born on batey: 39	2-5 years: 31% 6-9 years: 31% 10 years or more: 9% Born on batey: 5%
Number of years working for same employer?	Less than 1 year: 148 1-2 years: 50 2-5 years: 239 More than 5 years: 298	Less than 1 year: 20% 1-2 years: 7% 2-5 years: 32% More than 5 years: 40%
Been back to Haiti?	Yes: 359 No: 381	Yes: 49% No: 51%
New and seasonal migrants		
Living in DR for less than 1 year?	Yes: 103 No: 637	Yes: 14% No: 86%
Return to Haiti during the dead season?	Yes: 115 No: 635	Yes: 16% No: 84%
What planned to do after harvest?	Return to Haiti: 175 Work in another sector in DR: 92 Remain on batey: 459	Return to Haiti: 24% Work in another sector in DR: 12% Remain on batey: 62%
PRESENCE OF INDICATORS OF FORCED LABOR		
Lack of Consent		
<i>Physical confinement in the work location</i>		
Living in employer-owned housing?	Yes: 734 No: 6	Yes: 99% No: 1%
Lived in employer-owned housing during dead season?	Yes: 496 No: 244	Yes: 67% No: 33%
Were given carnet by employer?	Yes: 157 No: 583	Yes: 21% No: 79%
Were issued a (valid) carnet in 2010?	Yes: 53 No: 687	Yes: 7% No: 93%
<i>Induced indebtedness</i>		
Who workers made payment to for trip to DR?	Buscon: 437 Bus driver: 159 Dominican authorities: 34	Buscon: 59% Bus driver: 21% Dominican authorities: 5%
Cost of last trip to workplace in DR?	Less than DOP 1,000: 111 DOP 1,000-5,000: 450 Over DOP 5,000: 59	Less than DOP 1,000: 15% DOP 1,000-5,000: 61% Over DOP 5,000: 8%
How paid for last trip to DR?	Own money: 600 Borrowed money: 77	Own money: 81% Borrowed money: 10%
Who they borrowed money from?	Money lender: 31 Family member: 46	Money lender: 4% Family member: 6%
Paid interest?	Yes: 35 No: 42	Yes: 5% No: 6%
Still owed money?	Yes: 46 No: 31	Yes: 6% No: 4%

Bought food on credit at least part of time?	Yes: 332 No: 408	Yes: 45% No: 55%
Bought food with vouchers?	Yes: 56 No: 684	Yes: 8% No: 92%
Satisfied with weighing and payment system?	Satisfied: 462 workers Not satisfied: 102 Cane not weighed properly: 162	Satisfied: 62% Not satisfied: 14% Cane not weighed properly: 22%
<i>Deception or false promises about types and terms of work</i>		
Why did they go to a specific batey?	There was work there: 482 Family member lived there: 106 Buscon brought them there: 78	There was work there: 65% Family member lived there: 14% Buscon brought them there: 11%
Did they know who buscón worked for?	Yes: 71 No: 669	Yes: 10% No: 90%
Received ID card?	Yes: 570 No: 170	Yes: 77% No: 23%
Knew how much paid per ton of sugarcane?	Yes: 694 No: 46	Yes: 94% No: 6%
Deductions for social security, housing, meals, or union fees?	Yes: 359 No: 381	Yes: 49% No: 51%
Deductions for tools and equipment needed for jobs?	Yes: 460 No: 280	Yes: 62% No: 38%
<i>Retention of identity documents or other valuable personal possessions</i>		
Were given carnet by employer?	Yes: 157 No: 583	Yes: 21% No: 79%
Were issued a (valid) carnet in 2010?	Yes: 53 No: 687	Yes: 7% No: 93%
<i>Menace of Penalty (presence or threat)</i>		
<i>Physical violence against worker or family or close associates</i>		
Showed signs of fear, anxiety, or intimidation?	Yes: 8 No: 732	Yes: 1% No: 99%
Could not leave because supervisor violent or threatening?	Yes: 7 No: 733	Yes: 1% No: 99%
Surveillance?	Yes: 7 No: 733	Yes: <1% No: >99%
<i>Denunciation to authorities (police, immigration, etc.) and deportation</i>		
Were given carnet by employer?	Yes: 157 No: 583	Yes: 21% No: 79%
Were issued a (valid) carnet in 2010?	Yes: 53 No: 687	Yes: 7% No: 93%
<i>Exclusion from future employment</i>		
Penalized for missing work	Yes: 28	Yes: 4%

(with not being able to work next day)?	No: 712	No: 96%
“Code” erased (and not able to return to work)?	Yes: 9 No: 731	Yes: 1% No: 99%
Deprivation of food, shelter or other necessities		
Living in employer-owned housing?	Yes: 734 No: 6	Yes: 99% No: 1%
Lived in employer-owned housing during dead season?	Yes: 496 No: 244	Yes: 67% No: 33%
Penalized for missing work (with being removed from batey)?	Yes: 20 No: 720	Yes: 3% No: 97%
Penalized for leaving jobs (with being removed from batey)?	Yes: 25 No: 715	Yes: 3% No: 97%
Feared leaving jobs because would not make enough to buy food?	Yes: 19 No: 721	Yes: 3% No: 97%
OTHER ISSUES OF CONCERN		
Working hours		
Worked 12 hours per day?	Yes: 518 No: 222	Yes: 70% No: 30%
Worked 7 days per week?	Yes: 651 No: 89	Yes: 88% No: 12%
Payment		
Paid on time almost all the time?	Yes: 699 No: 41	Yes: 94% No: 6%
How paid?	Piece rate: 703 Daily wage: 30	Piece rate: 95% Daily wage: 4%
Satisfied with weighing and payment system?	Satisfied: 462 workers Not satisfied: 102 Cane not weighed properly: 162	Satisfied: 62% Not satisfied: 14% Cane not weighed properly: 22%
How often paid?	Weekly: 647 Bi-weekly: 93	Weekly: 87% Bi-weekly: 13%
Weekly earnings of workers paid weekly?	DOP 500 or less: 65 DOP 501-1,000: 276 DOP 1,001-2,000: 256 More than DOP 2,000: 23	DOP 500 or less: 10% DOP 501-1,000: 43% DOP 1,001-2,000: 40% More than DOP 2,000: 4%
Weekly earnings of workers paid bi-weekly?	DOP 500 or less: 8 DOP 501-1,000: 14 DOP 1,001-2,000: 48 DOP 2,001-DOP 3,000: 14	DOP 500 or less: 9% DOP 501-1,000: 15% DOP 1,001-2,000: 52% DOP 2,001-DOP 3,000: 15%
Voucher system		

Bought food with vouchers?	Yes: 56 No: 684	Yes: 8% No: 92%
Deductions		
Deductions for social security, housing, meals, or union fees?	Yes: 359 No: 381	Yes: 49% No: 51%
Deductions for tools and equipment needed for jobs?	Yes: 460 No: 280	Yes: 62% No: 38%
Benefits/Health and safety		
Attended literacy or technical training program?	Yes: 10 No: 730	Yes: 1% No: 99%
Got sick or injured during employment?	Yes: 345 No: 395	Yes: 47% No: 53%
Where (sick/injured workers) received treatment?	Doctor or hospital at <i>ingenio</i> : 114 Hospital del seguro: 128 Public hospital: 54	Doctor or hospital at <i>ingenio</i> : 33% Hospital del seguro: 37% Public hospital: 16%
Living Conditions		
Provided with housing?	Yes: 734 No: 6	Yes: 99% No: 1%
Provided with mattress?	Yes: 118 No: 622	Yes: 16 % No: 84%
Access to electricity?	Yes: 92 No: 648	Yes: 12% No: 88%
Access to potable water?	Yes: 297 No: 443	Yes: 40% No: 60%
Access to sanitary services?	Yes: 364 No: 376	Yes: 49% No: 51%
Food		
Provided with food?	Yes: 47 No: 693	Yes: 6% No: 94%
Provided with water?	Yes: 242 No: 498	Yes: 33% No: 67%
Transport		
Provided with transport?	Yes: 564 No: 163	Yes: 76% No: 22%
Worker satisfaction		
Thought working conditions improved in past few years?	Yes: 685 No: 55	Yes: 93% No: 7%

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Endnotes

¹ A canasta básica is comprised of the goods and services that a family must obtain to satisfy their basic needs.

² According to statistics from the Ministry of Labor (unpublished), in 2007, 3,548,305 people were employed, of whom 1,571,912 were employed in the formal sector and 1,976,393 in the informal sector, (55.7 percent).

³ According to the ILO, the informal sector includes "employees who work in establishments with fewer than five employees, self-employed, unpaid workers and domestic service" (ECLAC, 2009).

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⁹ Presentation by Frank Báez Evertsz in the seminar organized by the Friedrich Ebert Foundation, "*Inmigración y Desarrollo Binacional: Problemas, Alternativas y Recomendaciones*". Santo Domingo, 24 de noviembre de 2010.

¹⁰ This process is not always done the same day as the cane is cut.

¹¹ Since it generates a daily loss of sugar up to two percent per day.

¹² The residue from this process can be used as fuel or fertilizer.

¹³ The origin of the word comes from the Taino "batey" used to describe Aboriginal ball game and where it was played (Báez Evertsz, 1986: 290).

¹⁴ "Industrial azucarera busca nuevos caminos." *Listin Diario*. September 16, 2009. <http://www.listin.com.do/economia-y-negocios/2009/9/15/115001/>

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The CEA also owned a fifth *Ingenio*, operated by a new business: Alcoholes Finos Dominicanos, which does not produce sugar, but rather alcohol.

¹⁵ See, for example: "Is sugar production modern day slavery?". *CNN-Anderson Cooper Blog*, Dec. 18 2006. (Posted by Steve Turnham CCN Producer). <http://edition.cnn.com/CNN/Programs/anderson.cooper.360/blog/2006/12/is-sugar-production-modern-day-slavery.html>; Rego. "La Batalla Final Contra La Esclavitud" *El Mundo*. 26 de abril, 2010. <http://www.elmundo.es/suplementos/cronica/2009/706/1240696801.html>; Olmedo. "Un Cura en el Infierno". *El Mundo*. 5 de enero 2003. <http://www.elmundo.es/cronica/2003/377/1041929167.html>.

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¹⁷ U.S. Department of State. *Country Reports on Human Rights Practices for 2011: Dominican Republic*. May 2012. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dynamic_load_id=186510#wrapper

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¹⁸ Declaraciones del Ministro de Trabajo ante el Comité de Derechos Económicos Sociales y Culturales, 3 de noviembre de 2011, Ginebra. Entrevista al Director de Inspección Federico Gomera.

¹⁹ The CESFRONT consists of a joint force composed of 60 percent of members of the Army, 20 percent of the Navy and 20 percent of the Dominican Air Force (UNDP / ODH, 2010).

²⁰ The IOM, for example, has criticized Law 136-03 as it does not clearly distinguish the crime of smuggling from human trafficking, which hinders its operation and does not address internal trafficking (IOM 2008: 65).

²¹ See: Committee on Economic, Social and Cultural Rights “*Report on the sixteenth and seventeenth sessions*”. 06/20/1998. E/1998/22. (Sessional/Annual Report of Committee), United Nations, Official RecoDRs, 1998.

²² Note that, where documents are cited directly in this report, translations from the original language are the authors.

²³ A rapid appraisal is an intensive qualitative research technique, commonly used to access rural, disadvantaged, or developing communities or populations facing acute crisis (such as armed conflict or environmental disaster), that gathers existing information (primarily through a literature review) and the knowledge of the community under study (primarily through key interviews, focus groups, and/or participatory research) in order to gain a basic understanding of major issues in a short period of time.

²⁴ See explanation of employer types below.

²⁵ Although the ILO does not demand the adoption of a particular methodological technique to measure forced labor, the use of surveys has been questioned considering the difficulty of guaranteeing the representativity of a sample, as victims of FL generally constitute elusive or hidden populations. In addition, the ILO considers that categories of forced labor are not easily measured with this technique (ILO, 2009, 2004).

²⁶ The only information provided by the National Sugar Institute is an annual overall estimate of the number of cane cutters.

²⁷ San Pedro de Macorís, El Seybo, Hato Mayor, La Romana, La Altagracia, San Cristóbal, Independencia, and Bahoruco.

²⁸ While all *bateyes* were visited to arrive at an estimate of the approximate number of *braceros*, the identification of other characteristics could only be carried out in 152 of the 178 *bateyes*.

²⁹ The term “*colonos*” refers to a diverse group of independent sugar harvesters who sell their sugarcane to the “*ingenios*” (sugar processing plants).

³⁰ *Bateyes* were deemed operational based on the presence of workers and activity at the site on the day the researchers visited.

³¹ Although researchers were not able to obtain current figures and although the proportion of mechanized harvesting has increased, the study on CEA plantations offers an idea about on the types of workers employed: *picadores* represented 42.7 percent of the male population employed by CEA during the harvest (Moya Pons, F. et. al., 1986:35).

³² Only 1.4 percent were less than 18 years-old (between 15 and 17 years of age).

³³ Of these workers, 24.7 percent were born in La Romana, 36.4 percent in San Pedro de Macoris, and 10.4 percent in Barahona. It should be noted that some of these workers were born in the Dominican Republic but raised in Haiti.

³⁴ For currency conversion from Dominican Peso (DOP) to US dollar (USD), a mid-study date of July 1, 2010 was chosen, since workers were interviewed at different times over the two-year period. On July 1, 2010, 1USD=36.3 DOP.

³⁵ Mobile phones are very inexpensive in Latin America and are prevalent among impoverished agricultural workers. Phones often cost less than USD 10 and airtime is cheap and can be purchased in small increments when workers want to make calls. There are no monthly fees for calling card phones.

³⁶ Workers obtained information about employment in specific *bateyes* through word of mouth from other workers or through prior employment and asked to be left at these *bateyes*.

³⁷ ILO. *A Global Alliance against Forced Labor*. 2005 <http://www.ilo.org/public/english/standards/reim/ilc/ilc93/pdf/rep-i-b.pdf>

³⁸ After the data was categorized according to the 2005 ILO indicators, Verité conducted a secondary classification exercise based on new guidelines for surveying forced labor, which were issued in Dec. 2011 (*Hard to see, harder to count: Survey guidelines to Estimate Forced Labour of Adults and Children*) in order to consider the data within an updated standard framework. However, because the study was not designed or implemented with this newer framework in mind, the study may not have captured all the data that would be relevant to this analysis. The results of this secondary analysis are presented in Appendix VIII.

³⁹ According to Article 55, the *carpet* must contain the following information: the name and photograph of the worker; the type of job they will be carrying out; their country of origin; an ID number; the date of birth; gender; date and place of entry; length of stay; extension of stay (if relevant); area where the worker lives and works; the worker's signature and fingerprints; and the employer's name, address, and economic activity.

⁴⁰ *Ajusteros* are administrators who coordinate the harvest in the bateyes and their job is to supply the *ingenio* with sugarcane, as well as to pay workers' salaries. According to a key informant, there were approximately 20 *ajusteros* working for *Ingenio Porvenir* during the 2010 harvest.

⁴¹ Approximate costs: Passport (USD 70); a visa valid for three months and a single entry (USD 100); a one year multiple entry visa (USD 200); and an entry fee (USD 25).

⁴² Interview of lawyer with expertise on braceros' labor rights, June 29, 2009.

⁴³ The Central Romana colonato has its own system and their workers have the same wages, incentives and bonuses as those who live and work in the plantations of Central Romana.

⁴⁴ Interview with Director de la Coordinación Nacional de Inspección, 14 de febrero de 2011.

⁴⁵ Sentencia No. 249-2009 Sobre pago de prestaciones laborales y derechos adquiridos en ocasión de desahucio, Sala 2 del Juzgado de Trabajo del Distrito Judicial de San Pedro de Macorís, p. 11.

⁴⁶ See also: Human Rights Watch, "El Salvador, Turning a Blind Eye. Hazardous Child Labor in El Salvador's Sugarcane cultivation", New York, June 2004 Vol. 16, No. 2 (B).

⁴⁷ In this report, children are defined as minors under the age of 13, while adolescents are defined as minors between the ages of 13 and 18.

⁴⁸ Although, like the Labor Code (Law 16-92), it allowed the executive branch to grant permits for agricultural companies to hire foreign laborers at a higher rate (Cuevas, 1999: 129).

⁴⁹ Corten, 1976, Baez, 1986; Price Mars, 1953: 781.

⁵⁰ Resolución No.4528, promulgada el 31 de agosto de 1956, Gaceta Oficial No.8025, del 12 de septiembre de 1956.

⁵¹ Resolución 217 A (iii) de la Asamblea General de las Naciones Unidas el 10 de diciembre de 1948. Article 23 affirms the right of everyone to work, equal pay for equal work, fair compensation, "ensuring for himself and his family an existence worthy of human dignity."

⁵² Res. A.G. 2200A (XXI), O.N.U, 21, Supp. No. 16, UN Doc. A/6316, 993 U.N.T.S. 3, del 16 de diciembre de 1966.

⁵³ Res. A.G. 2106 A (XX), 660 U.N.T.S, 21 de diciembre de 1965. Ratified by the National Congress of the Dominican Republic on May 25, 1983.

⁵⁴ *Convention on the Elimination of All Forms of Discrimination Against Women* of December 18, 1979 (GA res. 34/180, 34 UN GAOR Supp. (No. 46) p. 193, UN Doc A/34/46) . Ratified by the National Congress of the Dominican Republic by Resolution 582 of June 25, 1982

⁵⁵ *Ídem*, Article 16.1.

⁵⁶ Promulgated by Poder Ejecutivo el 29 de mayo de 1992, Gaceta Oficial No. 9836.

⁵⁷ Artículo 389, Código del Trabajo.

⁵⁸ Artículo 407, Código del Trabajo.

⁵⁹ Artículo 706, Código del Trabajo.

⁶⁰ See artículo 281 y artículos 166 al 170 del Código del Trabajo.

⁶¹ The Labor Code prohibits employment of children under sixteen years of age in dangerous or unhealthy work (Article 251) and delegated to the Ministry of Labor the determination of dangerous or unhealthy jobs. In 1999, the country ratified ILO Convention 138 on Minimum Age.

⁶² *Ley No. 1896 del 30 de agosto de 1948 que estableció el Instituto Dominicano de Seguros Sociales -IDSS-*.

⁶³ Excluded from this category zones sector and the tourism sector (except for the border areas "as long as there are international conventions aimed at these activities and to establish provisions to that effect."D

⁶⁴ According to Article 55, it must contain the following information: Name and photograph of the worker; b. Type identity of their country of origin and number. c. Date of birth and sex; d. Date and place of entry; e. Length of stay; f. Duration g . Activity; h. Area where worker will live and work, i. Number; j. Signature and fingerprints of the employee, and k. Name, address and employer's economic activity.

⁶⁵ Refugees International. República Dominicana: Nuevas oportunidades para el cambio. October 13, 2010. <http://www.refugeesinternational.org/node/4427>

⁶⁶ Refugees International. República Dominicana: Nuevas oportunidades para el cambio. October 13, 2010. <http://www.refugeesinternational.org/node/4427>

⁶⁷ Catarey (1948), Central Rio Haina (1952) y Esperanza (1956).

⁶⁸ *Ingenios* Ozama, Boca Chica, Porvenir, Santa Fe, Consuelo, Quisqueya, in the East and Southeast. *Ingenio* Barahona, in the Southeast and *Ingenios* Montellano y Amistad in Puerto Plata, in the North.

⁶⁹ The four private mills were the Central Romana (purchased in 1967 by Gulf & Western Company) and the CAEI mills, Angelina and Cristobal Colon, owned by the Vicini family.

⁷⁰ Ley de Saneamiento No. 6106, del 14 de noviembre de 1962.

⁷¹ An example of the inefficiency of the CEA was the "vicious circle" in which due to the lack of laborers, the practice of burning cane to increase the yields was introduced, but as burnt cane deteriorates faster than the green cane, manufacturing yields were reduced yields (Cuevas, 1999: 217).

⁷² The process involved a physical inventory of the assets of the CEA, a catalog of titles that supported the land, a description of the mills, an audit of assets, the market valuation of each mill, environmental and social audits and mapping and a census of the bateyes (CEA, 2003).

⁷³ See: Sugar Tech. "Sugar Price Index," <http://www.sugartech.co.za/sugarprice/index.php>.

⁷⁴ See: "Sugar price tumble premature, says SocGen". 22nd March, 2011. <http://www.agrimoney.com/news/sugar-price-tumble-premature-says-socgen--2958.hMTI>.

⁷⁵ After the reform of EU sugar policy in 2006 and the signing of Economic Partnership Agreement (EPA) agreed between the Dominican Republic, CARIFORUM and the EU, the latter has become the second largest market for the country, after the U.S. (INAZUCAR, 2008).

⁷⁶ 1,272 tons produced by CAEI (INAZUCAR, 2009).

⁷⁷ See: Technical Centre for Agricultural and Rural Cooperation ACP-EU. "Regional Perspectives on Changing EU-ACP sugar sector relations: The Impact of Duty Free, quota-free access on ACP exporters". *Agitrade*, May 2010. Web. 6 July. 2010.

⁷⁸ The lease was signed on December 13, 1999 (Jorge, 2002).

⁷⁹ Entrevista CIPAF a Representantes del Consorcio Azucarero Central, 25 de octubre de 2010.

⁸⁰ La Secretaría de Estado de Salud Pública y Asistencia Social (SESPAS), La Secretaría Estado de Educación (SEE), El Consejo Presidencial del Sida (COPRESIDA), El Fondo Patrimonial de las Empresas Reformadas (FONPER), El Instituto Nacional de Aguas Potables y Alcantarillados (INAPA), Comunidad Digna, El Centro de Investigación y Apoyo Cultural (CIAC) and Visión Mundial República Dominicana.

⁸¹ "Los azucareros de RD piden a empresa local y española que eviten incidentes." *Acento/EFE*. March 6, 2012. <http://www.acento.com.do/index.php/news/13532/56/Los-azucareros-de-RD-piden-a-empresa-local-y-espanola-que-eviten-incidentes.html>

⁸² Fanjul Corp. is the owner of Florida Crystals Operations (which is in turn owned by American Sugar Refining-ASR, which recently acquired Tate & Lyle, "the main producer of sugar in the European Union" ("American Sugar Refining to Acquire Tate & Lyle's European Operations Sugar. ") PR Newswire, 1st. Mar. 2010. Web. July 7, 2010.

⁸³ Produced 74.4 percent of total sugar (387.635 MT) INAZUCAR, 2009.

⁸⁴ See: Central Romana. <http://www.centralromana.com.do>

⁸⁵ US Department of State. "2009 Investment Climate Statement", Feb. 2009. Washington DC .Web. 10 Jul. 2010.

⁸⁶ *Ídem.*, Arts. 10 y 11.

⁸⁷ *Ídem.*, Arts. 14-16.

⁸⁸ *Ídem.*, Arts. 15-26.

⁸⁹ Dr. Veras was one of the main people to criticize the abuses of the "procurement contract." Since 1976, he has written articles in the national press criticizing the "slave industry" which sponsored the capture of Haitians who were then sold (Plant, 1987: 72). In 1980, after the publication of the intergovernmental agreement between Duvalier and the Dominican government, Dr. Veras spoke before the ILO (Neck, 1997: p.63).

⁹⁰ In November 1999, the Inter-American Commission issued an injunction against the "mass deportations" of thousands of Haitian immigrants and Dominicans of Haitian descent without due process.

⁹¹ The report points out that since 1966, the Dominican Republic has received the highest U.S. assistance for police training in Latin America (per capita).

⁹² The three members of the mission visited the sugar plantations near Santo Domingo (Rio Haina), East (Central Romana and *Ingenio Cristóbal Colón*), North (Hope Mills and Montellanos) and Southwest (Barahona).

⁹³ From 1978 to 1986 the Dominican Revolutionary Party (PRD) ruled, following the "12 years" of the Balaguer government. After they took office, the PRD announced that it would improve recruitment and working conditions of Haitian immigrants in the cane fields.

⁹⁴ Americas Watch was created by Human Rights Watch in 1981 to monitor and promote human rights in Latin America and the Caribbean.

⁹⁵ Americas Watch. "Haitian Sugar Cane Cutters in the Dominican Republic: A Preliminary Report," May 1989, Americas Watch, National Coalition for Haitian Refugees, "Caribbean Rights and Haitian Sugar Cane Cutters in the Dominican Republic," New York, 1989.

Americas Watch, National Coalition for Haitian Refugees and Caribbean Rights "Harvesting Oppression: Forced Labor in the Dominican Sugar Industry," New York, June 1990. Human Rights Watch, "Human Rights Watch World Report 1990 - Dominican Republic," 1 January 1991, available at: <http://www.unhcr.org/refworld/docid/467fca311d.html> [accessed 5 November 2010] ,

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⁹⁶ Also included was a brief visit to Central Romana to contrast the situation with the public mills. Human Rights Watch reported comparable abuses (Human Rights Watch World Report 1990: 5).

⁹⁷ In 1991, four points had been established in Pedernales, Jimaní, Elías Piña, and Dajabón, where health and migration officials, together with CEA personal carried out malaria tests, had applicants fill out migration forms and sign work contracts, and set up transport to plantation (ILO, 1991, 315)

⁹⁸ Declarations of el Movimiento de Mujeres Dominicó-Haitianas (MUDHA) and el Comité Dominicano de Derechos Humanos. Audience with the IACHR, October 7, 1998. (IACHR, 1999).