

November 8, 2022

Dear President Biden, Vice President Harris, Secretary Blinken, Secretary Mayorkas, Ambassador Tai, National Security Advisor Sullivan, and Secretary Walsh,

We, the undersigned U.S.-based civil society organizations, write to urge your administration to take swift action on egregious and long-standing forced labor in the sugar fields of the Dominican Republic. This sugar, imported primarily by the Central Romana Corporation, is entering the US market in violation of Section 307 of the 1930 Tariff Act. Given the abundance of evidence of forced labor, we have urged US Customs and Border Protection (CBP) to issue a Withhold Release Order (WRO) against these products. To date, CBP has taken no action.

While the presence of even one of the eleven ILO Indicators of Forced Labor may be sufficient for a finding of forced labor, in this extreme case, investigators have identified a staggering nine indicators: abuse of vulnerability, deception, restriction of movement, isolation, intimidation and threats, withholding of wages, retention of identity documents, abusive living and working conditions and excessive overtime.

Cane cutters in the Dominican Republic earn poverty wages while working under dangerous conditions, for upwards of ten hours per day, six days per week. They live in ramshackle homes in “company towns” known as *bateyes*, owned by Central Romana. An August 2022 study by Howard University Professor Nikongo BaNikongo found that 94% of 1,200 workers surveyed had no electricity in their homes, and nearly 85% had no indoor plumbing. Perhaps unsurprisingly, 80% of respondents to BaNikongo’s survey would like to leave the *bateyes*.

But due to various types of intimidation and coercion, they remain. Most workers are Haitian, with no legal immigration status--a fact that Central Romana exploits. To maintain a captive workforce, Central Romana appears to have a handshake agreement with the Dominican government to avoid immigration enforcement on the farms. Most workers lack identity documents of any type, but a small minority hold Dominican identification cards called Carnets. BaNikongo’s study found that these documents are often “withheld as a pressure tactic to enforce compliance and assure their stay in the fields against those who would otherwise think of leaving.” Withholding of documents is one of the ILO indicators of forced labor, as is threatening workers with deportation. BaNikongo found evidence that threats “to report people who lack proper documentation to the authorities is a standard tool of enforcement...”

Some workers were lured to the Dominican Republic by recruiters called *buscones* who promised higher wages, paid time off, written contracts and overtime pay. Only after arriving did workers discover they had been deceived: not only was there no paid time off or pay for the significant overtime worked, but their income was also greatly reduced by extensive deductions for miscellaneous “expenses.” In many cases, the *buscones* charged a fee to transport the worker over the border, which exacerbates worker poverty and perpetuates the debt cycle. Additionally, workers are paid according to the amount of cane they cut, but the cane is weighed by a supervisor, with workers not allowed to view the scale, suggesting they may earn even less than they are entitled to. All of these factors contribute to wage theft, which is an indicator of forced labor and the primary form of coercion used to keep workers in forced labor according to the International Labor Organization.

Despite years of pressure, change has been slow and insufficient. Recently, the U.S. Department of Labor's Seventh Periodic Review of the situation of Dominican sugar workers, in response to a petition filed under CAFTA-DR a decade ago, highlighted the gravity of this precarious legal status for these workers. Lacking legal status, "[w]orkers universally reported that they were afraid to move around the country, remained isolated in their communities, feared availing themselves of company and [Ministry of Labor] grievance mechanisms or trade unions, or faced harassment, extortion, and intimidation because of their lack of documentation."

One extraordinary fact is that this problem, if not corrected now, will only snowball. A 2013 law eliminated birthright citizenship, stripping children who were born in the *bateyes*, but who are of Haitian descent, of their legal status. New generations of workers are growing up in *bateyes*, unable to leave, forced to take a job with the company that runs every aspect of their lives. For an unscrupulous company, these stateless workers are the perfect captive workforce to hold in forced labor.

Central Romana even has a backup plan for those rare workers who, against all odds, dare to complain. According to an October 2022 *Intercept* article, Central Romana's "paramilitary-style" night guards have been so abusive that even members of the company's daytime security force have expressed trepidation. One ex-Central Romana guard commented to the journalists that their "weapons, the head-to-toe blue-black uniforms, and the full facial masks...create an atmosphere of intimidation so that the cane cutters and their families 'always live in fear.'" In one case, these armed, masked men evicted a worker, along with his wife and child, from their home in the *batey*, in what appeared to be retaliation for having complained about prior abuses.

CBP's failure to act has not been for lack of information. Over the past year, at least two petitions have been filed with CBP seeking an immediate WRO against Central Romana's sugar imports. A WRO against Central Romana sugar is consistent with the Administration's worker-centered trade policy, and with the Department of Labor's efforts to support the Dominican government in improving labor inspections and addressing workers' precarious legal status.

Further delay is not appropriate. Sugar produced with forced labor continues to enter the US market, in violation of US law. Central Romana is not engaging with local civil society organizations to address the situation. Nor is the company taking any other meaningful steps to address the forced labor.

As civil society leaders, we have observed that, in those rare instances where a potential WRO target company is taking steps to remediate, CBP has delayed action. That delay is not merited here. No additional due diligence should delay issuance of this WRO. Here, in fact, we have heard recent reports of retaliation against civil society leaders who have been vocal about forced labor on Central Romana's plantations. There is no meaningful engagement. And there is no justification for further delay.

As U.S.-based civil society organizations advocating for human rights and corporate accountability, we urge you to use all tools at your disposal to mitigate the harm to these workers and ensure compliance with US trade law prohibiting the importation of goods made with forced labor.

Signed,

AFL-CIO
Corporate Accountability Lab
Child Labor Coalition
Freedom Fund
Freedom United
Global Labor Justice-International Labor Rights Forum
Green America
Human Trafficking Legal Center
Institute for Justice & Democracy in Haiti
International Corporate Accountability Roundtable
International Rights Advocates
Liberty Shared
National Consumers League
No Business with Genocide
Solidarity Center
Verité
Worker Rights Consortium

CC:

Senator Marco Rubio
Senator Bob Menendez
Senator James Risch
Senator Ben Cardin
Senator Jeff Merkley
Senator Chris Coons
Congressman Earl Blumenauer
Congressman Chris Smith
Congressman Tom Malinowski
Congresswoman Karen Bass
Dr. Kari Johnstone, Office to Monitor and Combat Trafficking in Persons
Thea Lee, Deputy Undersecretary for International Affairs, Department of Labor
Marcia Eugenio, Office of Child Labor, Forced Labor, and Human Trafficking, Department of Labor
Matt Levin, Office of Trade and Labor Affairs, Department of Labor
Josh Kagan, Assistant United States Trade Representative for Labor Affairs, Office of the US Trade Representative
Commissioner Chris Magnus, Customs and Border Protection
Undersecretary Robert Silvers, Department of Homeland Security