

DOMINICAN REPUBLIC (TIER 2)

The Government of the Dominican Republic does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, the Dominican Republic remained on Tier 2. The government demonstrated increasing efforts by prosecuting traffickers—including an allegedly complicit official, convicting traffickers, identifying victims, and launching a national anti-trafficking awareness campaign, which increased calls to the government hotline. However, the government did not meet the minimum standards in several key areas. The government did not report any new prosecutions or convictions for forced labor. It did not provide sufficient funds, training, or equipment to conduct law enforcement efforts or provide adequate victim protection or specialized services. It also did not take action to remedy gaps in law enforcement efforts identified by the attorney general's office review of 2010-2014 trafficking cases.

RECOMMENDATIONS FOR THE DOMINICAN REPUBLIC

Vigorously prosecute and convict traffickers involved in forced labor and sex trafficking, including complicit government officials; fully implement protocols to identify adult and child trafficking victims, including in commercial sex, domestic servitude, and the agriculture and construction sectors, and refer them to protective services; adequately fund and train law enforcement, including on how to better identify victims of forced labor; amend the 2014 anti-trafficking law to remove the requirement to prove force, fraud, and coercion of sex trafficking victims under 18 years of age and consistent with international law; adequately fund and coordinate specialized services for adult and child trafficking victims; work with NGOs to provide adequate shelter and services to adult and child victims; address the gaps identified in the attorney general's office review of 2010-2014 trafficking cases; screen for trafficking indicators among working children and undocumented or stateless persons at risk of deportation, including those of Haitian descent to identify victims and prevent re-trafficking; and conduct forced labor and sex trafficking awareness campaigns in Spanish and Creole.

PROSECUTION

The government maintained law enforcement efforts by investigating, prosecuting, and convicting sex traffickers, but did not investigate, prosecute, or convict any labor traffickers. The 2003 Law on Human Smuggling and Trafficking (Law 137-03) prohibits most forms of trafficking in persons and prescribes penalties of 15 to 20 years imprisonment and fines—penalties sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. However, in contrast to the international definition of trafficking in persons, the law requires prosecutors to prove that a trafficker used the means of force, fraud, or coercion for sex trafficking of individuals under 18 years of age. It also defines trafficking more broadly to

include forced marriage and illegal adoption without requiring that either marriage or adoption have exploitation as a purpose. Prostitution is legal, but promoting the prostitution of others is prohibited by article 334 of the penal code, which prescribes penalties of six months to three years imprisonment and fines. Article 25 of the Child Protection Code of 2003 prohibits the offering, delivering, or accepting, without regard to means used, anyone under 18 years of age for the purpose of sexual exploitation, forced labor, or any other purpose that demeans the individual, for remuneration or any other consideration, and prescribes a penalty of 20 to 30 years imprisonment and a fine. Prosecutors may use these provisions to charge and prosecute sex traffickers in addition to or instead of Law 137-03.

In 2016, the government initiated 25 investigations—23 for sex trafficking and two for forced begging—and prosecuted 40 alleged traffickers, compared with 15 investigations and prosecutions of 49 alleged traffickers in 2015. The government secured convictions of 13 defendants in seven cases, compared to 20 defendants convicted in seven cases in 2015; sentences ranged from five to 20 years imprisonment. The national police anti-trafficking unit, in cooperation with an NGO, planned and conducted investigations, which resulted in the arrest of six traffickers and identification of eight victims. The government, in cooperation with a foreign government, conducted two major operations resulting in the identification of 61 victims and the arrest of nine alleged traffickers, including an army official. Observers and prosecutors reported human and financial resource shortages impeded law enforcement efforts.

An attorney general's office review of 2010-2014 trafficking cases, conducted during the prior reporting period, revealed a number of gaps in law enforcement efforts: inadequate investigation resulting in a lack of evidence to prosecute; insufficient efforts to secure the cooperation of victims and families; and cases prosecuted under inappropriate provisions of the law. The government prosecuted a police officer for participating in a sex trafficking ring that involved child victims, but the officer was acquitted. The government cooperated with governments in the Caribbean, Europe, and Central and South America on investigations of transnational trafficking cases. The government offered anti-trafficking courses at the National Defense Institute, Police Institute, School of Justice, School of Public Ministry, Intelligence School of the Navy, and Judiciary School. Police recruits, prosecutors, judges, and court staff participated in trainings offered by NGOs.

PROTECTION

The government increased slightly the identification of trafficking victims, but decreased other victim protection efforts and services. Authorities identified 157 sex trafficking victims—137 female and 20 male; 83 children and 74 adults—compared with 101 victims in 2015. The Attorney General's Anti-Trafficking Unit (ATU) coordinated with other government agencies, international organizations, and NGOs that provided trafficking victims temporary accommodation in shelters, psychological and legal assistance, reintegration, medical services,

and support for higher education. However, NGOs reported these services were ad hoc, not well coordinated or specialized, and the government often returned child victims to their families without follow-up care or education about the risks of re-trafficking. The Ministry of Women through its Center for Orientation and Comprehensive Investigation provided victims shelter, limited legal services, and psychological assistance. The government provided short-term services to the 157 identified trafficking victims.

Government officials reported having protocols to identify and assist adult and child trafficking victims; however, authorities did not fully implement the protocols across all levels of government nationwide. The government encouraged victims to participate in investigation and prosecution efforts by offering all victims lodging and security in the courtroom and immigration relief for foreign victims. The ATU opened a shelter twice in 2016 to house 60 foreign national victims identified during law enforcement operations, but closed the shelter once the cases concluded due to a lack of long-term funding. The government lacked funding, trained personnel, and equipment to provide adequate victim protection. The anti-trafficking law contains victim protection provisions, including restitution; however, no victims obtained restitution in 2016, compared to at least one trafficking victim obtaining restitution in 2015. The government offered foreign victims identified in cases investigated during the reporting period the same services available to Dominican victims; however, most victims chose to return to their own countries, and only one victim accepted temporary residency in the country in 2016 before returning to her home country. There were no reports of victims being punished for unlawful acts committed as a direct result of being subjected to trafficking. Undocumented Haitian victims faced deportation and other penalties resulting from their irregular immigration status, increasing vulnerability to trafficking.

PREVENTION

The government increased prevention efforts. The inter-institutional anti-trafficking and anti-smuggling commission met periodically to discuss ongoing commitments. The government published an annual report of its efforts under the 2009-2014 plan, which remained in effect. NGOs assessed government implementation efforts were uncoordinated and underfunded. In partnership with and with funding from an international organization, the government completed but will not publish a baseline study of the judicial system's handling of child sex trafficking cases. The government began to develop a new national anti-trafficking action plan. The government, in cooperation with an international organization, launched a national campaign to raise awareness of child sexual exploitation, including sex trafficking. NGOs reported prevention efforts did not target youth and students or Creole speakers, key vulnerable groups, and did not target social media often used by traffickers to recruit victims. The government operated a national hotline, which received 176 calls before the start of the national campaign and 324 after the campaign launched; 493 of the 550 calls were trafficking-related, 61 of which led to new

investigations. The government did not gather comprehensive data or statistics to help it gauge the effectiveness of anti-trafficking efforts.

During the reporting period, the government extended the benefits of the National Regularization Plan to offer an additional year of legal residency status to approximately 240,000 beneficiaries. In addition, the government approved 55,000 birth certificates for documented individuals born in the country to immigrant parents and reissued about 20,000 birth certificates for those individuals. The government planned to offer permanent residency to 8,755 of the individuals who had not obtained birth certificates. These actions reduced the recipients' risk of statelessness and deportation and their vulnerability to trafficking. The government made efforts to reduce the demand for forced commercial sex by charging two tourists—an American and a Canadian—with child sexual exploitation and improved monitoring of tourist areas. The government maintained a national plan to reduce child sex tourism and a detection system for foreign travelers who are registered sex offenders in their countries. The government did not report efforts to reduce the demand for forced labor. The government provided anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, the Dominican Republic is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Large numbers of Dominican women and children are subjected to sex trafficking in the Dominican Republic, the Caribbean, Europe, South and Central America, the Middle East, Asia, and the United States. Foreign national victims from the Caribbean, Asia, and South America are subjected to trafficking in the Dominican Republic. Commercial sexual exploitation of Dominican children by foreign tourists from the United States, Canada, and Europe, and by Dominican residents persists, particularly in coastal resort areas of the Dominican Republic. NGO research indicates sex trafficking of 15- to 17-year-old girls occurs in streets, in parks, and on beaches. Government officials and NGOs report an increase in Colombian and Venezuelan women brought to the country to dance in strip clubs who are subjected to forced prostitution. Traffickers lure Dominican women to work in night clubs in the Middle East, the Caribbean, and Latin America and subject them to sex trafficking. Dominican officials and NGOs documented cases of children forced into domestic service, street vending, begging, agricultural work, construction, and moving illicit narcotics. There are reports of forced labor of adults in construction, agricultural, and service sectors. Populations vulnerable to trafficking include women and girls, working children and street children, migrant workers, and undocumented or stateless persons of Haitian descent. Haitian women report smugglers often become traffickers for the purpose of sexual exploitation along the border, and observers note traffickers operate along the border with impunity and sometimes with the assistance of corrupt government officials who accept bribes to allow undocumented crossings. Unofficial border crossings remain

unmonitored and porous leaving migrants, including children recruited to work in the agricultural and construction sectors, vulnerable to trafficking. NGOs report police complicity in areas known for child sex trafficking.