

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 its efforts by increasing convictions, training and investigation guidelines for law enforcement personnel, and victim protections during investigations and judicial proceedings, in addition to pursuing criminal charges against complicit officials. The government also reconvened its trafficking commission and increased its public awareness campaigns. However, the government did not meet the minimum standards in several key areas. Although the national police reported a significant increase in investigations, the Attorney General's Office reported fewer investigations and reported a decrease in prosecutions. The government did not pass a new national action plan, fund a full-time victim shelter, or provide comprehensive victim services.

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; proactively screen for trafficking indicators among Venezuelans, working children, and undocumented or stateless persons at risk of deportation, including those of Haitian descent, to identify victims, refer them to care, and prevent re-trafficking; approve and implement a new national action plan; adequately fund and train law enforcement, including on how to better identify victims of forced labor, particularly in areas outside of Santo Domingo; amend the 2003 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 provide comprehensive services for victims; and conduct forced labor and sex trafficking awareness campaigns in Spanish and Creole.

PROSECUTION

The government increased prosecution efforts. Dominican law criminalized sex and labor trafficking. The 2003 Law on Human Smuggling and Trafficking (Law 137-03) criminalized all forms of labor trafficking and some forms of sex trafficking and prescribed penalties of 15 to 20 years imprisonment and fines.

Inconsistent with international law, the law required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. However, Article 25 of the Child Protection Code of 2003 criminalized 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 demeaned the individual, for remuneration or any other consideration, and prescribed a penalty of 20 to 30 years imprisonment and a fine. These penalties were all sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape.

In 2017, the Attorney General's Office initiated 17 investigations and prosecuted 20 alleged traffickers, compared with 25 investigations and 40 prosecutions in 2016 and 15 investigations and 49 prosecutions in 2015. The Attorney General's Office secured convictions of 16 defendants in 13 cases, compared to 13 defendants convicted in seven cases in 2016 and 20 defendants convicted in seven cases in 2015; sentences ranged from two to 20 years imprisonment. One convicted trafficker received a suspended sentence. In addition to the above, the national police anti-trafficking department, with NGO assistance, reported it initiated 83 investigations. It did not report a specific number of investigations previously. The national police also conducted seven raids in sex trafficking cases in 2017, versus three in 2016 and none in 2015. The Attorney General's Office also charged 12 foreigners (American, Canadian, German, and Venezuelan) with child sex tourism and convicted four of them; the other eight cases were pending.

The limited number of police officers dedicated to the issue, limited institutional capacity, lack of training and resources, and procedural inefficiency hindered progress. The government's anti-trafficking resources were concentrated in Santo Domingo, resulting in gaps in other areas of the country. An Attorney General's Office review of 2010-2014 trafficking cases 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. In response to the report, the government improved training on investigation and prosecution in the attorney general's anti-trafficking unit and improved victim protection during investigations and the judicial process by allowing testimony via closed circuit video.

To improve law enforcement efforts, the government increased the number of agents trained in trafficking and who work under the national special prosecutor, from 15 in 2016 to 41 in 2017. The national police conducted 14 training sessions, which included four international trainings and four workshops on trafficking and identification in different police regions; a total of 300 police officers were trained. The government offered anti-trafficking courses at the Military Institute, the Specialized Prosecutor Against High Technology Crimes, Attorney General's anti-trafficking unit (ATU), Judiciary School, Attorney General's School, Superior Defense Institute, and the National Investigator's Department.

Authorities noted a lack of capacity and resources to identify potential labor trafficking cases. The government charged two police officers and two members of the military with sex trafficking; these individuals were suspended from their jobs and were being held in pretrial detention pending the outcome of their court cases. The government cooperated with INTERPOL and governments in Canada, Colombia, Trinidad and Tobago, and the United States on investigations of transnational trafficking cases. In one case, the government sought extradition of a trafficker.

PROTECTION

The government maintained victim protection efforts. Authorities identified 102 sex trafficking victims—89 female and 13 male; 57 children and 45 adults—compared with 157 victims in 2016 and 101 in 2015. Seventy-five of the victims were Dominican and 27 were Venezuelan. All of the Dominican victims were given food, medical and psychological services, legal assistance, and shelter. The government said 20 of the 27 Venezuelan victims were provided food, medical, psychological, immigration, and legal assistance and shelter; seven of the victims voluntarily returned to Venezuela with assistance provided by an international organization. The government said 86 of the 102 trafficking victims cooperated with law enforcement. The government provided assistance through its consular and diplomatic missions to four Dominican women exploited abroad, three in Trinidad and Tobago and one in Liberia; upon return to the Dominican Republic, the government provided these victims with additional services.

In collaboration with other government agencies, international organizations, and NGOs, the ATU was structured to provide foreign and domestic trafficking victims accommodation in shelters, psychological, and legal assistance, reintegration and repatriation assistance, medical services, and support for higher education.

However, NGOs reported these services were ad hoc and 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 government established a fund of 125,000 Dominican pesos (\$2,600) for a shelter in Cotui and 120,000 Dominican pesos (\$2,490) for a shelter in Nizao. The special prosecutor's office had a special fund of 50,000 Dominican pesos (\$1,040) and an investigations fund of 70,000 Dominican pesos (\$1,450) that were also used for victim-related expenses such as transportation, food, shelter expenses, and medications; both of these funds were periodically replenished. Authorities and observers noted the government lacked adequate funding, strong institutional leadership, trained personnel, and equipment to provide adequate victim protection. Experts, however, noted some improved care to teenage victims at a shelter in Jarabacoa.

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 previously worked with an NGO to provide training to build capacity to apply the protocols but no longer does so. The government acknowledged the protocols, which were developed in 2015, have not been fully implemented across the government but said that will be included in its national plan. The government said the lack of full implementation has not hindered its work with victim assistance and protection. The government worked with NGOs to screen for potential victims. The government did not fund a shelter to remain open full-time for adult female victims of trafficking. Some observers noted one shelter might not be sufficient to care for victims across the entire country, and placing trafficking victims in the same shelter as domestic violence victims was problematic because they had different problems and needs; others pointed out the need for more transitional housing for victims.

The government reported victims sued their traffickers in 2017, using free legal services provided by the ATU. Five new civil actions against traffickers were filed, while three of the five filed in 2016 were concluded. In two of those three cases, traffickers were required to compensate victims; one received 100,000 Dominican pesos (\$2,080) and the other received 150,000 Dominican pesos (\$3,120). The anti-trafficking law contained victim protection provisions, including restitution; however, no victims obtained restitution in 2016 or 2017, compared to at least one victim in 2015. The government provided compensation to victims of trafficking,

including 100,000 Dominican pesos (\$2,080) per person granted to victims of a case in Montecristi. The government provided a residence visa to a Chinese national who was identified as a trafficking victim in 2013. Undocumented Haitian victims faced deportation and other penalties resulting from their irregular immigration status, increasing vulnerability to trafficking. The government signed an agreement between its foreign ministry, Attorney General's Office, and the National Institute of Migration to create a pilot program for the protection and resettlement of Dominicans who were victims of trafficking abroad.

PREVENTION

The government maintained prevention efforts. The government reconvened the Inter-institutional Commission Against Trafficking in Persons and Migrants (CITIM), which was overseen by the Ministry of Foreign Affairs and brought together multiple government agencies. CITIM, with input by civil society and international organizations, began drafting a new national anti-trafficking action plan, although this plan was not completed during the reporting period. Observers noted that at the highest levels of government, leaders did not demonstrate strong political will to combat trafficking. The government reported it compiled data on its anti-trafficking efforts and published its annual report. Observers assessed government implementation efforts were uncoordinated and underfunded.

The government provided 100,000 Dominican pesos (\$2,080) funding for the development of four fact sheets in Spanish and Haitian Creole to explain how to identify trafficking and commercial sexual exploitation, bring charges, and refer victims. The government, with the help of an international organization, was developing a public awareness project in nine provinces addressing the prevention, investigation, and prosecution of sexual exploitation and trafficking of children and adolescents. Authorities, however, noted an overall lack of public prevention campaigns focused on trafficking. The government's National Institute of Migration and the women's ministry, designed a new diploma for trafficking training for government officials focused on the care and protection of victims. The education ministry worked with NGOs to educate secondary and university students on trafficking. The National Migration Institute designed a study to research the trafficking of Dominican women abroad. Authorities, however, noted the need to carry out more research on human trafficking in the country.

The government operated a national hotline, which received 234 calls during the reporting period. The government had a National Regularization Plan that offered

legal protections to seasonal workers in the Dominican Republic, as well as guaranteed the free transit of thousands of foreign workers who previously may have depended on criminal networks to cross the borders of the Dominican Republic. In addition, the government trained officials in the tourism sector to identify victims of sex tourism. 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. Experts, however, noted child sex tourism was visible on the country's tourist beaches. 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. 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 particularly Venezuelan women brought to the country to dance in strip clubs who are subjected to forced prostitution. Traffickers lure Dominican women to work in nightclubs 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, Venezuelan migrants, 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.