

Dominican Republic (Tier 2 Watch List)

The Government of the Dominican Republic does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included drafting a revised trafficking law to remove the requirement for force, fraud, or coercion of sex trafficking victims younger than 18 years of age, increasing investigations and prosecutions, and training more tourist police staff on trafficking and street children. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government did not report on the outcome of investigations into cases of official complicity in trafficking, and there was concern about the validity of numbers of identified victims, given allegations of complicity within the trafficking prosecutors' office. Authorities did not have a dedicated victim assistance budget or full-time victim shelter, did not effectively screen or refer all vulnerable individuals for trafficking indicators, and immigration protections for trafficking victims were not available. The government convicted fewer traffickers than previous years and issued inadequate sentences to some convicted traffickers. Therefore the Dominican Republic was downgraded to Tier 2 Watch List.

PRIORITIZED RECOMMENDATIONS:

Increase criminal investigations and prosecutions of law enforcement officials allegedly complicit in trafficking. • Vigorously investigate, prosecute, and convict traffickers involved in forced labor and sex trafficking. • Proactively screen for trafficking indicators among Venezuelans, Haitians, and other undocumented or stateless persons at risk of deportation to identify victims, refer them to care, and prevent re-trafficking. • Fully implement protocols to identify adult and child trafficking victims and refer them to protective services. • Provide a dedicated budget targeted at trafficking victim assistance services and provide dedicated shelters for male, female, and child victims of trafficking. • Provide adequate human and financial resources and training to law enforcement, prosecutors, and judges to combat trafficking, particularly in areas outside of Santo Domingo. • Adequately fund trafficking police to fully implement the national action plan. • Increase efforts to identify and combat child sex trafficking and sex tourists, including child sex tourism. • Amend the 2003 anti-trafficking law to remove the requirement to prove force, fraud, and coercion of sex trafficking victims younger than 18 years of age in order to be consistent with international law.

PROSECUTION

The government decreased prosecution efforts; the government increased investigations and prosecutions but decreased convictions, and allegations of official complicity in trafficking hampered efforts. Dominican law criminalized sex trafficking 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. Article 25 of the Child Protection Code of 2003 criminalized the offering, delivering, or accepting, without regard to means used, anyone younger than 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. All these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. In partnership with a foreign donor, the government began efforts to revise its law to remove the need to prove force, fraud, or coercion for child sex trafficking.

The Attorney General's Office reported initiating 26 investigations in 2019, compared with 11 in 2018, 17 in 2017, 25 in 2016, and 15 in 2015. The government reported 22 prosecutions in process involving 47 suspects compared with five prosecutions with 14 defendants in 2018, 20 defendants in 2017, 40 defendants in 2016, and 49 in 2015. The Attorney General's Office secured convictions of five defendants for trafficking, a decrease compared with convictions of 22 defendants in 2018, 16 defendants in 2017, 13 in 2016, and 20 in 2015. A court sentenced one trafficker to six years in prison, and the other two traffickers to three years each, and ordered the trafficker to pay restitution to each of the three victims. During the reporting period, the court of appeals upheld a 2018 guilty verdict in one trafficking case, but suspended four years and four months of the five-year sentence. The government has not updated the status of a 2017 sex trafficking case involving police officers and members of the military. The national police anti-trafficking unit initiated 35 investigations in 2019, down from 45 investigations in 2018 and 83 investigations in 2017. The police co-conducted raids with an international law enforcement agency in which 11

suspected traffickers were arrested in October. The government collaborated with the Government of Canada on a case involving a criminal organization trafficking children for sex and with the government of Panama on a labor trafficking case.

In 2018, the Attorney General replaced many of his top and more experienced prosecutors, including the prosecutor for the specialized anti-trafficking unit; experts noted that the continuing lack of human and financial resources for prosecution was an area of urgent concern. The government reported two investigations of government employees for alleged complicity in trafficking offenses, both investigators assigned to the office of the Special Prosecutor against Trafficking of Persons and Smuggling of Migrants (PETT); no formal charges were filed in either case. One prosecutor allegedly sexually abused an identified trafficking victim, while two police investigators allegedly provided confidential information to nightclub owners before planned raids in order to help them evade capture; all three were suspended from their positions. The government's anti-trafficking resources were concentrated in Santo Domingo, resulting in gaps in other areas of the country. Judges, prosecutors, and police lacked specialized training in investigating, identifying, prosecuting, and sentencing those accused of trafficking crimes and experts reported observing that some judges favored the rights of defendants over the rights of trafficking victims. In 2019, 349 officials of the Ministry of the Interior and Police received training on preventing trafficking and smuggling of migrants by an international organization; this was a decrease from 480 officers trained in 2018 and but an increase from 300 participants trained in 2017. With funding from a foreign donor, 55 members of the Ministry of Defense specialized units were trained on identifying human trafficking. The specialized tourist security unit trained 195 new and existing staff on detecting human trafficking in street children. The National Institute of Migration (INM) trained 667 government officials and members of civil society in 23 workshops across the country about how to detect human trafficking.

PROTECTION

The government decreased victim protection efforts. Authorities reported identifying 195 victims in 2019, compared with 96 victims in 2018, 102 victims in 2017 and 157 in 2016. However, experts raised concern about the validity of the 2019 statistic, as it may include legal sex workers that were present during raids of nightclubs and may not include potential Haitian victims not screened or referred before deportation, despite the known prevalence of trafficking among Haitian

migrants. The government reported that 27 individuals identified as victims by an international law enforcement agency during the reporting year were not trafficking victims. According to outside experts, the government does not have a dedicated budget for victim services, specialized staff, nor a full-time government shelter for adult trafficking victims, and temporary shelter and food were provided to victims from PETT's budget only after raids. Observers noted that the Attorney General's Office has not accounted for utilization of victim assistance donations conveyed as cash transfers from international donor organizations. The government relied on NGOs to provide accommodations for foreign and domestic trafficking victims in addition to medical services and psychological, reintegration, repatriation, and medical assistance. NGOs reported that government victim services were ad hoc, minimal, not well-coordinated or specialized; a report was made that victims attempted to scale the wall of the temporary government shelter—only open after raids—to get out. The NGO shelters are inadequate in terms of staff skills and resources, and they lack capacity to provide for the large number of victims in country. A plan to convert the temporary government shelter into full-time use fell through due to the failure of the PETT to make necessary structural repairs to the facility as part of its agreement with the religious group slated to operate it. Child trafficking victims were sheltered with other children in government centers that were unable to offer specialized, expert care. Non-governmental and religious-based organizations provide most shelter care.

Government officials reported having two protocols to identify and assist adult and child trafficking victims; the Ministry of Women was revising these with international technical assistance and funding. Observers noted that the protocols were not effectively implemented, particularly with regard to detained migrants. The government worked with NGOs to screen for potential victims; experts reported a lack of a formal referral process for victims.

The government had protocols to screen for trafficking victims when detaining or arresting individuals in vulnerable groups, but authorities acknowledged that they have not yet applied them effectively. The trafficking law does not allow for immigration protections for trafficking victims whether or not they assist with court cases. The inability of Venezuelan and some other migrants to apply for in-country adjustment of status hindered their access to basic services and increased their vulnerability to labor exploitation and trafficking. The government permitted victims to work and offers legal assistance, although there is no report of any such

government assistance to victims. According to an observer, seven victims received legal assistance with their cases during the reporting period with the help of an international organization. In 2019, the government waived the overstay fee for 13 trafficking victims who returned to their country of origin: one Colombian, one Nicaraguan, and 11 Venezuelans, including two men. The government facilitated the return of six Dominican victims of human trafficking in Argentina, Costa Rica, Guatemala, and Suriname, all recruited with promises of work abroad in the service sector. The government, working with NGOs, offered protection to trafficking victims during the legal process, including videotaped testimony.

The government reported that approximately 20 victims gave testimony by video or written statements during the reporting period. However, the court system lacked a sufficient number of specialized cameras to allow victims to be interviewed in a safe environment to avoid re-traumatization. The INM offered a certificate program to 69 individuals who received training on protection and assistance strategies for survivors of trafficking.

PREVENTION

The government maintained prevention efforts. The government has yet to allocate specific funds for implementation of its national anti-trafficking plan beyond the standard operating budgets for Inter-institutional Commission against Trafficking in Persons and Smuggling of Migrants (CITIM) institutions despite adopting the plan in May 2018. The plan assigned goals, responsibilities, and deadlines to each of the 14 government agencies comprising the CITIM, and is overseen by the Ministry of Foreign Affairs. The national action plan delegated responsibility to conduct research on human trafficking to the INM. The foreign ministry coordinated and led the consultation process with government agencies, NGOs, and international organizations for the modification of law 137-03 that sanctions trafficking in persons. The government reported that the draft anti-trafficking legislation proposes a portion of a new tax be allocated to fund anti-trafficking efforts. The Ministry of Labor followed recommendations of an externally funded 2018 assessment to reduce child labor and forced labor in agriculture during the reporting year. The government increased funding for the Ministry of Labor, allowing the hiring of 91 new inspectors who were trained by an international agency.

The government, in partnership with an international organization and NGOs, completed a guide for training practitioners about human trafficking, which was handed out in workshops co-led by an NGO. The Ministry of Women organized a contest for film and audiovisual university students to produce short films to raise awareness about human trafficking as a form of violence. The Ministry of Interior and Police signed a memorandum of understanding with an international donor agency to promote awareness and prevent trafficking at the community level. The government joined the international Blue Heart Campaign, disseminated awareness materials, and shared anti-trafficking information on their social media pages for World Day against Trafficking. As part of the campaign against trafficking, CITIM institutions distributed information and posters funded by international partners at several airports to warn passengers of the penalties associated with sexual exploitation. In July, the government co-hosted a regional conference on trafficking with an international NGO for 150 participants, primarily judges from the region. In 2019, with the financial support of an international body, the INM commissioned four research projects, two of which were presented to a variety of stakeholders and informed recommendations to the government on trafficking. The government operated a national trafficking hotline 24 hours a day but did not provide information on the number of calls received or investigated. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in the Dominican Republic, and traffickers exploit victims from the Dominican Republic abroad. Dominican women and children were sex trafficking victims throughout the Dominican Republic, the Caribbean, South and Central America, Europe, the Middle East, and the United States. Foreign victims from Haiti and other parts of the Caribbean, Asia, and Latin America were trafficking victims in the Dominican Republic. Experts noted an increase in the number of Venezuelan trafficking victims in the Dominican Republic since the onset of Venezuela's economic and political crisis. The Dominican Republic is a destination for sex tourists primarily from North America and Europe for child sex trafficking. 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 traffickers recruiting Colombian and Venezuelan women to dance in strip clubs and later coercing them into sex trafficking; traffickers use social media to attract minors and

offer them to clients. Traffickers lure Dominican women to work in nightclubs in the Middle East, Africa, 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. 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 and two special prosecutor's office staff are under investigation for alleged complicity in trafficking.