

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 convicting more traffickers, investigating two police officers for trafficking crimes, and increasing international law enforcement cooperation. The government also identified more victims and implemented new protections for vulnerable domestic workers. However, the government did not demonstrate overall increasing efforts compared with the previous reporting period, even considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity. The government systematically and persistently failed to equitably screen vulnerable migrant or undocumented populations and refer identified victims to services and did not provide these groups justice in trafficking crimes. The government investigated and prosecuted fewer traffickers, did not adequately investigate labor trafficking cases involving migrants and children, and did not adequately identify labor trafficking victims. The government also did not adopt draft amendments to the anti-trafficking law that would remove the requirement to prove force, fraud, or coercion in sex trafficking cases involving child victims; did not adequately fund anti-trafficking efforts; did not provide sufficient training, resources, and technology to officials, especially outside of the capital; and did not complete a new NAP. Therefore the Dominican Republic was downgraded to Tier 2 Watch List.

PRIORITIZED RECOMMENDATIONS: Proactively and consistently screen vulnerable migrant or undocumented populations, including those in agricultural and construction industries, for trafficking indicators and refer them to care. * Amend the 2003 anti-trafficking law to remove the requirement to prove force, fraud, and coercion in sex trafficking crimes involving victims younger than the age of 18, consistent with international law. * Develop, implement, and fund a new NAP and ensure the Inter-institutional Commission against Trafficking in Persons and Smuggling of Migrants (CITIM) meets regularly to carry out its anti-trafficking functions. * Improve timeliness and accuracy of labor inspections and ensure consistent

investigation of labor trafficking. * Issue or re-issue identity documents to eligible migrant populations, including temporary workers, to reduce vulnerability to trafficking. * Fully implement Law 169-14 to issue nationality documents to eligible Dominicans of Haitian descent, to reduce vulnerability to trafficking. * Increase the number of translators, especially in Haitian Creole, to assist in victim identification and referral to care and labor inspections. * Vigorously investigate and prosecute trafficking crimes and seek appropriate penalties for convicted traffickers, including complicit officials, which should involve significant prison terms. * Ensure potential child trafficking victims, including those involved in gangs and drug trafficking, are screened, identified, and referred to care and are not inappropriately penalized solely for unlawful acts committed as a direct result of being trafficked. * Expand consistent access to care and ensure capacity to address the specific and unique needs of both male and female victims. * Provide adequate human and financial resources and training to law enforcement, prosecutors, and judges to combat trafficking, particularly in areas outside of Santo Domingo, and ensure the National Police can routinely connect with counterparts in other source or destination countries.

PROSECUTION

The government maintained prosecution efforts but continued not to adequately investigate and prosecute trafficking crimes involving forced labor and also did not cooperate with the government of Haiti on any trafficking cases, despite the scale of trafficking involving Haitian nationals in the country. 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 crime 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. During a previous reporting period, the government drafted legislation to remove the provision requiring a demonstration of force, fraud, or coercion to constitute a child sex trafficking crime; the legislation remained pending at the end of the reporting period.

The government initiated 29 trafficking investigations involving 71 people (18 cases of 48 people for sex trafficking, eight cases of 19 people for labor trafficking, and three cases of four people for unspecified forms of exploitation), compared with initiating 53 trafficking investigations involving 76 people (47 cases of 69 people for sex trafficking and six cases of seven people for labor trafficking) in 2021. The government continued investigations in seven cases involving 28 people (five cases of 24 people for sex trafficking and two cases of four people for labor trafficking). The government initiated prosecution of 36 alleged traffickers (25 for sex trafficking, 10 for labor trafficking, and one for unspecified forms of exploitation), compared with prosecuting 46 alleged traffickers (41 for sex trafficking and five for labor trafficking) in 2021. The government continued prosecution of 39 suspects (35 for sex trafficking and four for labor trafficking) initiated in previous reporting periods. The government prosecuted 74 suspected traffickers under the anti-trafficking law and one individual under other laws, compared with prosecuting 92 suspected traffickers under the anti-trafficking law and six people under other laws in 2021. Courts convicted 23 traffickers (12 for sex trafficking under the anti-trafficking law and 11 for pandering under the penal code), compared with 10 traffickers (six for sex trafficking under the trafficking law and four for pandering and procuring under the penal code) in 2021. Courts acquitted one defendant. The sentences for the convicted sex traffickers ranged from four to 20 years' imprisonment with fines. Those convicted of pandering received sentences from two to five years' imprisonment and fines. The government reported it enforced the anti-trafficking law equitably; however, an international organization reported the government sometimes

chose not to pursue cases when victims were migrants or undocumented Haitian women. NGOs reported the justice system was not equally accessible for underserved populations - in particular undocumented Haitian migrants and Dominicans of Haitian descent - who limited their movements and activities due to a lack of identity documents and persistent threat of detention and deportation.

The Specialized Prosecutor's Office against the Smuggling of Migrants and Trafficking in Persons (PETT) and the National Police Anti-Trafficking Unit (ATU) were the principal law enforcement bodies pursuing trafficking cases, with police units in Santo Domingo, Punta Cana, San Cristóbal, Puerto Plata, and Boca Chica. The PETT had established liaisons in each of the 35 district attorney's offices nationwide. NGOs reported interagency coordination on trafficking cases had improved, but funding and capacity, especially in the investigation and conduct of large-scale anti-trafficking operations, remained insufficient. An NGO reported authorities almost exclusively dedicated their anti-trafficking law enforcement efforts to addressing urban sex trafficking and did not make significant efforts or provide funding to combat rural labor trafficking. NGOs reported Dominican authorities lacked adequate training and technology to pursue cases and sometimes favored the rights of the defendant over those of the victim. Authorities created a joint PETT-ATU Cyber-Trafficking Unit and a Unit for Detection of Forced and Child Labor, but the two new sections did not initiate operations, pending equipment and training from a foreign donor. The National Police, in cooperation with an NGO, developed an Electronic Investigation Module that could be used for trafficking cases; the module was pending implementation at the end of the reporting period. An NGO reported the National Police largely prioritized internal trafficking cases because the police lacked the capacity and technological tools to routinely connect with regional source or destination countries, including Haiti.

Corruption and official complicity in trafficking crimes remained significant and increasing concerns, inhibiting law enforcement action during the year. ATU officers reportedly alerted traffickers of impending law enforcement actions. The government investigated two police officers for sex trafficking.

The government did not report the status of a 2017 sex trafficking case with police officers and members of the military among the suspects. The government reported it vetted and supervised security personnel providing services in border areas; it also increased salaries and training to officers. However, NGOs reported government officials and security forces in border areas likely facilitated human trafficking through active participation and weak enforcement. The government passed an Asset Forfeiture Law to allow confiscation of assets acquired through, or used in, a range of illicit activities including trafficking. The government did not have specialized trafficking courts.

The government cooperated with 10 international partners on 11 trafficking investigations, compared with cooperating with four foreign governments on trafficking investigations in the previous reporting period. However, authorities did not report cooperating with the government of Haiti on any trafficking cases, despite the suspected scale of trafficking involving Haitian nationals in the country. The government trained personnel, including the Specialized Corps of Land Border Security; the Ministry of Defense; judges, judicial investigators, National and Tourism Police, and prosecutors and support attorneys; the National Council for Children and Adolescents (CONANI); local governments; and community associations on investigating trafficking crimes, victim identification and referral, and trafficking prevention.

PROTECTION

The government maintained victim protection efforts but did not proactively and consistently screen vulnerable migrants or undocumented persons for trafficking indicators. Authorities reported identifying 99 total victims (90 victims exploited in sex trafficking and nine exploited in labor trafficking), compared with 65 victims (29 exploited in sex trafficking, eight in labor trafficking, and 28 victims of unspecified forms of trafficking) in 2021. Of the 87 sex trafficking victims identified domestically, 81 were women, including 79 Colombians and two Venezuelans, and six were Dominican girls; the five labor trafficking victims identified domestically included one woman, two girls, and two boys, all Dominican. The government reported identifying

seven additional Dominican trafficking victims abroad – three exploited in sex trafficking and four in labor trafficking. The government did not report identifying any victims among Haitians or Dominicans of Haitian descent.

The government reported it referred 88 victims to government or government-supported NGO services, compared with referring 65 victims to services in the previous reporting period. The government and NGOs reported adult victims received services including medical and psychiatric care, food, clothing, air travel, forgiveness of overstay fees, airport tax exemption, and escort to the airport. The government provided legal assistance and job training to victims in the specialized trafficking shelter. The government reported providing shelter for 10 sex trafficking victims, nine Colombians and one Venezuelan; NGOs provided shelter for four Colombian sex trafficking victims. The Attorney General's Office disbursed funds from the general budget, as needed, to PETT's Victim Assistance Unit. The government repatriated one Dominican victim from abroad and paid for lodging for five repatriated victims.

The government reported the Ministry of Women provided services for adult female trafficking victims. The Ministry of Women operated a specialized shelter with space for 55 individuals; the government also operated 15 domestic violence shelters that could accommodate trafficking victims. Authorities did not allow most victims to leave shelters unchaperoned. NGOs reported law enforcement often referred victims to care provided by NGOs and international organizations and noted the government lacked the technical capacity and procedures to address victims' needs, including at the specialized shelter. Civil society organizations also had limited resources to provide for the large number of victims in country. CONANI coordinated victim services for child victims. The Ministry of Labor created a new protocol to refer child trafficking victims to CONANI. CONANI operated shelters for child victims of all crime, including trafficking, but did not have a specialized trafficking shelter; CONANI provided shelter to six child victims, four boys and two girls, who were unable to be placed with family members. The Central Directorate of the Tourism Police arranged lodging for potential child victims in

conjunction with CONANI and NGOs. NGOs reported that CONANI occasionally struggled to provide an appropriate environment and specialized psychotherapeutic treatment for child victims.

The government reported screening at-risk populations, such as individuals in commercial sex and migrants, for trafficking using screening and referral protocols. However, government and outside observers noted authorities did not consistently or effectively implement the protocols, particularly with regard to screening detained migrants; the government did not report specifically screening Haitian migrants and Dominicans of Haitian descent for trafficking indicators or identifying anyone from these populations as victims. Observers reported officials sometimes perceived a trafficking victim as being a voluntary participant or complicit actor in a migrant smuggling operation; these victims may have remained unidentified within the law enforcement system. NGOs reported intervening on behalf of potential victims at border reception centers and crossings to prevent deportation and refer the potential victims to municipal public prosecutors. PETT developed an SOP for the identification and referral of trafficking victims in border areas. Police may have penalized child trafficking victims, particularly those involved in robbery gangs or illicit narcotics, for crimes committed as a direct result of being trafficked. An NGO also reported the lack of interpreters, particularly in Haitian Creole, continued to hinder victim identification and referral efforts.

The government reported victims could obtain restitution under the law from defendants in criminal cases or bring civil actions against traffickers for compensation through PETT or the Ministry of Women, which could also provide criminal and civil legal assistance and public lawyers to represent victims. Courts awarded 7 million Dominican pesos (\$125,630) restitution for each victim in a case involving five traffickers; the funds were awaiting disbursement at the end of the reporting period. NGOs reported prosecutors did not always pursue restitution for victims and without public legal assistance, victims were often unable to afford to pursue the case. The government reported victims identified by PETT frequently cooperated with the investigation, including through interviews in Gesell chambers and

submission of written testimony. The government did not report implementing a judicial interview protocol specifically for child victims and witnesses of crimes of sexual violence, although there was an existing protocol governing interviews for vulnerable populations, including children. Authorities reported all victims had access to government protection services, regardless of whether they chose to cooperate with the judicial proceedings; 93 victims received protection services. Authorities provided victims with protection based on assessment of individual risk factors and did not require victims to remain in shelters to access protection services; in some instances, authorities assigned 24/7 security for victims who chose to stay outside shelters. An NGO reported judges could limit victims' movement, disincentivizing their participation in judicial actions. The government reported it worked with the embassies and consulates of the countries of origin of foreign victims to provide consular and repatriation services and represent their interests as necessary; the government repatriated one Dominican victim from abroad, but did not report repatriating any foreign victims. NGOs and an international organization repatriated 51 sex trafficking victims and one labor trafficking victim, including two from previous reporting periods. The trafficking law did not provide immigration protections for foreign victim-witnesses. The government reported it did not deport identified trafficking victims, however, due to inadequate implementation of identification procedures, authorities likely detained, arrested, and deported some unidentified trafficking victims, including Haitian and Venezuelan migrants. The government and an NGO trained public prosecutors on victim identification and protection. The National School of Migration led a diploma course on survivor protection and assistance for technical and managerial staff of government agencies and civil society organizations.

PREVENTION

The government decreased prevention efforts and continued to take measures to actively obstruct the ability of Haitian migrants and Dominicans of Haitian descent to obtain or renew identity documents, which significantly increased their risk to trafficking. The Ministry of Foreign Affairs chaired CITIM, which was the national body responsible for

coordinating anti-trafficking efforts. CITIM met three times and had one virtual coordination session and began development of a new NAP for 2022-2024 but did not finalize it. Observers reported CITIM did not have a dedicated budget and resources to conduct its interagency coordination role and that without a NAP, secretariat, or regular meeting schedule, government efforts to combat trafficking through CITIM remained disorganized. The government did not allocate specific funds for anti-trafficking efforts or implementation of its expired NAP beyond the standard operating budgets for CITIM institutions, but such budgets continued to fund the specialized shelters managed by PETT and the Ministry of Women. The government consulted victims on laws and policies under consideration; an NGO accompanied and provided support to victims during these interviews. The government, in cooperation with an NGO, initiated a survivor engagement program, which it funded from the budget of the Ministry of Labor.

The government met with Haitian authorities to raise trafficking awareness and developed Haitian Creole-language trafficking awareness materials in cooperation with an international organization. The Ministry of Foreign Affairs carried out a trafficking awareness campaign and posted information on the dangers of irregular migration on its social media sites. The Ministry of Labor raised awareness among tourism employees, Ministry of Education school district directors, and school board members on fundamental rights of children including the worst forms of child labor, and with international donor support launched a child labor public awareness campaign in June 2022. The government continued to raise public awareness of trafficking and sexual exploitation in high tourist areas; however, several existing campaigns were either discontinued or relegated to local authorities. NGOs stated the government largely relied on international organizations for assistance with research and awareness campaigns. PETT operated a dedicated 24/7 national trafficking hotline and reported it received calls on 54 trafficking cases. Four other general hotlines and an email address could also receive human trafficking calls in Spanish, English, French, and Haitian Creole. The government did not report how many calls to the hotlines resulted in trafficking investigations or identification of victims.

The government made some efforts to address vulnerabilities among migrant populations. Starting in April 2021, approximately 43,000 Venezuelans with undocumented migratory status registered to normalize their status in the country with the possibility to work or study and access social security. In 2022, the government issued 14,042 visas to Venezuelans covered by the plan, including 12,548 temporary worker visas and 1,494 student visas. The program provided protection to Venezuelan migrants vulnerable to trafficking. Observers noted the government did not otherwise generally offer temporary residence or work permits or regularize residency. In January 2022, media reported the government suspended a plan to provide Haitians in border areas with identification cards. The Ministry of Interior also refused to finalize granting Dominican citizenship to 799 individuals of Haitian descent following two presidential decrees; reopen the naturalization process for stateless beneficiaries of Law 169-14; or renew residence permits for more than 200,000 migrants and Dominicans of Haitian descent who obtained legal status under the National Plan for the Regularization of Foreigners. Observers noted that barring residence permits to Haitians and their descendants - including those born in the Dominican Republic who had never been to Haiti - caused a lack of access to the formal labor sector, secondary and post-secondary education, and medical care and increased risks of deportation to Haiti at any time, leaving these populations vulnerable to trafficking. In spite of the government's obligations to enforce its labor laws under the Central American Free Trade Agreement, observers noted the lack of documentation faced by many workers in the sugar industry left them at risk for abuse, including trafficking. Observers noted undocumented Haitian laborers remained largely unable to apply for and attain legal status, increasing their risk for trafficking.

The labor code prohibited the charging of fees for the recruitment of workers; the recruitment of workers through fraudulent offers of employment; misrepresentation of wages, working conditions, location or nature of work; and the confiscation or denial of workers' access to identity documents. Workers did not require a special permit to change employers.

The government updated its law to expand labor protections to household workers. The Ministry of Labor, in collaboration with a foreign government, began review of its regulations on supervision and protection for workers and those seeking employment; the government was reviewing public comments at the end of the reporting period. The Ministry of Labor employed 208 labor inspectors with an annual budget of 255 million Dominican pesos (\$4.58 million); the government provided ongoing training to the inspectors. The government reported it conducted 62,478 labor inspections, compared with 56,938 labor inspections in the previous reporting period. Labor inspectors continued to use an inspection manual initially deployed in 2022. Observers reported the Ministry of Labor failed to consistently identify labor trafficking; the Ministry of Labor and Public Ministry also lacked investigative capacity, resources, and enforcement options to investigate and penalize labor trafficking. NGOs reported the lack of government efforts to address labor trafficking particularly affected undocumented Haitian migrants and children working in agriculture, construction, and domestic help. NGOs also reported authorities did not always conduct labor inspections in a timely manner and reports often contained errors and contradictions that undermined their credibility. Observers noted labor inspectors lacked sufficient Haitian Creole translators. Complaints about child labor could be made electronically, by telephone, or in person at any of the 40 offices of the Ministry of Labor; the government did not report the number of complaints received or whether any complaints resulted in trafficking investigations. The government did not make efforts to reduce the demand for commercial sex acts. The government raised awareness about child sex tourism in main tourist areas for government tourism employees, taxi and motorbike drivers, and hotel employees, and reported these sessions led to the identification of child trafficking victims and convictions of perpetrators. The government continued to participate in a multi-country operation to identify and investigate individuals traveling overseas who had been convicted of sexual crimes against children. The government reported it denied entry to more than 330 individuals as being potential sex tourists, compared with 270 in the previous reporting period. Laws provided for the prosecution of

Dominican citizens who engaged in child sex tourism abroad; the government did not report any prosecutions for child sex tourism.

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, particularly from impoverished areas, were sex trafficking victims throughout the Dominican Republic, the Caribbean, South and Central America, Europe, the Middle East, and the United States. A 2022 study found family networks; social media recruitment; domestic servitude, inequality, and GBV; a lack of information and education; and corruption as the primary causes of trafficking of Dominican women and girls in Costa Rica, Spain, and Switzerland. Foreign victims especially from Haiti, Colombia, Venezuela, other parts of the Caribbean and Latin America, and Asia, were trafficking victims in the Dominican Republic. Migrant detentions and deportations tripled in 2022 compared with the previous year, likely resulting in more unidentified victims. The Dominican Republic has the largest stateless population in the Western Hemisphere; a 2014 law created a mechanism to provide citizenship papers or a naturalization process to stateless persons, but the law has not been properly implemented, leaving more than 100,000 Dominicans of Haitian descent effectively stateless and vulnerable to trafficking. Raids by immigration and other authorities occasionally damaged or destroyed the homes of persons of Haitian descent, further increasing their vulnerability to trafficking. In 2020, the government reported baseball players recruited from Cuba to play in Dominican leagues may be vulnerable to trafficking. The Dominican Republic is a destination for sex tourists - primarily from North America and Europe - for child sex trafficking. A 2022 study found the incidence of child sex trafficking decreased from 10 percent in 2014 to 2.2 percent in 2022 with no child victims younger than 15 years of age; however, one in 45 individuals in commercial sex that year were victims of child sex trafficking. Traffickers frequently exploit teenage girls in child sex trafficking in streets, in parks, and on beaches. NGOs noted a lack of regulations and enforcement within the tourism industry led to increased child trafficking victims. Traffickers operating in networks continue to employ methods to

mask their activities, including the use of catalogs to sell victims to potential clients using private homes, rented private apartments, or extended stay hotels to house victims. The government's research in 2021 showed that during the pandemic, traffickers increasingly used online platforms for recruitment and exploitation, a trend that has continued post-pandemic. In cases of sexual exploitation of children, WhatsApp chats and social media are used to attract children and exploit them. Government officials and NGOs report an increase in traffickers recruiting Colombian and Venezuelan women to dance in strip clubs and later coerce them into sex trafficking. The pandemic forced many companies to idle workers at partial salaries or lay them off entirely, increasing their vulnerability to trafficking. The government offered unemployment benefits, but many households sought informal labor opportunities, also increasing their vulnerability to trafficking. The government reported an increase in child labor in 2021 due to the pandemic. Dominican officials and NGOs have documented cases of children forced into domestic service, street vending, begging, agricultural work, construction, robbery gangs, and moving illicit narcotics. In 2020, the government described an increase in Dominican trafficking victims, specifically children, brought from the interior of the country to coastal tourist areas. There are reports of forced labor of adults in construction, agricultural, and service sectors. The precarious legal situation for Dominicans of Haitian descent, many of whom are unable to access identity documents, increases their risks for trafficking and labor abuses, including in the agricultural and construction industries. 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 - vulnerable to trafficking. In December 2021, media reported statements by senators that the Haitian-Dominican border lacked official control, thereby facilitating trafficking. LGBTQI+ individuals experience high levels of violence, which may increase vulnerability to trafficking. An increased number of unaccompanied children at risk for trafficking were interdicted and returned from the high seas surrounding

Puerto Rico during the previous reporting period. The government reported a lack of understanding of the nature of trafficking among the general Dominican population, although observers in 2023 noted increasing recognition of the problem among civilian authorities.