



ANTI-TRAFFICKING TECHNICAL ASSISTANCE DOMINICAN REPUBLIC ANTI-TRAFFICKING ASSESSMENT

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List of Abbreviations

ALIANZA	ONG Contra el Trafico de Mujeres, Ninos, Ninas y Adolescentes.
AT	Anti-Trafficking
CENSEL	Centro de Servicios Legales Para la Mujer,Inc.
CIDA	Canadian International Development Agency
CIPAF	Centro de Investigacion para la Accion Feminina.
CIPROM	Comite Interinstitucional de Protection a la Mujer Migrante
COIN	Centro de Orientacion e Investigacion Integral, Inc.
CONANI	Consejo Nacional para la Ninez y la Adolescencia.
CSO	Civil Society Organizations
DR	Dominican Republic
FINJUS	Fundacion Institucionalidad y Justicia, Inc.
GODR	Government of Dominican Republic
IDB	Inter-American Development Bank
ILO	International Labor Organization
ILO/IPEC	ILO/International Program against the Exploitation of Children
INSTRAW	United Nations International Training and Research Institute for the Advancement of Women
IO	International Organization
IOM	International Organization of Migration
MoE	Ministry of Education
MoG	Ministry of Gender
MoJ	Ministry of Justice
MoL	Ministry of Labor
MNS	Ministry of National Security
NGO	Non-Governmental Organization
NPA	National Plan of Action
OAS	Organization of American States
POILITUR	Direccion General de la Policia de Turismo.
SOW	Scope of Work
TIP	Trafficking in Persons
UN	United Nations
UNDP	United Nations Development Program
UNFPA	United Nations Population Fund
UNICEF	United Nations Children Education Fund
UNIFEM	United Nations Development Fund for Women

Executive Summary

In June of 2005 the U.S. State Department rank the Dominican Republic on the Tier Two Watch List of countries, identified as not meeting minimum requirements to combat trafficking in persons. The Dominican Republic has been recognized as a country of origin, transit and destination in human trafficking for the exploitative purposes of commercial sex, forced labor, organ sale, pornography, domestic servitude and forced marriage. To address the situation USAID/Dominican Republic (USAID/DR) requested an anti-trafficking assessment, conducted from November 6 - 19, 2005 by the EGAT/WID funded anti-trafficking technical assistance task order managed by Chemonics International Inc. The purpose of the assessment was to carry out a review of the scope of the trafficking in persons (TIP) in the Dominican Republic, assess efforts and identify gaps in response to TIP, and provide recommendations for a possible programmatic response by USAID/DR.

The assessment identified the following areas in which the Dominican Republic's response to human trafficking has proven most effective: preventive youth education and awareness-raising, organized civil society participation against family violence; and anti-trafficking coalition building among state entities. Despite the limited advances made by the DR in recent years, a number of gaps remain and improvements can be made. Identified gaps included the low prosecution rates of trafficking or trafficking-related cases, the failure to address the root causes of the problem, and the institutional weaknesses of the Comité Interinstitucional de Protección a la Mujer Migrante (CIPROM).

The assessment team conducted a literature review, followed by two weeks of field work in the Dominican Republic conducting over thirty interviews with government, CSOs, and international organizations. Based on the information obtained and an analysis of the situation, the following programmatic responses are proposed:

- Support continued efforts by key civil society organizations to provide at-risks groups and vulnerable communities with anti-trafficking awareness raising, as well as peer counseling, remedial education and vocational skills training
- Promote anti-trafficking public awareness campaign through material dissemination, organized fora and media depicting the testimonial realities experienced by trafficked victims
- Strengthen the national committee (CIPROM) by identifying an improved alternative coordination mechanism for its members, securing responsible participation by key ministries (i.e., tourism, youth), and formalizing a sustainable strategic partnership among the members (this concept is commonly referred to as a “national referral mechanism”)
- Provide capacity-building for the only operational CSO-managed shelter for trafficked victims
- Empower law enforcement and legal professionals through specialized sustainable trainings to properly identify, investigate and prosecute alleged cases of human trafficking and foster reform and implementation of an effective witness protection program

- Develop technical expertise of state and non-state partners by promoting the exchanges of lessons learned and best practices through sponsored participation to regional and/or international conferences and skills training seminars
- Address root causes by integrating anti-trafficking awareness raising into the strategic objective activities under implementation by the Mission
- Establish a periodic forum where international and government donors can exchange information, coordinate program activities and build consensus
- Ensure greater allocation of state funds for anti-trafficking responses

The findings in this report are limited to the focus areas defined in the Scope of Work and assessed during a 14-day in-country assignment and review of the relevant documentation available. Support for more focused research remains a need in order to better comprehend and address the various inter-linked issues relevant to combating human trafficking in the Dominican Republic. Future research topics for exploration may include: effects of feminized migration on vulnerable communities and abandoned families; reintegration experience of returned victims; gender-based violence as a push factor; the potential for the Dominican Diaspora as a viable partner in the reform process; and the impact of Haiti's devastated socio-economic situation on the region's efforts against human trafficking.

SECTION I

Assessment Methodology

At the request of USAID/Dominican Republic, the Anti-trafficking Task Order (ATTO) conducted an assessment, with fieldwork occurring November 6 - 19, 2005. This task order is managed by Chemonics International Inc. as a holder of the Women in Development Indefinite Quantities Contract (IQC), which is funded through the EGAT/WID office.

The purpose of the assessment was to carry out a review of the scope of trafficking in persons (TIP) in the Dominican Republic and synthesize available data with the objective of evaluating existing anti-trafficking activities, identifying trends and challenges, determining and defining additional programmatic activities. Specifically, the four main areas of focus as defined in the Scope of Work (SOW) are as follows:

- Provide USAID/DR with a compilation of available information and data on the nature and magnitude of the phenomenon, and how it may intersect with other problems confronted by the Dominican Republic
- Assess activities and organizations involved in addressing trafficking in persons and evaluate their activities and long term strategies
- Assess government efforts to address TIP and identify country-level priorities and gaps
- Identify gaps and possible programmatic responses

The assessment team consisted of two Chemonics consultants, Ms. Geraldine Bjallerstedt and Ms. Gladys Piñeyro. Prior to the in-country interviews, a desk review of the relevant literature and research available was conducted. The consultancy team met with the Mission for an introductory briefing and discussion of the content and deliverables associated with the Scope of Work (SOW). Thereafter, Ms. Bjallerstedt met with over 30 persons, key stakeholders, state and non-state partners, including international organizations, to gather data on the existing body of knowledge concerning the manifestation of human trafficking in the Dominican Republic and the country's response to the problem. Following the bilateral interview sessions with key stakeholders and partners, the Mission was provided with a de-briefing of the preliminary conclusions and recommended programmatic response.

This report represents the findings of the assessment based on the four key objectives from the SOW, as well as the SOW's questions to be addressed regarding the government's TIP response and suggestions on resources required to improve data collection. Annexes to this report include a list of organizations interviewed/meetings conducted, framework of the existing policy-making structure, and bibliography of the available documents and publications reviewed.

This assessment concentrated on the four areas specifically mentioned in the SOW and did not attempt to determine the root causes of trafficking or verify trafficking trends, numbers of persons trafficked, or geographical sources of trafficking victims. However, to address the areas in the SOW the assessment team utilized general background information and research drawn primarily from earlier reports and studies, NGO informational sources, and other documents cited in the bibliography. The assessment team conducted interviews during a two-week time

span, thereby offering a limited and time-bound view of the issues. The information contained in text boxes throughout the report are quotations from previous reports, not independently verified by the assessment team.

SECTION II

Scope of the Trafficking Situation

A. Background

The U.S. State Department Trafficking in Persons (TIP) 2004 Report placed the Dominican Republic on the Tier 2 Watch List for its failure to meet minimum standards to combat trafficking. Since the late 1990's, the Dominican Republic has been recognized as a country of origin, transit and destination in human trafficking (*see* Gallardo 1996). Although the Government of the Dominican Republic (GODR) has made some critical advances in its effort to address human trafficking, the lack of a strategic approach and adhoc nature with which the country has moved forward on this issue has seriously brought into question the GODR's political will to consider this issue a matter of national priority.

Reports by international and national organizations estimate between 30,000 and 50,000 Dominican nationals are victims of human trafficking. Today, victims identified in the Dominican Republic are children, women and men trafficked for the exploitative purposes of commercial sex, forced labor, pornography, domestic servitude and forced marriages. Recruitment, of both genders, occurs through family networks and false employment advertisements with promises of travel or a bright future.

Trafficking activities occur domestically within the following reported districts or sections of the capital, Santo Domingo: el Malecon, La Feria, Sans Sousi Puerto, Independencia Park, Enriquillo Park, Guibia Beach, El Conde, Zona Colonial, Mercado Avenida Mella, Colmadones, Santiago. Provinces identified outside of the capital city, are Boca Chica, Higüey, Las Terrenas, Miches, Samana, Barahona, Seybo, Bani, Villa Altagracia, San Cristobal, San Juan de la Maguana, Cibao, Puerto Plata, Sosua (Charamicos and El Batey), Samana, Cabarete, Rio San Juan, el Tablon, Monte Llano, Tamayo, Vicente Noble, La Vega, Romana.

"...Evidence suggests a magnitude of movement has taken place in the past 10 years...an estimate of close to 6,000 Dominican women to Argentina in a period of 5 years; and between 3,000 and 4,000 Dominican women to San Martin and Antigua." - *La Trata y Trafico de Personas en Republica Dominicana: Evolucion de Problema y Analisis Actualizado del Estado de la Cuestion*. FINJUS, 2004.

International locations as countries of transit and/or destination include Germany, Spain, Switzerland, Netherlands, Sweden, France, Greece, Belgium, Japan, Lebanon, Israel, Russia, Italy, Brazil, Colombia, Panama, Costa Rica, Peru, Venezuela, and the Caribbean region (Bahamas, Barbados, Guyana, Jamaica, Netherlands Antilles, St. Lucia, St. Martin, Curacao, Aruba, Martinique, Antigua, St. Martin, Curacao, Jamaica, Haiti, Puerto Rico, St. Thomas).

Recruiters are more often than not well-known community or family members. Direct and indirect evidence indicate clients are both national and foreigners. The tourism industry continues to fuel trafficking of children for purposes of sexual exploitation. Clients pay up to 1500 RD and 5000 RD= \$55 to 175USD for a trafficked child. Forced labor and domestic servitude are also common forms of human trafficking in the Dominican Republic. Those most

affected are children trafficked from across the border in Haiti. Human trafficking in the Dominican Republic is intrinsically linked to organized networks and corruption: money laundering, document falsification, bribery, etc.

In fact, the case of exploited Haitian children in the Dominican Republic warrants special attention. The Dominican-Haitian and Haitian immigrant communities continue to reside in the country as marginalized social groups without equal access to basic rights and protection. An undetermined but significant number of street children found in the Dominican Republic are Haitians or Dominican-Haitians exploited as street vendors, shoe shiners, agriculture workers, construction workers, drug mules, domestic servants and prostitutes. In June 2005 three traffickers were convicted and sentenced to 15 years each under the new anti-trafficking Law 137-03, for trafficking 24 minors in the Boca Chica area, some of the victims as young as 7 years old. According to the Attorney General, there were seven trafficking-related cases prosecuted in 2005 and 10 cases remain pending in court.

“ Experts estimate that annually an estimated 2,500 to 3,000 Haitian children are trafficked across the border into Dominican Republic.....it is estimated that in the Dominican Republic there are an estimated 25,000 to 30,000 children sexually exploited, majority of whom are Dominicans, and among them also Haitian nationals. Many of these children victims of the tourist industry.”

Trafico de Ninos, Ninas y Adolescentes desde Haiti Hacia la Republica Dominicana: Borrador de Informe Preliminar de Resultados.
UNICEF/FLASCO, 2004.

The GODR’s progress to date includes the introduction of reformed legislation in the areas of human trafficking and smuggling, sexual exploitation of minors, immigration, domestic violence; as well as a number of ratified international and/or regional instruments, for example the U.N. Palermo Protocols and the U.N. Convention on the Elimination of the Worst Forms of Child Labor. Other notable efforts include a transit center and shelter services for trafficked victims, toll free help lines, training of law enforcement and other professionals, public sensitization campaigns and youth awareness-raising school programs. In terms of policymakers, the GODR has a multi-sector national committee against TIP, regional network of consuls against TIP, national committee against child labor and national committee on gender. Critical to this fight have been the advances in democratization, coupled with a proactive network of anti-trafficking civil society organizations (CSO), immigration civil society advocates and media reform.

With the 2003 adoption of the Law 137-03 against Human Trafficking *and* Smuggling, the mandate of the Ministry of Gender’s Comite Interinstitucional de Protection a la Mujer Migrante (CIPROM), operational since 1999, was expanded and redefined as a national committee responsible for the country’s overall anti-trafficking coordination. In effect, CIPROM is the GODR’s multi-sector policy-making entity on matters of human trafficking *and* smuggling.

Members of the CIPROM national committee consist of over 30 state and non-state partners, with a core group comprised of the Ministry of Gender (MoG), Ministry of Foreign Affairs (MFA), National Police Department against Human Trafficking, State Department for Migration, Attorney General Office (AG), Ministry of Education (MoE), Ministry of Labor (MoL), Fundacion Institucionalidad y Justicia (FINJUS), Centro de Orientacion e Investigacion Integral (COIN) and Centro de Investigacion Para la Accion Feminina (CIPAF). The CIPROM 2004-

2005 work plan activities implemented were primarily awareness-raising campaigns, youth education, sensitization trainings, legal reform and research. CIPROM meets monthly and discussions have been ongoing regarding the finalization of the 2006 work plan and the proposed National Action Plan against Human Trafficking.

Limited resources have had a debilitating impact on the GODR's counter trafficking activities. In addition to USAID's partnership for technical assistance and resources, the GODR's response to TIP has received support from other major donors including UNICEF, IOM, ILO/IPEC, INSTRAW, UNDP, Britain, Spain, Sweden, Canada and Germany.

B. Strengths

The assessment identified the following areas in which the Dominican Republic's response to human trafficking has proven most effective: preventive youth education and awareness-raising, organized civil society participation against family violence and anti-trafficking coalition-building among state entities.

B1. Youth Education and Awareness-Raising

"Recent studies show that although around 10% of women working in brothels are less than 18 years of age, 60% of all these women *began* this type of activity while under the age of 18."

- *La Explotacion Sexual Comercial de las Personas Menores de Edad en la Republica Dominicana.* IPEC/ILO 2002.

The Ministry of Education (MoE) has been proactive and creative in its efforts to raise the awareness levels among students and youth in vulnerable communities. Moreover, the MoE has been successful in providing sensitization training to school personnel and integrating the issue of human trafficking and smuggling into the local school curricula. Training topics include anti-trafficking, gender-based violence, nondiscrimination, human rights, and social justice.

Various national and international anti-trafficking partners have developed a body of literature and research on the magnitude and scope of human trafficking in the Dominican Republic. Generally, these sources provide history, analysis, statistics, findings and recommendations. . In addition, Centro de Orientacion e Investigacion Integral (COIN) has produced awareness-raising materials, including two anti-trafficking videos used during trainings and presentations. In the common interest of continuing to raise-awareness, CIPROM may choose to consider the re-circulation to a wider audience of some of the more pertinent sources, including but not limited to the following publications: FINJUS 2004 *La Trata y Trafico de Personas en Republica Dominicana: Evolucion de Problema y Analisis Actualizado del Estado de la Cuestion*; and ILO/IPEC's 2002 *La Explotacion Sexual Comercial de las Personas Menores de Edad en la Republica Dominicana*.

Most recently, in December 2005, the MoE unveiled the preliminary results of a survey conducted in targeted schools identifying types of violence, fears, and injustices faced by students and school personnel. The MoE's research is groundbreaking in that the statistical survey provided in the research is expected to sensitize policymakers about the need for greater national attention to social violence and its impact on the development of the country's future

generation. The MoE's research included schools located in communities with a significant number of children whose mothers are thought to be working overseas, and in Dominican-Haitian communities. The Ministry of Gender, UNICEF, ILO/IPEC and IOM reported having updated research studies in the pipeline.

B2. Civil Society Responses

One well established root cause creating vulnerability is family violence. Family violence, and specifically gender-based violence, continues to be a challenge in the Dominican Republic. The 2002 Census reflects a population of 8,600,000 inhabitants in the Dominican Republic, of whom 50% are women and 40% are under 18 years of age. In Santo Domingo, 36% of the people live under the poverty level, while over 60% of the people live under the poverty level in the tourist district of Puerto Plata. Generally, populations living under these levels of poverty do so with a higher level of exposure to intra-family and community violence. (*see* ILO/IPEC, 2002). While the younger generation has an increased awareness and sensitivity to gender-based violence, difficulties remain with the older generation, policymakers, law enforcement and the overall public. To address this matter the GODR has ratified a number of international instruments (i.e., CEDAW), passed the Law against Intra-Family Violence No. 24-97 and established a multi-sector national committee on gender with a sector on gender equality and development under the auspices of the progressive and active Ministry of Gender (MoG). A network of specialized CSOs, led by the MoG, has implemented activities against domestic violence and specifically gender-based violence, including CENSEL and COIN.

The Centro de Servicios Legales Para la Mujer (CENSEL) is a recognized women's legal service provider and community development CSO in operation since 1984. So far in 2005, an estimated 140 women have sought assistance at CENSEL's legal aid office, out of which 35 cases are pending in court. Staffed by four lawyers, the legal aid office is located in Santo Domingo and provides referrals to one of the six other legal assistance providers outside of the capitol city. CENSEL also has 156 "promotoras legales" who are community leaders trained as paralegals that provide community residents with advice and guidance. In addition to presenting law school lectures, organizing peer youth counselors, and train-the-trainers on gender based violence, CENSEL is in the process of establishing the first database in the country containing statistical details on gender-based violence cases in the Dominican Republic. As of July 2005, there have been 70 reported cases of women killed at the hands of their partners (averaging 10 cases per month). These statistics re-enforce CENSEL's conclusion, as echoed by others, that gender-based violence, and specifically family violence, remains one of the most serious challenges to social development and gender-equality.

CSO Centro de Orientacion e Investigacion Integral (COIN), also a member of CIPROM, conducts research and organizes awareness-raising campaigns against gender-based violence and human trafficking. COIN operates the local transit center for trafficked victims, in collaboration with the International Organization for Migration (IOM). At the COIN transit center, national and foreign trafficked victims are provided with immediate basic assistance and protection services, including family re-integration support, psychological counseling, medical and legal services. COIN also operates a toll-free helpline for victims, family members and the public, which receives an estimated 10 to 15 calls per month. IOM, is responsible for facilitating repatriation logistics and immigration requirements for those persons using the services of the

COIN transit center. For family members, COIN offers tracking services through their network of contacts with AT organizations and IOM offices worldwide. Given the unavailability of overnight accommodations at the COIN transit center, they regularly refer cases to the CSO Alianza shelter for trafficked victims. Since 2003, COIN has successfully assisted in the repatriation of 135 persons, mainly from Argentina. COIN also works with the police and prosecutors office, regularly sharing data with them, but cannot confirm whether this shared data has resulted in court cases. They emphasized the difficulty in persuading victims to cooperate in the legal process out of fear for the safety of themselves and their family.

B3. Anti-Trafficking Coalition-Building among State Entities

One model initiative in coalition-building is the Ministry of Foreign Affairs (MFA) Regional Network of Consuls, established in 2001 but not operational until 2005. There are four regional network consuls. The Caribbean regional network of consuls is comprised of 15 Dominican Republic consuls and chaired by the consul of St. Martin. Three other regional networks will be developed, assuming funding is available, and include South American, Central American, and Europe. These regional networks organize meetings and training events along with conducting liaison activities in their host country to combat human trafficking (attending conferences, facilitating information-sharing, conducting presentations, follow-up work on individual cases, etc.).

Another proactive initiative is the newly established MFA Network against trafficking in children (TIC). Internally, the MFA created two working groups to address the issue of child trafficking. One group consists of seven persons at the executive level and is chaired by the department head (ambassador-level). This working group is supported by an operational subgroup. The executive working group meets periodically, approximately every three months, to review developments in the various departments and to exchange data on individual cases. Case file information is normally shared with the police for their follow-up. The network itself is comprised of state and non-state organizations such as the state agency for the protection of minors, Consejo Nacional para la Niñez y la Adolescencia (CONANI), and international organizations including UNICEF, ILO/IPEC and IOM. International organizations are supporting various network activities including research, assessments, awareness campaigns, trainings and technical capacity building. In 2006 UNICEF will sponsor a nationwide multilingual public awareness campaign in cooperation with the key members of the network against trafficking in children.

A third coalition is the National Committee for the Prevention and Eradication for the Worst Forms of Child Labor, chaired by the Ministry of Labor (MoL), in cooperation with the state agency, CONANI. The legal framework in this field is reflected by the various government-issued directives, ministerial resolutions, international instruments ratified, as well as Labor Law No.16-92 and Child Labor Protection Law No.14-94. This multi-disciplinary national committee is working on the finalization of its new 10 year National Plan of Action for the eradication of Child Labor.

The MoL's committee activities include the establishment of twenty provincial and/or municipal subcommittees against child labor throughout country. International partner and committee

member, ILO/IPEC, has launched a new research project assessing existing legislation relevant to the protection of children, including TIC. The MoL, in cooperation with technical partners ILO/IPEC and DevTech/USAID, is implementing public education and awareness raising against the use of child labor in the agricultural sectors. Another recent project, in cooperation with Catholic Relief Services/USAID focuses on street children, many of whom are trafficked victims. CONANI manages six safe houses for street children, two of which are for trafficked victims. These safe homes provide children as young as six years old with services that include psychological, educational, legal, and medical services. CONANI has two staff lawyers responsible for preparing cases files for the legal process. The office receives allegations and information through phone calls and walk-in visits by community members.

C. Challenges

While limited advances have been achieved by the Dominican Republic in combating human trafficking, a number of gaps remain. The most glaring weaknesses are the low prosecution rates of trafficking or trafficking-related cases, failure to address the root causes of the problem and lack of institutional capacity of CIPROM.

C1. Lack of Prosecution

The lack of prosecutions for trafficking or trafficking-related cases by the GODR is due primarily to a host of legislative, institutional and political obstacles. Traffickers operate with impunity and thereby maintain the status quo of illicit funds used to support political stagnation, state corruption and regional criminal networks. Interviewees emphasized the need for more political commitment and institutional reform mandating accountability and transparency from state agencies, particularly the agencies tasked with the prosecution of such cases.

There is a lack of trained personnel and resources to conduct comprehensive investigations, contributing to the low prosecution rate. The Attorney General's office (AG) has one trained anti-trafficking prosecutor in each of their 30 offices. Although the office operates a helpline monitored by prosecutor, they seldom follow-up on the information due to a lack of basic equipment or personnel. The AG's Department for Victim Assistance (DAV) began operating in August 2005. They currently have three offices and seven prosecutors with plans to open three additional offices when resources are available. The DVA is authorized to assist victims of violence, most commonly domestic violence victims. The DVA secures access to psychosocial and medical services for victims, in preparation for a criminal case against the alleged perpetrators. The prosecutor's office in the Coast Guard reported having to cope single-handedly in court with five cases pending trafficking-related cases. One interviewee in the judiciary expressed doubt about the need for specialized trafficking training for law enforcement and legal professionals, arguing that cases of human trafficking in the country are isolated incidents. This attitude is all too common and hampers the fight against trafficking in persons. Public officials need to be sensitized about trafficking to ensure that they recognize the magnitude of the problem and respond appropriately.

The GODR needs to implement a number of legislative reforms to combat TIP. The lack of effective witness protection legislation and programs hamper successful prosecutions as victim-witnesses refuse to testify out of concerns for personal security. There is confusion in the

application of the Law 136-03, which covers both elements of human trafficking *and* smuggling. The Law is vague in some aspects and lacks implementing provisions. One needed clarification is to make consent by a minor irrelevant (and not a legal defense to any exploitation). The Law makes no reference to the availability of translation services to victims and access to legal information through an interpreter in their mother language (i.e., Haitian language). Another gap in the national legislation is the lack of a provision penalizing the “possession of child pornography.” Dominican legislation does not provide for temporary residence permits or similar immigration provisions designed to encourage victims and other witnesses to come forward with their testimony. This has particular application for Haitian children, trafficked to the Dominican Republic, which UNICEF estimates to be over 2000 children at any given moment.

Institutional challenges include incompetence, corruption, negligence and mismanagement by state agencies. Partners agree that despite the availability of domestic legislation there is a lack of implementation, either because of political will or because of institutional competency. For example, the appointment of an ombudsperson has been delayed and recommendations by the national commission against corruption have been largely ignored. There are well-publicized allegations of the army being implicit in illegal border activities, including facilitating the entry and transport of Haitian children across the border for exploitative purposes.

CSO Fundacion Institucionalidad y Justicia (FINJUS) is one of the leading national organizations working towards institutional and legal reform. In fact, FINJUS has been instrumental within CIPROM by providing legal technical assistance and lobbying for reform through consensus-building. Recently, FINJUS has been active in successfully implementing a USAID-funded project consisting of public sensitization, legal reform and institutional capacity building. In an effort to streamline the GODR’s response to TIP implemented by CIPROM members, FINJUS recently introduced a strategy for the adoption of the country’s first National Plan of Action against TIP.

C2. Protection Issues

An alarming number of CIPROM partners unilaterally implement activities outside their area of responsibility or professional competency. The implementation of prevention and protection projects without the appropriate level of competency and professionalism of services does an injustice and in some cases, can result in harm to victims. The issue here is not simply one of donor coordination and resource duplication, but more importantly, the inappropriateness and ineffectiveness of services. When an implementer does not have the technical skills or resources, appropriate training and cooperation with a specialized agency or organization would be a feasible option to consider. This issue should be a priority for the national committee and donor community to ensure that victims are provided with the appropriate level of services.

Partners also expressed concern about the lack of a strategic coordination in the implementation of activities and application of policies. The general consensus is that the national committee is overwhelmed with the number of activities being implemented by member agencies. With a total membership between 35 and 45, coordinating activities and exchanging information, without established protocols, is almost impossible. In addition to the large number of partners involved, the committee also needs to cope with the myriad of issues covered by member activities including human trafficking, child trafficking, smuggling and migration, gender based violence,

public awareness campaigns, prosecution, legislative reform, trainings, and victim assistance. Data collection and data sharing was identified as a weakness that also hampers CIPROM's progress. For example, there is an informational gap as to the status of a case once it enters the legal process. Whereas a couple of the partners have had positive experiences with the follow-up of case files, the majority of interviewees were unfamiliar with any established formal or informal data exchange protocol with the police or the prosecutor's office with regards to individual cases in the legal process.

Currently, the MoG is legally mandated to serve as the coordinating chair of CIPROM. However, they have difficulty exerting authority over other state agency members. Among the members, there is a power struggle for the available limited anti-trafficking resources. The inability of CIPROM to hold its members accountable for activities implemented or lack thereof, also adds to its weakness. For example, during the assessment, CONANI and the AG provided a weak summary of their anti-trafficking activities, while the Ministry of Tourism simply did not grant the assessment interview.

C3. Prevention - Addressing the Root Causes of the Problem

Evidence obtained during the assessment indicates that trafficking in the country will likely increase due to the GODR's failure to address the "push-pull factors" fueling this devastating international human rights violation. These factors include alarming poverty levels, a high percentage of marginalized communities, prevalence of intra-family violence, high rates of illiteracy and school dropouts, weakened rule of law, ineffective social services, and a lack of enlightened political voice on trafficking issues and the lack of response by key state agencies, most notably the Ministry of Tourism.

Sexual exploitation of children takes place among Dominicans as well as foreign tourists, although in the tourist sites less attention and control appear to exist... the problem has exacerbated with the advancement of the tourist industry in the past three decades: "Many women are looking to marry a "gringo," but they must continue to eat while looking for him....the tourist gives money and that is why he dictates. The younger the child brought [to the tourist] the more money the tourist guide will make."

La Explotacion Sexual Comercial de las Personas Menores de Edad en la Republica Dominicana. IPEC/ILO 2002

There is a lack of a concerted effort to address the above-mentioned root causes of human trafficking in the Dominican Republic. These factors have created a sense of despair among Dominicans, most desperately manifested among vulnerable and marginalized communities. By seeking to emigrate abroad, Dominicans risk being illegally smuggled into another country and often find themselves in the hands of traffickers. The rationale among the poor is that the risk of becoming a victim simply does not outweigh the tremendous sense of despair and poverty in their current lives. This false sense of hope for a better life abroad is reinforced by the high level of remittances received from over an estimated 1 million Dominicans living overseas, the vast majority of whom are women. Consequently, it has proven difficult to convey the dangers associated with unlawful migration from the country. The limited resources and lack of strategy applied by the GODR to address the socio-economic root causes of its TIP problem has only served to increase the pool of Dominican nationals vulnerable to trafficking.

SECTION III

Recommendations

Given the challenges faced by the Dominican Republic in combating human trafficking, this assessment recommends the following programmatic response. These proposed interventions will serve to strengthen the foundation for longer-term successes in combating human trafficking in the Dominican Republic.

- ✓ Support continued efforts by key civil society organizations to provide at-risks groups and vulnerable communities with anti-trafficking awareness raising, as well as peer-support counseling, remedial education and vocational skills training;
- ✓ Promote anti-trafficking public education through materials dissemination, hosted events and media campaigns, specially tailored to target groups including youth, tourists and marginalized residents (i.e., Dominican –Haitian communities, border communities);
- ✓ Strengthen the National Commission by identifying an improved alternative coordination mechanism for its members, securing responsible participation by key ministries (i.e., tourism, youth), and formalizing a sustainable strategic partnership among the members (this concept is commonly referred to as a “national referral mechanism”);
- ✓ Provide capacity-building for the only operational NGO-managed shelter for trafficked victims, enabling it to expand services to include assistance to minors victims of trafficking;
- ✓ Empower law enforcement and legal professionals through specialized sustainable trainings to properly identify, investigate and prosecute alleged cases of human trafficking;
- ✓ Foster reform and implementation of an effective witness protection program;
- ✓ Develop technical expertise of state and non-state partners by promoting the exchanges of lessons learned and best practices through sponsored participation to regional and/or international professional conferences and skills training seminars.
- ✓ Ensure greater allocation of state funds for anti-trafficking responses

A. Prevention

- *Support implementation of anti-trafficking prevention activities by key civil society organizations targeting at-risks groups and vulnerable communities*

The assessment team recommends continued support for the anti-trafficking prevention projects implemented by specialized local CSOs working with specific at-risk and vulnerable target groups (i.e. street children, Haitian immigrants, border village residents, beach resort/coastal village residents, and minors residing in villages with a significant percentage of mothers believed to be working overseas). Possible small-grant projects may include organizing a series of informative or instructional “town hall” meetings, peer support counseling in communities and/or schools, parental skills workshops, remedial and/or vocational skills training. Potential implementing partners would consist mainly of CSOs with proven success of working in the

targeted communities (i.e., Dominican –Haitian communities, border communities, community service, etc.) including but not limited to existing members of the national network of anti-trafficking CSOs. With proper monitoring and evaluation skills, a benefit of such projects would be the data obtained by CSOs through secondary sources, anecdotal evidence, or directly from presumed victims regarding alleged traffickers and trafficking trends.

- *Raise public awareness through a focused and aggressive campaign of broadcast and print media to disseminate testimonial experiences of trafficked victims*

This proposal aims to increase the number of persons reached thus far by awareness raising public campaigns. During the assessment, a number of interviewees were positive about the effectiveness of previous public campaigns against human trafficking. Nonetheless, interviewed partners strongly agreed on the necessity for a more aggressive approach to raising the awareness – the “social conscience” - of Dominican society about the links between socio-economic issues, health perils and human trafficking. A particularly challenging audience is those involved in the demand side of trafficking for sexual exploitation, specifically local men and tourists. Possible anti-trafficking awareness-raising projects involving the media would include broadcasting locally produced documentaries (for and by Dominicans), producing a local radio/TV talk show, co-hosting an event with the journalistic professional associations or similar entity, initiating an investigative journalist award, organizing training workshops for journalists, developing public announcements for TV/radio, fostering professional (specialized) journalist regional networks. Awareness raising activities should target the Dominican-Haitian communities in their native language with input from community leaders and CSO advocates. A suggested approach is to for a new campaign that distinguishes between the forced nature of human trafficking and smuggling, which requires an element of consent. This campaign would help sensitize the public about the real dangers of trafficking. With support from the highest levels of government, the effect of this message on the public would increase, particularly if mainstreamed throughout the various state bodies represented on the national commission.

B. Protection

- *Strengthen the National Commission to implement a coordination mechanism and develop formal partnerships among its members*

The objective of this recommendation is to address some of the more blatant weaknesses, identified by the assessment team, in the current structure of policymakers. These include weakened authority to enforce responsibility and require accountability from its members, ineffective inter-ministerial coordination, duplication of limited resources, and ineffective use of technical expertise due to the lack of a strategic plan of action. Suggestions for reform of this policymaking structure consist of the establishment of an entity or appointment of a person by the executive branch of government who would have overall responsibility for coordinating, collecting data, reporting, monitoring, and supporting the commission’s work. The Mission may want to explore sponsoring a position within the executive branch to oversee the administrative and logistical matters of the national commission. The creation of working groups on focus topics should be created (or if already operational, then moved accordingly) under the auspices of the national commission; for example, working groups against trafficking in children,

smuggling and migration, public education/prevention, research, law enforcement/prosecutions, direct assistance and protection to victims. Proposed revision to the legal framework establishing the national commission should also include terms of service, accountability, reporting requirements, service terms, etc. The adoption and eventual implementation of a National Plan of Action would further improve the situation by detailing responsibilities and duties of each member on the national commission.

Furthermore, members of the National Commission would benefit from an agreed upon Memorandum of Understanding (MoU) among respective members. The entire process would benefit from the implementation of agreed upon Standard Operating Procedures (SoP) clearly outlining for its members, and other persons of concern, all of the referral steps taken upon the identification of a trafficked victim. The implementation of MoU(s) and SoP(s) would enhance the ability of the national commission to carry out its objectives in a strategic coordinated partnership between state and non-state entities, thereby maximizing the limited resources and services available to trafficked victims. The Mission would be well suited to help organize a forum, and subsequently a working group to discuss reforming the structure of the national commission.

- *Provide capacity-building for the only operational NGO-managed shelter for trafficked victims*

During the assessment, interviewees repeatedly inquired about where and how to refer a trafficked victim for basic assistance. The Alianza shelter is operational and offers immediate shelter and basic assistance to presumed or identified national victims of human trafficking, including minors. The Alianza shelter needs training for strategic planning, monitoring and evaluation, case file management, fundraising and public information promotions (enabling the public to refer cases to the shelter). Alianza should be encouraged to develop an MoU as a member of the national commission and SoPs with cooperating partners including the police and legal aid services, as well as partners implementing health and re-integration programs. The CSO would benefit from capacity-building skills in strategic planning, fundraising/budgeting, monitoring and evaluation. This support would promote sustainability and improve victim assistance and shelter services offered.

C. Prosecution

- *Empower law enforcement and legal professionals*

Victim-witnesses and cooperating witnesses would be more willing participants during the prosecutorial process if the state were able to offer them protection. Interestingly, only one interviewee referred to being familiar with witness protection legislation, while others had no recollection of such a law, or the provision of protection to a witness in a criminal case. Successful prosecutions of trafficking cases depend on the qualitative evidence collected and the competence of those professionals involved in the identification, investigation, prosecutorial and judicial process. This is an issue where a practitioners working group, under the auspices of the National Commission, could take the responsibility of reviewing national legislation and proposing reform, particularly regarding witness protection. Another consideration for the

Commission would be to invite a representative from the judiciary and the attorney general's office to join the commission. Moreover, the Mission should consider fostering the implementation of sustainable specialized training for legal professionals and law enforcement. Ideally, a target group would work collaboratively to develop an anti-trafficking curriculum, which would be implemented in a series of pilot workshops. Afterwards the content and methods of the training would be modified, if necessary, before publication as a training module and incorporation into national training facilities for prosecutors, judges, coastguards and police. The Mission may consider requesting the assistance of the Department of Justice Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) and International Criminal Investigative Training Assistance Program (ICITAP) programs in this effort. These organizations have extensive experience working with law enforcement and prosecutors, particularly in the development of training modules.

- *Promote the exchange of lessons learned and best practices through regional and/or international professional networks.*

Human trafficking is dependent on networks – national, regional, international. The Dominican Republic alone cannot effectively address its human trafficking problem. Combating this international human rights crime requires the establishment of professional networks, with national partners, for the exchange of lessons learned in the region and beyond. It would be beneficial to co-sponsor national delegations, including CSO representatives, to attend related out-of-country events and sponsoring visits by foreign/regional experts to provide in-house training to national counterparts. The Mission may also consider co-sponsoring a regional event in-country on a related topic with counterparts from neighboring countries invited to participate and contribute towards identifying a regional response to the topic discussed (i.e., organized crime, witness protection, immigration in relation to the 2006 open border policy, etc.). This activity would serve to increase successful prosecutions by promoting information sharing as well as the exchanges of lessons learned.

D. Additional Recommendations

First, in an effort to address the push and pull factors linked to human trafficking, the Mission may want to consider substantive integration of anti-trafficking awareness-raising activities into its current programs. Secondly, the Mission may want to host a periodic forum where international and government donors can exchange information, coordinate program activities and build consensus. Finally, more focused research is needed to better comprehend and address the inter-linked issues relevant to combating human trafficking in the Dominican Republic. Future research topics may include the effects of feminized migration on vulnerable communities and abandoned families, reintegration experience of returned victims, gender-based violence as a push factor, the potential utilizing the support of the Dominican Diaspora residing abroad, and the impact of Haiti's devastated socio-economic situation on the region's efforts against human trafficking.

ANNEX A

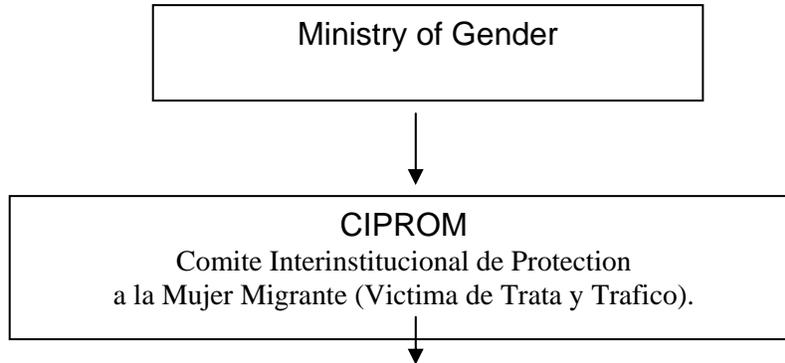
List of Organizations Interviewed

Organization	Name, Title	Contact Info
CIPROM - SEM	Irma Nicasio (Asesora del CIPROM)	1(809) 532-7577 1(809) 685-3755 Ext.288
Secretary of State of International Relations (cancillería)	Cecilia Caballero(Red contra la Trata y Tráfico de Niños, Niñas y Adolescentes y Kenia Angeles y Alfonsina Nicasio (Departamento Consular)	1(809) 535-6280 Ext. 2451, 2361 y 2252.
Fundación Institucionalidad y Justicia. (FINJUS)	Carlos Villaverde. Encargado de Proyecto y Luz Diaz, Implementación de proyecto.	Tel:1(809) 227-3250 Fax: 227-3259
Dirección General de Migración	Anita Sifre. Encargada del Depart. Trata y Tráfico	1(809) 508-2555, ext. 303, 296 Cell:1(809) 884-8820
COIN	Maria Esther Carbuccia	1(809)681- 1515
Procuraduría General de la República	Frank Soto, Procurador Adjunto en Materia de Trata y Tráfico.	1(809) 533- 3522 Ext. 298
Centro de Servicios Jesuita.	Brigette, Servicio Jesuita para Refugiados.	1(809) 682-4448 y 68881646
UNICEF	María Elena Azuar.	1(809) 473-7373
OIM	Fanny Polania, Oficial de Programa de Trata y Tráfico.	1(809) 732-7121, 566-0430. Fax: 809- 683-4636
OIT/IPEC	Leticia Dumas, Representante de la OIT ante la República Dominicana	1(809) 535- 4732
Secretaria de Estado de Trabajo.	Encargado del Departamento de Erradicación del Trabajo Infantil, Daniel Rondón.	1(809) 535- 4404
MUDHA	Sonia Pierre, Directora Ejecutiva de MUDHA.	1(809) 688-8834
Marina de Guerra	Delfín Bautista Arias, Dirige la protección de las Costas Dominicana	1(809) 593-5900. Ext. 5306
CENSEL	Lucila Lara, Directora Ejecutiva.	1(809) 687- 0098
Fiscalía	Inedita Pérez Moquete, Fiscal comisionada en la Marina de Guerra.	1(809)
SEM	Yildalina Taten, Encargada de Políticas Públicas.	1(809) 685-3755. Ext. 288.
Secretaría de Estado de	Luisa Mateo, Encargada del Departamento	1(809) 688-9700

Educación	de Educación genero.	Ext. 2197
CCDH (Dominico-Haitian Cultural Centre)	Antonio Pol Emil, Director Ejecutivo	
APRODEMA (Asociación Pro-Desarrollo de la Mujer y el Medio Ambiente)	Felipe Fortines Yen	1(809) 741-0350
Escuela Nacional de la Judicatura	Luis Henry Molina, Director de la Escuela	1(809) 686-0672
Escuela Nacional del Ministerio Público	Aura Celeste, Directora de la Escuela.	1(809) 682-2141
INSTRAW	<i>Cristina Santillán, contactada están desarrollando, vía telefónica nos dice que el tema esta en su planificación estratégica, la cual es hasta el 2007, pero aun no la han colocado en las programaciones que han desarrollado, solo han apoyado iniciativas de otras instituciones y las investigaciones van más en el orden de la migraciones y el impacto de las remesas.</i>	685-2111 Ext. 249
Escuela de la Policía Nacional.	Víctor Cruz Fabián, Director de la Escuela	1(809) 535-2137
Departamento de Trata y Tráfico de la Policía.	Capitán Yeral Director de la Escuela	1(809)682-2151 Ext. 2395
Secretaría de Estado de Turismo	<i>No pudimos contactar responsable para la entrevista.</i>	1-(809) 221-8230.
Policía Turística	La Mayor Nieves	1(809) 221-4660, Ext.2263
CONANI	Kety Abikaran, Relación Externas	1(809) 685-9161 1(809) 689-3397
Dirección Nacional de Apoyo a la Víctimas de Violencia.	Glorianny Montas	1(809)
USAID - RD	Sharon Carter/DG, Rosa Jiménez/DG, FINJUS, Neda Brown/US Embassy	1(809) 221-1100.
Embajada de los USA.	Neda Brown	1(809) 221-2171.
USAID/RD	María Castillo, USAID/HIV-AIDs	1(809) 221-1100
USAID/RD	USAID/DG, USAID/HiV AIDs, USAID/Gender, US Embassy/Pol, FINJUS/CSO	1(809) 221-1100.

ANNEX B

National Committee against Trafficking in Persons in Dominican Republic



Key Members

Attorney General's Office
Ministry of Education
Ministry of Labor
Ministry of Foreign Affairs
Ministry of Interior and Police
Ministry of Tourism
State Department for Immigration
CONANI, National Advisor on Minors
POLITUR, National Department for Police Tourism
ALIANZA, Alliance against Human Trafficking
CIPAF, InvestigAtion Center for Feminine Action
COIN, Center for Integrated Investigation and Orientation
CENSEL, Legal Services Center for Women
FINJUS, Foundation for Institutional Justice

Relevant Legislation

- Human Trafficking and Smuggling Law No. 137-03
- Protection of Minors Law No.136-03
- Immigration Law 2004
- Intrafamily Violence Law No. 24-97

Committees/Networks

- CSO Network against Human Trafficking
- MFA Network of regional counsels
- MFA Network against TIC
- MoL National Committee Child Labor
- Dominican-Haitian Advocacy Network
- MoG National Committee on Intra-Family Violence
- National Taskforce against Corruption and Strategy Implementation

Organizational Chart as of 11/2005

ANNEX C

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