

Insufficient Progress on Human Trafficking in the Dominican Republic



**HISPANIC
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Summary

In its forthcoming 2024 Trafficking in Persons Report, the U.S. Department of State should strongly consider downgrading the Dominican Republic, currently categorized within its Tier 2 Watch List, to Tier 3.

As mandated by the Trafficking Victims Prevention Act (TVPA) of 2000, the U.S. Department of State is obligated to place each country into one of four tiers, “based not on the size of a country’s problem but on the extent of government efforts to meet the TVPA’s minimum standards for the elimination of human trafficking, which are generally consistent with the Palermo Protocol.”¹

The primary distinctions between Tier 2, Tier 2 Watch List, and Tier 3 have to do with a given government’s efforts to bring itself into compliance with TVPA’s minimum standards (Tier 1). In 2023, the Dominican Republic was placed on the Tier 2 Watch List for the second time since 2020.²

Recent reports from the U.S. Department of State itself, as well as the U.S. Department of Labor, outline the Dominican government’s troubling pattern of behavior on critical human rights issues. These shortcomings had been further highlighted by President Abinader’s administration’s domestic response to neighboring Haiti’s ongoing gang violence crises. In April 2024 Amnesty International led a coalition of civil society organizations in a signed letter to the Dominican government calling particular attention to its abuses against both Haitians and its own citizenry of Haitian descent.³

Given the TVPA’s directive that the Secretary of State also consider patterns around forced labor as proof of a country’s failure to make significant efforts to meet TVPA’s standards, Secretary Blinken has a specific and important role in ensuring accountability for the Dominican government.

Placing the Dominican Republic in Tier 3 would empower President Biden to use his discretion to withhold certain U.S. government “nonhumanitarian, nontrade-related foreign assistance” as defined by TVPA – a powerful source of leverage for driving positive change in Santo Domingo.⁴

BACKGROUND AND TIER 3 CRITERION

In 2023, the Department of State placed the Dominican Republic on its Tier 2 Watch List, stating that the government “does not fully meet the minimum standards for the elimination of trafficking,” but that it was still “making significant efforts to do so.”⁵ The Department also determined, however, that “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.”⁶ The absence of evidence for increasing efforts led to the downgrade of the Dominican Republic from Tier 2 to the Tier 2 Watch List, as defined by TVPA.

As evidence for this lack of increased effort, the Department cited:⁷

- 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 [national action plan].

Given that this is the second time in the past four years that the Dominican Republic has been downgraded to the Tier 2 Watch List (2020 and 2023⁸), the Department should strongly consider downgrading the country to Tier 3 in its forthcoming 2024 Trafficking in Persons report.

TVPA mandates that “any country that has been ranked Tier 2 Watch List for two consecutive years and that would otherwise be ranked Tier 2 Watch List for the next year will instead be ranked Tier 3 in that third year.”⁹ While the Dominican Republic has not been on the Watch List for two consecutive years, the fact that it has been downgraded twice in four years merits particular scrutiny and concern from the Department. The spirit of the law suggests that there is a strong case for placing the Dominican government in Tier 3.

Even setting aside this troubling recent track record of regression, the Dominican government likely qualifies for Tier 3 status on the merits. TVPA defines the following factors as distinguishing between Tier 2 (and Tier 2 Watch List) and Tier 3:¹⁰

1. The extent to which the country is a country of origin, transit, or destination for severe forms of trafficking;
2. The extent to which the country’s government does not meet the TVPA’s minimum standards and, in particular, the extent to which officials or government employees have been complicit in severe forms of trafficking;
3. Reasonable measures that the government would need to undertake to be in compliance with the minimum standards in light of the government’s resources and capabilities to address and eliminate severe forms of trafficking in persons;
4. The extent to which the government is devoting sufficient budgetary resources to investigate and prosecute human trafficking, convict and sentence traffickers; and obtain restitution for victims of human trafficking; and
5. The extent to which the government is devoting sufficient budgetary resources to protect victims and prevent the crime from occurring.

Based on the Department’s 2023 assessment, the Dominican government has fallen short on at least three (Nos. 3-5) of the above five criterion, and its progress on the remaining two (Nos. 1-2) should be seriously questioned.

Finally: in assessing a country’s failure to make adequate progress to meet minimum standards, TVPA also directs the Secretary of State to weigh a given government’s “policy or pattern of trafficking; trafficking in government-funded programs; forced labor (in government-affiliated medical services, agriculture, forestry, mining, construction, or other sectors); sexual slavery in government camps, compounds, or outposts; or employing or recruiting child soldiers.”¹¹

It is on these counts that the Dominican government most clearly has failed, particularly with respect to President Abinader's domestic policies in response to the ongoing gang-related crises in neighboring Haiti. This should make the country's evaluation by Secretary Blinken for Tier 3 status a high priority.

DOMINICAN REPUBLIC'S LACK OF PROGRESS

Three recent documents underscore in detail the Dominican government's ongoing pattern of human rights failures: The U.S. Department of State's "2023 Country Report on Human Rights Practices in the Dominican Republic"; the U.S. Department of Labor, Bureau of International Labor Affairs' "2022 Findings on the Worst Forms of Child Labor"; and a letter led by Amnesty International to the Dominican government regarding its role in exacerbating the crisis in Haiti.

2023 Country Report on Human Rights Practices in the Dominican Republic¹² U.S. Department of State

The Bureau of Democracy, Human Rights, and Labor of the U.S. Department of State's 2023 country report on the Dominican Republic's human rights record marshals a considerable amount of evidence in favor of placing the country in TVPA Tier 3 in 2024.

- Forced Labor: According to the report, "the process for addressing labor violations through criminal courts could take years, leaving workers with limited protection in the meantime."¹³
 - Some advocates have labeled these conditions as "modern day slavery."¹⁴ There are stark reports about the dire living conditions for these exploited workers, often without electricity and running water, when they're forced to work for 12 to 14 hours for less than \$2 a day.
 - In 2022, U.S. Customs and Border Protection confirmed this concern when it issued a Withhold Release Order for sugar imports emanating from the Dominican Republic.¹⁵
- Human Trafficking, Sex Trafficking and Child Exploitation: The report outlines multiple government failings to adequately investigate and enforce extant laws:
 - "The law allowed for commercial sex but did very little to regulate it or provide protections to individuals employed or exploited in such activities. Observers reported this created problems for children who were trafficked in commercial sex, particularly in tourist locations and major urban areas."¹⁶
 - "International and civil society observers reported that in some instances government officials and law enforcement in tourist areas ignored or were complicit in the commercial sex industry, resulting in difficulties investigating and prosecuting child sex trafficking or the sexual exploitation of children."¹⁷
 - "Child pornography was rampant and growing due to the ease of online exploitation" over the government's failure to "enforce the law effectively."¹⁸

While not directly related to TVPA, the report also highlighted issues with "prison and detention center conditions" along with "systemic racial or ethnic violence and discrimination," both of which may contribute to human trafficking abuses.

- Prison and Detention Center Conditions: According to the report, "The prison system consisted of "new-model" prisons, called correctional rehabilitation centers, and "old-model" prisons, although there was no legal distinction between them. Conditions ranged from general compliance with international standards in the rehabilitation centers to harsh and life-threatening conditions in old-model prisons, such as overcrowding, violence, physical abuse, and poor living and sanitary conditions."¹⁹

- Lack of Independent Monitoring: “While the government provided some access to migrant detention centers on an ad hoc basis, it did not permit access for systematic independent monitoring by international observers or local human rights organizations.”²⁰
- Pretrial Detention Rampant: “Many suspects endured long pretrial detention. A judge could order detention lasting between three and 18 months. According to the National Office of Public Defense, nearly 60 percent of all prisoners were in pretrial detention. The length of such detentions occasionally equaled or exceeded the maximum sentence for the alleged crime, with some detentions reportedly lasting years.”²¹
- Systemic Racial or Ethnic Violence and Discrimination: According to the report, “The law prohibited discrimination based on skin color and nationality. The government did not enforce the law effectively.”²²
 - “There was evidence of racial prejudice and discrimination by the security forces and other government offices against persons of darker complexion, in particular Haitians, Dominicans of Haitian descent, or those perceived to be Haitian, especially those who were perceived to be undocumented migrants.”²³
 - “There were reports late in the year the government had arbitrarily ceased issuing or renewing all migratory permits or visas to Haitians, a step that eventually would drive the entire Haitian community into irregular status.”²⁴
 - “This treatment was reserved exclusively for Haitians, as persons of other nationalities did not report similar problems. It served to facilitate the mass expulsion of Haitians and stateless persons of Haitian descent, of whom the government deported an estimated 300,000 (although many subsequently returned through porous border passages). The entire community of Haitians was estimated to comprise 500,000 in the country’s most recent census (2017).”²⁵

2022 Findings on the Worst Forms of Child Labor²⁶ U.S. Department of Labor, Bureau of International Labor Affairs

According to the U.S. Department of Labor’s latest edition of its “Findings on the Worst Forms of Child Labor” report, “in 2022, the Dominican Republic made minimal advancement in efforts to eliminate the worst forms of child labor.”²⁷

While the report noted several government initiatives to address these problems, it concluded that “the Dominican Republic is assessed as having made only minimal advancement because of a practice that delays advancement to eliminate child labor.”²⁸ The report cited several core failings, including:²⁹

- “Numerous reports indicate that school administrators have denied access to education to a significant number of children without identity or residency documents.
 - Additionally, children without identity or residency documents, most of whom are of foreign origin or descent, are being prevented from receiving social services, including access to the government’s poverty reduction and vocational training programs.”
- “Children in the Dominican Republic are subjected to the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking.
 - Children also perform dangerous tasks in agriculture, including forced labor in the production of various crops.”
- “Significant enforcement gaps remain, including limited human and financial resources for labor and criminal enforcement agencies to conduct inspections, and the lack of authority for labor inspectors to directly assess penalties for labor law violations.
 - In addition, the Dominican Republic’s legal prohibitions related to trafficking are insufficient because they require threats, the use of force, or coercion to be established for the crime of child trafficking.”

All of these failings correspond in some way to TVPA’s Tier 3 criteria outlined in the previous section.

Letter to the Dominican Government³⁰

Amnesty International, Dominican National Commission on Human Rights, et al.

In April 2024, a coalition of civil society organizations led by Amnesty International signed an open letter addressed to the Dominican government, criticizing its ongoing role in failing to address human rights crises, particularly against Haitian migrants and Dominicans of Haitian descent.³¹ Per above, while these human rights violations are not directly related to TVPA, they contribute to an environment where trafficking can flourish.

- As Ana Piquer, Americas director at Amnesty International, stated about motivation behind the open letter: “The Dominican government itself has informed of the deportation of more than 250,000 Haitians in 2023, including people in need of international protection. These collective expulsions are a clear violation of the Dominican Republic’s international obligations and put the lives and rights of these people at risk. Forced returns to Haiti must end.”
- Dominican National Commission on Human Rights (CNDH-DR) co-signed the letter, and has previously urged the Inter-American Commission on Human Rights (IACHR) to intercede in the Dominican Republic’s “constant human rights violations” throughout the justice system, such as “corruption, torture, overcrowding, preventive measures turned into anticipated sentences” and a prison system that is “a cemetery for the living.”³²

CONCLUSION

Given the Dominican government’s clear trend towards regression on TVPA, the U.S. Department of State and Secretary Blinken should strongly consider downgrading the country to Tier 3 within its forthcoming 2024 “Trafficking in Persons Report.”

This action would empower President Biden to use his discretion to withhold certain U.S. government “nonhumanitarian, nontrade-related foreign assistance” as defined by TVPA – a powerful source of leverage for driving positive change in Santo Domingo.³³ Given the Dominican government’s troubling record and clear lack of progress over the past few years, pulling back on U.S. government aid may be the only effective tool remaining to end these abuses. Placement in Tier 3 is the key prerequisite to enforcing this necessary policy change.

ABOUT THE HISPANIC LEADERSHIP FUND

The Dominican Justice Initiative is a project of the [Hispanic Leadership Fund \(HLF\)](#). HLF is a nonpartisan advocacy organization dedicated to strengthening working families by advancing commonsense public policy solutions that advance our fundamental principles of freedom, opportunity, and prosperity.

HLF advocates on Capitol Hill and in state legislatures, before regulatory agencies and in court, to promote its core principles and work with legislators to defend and strengthen the American Dream.

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