FINAL REPORT ON TRAFFICKING IN THE NORTH EAST OF HAITI
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### Acronyms

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<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>BPM</td>
<td>Brigade de Protection des Mineurs</td>
</tr>
<tr>
<td>CHAIFEJ</td>
<td>Chapitre Haïtien de L'Association International des Femmes Juge</td>
</tr>
<tr>
<td>CEDAW</td>
<td>Comité des Nations Unies pour l'élimination de la discrimination à l'égard des femmes</td>
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<tr>
<td>CESFRONT</td>
<td>Border Police, DR</td>
</tr>
<tr>
<td>CONANI</td>
<td>Child Protection Agency, DR</td>
</tr>
<tr>
<td>CNLTP</td>
<td>Comité National pour la Lutte contre la Traite des Personnes</td>
</tr>
<tr>
<td>CRF</td>
<td>Centre de ressources frontalières</td>
</tr>
<tr>
<td>DGM</td>
<td>Immigration authorities, DR</td>
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<tr>
<td>DIE</td>
<td>Direction d'Immigration et Emigration, Haiti</td>
</tr>
<tr>
<td>DR</td>
<td>Dominican Republic</td>
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<tr>
<td>EMA</td>
<td>Ecole de la Magistrature</td>
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<tr>
<td>FOSREF</td>
<td>Fondation pour la Santé Reproductrice et l'Éducation Familiale</td>
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<tr>
<td>GARR</td>
<td>Groupe d'Appui aux Rapatries et Refugies</td>
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<tr>
<td>GDP</td>
<td>Gross Domestic Product</td>
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<tr>
<td>IAWJ</td>
<td>International Association of Women Judges</td>
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<tr>
<td>IBESR</td>
<td>Institut du Bien-être social et de Recherche.</td>
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<tr>
<td>IOM</td>
<td>International Organisation for Migration.</td>
</tr>
<tr>
<td>ILO</td>
<td>International Labour Organisation.</td>
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<tr>
<td>ONG</td>
<td>Organisation non gouvernementale</td>
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<tr>
<td>ONM</td>
<td>Office Nationale de Migration</td>
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<tr>
<td>OPC</td>
<td>Office de la Protection du Citoyen</td>
</tr>
<tr>
<td>PNH</td>
<td>Police Nationale d’Haiti</td>
</tr>
<tr>
<td>POLIFRONT</td>
<td>Border Police, Haiti</td>
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<tr>
<td>RFJS</td>
<td>Rezo Frontalye Jano Sikse</td>
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<tr>
<td>SJM</td>
<td>Service Jésuite aux Migrants</td>
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<tr>
<td>SSJE</td>
<td>Sœurs St Jean l’Evangéliste</td>
</tr>
<tr>
<td>TDH</td>
<td>Terre des Hommes</td>
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<tr>
<td>TIP</td>
<td>Trafficking in Persons</td>
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<tr>
<td>UNICEF</td>
<td>United Nations Fund for Children</td>
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<td>USAID</td>
<td>United States Agency for International Development</td>
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Executive Summary

Faced with difficult conditions at home, many Haitians, including children are on the move looking for opportunities to improve their lives. In the North-East border region of the country, there is concern about the trafficking of both minors and adults into the Dominican Republic (DR). Since the expiry of the regularisation plan of the DR (PNRE) and the large number of Haitians with undocumented status, the vulnerability to human rights abuses, including trafficking and exploitation, has arguably become more acute.

To support the government in tackling trafficking this research aims to explore the nature and extent of trafficking affecting the North-East region and evaluate the impact of measures taken to address it. It also seeks to identify action for the future and contribute to the implementation of the project ‘Aide aux enfants et femmes vulnerables dans les regions frontalières en Haiti’.

Information for the report was gathered through a documentation and literature review, alongside 30 individual interviews and 5 group discussions with stakeholders and migrants. Interviewees were selected following the recommendations of IOM staff working in Ouanaminthe and through subsequent recommendations of interviewees. Stakeholders interviewed included state authorities, NGOs and IOs operating in the North-East region of Haiti and the west region of the DR. Two visits to the unofficial crossing points of Ferrier and Capotille, close to the official crossing point of Ouanaminthe, and two visits to banana plantations, or ‘bateyes’, in the Monte Cristi region of the DR were also made.

Chapter one of the report reviews the nature of the largely irregular Haitian migration to the DR and looks at what we know about the forms of trafficking there that might form part of this movement. It finds that migration to the DR has not diminished in the last five years in spite of the restrictive immigration measures adopted by the DR that have targeted the Haitian population. Young people are also migrating on their own often to assist their families in Haiti. Younger children often live with family members in the DR but retain close ties to Haiti, travelling back and forth, especially during the school holidays. The largely undocumented status of many Haitians creates numerous vulnerabilities and shapes the way they migrate, their use of intermediaries and their interactions with employers and authorities in the DR.

In terms of what we know about the different forms of trafficking to the DR, many Haitian stakeholders provided anecdotal information on the trafficking of women and girls to cafes and brothels in the DR, but much of this was lacking in any detail or precision. There does appear to be widespread practice of prostitution involving Haitian nationals in Dajabon, DR, including that of minors, but the extent to which it is due to trafficking, has not been proactively investigated or documented in either Haiti or the DR. Victims of such trafficking or their families are not reporting it to the authorities either.

In the case of labour exploitation, there was marginally more information available about possible cases of trafficking of children for shoe shining between Ouanaminthe and Dajabon, involving the child’s family, although there were no investigated or prosecuted cases on this issue. Other information from Haiti-based stakeholders with respect to trafficking and
exploitation in the DR in agriculture, construction and for forced begging was largely anecdotal and unsubstantiated.

The only case of trafficking being prosecuted in the North-East region involved a group of 23 children from Port au Prince purportedly offered to study Spanish in an orphanage in Santiago, DR in 2016, five of whom were intercepted whilst trying to cross the Ouanaminthe border. Although being prosecuted as a case of trafficking, with reference being made to the children being sold into servitude, there were no details about the intended exploitation of the children. The parents of the children also had paid for the Spanish lessons rather than having received payment.

Chapter two of the report looks at the intermediaries who are behind a significant proportion of the irregular movement to the DR. Frontier workers and street children seem to cross the border without intermediaries, although they may have to pay bribes to DR border guards, but most other migrants coming from further afield, alongside children travelling to join family members in the DR, appear to frequently use intermediaries. This chapter explores whether it is possible to distinguish between a smuggler, who would simply deliver a migrant to his or her destination, from a trafficker, who would profit from that person’s exploitation.

The research found that children appear to be frequently escorted back and forth between the DR and Haiti to family members by intermediaries often known to and trusted by the family. Given the established family ties in the DR in these cases, the research questions the risks posed to these children and the purpose of stopping and separating them at the border, as is currently the case if inspected by the Haitian authorities.

The research found that there were some intermediaries referred to as ‘professional’ smugglers, who spent time scouting out their routes, were connected with smuggling networks in the DR who could tip them off about patrols on the DR border, who often travelled with very large groups of migrants and frequently crossed into the DR at unofficial border-crossing points. These intermediaries were less likely seen to be traffickers, since trafficking would require that they selected and controlled different groups of migrants dependent on age and sex to deliver them to select locations for particular exploitative purposes, which did not reflect the information received about how the migration was organised.

On the other hand, more opportunistic types of intermediary were reported who recruit individual adolescent girls for supposed opportunities in the DR are were more likely to pose a risk of trafficking to them if not sexual violence. A case of trafficking on such facts had in fact been prosecuted in Hinche in 2016. The BPM reported that out of 8 cases referred to the court for smuggling / trafficking in 2017, the majority involved teenage girls.

Those responsible for the systematic trafficking of women and girls to cafes or brothels or the trafficking of children and adults for forced labour have not emerged from the research. This finding leaves open the question of whether situations of forced labour or sexual exploitation in the DR, to the extent that it exists, results from organized trafficking from Haiti. This study suggests that it is more likely that advantage is taken of vulnerable people following their arrival in the Dominican Republic.
Chapter three examines the measures taken by the authorities to combat trafficking. It reviews the measures taken by the authorities to protect victims of trafficking, particularly at the Ouanaminthe border, and to prosecute traffickers.

The report finds that by focusing only on the accuracy of identity documents in allowing parents and children to cross borders, the Haitian authorities may not always act in the best interests of the child. These interventions could lead to more risky forms of migration, given the obstacles encountered in obtaining accurate identity documents in Haiti and the established family ties with the Dominican Republic. In addition, measures taken to prevent children from traveling with third parties known to and trusted by the family and arresting such people at the border could also lead to riskier alternatives, alongside generating periods of family separation. Currently, Haitian authorities have not taken any steps at the border to identify adult victims of trafficking or arrest such perpetrators.

The vast majority of alleged trafficking cases referred to the courts in the North-East Region, which are generally a dozen per year, in the opinion of judges and prosecutors, relate to cases involving the unauthorised movement or smuggling of children rather than trafficking. In some cases, the child’s parents have also been wrongly arrested as perpetrators. Sometimes when smugglers are tried, the child’s parents testify on behalf of the smuggler seeking a reduction in sentence for the smuggler since they have hired the individual to accompany their child.

The only case of trafficking currently being prosecuted in the North-East region involves a group of 23 children from Port-au-Prince, allegedly offered to study Spanish in an orphanage in Santiago, DR, by a group of priests, in 2016. Five children were intercepted while trying to cross the border of Ouanaminthe. Although prosecuted as a case of human trafficking, reference being made in the case file to the children having been sold into servitude, no details were provided regarding the intended exploitation of the children. The parents of the children had also paid for the proposed Spanish lessons and had not received payment.

The report concludes with a series of recommendations, including on the need for more research in the DR on the forms of trafficking / exploitation generally reported by Haitian stakeholders, particularly in cafes and brothels, in agricultural work, amongst children working in shoe-shining, begging and street vending; the need to raise awareness amongst Haitian actors of the differences between trafficking and smuggling of migrants to improve the collection of accurate and comparable data and the investigation of cases; the need to support measures to improve the capacity of law enforcement to collect information and proactively investigate trafficking networks and cases of trafficking; the need to find other forms of documentation that can be used to allow parents to migrate safely with their children alongside considering extending the use of IBESR authorization to third parties traveling with children; the importance of supporting dialogue with the DR to resolve the legal status of the Haitian population there, including residency, citizenship and work permits, alongside supporting measures to bring together the relevant parties from Haiti and the DR to conclude agreements on labour migration, among other recommendations.
Introduction

Haiti has experienced a difficult democratic transition in the last thirty years, a weakening of the state and a crisis of governance. The living conditions of the population have deteriorated, and accompanied by rising inequality, the situation has increased the vulnerability of several social categories, including young people who make up the majority of the population.

The deterioration of the environment and living conditions in Haiti mainly due to poverty, an increasing population, natural causes as well as poor governance have forced many to move elsewhere to seek a better life. Whether to other Haitian cities or other countries of the region the Dominican Republic, Chile, Brazil or the United States, the migration is often under difficult conditions and in some cases may amount to trafficking in human beings.

Haiti has taken numerous measures in recent years to tackle trafficking including adopting a law on trafficking in 2014, creating a Committee on Trafficking and most recently adopting a five-year action plan.¹ Numerous organisations have also been active in the border regions of the country, providing assistance to migrants, raising awareness of trafficking in human beings and preventing the unauthorised or undocumented movement of children. In particular, IBESR, BPM and ONM in partnership with and supported by UNICEF, IOM and local NGOs including GARR, SJM, RFJS and SSJE, amongst others have been active. But in the North-East region of the country, a border region with the Dominican Republic, there is still considerable concern about the trafficking of both minors and adults to the DR. Since the expiry of the regularisation plan of the DR (2015) and the large numbers of Haitians with undocumented status, the vulnerability to human rights abuses including trafficking and exploitation is arguably more acute. At the same time with the deployment of the first border force, POLIFRONT in January 2018, action on the Haitian border to prevent trafficking has intensified.

To support the government in tackling trafficking, this research aims to better understand the nature and extent of trafficking affecting the North-East region and to evaluate the impact of measures taken so far to address it. It also seeks to identify action for the future and contribute to the implementation of the project : ‘Aide aux enfants et femmes vulnérables dans les régions frontalières en Haïti’, alongside assessing how the activities conducted under this project are contributing to tackling trafficking.

The report is divided into three chapters. Chapter one examines the history of Haitian migration to the DR, summarising the recent findings from the latest DR survey on immigrants and presenting findings on children’s migration, which is often pursued separate to parents’ movement. It explores the forms of trafficking most frequently referred to, recognising that much of the information on trafficking and exploitation remains largely anecdotal and lacking in detail.

¹ See ‘Loi sur la lutte contre la traite des personnes’, Le Moniteur, 2 juin 2014
Chapter two looks at how the migration to the DR is organised. It recognises that much of the mainly irregular movement is facilitated by intermediaries. It explores who uses intermediaries and whether good ones can be distinguished from bad ones. It challenges the assumption that all intermediaries pose a risk to children and tries to identify the kinds of situations which are more likely to involve trafficking.

Chapter three looks at measures taken to identify potential victims of trafficking, the protection provided and challenges faced with family reunification. It explores whether interventions at the border are effective in tackling trafficking or might conflict with the best interests of the child. It also looks at recent efforts to investigate and prosecute trafficking cases and the difficulties encountered in distinguishing between trafficking cases and cases of irregular movement. Finally, it looks at the overall impact of measures that have been taken on the border to tackle trafficking.

The last section sets out recommendations that follow from the findings of the report.

Methodology

Information for this report was gathered through a series of face to face meetings and group discussions with stakeholders and migrants that took place in Haiti and the Dominican Republic alongside a literature and documentation review. Two field missions were undertaken between 25 June - 10 July 2018 and 3-12 August 2018 for the conduct of interviews and gathering of data. Interviews and focus group discussions were guided by questions in the interview guides developed for the research (see annexe 2). Interviewees were selected following the recommendations of IOM staff working in Ouanaminthe and through subsequent recommendations of interviewees (See annexe 1 for a full list of stakeholders interviewed).

In total 14 face to face meetings were held with state actors, 8 face to face meetings with NGOs and IO’s and two focus group discussions with NGO staff.

Most of these meetings were conducted in Ouanaminthe or Fort Liberte at the workplace of the interviewee and some were conducted at the Centre de Resources Frontaliers on the border in Ouanaminthe. Four meetings were conducted in the DR. These included two meetings with DR authorities in Dajabon, one with IOM Dajabon and one with the Haitian consul.

The two focus group discussions were hosted by NGOs at the unofficial border crossing points of Ferrier and Capotille in the North-East region.

Individual interviews with migrants included meetings with six children awaiting family reunification and assisted by the Centre d’accueil in Ouanaminthe, one meeting with a domestic worker at her workplace in Dajabon, DR and one interview with a construction worker deported from the DR and assisted by the CRF in Ouanaminthe.
Three focus group discussions were held with migrants. One group discussion was conducted at the CRF with five migrants including two women, two men and a child deported from the DR and assisted by the CRF. Two further focus group discussions were conducted with Haitian migrants working in banana plantations in the Monte Cristi region of DR. Oxfam, DR were instrumental in assisting with the selection of the bateyes and inviting migrants to attend the meetings.

Information from stakeholders was supplemented by a documentation and literature review which included information gathered on current cases of trafficking provided by the Commissaire de Gouvernement at Fort Liberte, reports from the IOM office in Ouanaminthe including documentation in relation to suspected cases of trafficking, data relating to assisted cases of vulnerable migrants at the CRF, alongside relevant Haitian laws and policies and various reports in French, Spanish and English from State authorities, UN bodies, NGOS, academia and media reports relevant to a search on information related to human rights, trafficking, migration and child labour in Haiti and the DR, detailed in the bibliography.
Chapter ONE – Forms of trafficking in the border region and DR

The migration of Haitians to the DR is a long-standing phenomenon. It has been driven by Haiti’s struggling economy and degraded environment, its fragile government, the significant economic differentials between the two countries and demand for migrant labour together with a well-established Haitian migration network, which continues to facilitate the movement. This chapter sets out the background, motivation for and most recent facts and figures on the largely irregular Haitian migration to the DR, including that of children, alongside measures taken by the DR to curb the migration.

Migration to the DR

Immigration to the DR throughout the 20th century has been fuelled by its economic growth initially in the sugar cane industry and subsequently other sectors which ceased to attract local Dominican workers. Historically immigration of Haitian workers has filled this labour gap, pushed in part by political instability and the lack of economic opportunities in Haiti. But the large and necessary labour force has failed to be properly integrated into Dominican society. A key reason has been the unregulated flow of Haitian migrant workers since interstate agreements lapsed in 1986, after the collapse of the Duvalier regime in Haiti. The undocumented status of Haitian immigrants has made them vulnerable to various human rights abuses including access to education, health services and decent working conditions. At the same time, extreme nationalist factions in the DR have encouraged xenophobic sentiments as a distraction from domestic problems which has led to the adoption of a series of divisive measures to curb the migration and has led to further vulnerability amongst the Haitian population, including to trafficking and exploitation.

The current population of Haitians in the DR is estimated at 497,825. This represents a growth rate of 8.6% since 2012. Haitians therefore represent nearly 5% of the 10.2 million inhabitants of the DR and 87.2% of the total number of immigrants. Factors underpinning the small net increase of Haitian migrants since estimations were first recorded in 2012, include the fact that many Haitians have chosen other destinations for migration in recent years such as Brazil, Ecuador and Chile, alongside the fact that many migrants have returned to Haiti following expiry of the National Regularisation Plan (PNRE) and deportations.

Almost half of the migrant Haitian population in the DR is concentrated in the provinces in the northwest of the country. The migration is also mainly urban. On the border, it is a notable percentage especially in view of the small Dominican population based there, which represents only 8.6% of the national total. The survey finds that low educational levels amongst migrants prevail related to the fact that 70% work in agriculture, construction, trade and repair of vehicles, all sectors with high informality, and 16.3% work in commerce, where

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2 See ‘Haitian labour migration to the DR’ – Bridget Wooding and Natalia Riveros, 2017, OBMICA.org
3 Results from the 2017 National Survey of Immigrants in the DR (ENI 2017)
4 ENI 2017 results
women are particularly active. 80% of the Haitian-born population are aged between 15-45 years old, indicating that the migration is motivated for work-related reasons. Although the number of undocumented immigrants is not known, 49% of Haitian immigrants are estimated to have tried to regularise themselves under the regularisation plan, despite the lack of documents and expensive procedures (up to 20 thousand pesos).\(^5\)

Some studies point to an intensification of Haitian labour migration to the DR as a result of the earthquake in Haiti in 2010, which according to World Bank estimates increased by 6% in the year of the earthquake and would remain 3% above the levels registered before the earthquake until the year 2020.\(^6\) According to data from the first National Survey of Immigrants in 2012, 39.1% of people born in Haiti indicated having migrated between 2010 and 2012 while 24.4% did so between 2006 and 2009 and 16.3% before 2000.\(^7\)

The demand for Haitian labour for low skilled occupations in construction and agriculture, mainly attracting men, has remained relatively stable in recent years in spite of the absence of permanent permits. Women face more challenges in accessing formal labour channels and work mainly in informal commerce and the service sector where they tend to be less visible.\(^8\) Informality is also key in the recruitment of Haitian workers, with the bulk of workers hired verbally while many others work occasionally. Despite anti-Haitian sentiment in the DR, migrants are seen to be an important part of society and the economy contributing 6% of GDP and filling jobs that Dominicans no longer want.\(^9\)

**Migration of children**

The migration of children to the DR is also not a new or recent phenomenon. From data gathered through interviews with 1109 children, including 361 girls and 748 unaccompanied boys assisted in 2017 through UNICEF-supported border projects, it was reported that most children migrate with their parents but a significant number do so on their own.\(^10\) The motivating factor for most is to find work in view of the lack of opportunities for paid work in their own communities.\(^11\) The migration of children relieves the family of an additional burden on the household and is often encouraged as a means of survival for the family. In many cases children hope to develop their skills, possibly receive an education and find a better life.\(^12\)

Out of the 1109 children interviewed, many of whom had been deported or repatriated from RD, 53% reported to have been working in the RD whilst 26% had been living with at least one parent. 7% reported that they had been at school or studying in the RD. Of the children that declared that they had been working in RD, the older children between 15-17 almost

\(^5\) ENI 2017 results
\(^6\) Referenced in ‘Haitian labour migration to the DR’, Bridget Wooding and Natalia Riveros, 2017, OBMICA.org
\(^7\) Supra
\(^8\) Ibid
\(^9\) Ibid
\(^10\) Unicef report on border projects with DR assisting repatriated/deported children in 2017
\(^11\) Ibid
\(^12\) Ibid
unanimously declared that they had gone to the RD to help their parents in Haiti and to do something with their lives as they had nothing to do in their communities.\textsuperscript{13}

In the North-East region, 348 children were registered and assisted by the centre d’acceuil pour enfants ‘Centre des Soeurs Saint Jean l’Evangeliste’ (SSJE)\textsuperscript{14} of which 52% were boys and 48% girls. 54% of the children were between the ages of 12-17 years. Many of the boys between 15-17 years declared that they had been working in construction or agriculture/gardens. The majority of the girls declared that they had been working either in private homes, restaurants or in commerce with a member of their family whilst some were living with third parties or Dominicans.

As 26% of the children were living with at least one member of their family in the RD it is clear that their connection with the neighbouring towns, where their parents are, would continue irrespective of their deportation or repatriation. They remained dependent on the RD and therefore as a group would most likely return to the DR via illicit means due to their undocumented status.

15% of the children registered overall declared that they had been living with a third party who in most cases was known to a member of their family. Many of these children declared that they had worked for these individuals, who were either Dominican or Haitian with a small trade/business in the RD. In some cases girls declared that they had had relations with older men.

Of the 7% of children who confirmed that they had been at school in RD, some were children living in the border zone who crossed the border on a daily basis to go to a school.

**Regulation of migration to DR**

A series of divisive measures have been taken by the DR to curb migration. These include the adoption of a new 2004 migration law which classified undocumented migrants as ‘in transit’ and deprived their children born in the DR of an automatic right to citizenship, which they enjoyed under the Constitution. In 2010 a new Constitution was adopted which now provided that persons without legal residence could no longer document their Dominican-born children as Dominicans which was followed by the adoption of rules of procedure for the 2004 Migration Law making it more difficult to obtain legal status. In 2013 the National Regularization Plan for Foreigners or PNRE was adopted. It sought to correct the immigration status of people in the country illegally by allowing irregular migrants to apply for legal status, but the immigration status of some 250 000 Haitian immigrants still remains unclear.\textsuperscript{15}

\textsuperscript{13} A total of 1109 children surveyed across the four border points, Ouanaminthe, Belladere, West and Anse à Pitre see 'Table of disaggregated data for the year 2017', on file with the author

\textsuperscript{14} SSJE inaugurated in December 2016 a new transit area for children and vulnerable women in Ouanamintthe with the support of the Colombian Catholic Church and other donors, including UNICEF and IOM. A UNICEF-funded project allows SSJE to host unaccompanied children, returned from the DR, and referred to the centre by IBESR.

\textsuperscript{15} World Politics Review: How a Broken Migration Policy has divided Haiti and the DR, 23 March 2018
Deportations have been routinely used to remove Haitians with allegedly irregular immigration status which are often not in compliance with international standards. In particular minors should not be deported under Dominican law but unaccompanied children have been routinely deported.¹⁶ Various UN treaty bodies have called attention to the discrimination against and vulnerable situation of Haitian migrants in the DR in recent years including violence and assaults to which they have been subjected.¹⁷

The current administration of Haiti, under President Jovenel Moise, has tried to help the situation by accelerating the pace at which Haitians may acquire documentation needed by the DR to register them, including passports that many Haitians seeking legal status do not have.¹⁸ But it is not clear whether these measures have had much of an impact.¹⁹ The recent US TIP report on trafficking finds that the continued dysfunction of the Haitian civil registry system and weak consular capacity to provide identification documents left many Haitians at risk of remaining undocumented in the DR and thus vulnerable to trafficking.²⁰

A special migration regime is in place allowing Haitians to enter Dominican territory on market days, which in Dajabon at the Ouanaminthe border takes place on Mondays and Fridays. Also in 2012 Dominican authorities established that Haitian occasional workers in the Haitian borderland should obtain a carnet or ID card to give them permission to enter legally.²¹ Activities are currently underway in Ouanaminthe to secure Haitian ID for 500 frontier workers who can then apply for a border ID.²²

In conclusion, the migration to the DR has not diminished in the last five years in spite of the restrictive immigration measures adopted in recent years that have targeted the Haitian population. This no doubt reflects the fact that people still seek and find opportunities in the DR which are not available at home. Also that the significant population of Haitians in the DR continue to provide an important network stimulating the ongoing movement. Young people are also responding to the demand for labour and opportunities to work and, motivated to make something of their lives and to assist their own families in Haiti, often migrate on their own. Many younger children live with family members in the DR, albeit without documents, but retain close ties to Haiti, travelling back and forth. The undocumented status of so many people creates multiple vulnerabilities that shape the way in which they have to migrate and their relations with employers and DR authorities.

¹⁶ Human Rights Committee, Concluding observations, DR, 2017
¹⁷ UN Human Rights Committee Concluding observations on the sixth periodic report of the DR, 27 November 2017
¹⁸ World Politics Review: How a Broken Migration Policy has divided Haiti and the DR, 23 March 2018
¹⁹ Interview with ICDH in Ouanaminthe seemed to suggest the issue of documentation had even got worse.
²⁰ US TIP country profile Haiti 2018
²¹ See ‘On the edge: writing the border between Haiti and the Dominican Republic’, Bridget Wooding,
²² Reference to IOM project implemented by ICDH at CRF
The extent and nature of trafficking from Haiti

Assessing the extent and nature of trafficking in persons to the DR was a challenge for this research. Part of the challenge stemmed from the fact that stakeholders interviewed were not always clear about what constitutes trafficking. Firstly there were particular views with respect to children’s movement. Numerous interviewees, including representatives interviewed from IBESR, PNH and NGOs believed that it was enough for a child to be travelling with a third party in an irregular way for a situation to constitute trafficking. Media reports also appear to reflect this view. For example, a recent article in Le Nouvelliste writes:

‘En Haïti, il est difficile d’évoquer des chiffres sur le nombre des personnes victimes de la traite. Un rapport de l’Institut du bien-être social et de recherches (IBESR), daté de l’année 2017, a signalé que 150 enfants haïtiens traversent la frontière haïtiano-dominicaine quotidiennement avec des passeurs. Puisqu’ils traversent avec des passeurs cela sous-entend le phénomène de traite.’ 23

The international definition of trafficking and Haitian trafficking law requires that trafficking is for the purpose of exploitation, which at a minimum should involve forced labour, servitude or exploitation of the prostitution of another amongst other forms. This important element of trafficking is possibly being overlooked by some stakeholders in their assessments of the extent of trafficking from Haiti to the DR. 24

Other interviewees took the view that since undocumented Haitian migrants, including adults, in the DR are vulnerable and therefore prone to exploitation, anyone who assists in their irregular entry into the DR, is trafficking that person to the DR and so should be sanctioned as a trafficker. Again this appears to disregard the idea that the purpose of trafficking is to exploit an individual, which at a minimum constitutes forced labour, servitude etc. A migrant, including a child, who consents to being assisted to enter a country without the required authorisation and finds himself vulnerable to poor working conditions or exploitation is not a trafficking victim, and the intermediary, who has guided that person across the border, is not a trafficker, according to the law.

Under Haitian law the commission of a trafficking crime attracts sanctions of 7 to 15 years imprisonment. 25 It reflects the seriousness of the crime which subjects its victim to a form of modern-day slavery. On the other hand, the smuggling of migrants, which is referred to under the definitions section of the Haitian trafficking law (and defined as ‘organising the illegal entry of a person into another state of which he or she is not a national or resident for material or other gain’) is not in fact criminalised under that law. 26 Instead another offence, being the organisation of a ‘voyage irreguliere a destination de l’etranger...sans l’accomplissement des formalites legales’ is criminalised under a 1980 law ‘punissant les

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23 ‘Le Laxisms des autorites haitienne autour du trafic des personnes’, Le nouvelliste, 2 aout 2018
24 See article 1.1.1 Definitions of the Loi sur la lutte contre la traite des personnes, 2 juin 2014
25 See article 11, loi sur la lutte contre la traite, supra.
26 See article 1.1.1 Definitions, supra
voyages irreguliers’, with sanctions of only six months to three years imprisonment.\(^{27}\) (It is noteworthy that Haiti has ratified the UN Protocol on Smuggling but so far has not adopted a law on smuggling. The 1980 law referred to here does not include a definition of smuggling in compliance with the Protocol, in that it makes no reference to illegal entry for material or financial gain.)

The two infractions have different consequences in terms of harm, in that trafficking is a crime committed against people, generating victims, whereas a voyage irregulier to which a migrant consents, contravenes immigration rules only and generally speaking is an infraction against the state, not a person, and accordingly the sanctions are less severe.

Since stakeholders interviewed did not always distinguish between the different, although sometimes connected phenomena, many of the research questions which aimed to explore routes of trafficking, how traffickers operate, profiles of traffickers and victims and clients, and factors facilitating trafficking were not always understood as intended. Instead much of the information shared, although ostensibly about trafficking, often related to how smuggling of migrants was organised, who the intermediaries are, how much migrants paid them, where they crossed the border, the risks they faced and the kinds of exploitative situations they faced in the DR.

This is not to say that there was no information on trafficking-type cases affecting the North-East region, as the following sections will show, but it was considerably less than many interlocutors believed. Some stakeholders, including the BPM and prosecutors, openly recognised the conflation of phenomena and considered it widespread and unhelpful. Critically they believed that the successful application of the trafficking law was dependent on a correct understanding of trafficking and its distinction from other kinds of generally irregular movement.

**Forms of trafficking in Haiti**

General reports on trafficking in Haiti acknowledge that the form of trafficking most prevalent in Haiti involves children in domestic servitude, with one in four children not living with their biological parents and an estimated 286,000 children under 15 in domestic servitude.\(^{28}\) Other forms include adults and children in forced labour situations, including in agriculture, construction, fisheries and street vending and adults and children in forced prostitution. A number of reports have also highlighted the exploitation of children in orphanages in Haiti.\(^{29}\)

Since the focus of this report is the North-East region of Haiti and in particular the border area with DR, it was inevitable that attention has been directed to trafficking to the DR rather than on situations of trafficking and exploitation in the North East region itself.

Nevertheless, during interviews information was gathered indicating that there were cases of children in domestic servitude in the North East region. The SSJE reported that they received

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28 See US TIP 2018 country profile Haiti.
many cases of ‘restavek’ children who are referred to the shelter, through BPM and IBESR, often after a neighbour has reported a case to the police. Up to 30% of the children they help are children in domestic servitude in Haiti, although information on the number of girls and boys was not available (noting that in 2017, it was reported that they assisted 348 children). Also a recent case of trafficking in the court of Fort Liberté in 2016 concerned the exploitation of two girl domestic workers by the mayor of Ouanaminthe.\textsuperscript{30}

One girl assisted by the centre and interviewed for the research had been intercepted at the border in Dajabon and returned to Haiti. She reported that she had been running away from her employer for whom she was a domestic worker, who had ill-treated her and never paid her. She had hoped to make enough money in the DR by working in a bakery to return to her family.\textsuperscript{31}

Little information was found on forced prostitution in the region, another typical form of trafficking in Haiti according to general research reports. It was reported that there were approximately 90 women and girls, from the ages of 17-27 years working in seven cafes/brothels in and around Ouanaminthe but that cases of forced prostitution were not known. It was considered that the women/girls worked for their own account with a fixed sum paid to the owner of the café/brothel per day. Most of the women/girls came from other parts of Haiti including Cap Haïtien and Port au Prince. Some of the women/girls also crossed the border to work in Dajabon in the DR and some of those working in prostitution in Dajabon came to Ouanaminthe to access the health services offered by the NGO FOSREF in Ouanaminthe, indicating that they had freedom of movement to come and go as they pleased.\textsuperscript{32}

**Forms of trafficking in the DR**

**Sexual exploitation**

The UN Special Rapporteur’s recent report on the sale and sexual exploitation of children in the DR finds the extent of child sexual abuse and exploitation in the DR appalling.\textsuperscript{33} According to a 2014 study, the prevalence of child sexual exploitation was 10% in certain areas of the country and greater in public areas such as parks, beaches, and streets where 23% of victims were under 18 years. Child sexual exploitation was also concentrated in certain beach areas popular with tourists with the province of Puerto Plata acting as the main centre and the municipality of Sosua especially affected. Intermediaries facilitating this trade included pimps, taxi drivers, nightclub owners and car washes many of whom operated with the complicity of local authorities. Although measures had been taken to protect children from sexual exploitation, such as cooperation agreements with the tourism industry, the UN Child

\textsuperscript{30} Information shared by judge from TPI, Fort Liberte.

\textsuperscript{31} Interview with child migrant no. , transit centre Ouanaminthe, July 2018

\textsuperscript{32} Interview with BPM, Ouanaminthe, July 2018

\textsuperscript{33} ‘Rapport de la Rapporteuse spéciale sur la vente et l’exploitation sexuelle d’enfants, y compris la prostitution des enfants et la pornographie mettant en scène des enfants et autres contenus montrant des violences sexuelles sur enfant’ A/HRC/37/60/Add 1, 5 janvier 2018
Rights Committee were concerned with the high prevalence of sexual exploitation by foreign tourists, particularly affecting children of Haitian descent.  

The exploitation of Haitian girls and women in brothels or cafes was considered one of the most prevalent forms of trafficking to the DR according to stakeholders interviewed for this report. NGOs reported girls between the ages of 12-18 being sold to pimps, intermediaries with contacts in the DR being asked to bring young girls to work in bars, which could involve prostitution. The main destinations for sexual exploitation of girls and women were indicated as Santiago, Puerto Plata and Munte Cano. But besides details of an IOM assisted case of a young boy forced into prostitution by his aunt in Boca Chica in the DR in 2016, no details of a single concrete case of trafficking for sexual exploitation in the DR were provided by interviewees.

Those organisations who most likely would have had contact with individual cases were also not able to provide more information on this phenomenon. The SSJE, receiving children repatriated or deported from the DR or intercepted at the border in Ouanaminthe, did not report seeing many cases involving children trafficked for sexual exploitation to the DR. They facilitated treatment for trauma for children but reported that traumas facing children assisted by the centre typically related to abuse within the family or following experiences of the deportation process.

The psychologist in the Border Resource centre, also receiving and interviewing deported and repatriated children or those intercepted at the border, did not think she had yet encountered cases of trafficking of young girls into sexual exploitation from the DR. Neither were the police pursuing any investigations involving cases of trafficking for sexual exploitation to the DR.

Reports from the DR on trafficking were also not very helpful in providing details about the trafficking of Haitian women and girls. Most recent reports on trafficking for sexual exploitation referred to Dominican or Venezuelan nationals, with 75 Dominican and 27 Venezuelan victims recently identified. These reports did not refer to Haitian women and girl victims. A judge involved with trafficking cases in the tribunal of Fort Liberte acknowledged that there was much anecdotal information of sexual exploitation cases of Haitian women and girls in the Dominican Republic but few, if any, hard facts.

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34 CRC report 2015, concluding observations for DR
35 Interview with SJM, Ouanaminthe, July 2018
36 Interview with RFJS, Ferrier, July 2018
37 Interview with ONM, Ouanaminthe, juillet 2018
38 'Rapport d’un traffic de migrants irreguliers et reseau de passeurs entre Haiti et RD’, 13 Decembre 2016, IOM, on file with author. Interview with BPM, Ouanaminthe, juillet 2018
39 Interview with SSJE, Ouanaminthe
40 Interview with Red Cross, CRF, Ouanaminthe, July 2018
41 Interview with PNH and BPM, Ouanaminthe
42 US TIP Report, country profile Dominican Republic, 2018
43 Interview with judge, TPI, Fort Liberte, July 2018
In an attempt to go beyond the anecdotal information available in Haiti, interviews were held with some stakeholders in the DR. Interlocutors met with in Dajabon acknowledged that there were many Haitian minors and adults involved in prostitution in Dajabon. It was acknowledged that some was possibly controlled by pimps. This was not a new phenomenon and had been going on for many years. There was no data available from the authorities met with though about the numbers involved in prostitution. The prostitution was generally considered to be voluntary with those working in bars sharing their profits with the bar manager and cases of forced prostitution, if occurring, were not widely known about.\(^44\) The Haitian consul in Dajabon referred to Haitian women living in the border region and working in Dajabon as domestic workers or in prostitution but did not have information to suggest that it was forced.\(^45\)

It was reported that in the past measures had been taken to address the situation of Haitian minors in prostitution, but to little effect. The police or migration authorities have intervened and referred the minors involved to CONANI, the DR Child Protection Agency, who might refer the minors to the Haitian consul and IBESR. But two or three days later the same minors would return to the same situation of prostitution and the interventions were not seen to help.\(^46\)

Cases of domestic violence involving Haitian women in the DR were not infrequent and were addressed by the authorities with legal support and social assistance to the victims. Such women would also be questioned to determine whether they might be victims of trafficking but so far no such cases had been found.\(^47\) The cases of trafficking for sexual exploitation known to the authorities based in Dajabon were cases of Dominican women trafficked to Haiti.\(^48\)

In conclusion, on the basis of the information gathered so far it is not possible to definitively conclude that there is significant trafficking for sexual exploitation to the DR. It is clear that there is considerable practice of prostitution, including of minors, in Dajabon and probably other towns in the DR, but the extent to which this is the result of recruitment and, in the case of adults, force or coercion is just not known. Since there do not appear to be victims either in the DR or once returning to Haiti able to report these kinds of situations to NGOs or the authorities, nor families of girls involved willing also to alert the authorities to allow for a proper documentation of the phenomenon, there appears to be just a recycling of the same hear-say stories by interviewees. Far more needs to be done to bring these cases to light, if they exist in such a systematic way as is suggested. This should include encouraging more reporting through awareness raising (and support and assistance to) women and girls on return to Haiti alongside research in the DR about the recruitment of and conditions facing Haitian women working in cafes and bars, alongside initiatives to encourage NGOs and the authorities to intervene and support victims in the DR.

\(^{44}\) Interview with Ministry of Femmes, Dajabon, DR, July 2018  
\(^{45}\) Interview with Consul of Haiti, Dajabon, July 2018  
\(^{46}\) Interview with Ministere des Femmes, Dajabon, July 2018  
\(^{47}\) Interview with Ministry of Femmes, Dajabon, DR, July 2018  
\(^{48}\) Ibid
Labour exploitation

The kinds of exploitative situations faced by Haitian migrants in the DR according to stakeholders’ information, and other reports on trafficking in the DR, included children in forced begging, street vending, window cleaning and shoe shining and adults and children in forced labour situations including in domestic work, agriculture and construction. Some stakeholders also referred to stories of children used for organ trafficking in the DR. A case currently being prosecuted in Fort Liberte for trafficking involves 23 children whose parents had paid for Spanish lessons in 2016 for their children in an orphanage in Santiago in the DR. The case was detected following the interception of five of the children on the border in Ouanaminthe, although those responsible for the scheme were not arrested. The case file (Act d’accusation) stated that the children had been sold into servitude, although details of the kind of exploitation intended were not included in the file.

Children living in Ouanaminthe, including street children, are known to cross into Dajabon on a regular basis to clean shoes. Many are reportedly obliged to do so by their families. One case was reported of a 10 year-old child obliged to shoe-shine in Dajabon and beaten by his uncle if he returned to Ouanaminthe without money. An NGO in Dajabon detected the boy sleeping in the street and in cooperation with CONANI, the DR child protection agency, the boy was resettled with a foster family in Santo Domingo. It did not appear that any investigation had been conducted into the conduct of the uncle by the Haitian authorities as a possible case of trafficking. It was estimated that possibly three out of ten children working as shoe shiners were obliged by their family to earn money in this manner.

The SSJE in partnership with IBESR reported assisting a number of street children who cross back and forth to Dajabon to clean shoes amongst other activities. Some Haitian domestic workers interviewed in Dajabon acknowledged that there were large numbers of Haitian street children in Dajabon who came from all over Haiti and crossed into the DR generally on their own without the assistance of intermediaries. They believed that they were often children abandoned or abused by their own families who were unable to care for them. When asked if the Haitian adults assisted these children, it was reported that the street children gave Haitian workers a bad name as they were involved in petty crime and prostitution and therefore the other Haitians working in Dajabon were not fond of them.

The BPM did not believe that there were networks in Haiti actively recruiting or subsequently controlling children working in shoe shining, begging or as domestic workers in the DR. Instead it was believed that most of the children crossed the border on their own, and were subsequently exploited by individuals there, if not exploited by their own family. No information was available about possible networks responsible for the trafficking of adults

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49 See also US TIP 2017 country profile DR and Special Rapporteur on the sale and sexual exploitation of children 2018, supra
50 Case information provided by Commissaire de government, Fort Liberte, on file with author.
51 Interview with IOM, Dajabon, July 2018
52 Interview with IOM, Dajabon, July 2018
53 Interview with domestic workers, Dajabon, July 2018
54 Interview with BPM, Ouanaminthe, juillet 2018
because the focus on preventing trafficking currently looks only at the unauthorised movement of children.

As with cases of sexual exploitation in the DR, there was little information about concrete cases of labour exploitation in the DR but instead generalised anecdotal information. One case reported by IOM involved an undocumented adolescent caught by migration authorities who complained of his conditions of work and that he had not been paid for nine months. It was not clear though whether he had been recruited by traffickers in Haiti and taken to this employer or he had sought out his own employment and was subsequently exploited.

CONANI did report a possible case of labour exploitation involving three adolescents who had been promised studies in the RD but were being taken to work in an agricultural zone, before being detected by the migration authorities (DGM) and referred to CONANI.

The Haitian Consul in Dajabon did not have information to believe that Haitians were in conditions of forced labour in the DR but did think that people were under psychological pressure to accept poor working conditions as they were undocumented and feared immigration agents and deportation. With respect to children he thought that children were working below the minimum age but were rarely subject to the worst forms of child labour or trafficking.

CASE STUDY 1 – Working conditions of a Domestic worker in Dajabon

A 43 year old Haitian woman has been working in the RD since she was 13. She prefers to work in Dajabon rather than Haiti as she is better treated in the DR and her employers trust her. There are no jobs in Haiti and if people want to prosper they have to come here. She crosses daily from Ouanaminthe to Dajabon but is known by the border guards and does not get stopped on the bridge. She is a member of GARR and is on the list waiting for a border ID card but currently does not have legal papers to work in Dajabon. Other Haitians possibly have worse working conditions than her – but everyone is different – and most employers of domestic workers are reasonable. When people complain about their employer they complain of minor things, such as not being able to take food from the house, but if people are unhappy they are free to leave. She has never heard of violent treatment of workers. If employees don't get paid they can go to the bureau de travail and make a complaint. The consul is also sometimes involved and Dominicans also help out and accompany Haitians to make a claim.

CASE STUDY 2 - Conditions in banana plantations in Monte Cristi

55 Interview with IOM, Dajabon, July 2018
56 Interview with CONANI, Dajabon, juillet 2018
57 Interview with Haitian consul, Dajabon, July 2018
58 Interview with Haitian consul, Dajabon, July 2018
59 Interview with Haitian domestic worker, Dajabon, juillet 2018
Since the 1980s the predicament of Haitian ‘braceros’ working in bateyes in the Dominican sugar industry has been the focus of international human rights campaigns with accusations of enslaved Haitian workers. The 2017 national survey on immigrants highlights the high proportion of Haitians working in agriculture. Separate information on childrens’ migration also points to the considerable number of adolescent boys working in this sector. Two ‘bateyes’, which produce bananas, were visited during the research in the Monte Cristi region of DR to provide some insight into the working conditions of Haitians in agriculture.

In bateye 1 a group of 15 workers, including four women, met with the researchers. The buildings where the workers lived were of solid construction but were rudimentary and in poor condition and there was no running or drinking water. Some of the migrants had been on the plantation for over 20 years whilst some had arrived only in recent months. Most of those who had arrived recently had come with a smuggler who was paid in advance 1000/2000 pesos but with whom there was no ongoing debt or relationship. Most had come on foot with the smuggler. Sometimes the employer at the plantation sent out for new employees and has contacts to find new workers but sometimes people just turn up spontaneously, with a smuggler, who shows them the way, looking for occasional work.

Four or five people in the group were on fixed contracts and paid 4000 pesos per month. Only two people in the group had legal papers with a temporary work permit which SJM or RFJS had helped organise for them. Others were without contracts and found work sometimes on a daily basis and would be paid 300 pesos per day. Workers also had to pay 200 pesos per month for their accommodation – which was collected by someone separate to their employer. All workers, those on fixed contracts or without, worked from 7.00-17.00 with two hours for lunch. The women at the bateye did not have as much opportunity to work and were generally dependent on the men, which was evidently hard for some of them, as one woman complained that her husband gave her nothing to eat. Sometimes they had fruit washing jobs but would earn less and work longer hours than the men: being paid 250 pesos per day and working from 7.00-20.00. Generally wages were paid on time but one 16 year old boy who had recently arrived complained that he hadn’t been paid for 15 days and that he couldn’t go anywhere else as he didn’t have papers. When asked if there were bateyes with worse working conditions than this, the group replied that conditions were better in other bateyes but they couldn’t work there either because the employer wouldn’t employ undocumented migrants or because Dominicans worked there and wouldn’t let them work. Noone had particular plans to return to Haiti as still things were better here than in Haiti.

The Dominican authorities (police/militaires) paid visits to the bateye on a regular basis and would pressure the workers for bribes because they do not have papers. Most important to the workers is to get papers so they wouldn’t have to pay these bribes amounting to 100-200 pesos a time. If one can’t pay then the authorities might deport you and if they are not happy with what you give them, they still might deport you. Now sometimes fraudsters visit the batey saying they will organise papers for the workers and take money but don’t process anything. Labour inspection also come regularly but do not speak to the migrants but only to the boss.

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60 See ‘On the edge: writing the border between Haiti and the Dominican Republic’, Bridget Wooding
There are about 50 children on the batey who do not go to school but run around – they do not work either. At 13-14 years old they will start work looking after cattle. The closest healthcare is at the hospital in Monte Cristi, where women also go to give birth. The hospital admits people without documents.

In batey 2 the researchers met a group of five women. They had been at the plantation for varying periods from 20 years to just a few months. They came to join their husbands or arrived with their husbands. One woman had come three months previously and had given birth to her baby in Monte Cristi, who was now 1 month old. The women do not work on the batey. Most of the men had temporary work so were paid when they worked. They work from 7.00-18.00 for 300 pesos per day. Most workers came spontaneously from Artibonite and Cap Haitien looking to improve their lives. They travel with passeurs.

One woman had had four children whilst at the batey and had sent them to school in Haiti since they could not go to school in the DR. They fetch the children back for the holidays with a smuggler and have to walk for three days. The women have often gone back and forth to Haiti and had trouble returning to the DR themselves. If they get caught they are made to clean the prison for three days – one woman reported that this has happened many times. Sometimes they are also abused sexually by the Dominican authorities. If you can’t pay the guards they put you in prison. The border crossing has become tougher now because there are more military in the mountains looking to catch people.

For the future, to have a job in Haiti would be best but conditions in the batey are better than in Haiti even without fixed work as there is always temporary work to be found. But the most important thing is to have papers- then they might be able to work in Monte Cristi and would not be caught by the military.

In conclusion, there is much anecdotal information about trafficking for forced labour of both adults and children to the DR, but few reported cases. It appears that many people, including children, make their own arrangements to travel to the DR, sometimes with the assistance of an intermediary, but their vulnerability, either due to their age or undocumented status or both, places them in situations where they can be exploited, sometimes by their own family as in the reported cases of shoe-shining children. At the same time, it is open to discussion as to whether many Haitian migrants are in forced labour situations in the DR, and unable to leave employers as they are coerced or threatened to remain. Instead, it is possibly more the case that many restrict themselves to a single employer in poor working conditions because they do not wish to attract the attention of the authorities as undocumented and risk deportation if they make themselves too visible. Employers no doubt take advantage of this situation, by failing to pay wages to workers. More research however would be needed in the DR to expose any patterns of organised trafficking/exploitation of workers in the typical sectors identified by stakeholders as those to which people have been trafficked including agriculture, construction, services such as restaurants, street vending, begging and shoe-shining. At the same time, more needs to be done to support people returning from the DR to report and denounce situations of forced labour or trafficking in the DR, through awareness raising of rights and assistance provision for those coming forward to enable a more serious documentation and analysis of possible cases.
Other risks faced by migrants

When questioned about the risks faced by people migrating irregularly, many interlocutors rarely pointed to risks of trafficking. Instead responses tended to focus on the risk of being exposed to sexual violence for women and girls; risks of losing money if the migration did not work and the migrant was deported, hazards related to travelling clandestinely at night and being exposed to other contraband activity, such as cattle, motorbike and lorry theft, the risk of being separated from and losing one’s children if chased by Dominican authorities; risks of mistreatment at the hands of Dominican authorities if caught, the general risk of physical hardship because the journey is arduous and hazardous and food and drink is in short supply and finally the fact that if one found work, the risk of not being paid.\(^{61}\)

With respect to the risk of sexual violence for women and girls it was not necessarily clear where the danger came from but inferences suggested the risk was from the smuggler and his associates, random migrants or even the Dominican authorities. The fact that someone is sexually abused during irregular migration seemed to indicate for some stakeholders that the case was one of trafficking, which is not compliant with the definition of trafficking and distinctions should be made.\(^{62}\)

The resignation of Haitian women and girls to sexual violence in the migration process was evident. For some victims it represented payment or just one of the ‘hasards’ associated with migrating irregularly and not something that would be reported for investigation and prosecution. In a suspected trafficking case transferred to the TPI at Fort Liberte in April 2018, a 15 year-old potential trafficking victim had been sexually abused by the driver of a moto taxi and another man. She reported that the ‘agression sexuelle qu’elle a subie a ete assume comme un obstacle parmi tant d’autres lorsque l’on entreprend un voyage irregulier.’\(^{62}\) In interviews with Haitian women living with their husbands in a banana plantation in the DR their experiences of being ‘intimately’ searched and sexually harassed by Dominican military/police if caught on their return crossing into the DR, were shared in a way indicating they had neither the thought let alone the power to object to such treatment.\(^{63}\)

The recent CEDAW report for Haiti notes: ‘Domestic and sexual violence appear to be socially legitimized and accompanied by a culture of silence and impunity, as evidenced by low rates of convictions for acts of sexual and other forms of gender-based violence despite the fact that rape remains one of the most frequently reported crimes in the State party’. In response CEDAW urges adoption of a draft law on combating violence against women that criminalises rape and sexual harassment and does not refer to mediation or conciliation in cases of violence against women whilst ensuring that victims are destigmatized and encouraged to report incidents of domestic, sexual and other forms of violence against women, with guaranteed access to effective protection and redress, including compensation, prosecution and punishment of perpetrators by a competent criminal court.\(^{64}\)

\(^{61}\) Interview with RFJS, Capotille, juillet 2018
\(^{62}\) IOM notes on case on file with author
\(^{63}\) Interview with Haitian women in Batey 2, Monte Cristi, juillet 2018
\(^{64}\) CEDAW concluding observations on the combined eighth and ninth periodic reports on Haiti, 9 March 2016
Chapter Two: How the migration to the DR is organised: trafficking and smuggling

A significant proportion of the irregular movement to the DR is facilitated by intermediaries. Frontier workers and street children seem to cross the border without depending on intermediaries, although they may still have to pay bribes to the border guards on crossing. But most other migrants, particularly those coming from further afield and children travelling to join family members, seem to frequently use intermediaries. These intermediaries, who arguably could be traffickers as well as smugglers, may accompany their clients both across Haiti and into and across the DR. Even undocumented migrants established in the DR often make their return journeys from Haiti to the DR with the assistance of intermediaries, both to find the route, much of which may be covered on foot, as well as to avoid contact with the DR authorities. As already highlighted before, smuggling and trafficking are different phenomena, implying different relationships between the intermediaries and their clients/victims and very different outcomes. The challenge for the research was to find out in what way the two phenomena shared the same characteristics and in what way they could be distinguished.

This chapter looks at who are the people using intermediaries and why. It also tries to explore whether traffickers and smugglers can be distinguished from one another in terms of their organisational methods, personal characteristics or by the characteristics of their clients. It looks at whether prospective migrants, when looking for assistance to cross borders, as they frequently do, can distinguish a smuggler, who would simply deliver a migrant to his or her destination, from a trafficker, who would profit from that person’s exploitation. It also aimed to look at whether victims of trafficking differ in identifiable ways from other typically undocumented migrants. These kinds of questions were not easy for all stakeholders, for the reasons given before that many stakeholders did not distinguish between the actions of smuggling and trafficking.

Who uses intermediaries in migrating to the DR?

People without documentation

Stakeholders and migrants all acknowledged that few people had passports or other documents needed to cross borders legally. As a result, sometimes people tried to procure fake documents and cross at official border crossings. Alternatively people depended on intermediaries, who might provide both fake documentation and/or assist them in crossing into the DR, at either official or unofficial crossing points. It was apparent that people often did not think there was anything wrong in either using fake documentation or organising

65 Interviews with migrants in Bateyes, DR and at CRF, Ouanaminthe, juillet 2018
66 Interviews with IBESR at CRF
67 Various interviews and information provided on IOM case of fraud, on file with author
their travel with the assistance of an intermediary. It was the way most people overcame the various difficulties faced in getting to the DR.

To obtain a passport for an adult in Haiti one must present:

- copies of the birth certificate or the extrait d’archives,
- copies of the carte d’identite fiscal (DGI ou NIF);
- copies de l’acte de mariage (pour la femme si elle est mariee)
- equivalent of 70 or 80 USD, dependent on whether one has a NIF or not.

To obtain a passport for a child, normally needed after 7 years of age, one has to present:

- copies of the l’acte de naissance;
- copies of the document de la personne qui autorise
- and 70USD.

In addition, to travel with a child one has to have an authorisation issued by IBESR authorising the departure of the minor with the accompanying person. This requires details of the passport of the minor and passport or NIF of the accompanying person. Without these details, such an authorisation cannot be issued.

There are numerous difficulties in procuring valid identity documentation in Haiti. For example in Ouanaminthe, all births registered between 2000-2016 had not yet been transferred to the archives in Port au Prince. Without the correct registration and extrait d’archives from Port au Prince one could not therefore apply for a passport. Also sometimes fake identity documents were issued by the civil registry authorities. Numerous birth certificates had been issued under a single registration number by one office d’état civil to generate income for the office but only one of those certificates could be validly registered. Those possessing the other birth certificates did not appear on any State record and so could not obtain other identity documents. Other interlocutors reported that people just did not have the means to get a passport due to its cost or didn’t have the education or access to the information to know what was needed.

In conclusion, the fact that most poor, relatively uneducated Haitians, who also happen to constitute the majority of the Haitian immigrant population working in the DR according to the findings of the ENI 2017, will not have the necessary identity documentation to travel to the DR, means that a significant proportion probably rely on intermediaries to assist them in crossing the border and getting to their destination.

68 Interviews with juge de paix, Ouanaminthe and Commissaire de government, Fort Liberte
69 Interview with migrant girl, Centre des Soeurs Saint Jean l’Evangeliste, Ouanaminthe
70 Information provided at Consulat of Haiti, Dajabon
71 Copy of certificate provided by DIE, on file with author
72 Interview with GARR, Ouanaminthe, juillet 2018
73 Interview with UNICEF, child protection officer, Ouanaminthe, juillet 2018
74 Interview with DIE, Ouanaminthe, juillet 2018 and PNH.
Children
Haitians living and working in the RD often use intermediaries to bring their children to and from Haiti and the RD because they lack the necessary identity documents to travel legally with their children. In one example given a mother, who lived in Santo Domingo, travelled by bus with her sister whilst her child travelled in parallel with a smuggler. The mother didn’t have the necessary documents to travel with the child, who was later intercepted en route with the intermediary and referred to the Haitian consul in Dajabon. NGOs also reported that parents with birth certificates for their children from the RD often cannot prove their relationship with the child, so to avoid difficulties in returning to the RD, choose to send their child with a smuggler rather than risk being stopped themselves with the child and prevented from travelling.

Sometimes parents choose to send their children separately with an intermediary because the bribes they have to pay the DR authorities were particularly high when travelling with a child. The advantage of using an intermediary in these cases presumably was that he was more skilled in avoiding the authorities and police check points, where bribes would be paid, and so would ultimately cost the parents less.

In other cases, children were crossing with intermediaries on their own, particularly during the school holidays, because their parents lived and worked in the RD and could not take time off work to come to Haiti to collect them. Sometimes in these cases the intermediary might have ID documents for the child but could not prove his relationship with the child or the ID documents would be fake. Some of the children interviewed in the centre d’accueil in Ouanaminthe and assisted by SSJE fell into this category. These included children schooled in Haiti who were going to visit parents during the school holidays in the RD and children living and at school in the RD who had returned to visit grandparents in Haiti and had been trying to return home to the RD. Women interviewed in a batey in the DR acknowledged that they sent for their children, who were schooled in Haiti, through the medium of intermediaries. Staff interviewed at the CRF acknowledged that children stopped on the border with intermediaries most often said they were travelling to rejoin their parents in the RD.

It is not possible to know whether the intermediaries chosen to escort children back and forth to their parents for the reasons described above never pose a risk to a child. But it was clear from discussions with migrant children and stakeholders that often these individuals are known to the family, are long-standing neighbours or extended members of family and therefore considered trustworthy. In addition, often payment would not be made until the child was safely delivered to the parents.

75 Interview with Haitian Consul, Dajabon, juillet 2018
76 Interview with RFJS, Ferrier non-official border crossing point, July 2018
77 Interviews with SJM and Haitian consul in Dajabon. It was reported that it cost 1000 pesos to DR authorities to cross with a baby and was cheaper to give the baby to a smuggler instead.
78 Interview with migrant child, IBESR at CRF and juge de paix, Ouanaminthe
79 Interview with SSJ, and migrant children, Ouanaminthe, July 2018
80 Focus group discussion with women in batey 2, Monte Cristi, juillet 2018
81 Interview with psychologist, CRF, Ouanaminthe, July 2018
Adolescent girls

In some cases, the crossings with smugglers/traffickers were not sought out by the migrants’ parents or migrant but were more opportunistic. These kinds of cases involving single adolescent girls on the move in particular seem to constitute cases far closer to trafficking scenarios. A case prosecuted for trafficking in 2016 involved a young woman who seemingly was running away from home with a young man who she had met once before. They had met each other again by chance in a shop where the girl had gone to buy phone credit. He suggested she came with him to the DR where he lived and she left immediately with him on his motorbike, taking none of her own clothes or possessions. He subsequently sexually abused her. The girl was intercepted at Ouanaminthe, her parents having alerted the authorities of her disappearance, and returned to her parents. In court, the young man said he was the girl’s boyfriend but was prosecuted for trafficking having admitted to the judge that he had intended to use the girl as his domestic help in the DR.82

Another 15 year-old girl interviewed in the centre d’acceuil in Ouanaminthe also admitted to being offered the opportunity to work in Dajabon whilst she was out washing the clothes of her employer in the river dividing Haiti from the DR. The man promised to take her to Dajabon and find her work in a bakery for 2000 pesos per month. As she was desperate to leave the employ of a woman who didn’t pay her and seemed to be abusing her, she left willingly but due to an argument with a taxi driver in Dajabon, who the man failed to pay on arrival, she was returned to the CRF by the taxi driver whilst the man was arrested. According to information provided by the taxi driver, the man had a reputation of receiving different women in his home and it was suggested that he probably intended to sexually exploit the girl.83

According to the BPM many suspected trafficking cases intercepted at Ouanaminthe involve adolescent girls running away from home having not informed their parents.84 These kinds of individuals were more likely to make hasty and risky migration decisions when an opportunistic offer of an alternative life was presented. In these cases, the young people concerned had not necessarily planned their migration nor sought out their own intermediary, who might have been known to the family and community, but instead random individuals had presented themselves offering their services. In some of these cases the traffickers might pose, or even believe, they are the boyfriends of the potential victim.

Who are the intermediaries?

Intermediaries come from different parts of the country, in many cases from the community/location of the migrants that they are smuggling and would often travel across the country with their clients. At the unofficial crossing point in Capotille for example, it was reported that the migrants crossing there came from Cap Haitien, Artibonite and Nord Est and the smugglers were therefore from there too.85

82 Interview with judge, TPI, Fort Liberte, July 2018
83 Interview with girl migrant, transit centre, Ouanaminthe, July 2018 and IBESR, CRF.
84 Interview with BPM, Ouanaminthe. It was reported that 8 cases were transferred to the court in Fort Liberte in 2017 many of which involved adolescent girls.
85 Interview with RFJS, Capotille, juillet 2018
In the case of children assisted by SSJ who reported that they had been travelling to rejoin parents or visit other members of the family in the holiday period and who had been intercepted during their journey either at Ouanaminthe or in the DR, in most cases the smuggler was known to the parents or came from the child’s village or was even related to the family. These individuals appeared relatively trustworthy and most children reported that they had been well treated by them. They were surprised even by the question as to how the smuggler had treated them, it being self-evident that since the smuggler knew the family, of course he would have treated them well.

Smugglers were described by some stakeholders as very ‘professional’, spending time in the border region assessing the routes they would take. They were well connected also with places to sleep on the journey, both in Haiti and the DR and with networks of smugglers in the DR, who could provide information about border controls to determine when it was safe to cross into the DR. Sometimes smugglers in Haiti would deliver their charges to others in the DR to take the journey onwards whilst some would travel across the DR to deliver their clients.

The age range of intermediaries was seen to be between 20-60 years of age, male and generally of Haitian nationality but sometimes Dominican. From data provided by the Commissariat in Ouanaminthe of 26 smuggler/traffickers arrested by POLIFRONT for smuggling children between January to April 2018, the youngest was 17 years old and the oldest 53 years old. Amongst the group were two women, who following information provided by the Commissaire de gouvernement in Fort Liberte, might have been mothers of the children being smuggled (see below). Six of the arrested men gave their home addresses in the RD whilst the others came from Artibonite, North West, North, Centre and North East regions of Haiti.

How intermediaries operate
Intermediaries were reported to frequently cross borders with large groups of between 40-100 people. These groups included a mix of people and ages including families, single children, young people, women and men. In Ferrier, an unofficial border crossing point near Ouanaminthe, clients of smugglers would gather in the village and wait to cross the river into RD if the river were high. They would leave the moto taxi in the village and would walk to the border and cross on foot. In Capotille the smugglers would have connections in a locality nearby to lodge their clients if necessary before making the crossing.

It is difficult to see how the intermediaries responsible for crossing large groups of people, of different ages, sexes and purposes, could be traffickers. If they were trafficking people, it would mean that they would have to be selecting certain people for certain locations and

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86 Interviews with children sheltered at SSJ, Ouanaminthe, July 2018
87 Interview with RFJS, Capotille, unofficial crossing point, July 2018
88 Interview with RFJS, Capotille, unofficial crossing point, juillet 2018
89 Data on file with author
90 Interview with RFJS, Ferier et Capotille and migrant children, CSSJ
91 Interview with RFJS, Capotille, juillet 2018
delivering them accordingly, which in turn would require grouping people according to age and sex to suit the intended exploitation; such as young women to brothels/cafes, adolescent boys and men to agriculture/construction; children to domestic servitude, begging etc. Rather it is more likely that the intermediaries travelling with large groups, which are most reknowned in Haiti, are smugglers and not involved in controlling the movements or exploitation of these people in the DR. Equally this means that the people travelling in large groups are consenting migrants and not trafficking victims and so, relatively speaking, are safe.

Intermediaries also operate on the official border crossing at Ouanaminthe and traded sometimes as money changers there. Sometimes people, including parents with their children, would arrive at Ouanaminthe and seek the assistance of a smuggler on the ‘bridge’ in this manner. These smugglers also had contacts with people that would lodge migrants in Ouanaminthe before making the border crossing.\(^\text{92}\) They would generally take people across the bridge and leave them to Dominican moto-taxis in Dajabon to continue their journey. POLIFRONT viewed many of these kinds of intermediaries as simple fraudsters. They had even been approached by migrants who complained that a smuggler hadn’t satisfied their agreement in getting them to the other side and that they wanted their money back.\(^\text{93}\)

It is difficult to know whether these kinds of intermediaries or fraudsters, according to POLIFRONT, are the kinds that would take women and girls to brothels, via their connections in the DR, or men and boys to forced labour situations in agriculture or construction without more information. Chances are sometimes these individuals might have such connections in the DR and could be responsible for trafficking – but equally they could be just as they are presented, with no particular agenda beyond sometimes delivering a person to the other side of the border for payment.

**Treatment of migrants**

Some interviewees thought that all smugglers were suspect and were responsible for raping girls and women and abandoning people en route.\(^\text{94}\) Some were profiteers, when ahead of making border crossings they might demand extra payment, such as personal belongings in the form of jewellery or watches.\(^\text{95}\)

From the perspective of some migrants interviewed, the smuggler was just a necessity as they did not have the necessary documents to go back and forth across the border for family reasons or employment. To be smuggled, was also a possible source of fun:\(^\text{96}\)

\[\text{‘People don’t think it’s wrong to be a smuggler. It is normal because he helps you get around things. If you want to have a passport you need an extrait d’archive and are sometimes even given the wrong documents! Also people say to go through the woods (to the DR) is fun and an adventure and there are lots of jokes on the way!’}\]

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\(^\text{92}\) Interview with ONM, Ouanaminthe  
\(^\text{93}\) Interview with POLIFRONT, Ouanaminthe, July 2018  
\(^\text{94}\) Interview with IBESR, Ouanaminthe, July 2018  
\(^\text{95}\) Interview with RFJS, Capotille, juillet 2018  
\(^\text{96}\) Interviews with migrant children in transit centre, Ouanaminthe, July 2018
When questioned with regards whether one was aware of the dangers of migrating irregularly or with smugglers, one young girl migrant said that she had heard of stories of people forced into prostitution but had never known someone to whom this had happened. She had thought her smuggler had in fact been good, but then he knew her family. With respect to whether she had heard that the DR authorities could ill treat people, she reported that they had been treated fairly once caught by the authorities and although put in prison for one day, they were returned the next day.  

A man interviewed at the CRF who had been in a large group of migrants crossing into the DR, some of whom had been caught and returned after being intercepted close to the RD border after Capotille, said that during his life he had seen people coming back from the RD and that they were doing well so he knew there were opportunities in the DR that don’t exist in Haiti. He had heard that the crossing was tough but had never imagined it would be as difficult as it was. Had he known he would not have done it:

‘Everything was bad about the journey: we walked a lot, were scratched, lost our belongings because we had to run, we slept rough in the forest, were in the rain and a la belle lune and given only sweets to eat for three days by the smuggler’

(Interview with 60 year-old migrant man, CRF, Ouanaminthe)

Evolution of the phenomenon

POLIFRONT, Haiti’s first border force, has been deployed at the border in Ouanaminthe since January 2018. According to stakeholders, in particular NGOs working at the unofficial crossing points, it has led to more people making illegal crossings into the DR at unofficial crossing points. Currently there are no controls by either IBESR or POLIFRONT at any of the unofficial crossing points and local police it was reported do not pay much attention to the irregular migration there.

On the DR side, the border has been reinforced with 900 additional soldiers posted since the beginning of the year leading to 5400 soldiers in total patrolling the land border with Haiti. Helicopters, additional vehicles and drones and video surveillance has led to more deportations of Haitians and less crossings with moto taxis at Ounaminthe. At the same time though there are thought to be more migrants crossing on foot through the mountains/forests. The DIE also reported seeing less clandestine crossings of the river close to the official crossing point at Ouanaminthe but that the deportations continue as before.

Possibly due to these reinforcements on the DR side there has been an increase in bad treatment of migrants it is thought by those unfamiliar with rights standards and deportation.

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97 Interview with child migrant no. 16, transit centre, Ouanaminthe, juillet 2018
98 Compte-rendu IOM bureau Ouanaminthe 10 fev-9 mars 2018
99 Interview with RFJS, Capotille, unofficial crossing point, juillet 2018
100 Meeting with IOM Dajabon, July 2018
101 Interview with DIE, Ouanaminthe, juillet 2018
At the same time though it was reported that the population remained tolerant of the large population of Haitian agricultural workers in the region from Santiago to Dajabon, with 95% of them seen to be undocumented. Efforts are still underway to process border cards for up to 500 domestic and agricultural workers who cross the Ouanaminthe border each day without documents and have to pay bribes of between 50-200 pesos to the DR border guards, CESFRONT to cross. The corruption of CESFRONT and the DGM in the taking of bribes on the border and elsewhere has been recorded by drone footage but it was not clear what measures had been taken to address it.

In conclusion, being smuggled into the DR is a fact of life for many people from Haiti. To conflate it all with trafficking is unhelpful and not reflective of the reality. In particular, more discussion and thought needs to be given to the risks posed to children who are frequently escorted back and forth to family members in the DR by trusted intermediaries, known to the family. Questions need to be posed as to the purpose of stopping and separating these children at the Ouanaminthe border by IBESR, which is only likely to delay a future illicit crossing, given the established family ties across the border. More thought needs to be given to how this movement could be semi-regularised, such as through use of the IBESR authorisation form, to avoid the unnecessary interventions and hardship caused to the children.

Also with regards the more professional intermediaries, scouting out their routes and travelling with large groups of migrants and frequently crossing the border at unofficial crossing points, it is hard to see how realistically these types of intermediary are involved in trafficking. This would require the selection and control of different groups of migrants, to deliver them to select locations, dependent on exploitative purpose, which does not seem to reflect what is taking place in practice; where random migrants of all ages and sexes, sometimes from different places of origin, combine together in large groups to cross into the DR with an intermediary. More attention however does need to be paid to the opportunistic types of intermediary, recruiting lone adolescent girls, who seemingly are most at risk of sexual abuse and possible trafficking. Awareness raising amongst this group would be beneficial to avert possible risks of such opportunistic recruitment.

Those responsible though for more systematically trafficking women and girls to brothels or adults and children into forced labour have not emerged from the information generated for this study. This leaves open the question as to whether such exploitation, insofar as it exists, arises as a result of organised trafficking from Haiti or whether, more likely, advantage is taken of vulnerable undocumented migrants following their arrival in the DR, some of whom will have made the crossing on their own. This means that the actions that can be taken in Haiti to address such kinds of exploitative outcomes, should not be focused at the borders,

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102 Compte-rendu IOM bureau Ouanaminthe 19-25 mars 2018
103 Compte-rendu IOM bureau Ouanaminthe 19-25 mars 2018
104 Supra
105 Interview with group of migrants, CRF, Ounaminthe and interviews with RFJS, Capotille and Ferrier
since chances are one is not accompanied by a trafficker at all. Instead far more needs to be done to address the undocumented status of Haitians in the DR, which leaves them so vulnerable to poor working conditions, non-payment of wages and corruption of DR authorities. Also more action is needed to ensure that the DR authorities are actively involved in identifying situations of forced labour and sexual exploitation of Haitian nationals in the DR and punishing the perpetrators.
Chapter Three: Protection, Prevention and Punishment of trafficking and voyages irreguliers

This chapter explores the measures that have been taken to intervene and protect potential victims of trafficking, investigate and prosecute trafficking and smuggling cases. Action taken on the Ouanaminthe border, which may lead to the identification of potential trafficking victims is examined, alongside some of the challenges it raises, including lengthy periods of family separation for children. Overwhelmingly it was reported that the majority of cases dealt with by the criminal justice system as potential trafficking cases in the North-East region, mostly resulting from interventions on the border, have been cases of voyages irreguliers. Not all actors are clear about the distinctions between trafficking and voyage irreguliers, which has generated possibly unjustified distrust towards the judiciary with regards their treatment of these cases. Measures taken by the DR authorities both to protect victims and investigate and prosecute trafficking cases are also briefly presented alongside a review of some of the challenges that remain with bilateral cooperation. Finally the chapter looks at how the activities on the border, particularly in the context of IOM’s project ‘Protéger, Assister et Renforcer les capacités des migrants vulnérables dans la zone frontalière Haiti/RD’, have contributed to tackling trafficking and reflects on the challenges ahead.

Intervention by IBESR/POLIFRONT at the Ouanaminthe border: limited identification of possible victims of trafficking

There are numerous types of people crossing the official border crossing point in Ouanaminthe, and although undocumented, many of these groups are, in a way, authorised to cross. These legitimate border-crossings include frontier workers, who may be adults and minors, going to work every day as traders, domestic workers and agricultural workers; children crossing with parents to work, particularly on market days, or children crossing to attend school. In addition, on market days, tens of hundreds, of people cross the border without passing through immigration formalities both to trade and shop.

IBESR and POLIFRONT conduct random checks on the official border crossing, which may lead to the identification of victims of trafficking. Alongside checking for unaccompanied children generally, these checks seem to have focused on intercepting:

- children accompanied by intermediaries;
- children accompanied by parents who do not have correct ID documentation for their children to travel to the RD.

The selective nature of these checks means that:
- children’s movement is not comprehensively regulated: the trafficking of children may involve children unaccompanied by adults or children hidden amongst other kinds of legitimate movement that is generally not checked;
- stopping and returning families for incorrect documentation may lead to possibly more children travelling in a riskier way, such as with a smuggler or via unofficial crossing points;
- there is no control on the official border crossing of possible trafficking cases involving adult victims and no attempts to identify potential adult victims at the border.
The checks seem to be conducted in the following way: children travelling with third parties without the necessary documentation will be stopped, if inspected on the border, and referred through IBESR to the transit centre run by SSJE. If the third party is considered to be a smuggler, he/she will be arrested by POLIFRONT. Also if children are travelling with their parents, but without the correct documentation or fake documentation, they will be stopped and not allowed to cross. For example, at the time of the research a man had been stopped at the CRF with his child. There was no dispute that the man was the father of the child but it appeared that the details on the birth certificate, issued in the RD, were incorrect.

A number of points can be highlighted with respect to the current interventions on the border and their potential impact on tackling trafficking. Firstly the focus on accurate identification documents for a child, in permitting a border crossing with a parent, is not necessarily in the best interests of the child. Accepting that there are numerous obstacles faced in obtaining the identity documents for travel and the fact that, as the research has indicated, parents may use intermediaries to travel with children when they do not have the correct documentation to travel with the child themselves, more consideration needs to be given as to whether these interventions actually protect children or cause more harm by leading to riskier forms of migration. Alternative methods, which better respect the interests of children to travel with and remain with the family, should be considered such as procuring temporary documentation for the family in such cases.

Secondly, the purpose of stopping children travelling with an intermediary known to the parents, who even might be an extended family member, and is escorting the child to the family, in particular during the holiday period, needs to be reconsidered. Where there is an ongoing relationship with the DR it is highly likely that, if a child is intercepted in these cases, there will be another illicit attempt to return to one’s family, making the initial intervention futile and again, possibly leading to a more risky alternative. At the same time, this kind of movement might not even qualify as a criminal offence under international law if the irregular migration is not for financial gain and is only provided as a service to the family.106

Finally, besides the fact that there appear to be no measures at the border to identify possible adult victims of trafficking, it is also likely that many potential child victims of trafficking insofar as they can be identified at the border, would be missed, given the large populations currently crossing the border who are not checked. In the absence of considerable extra resources and finance to make immigration checks more comprehensive, it might be more prudent to focus resources on police investigation and intelligence gathering on trafficking networks, their contacts, methods of organisation and operation, which could lead to more targeted interventions, also at the border, for both children and adults, to combat trafficking.

**Police identification of victims of trafficking**

BPM reported that they identify victims of trafficking through their investigations and also referred to the hotline 188, through which cases of trafficking may be reported, although data on the hotline or the numbers of victims identified was not available. There are few if any

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106 See UN Smuggling Protocol where smuggling is defined as procuring illegal entry for financial or material gain, article 3.
proactive measures taken to detect children in domestic servitude in the North-East region. Investigations in connection with cases of domestic servitude are normally due to the complaint of a child or a neighbour. In such cases, they will call in the employer for interview.  

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It is recommended that far more should be done to identify and assist children in domestic servitude in the border area. These children may be more prone to taking risky migration decisions in an attempt to escape intolerable situations and therefore at risk of falling victim to trafficking, as well as running away and becoming street children. The case of the girl migrant who took up the offer of a potential trafficker in Ouanaminthe to cross with him into the DR to escape an abusive employer is an example. She reported that she felt unable to denounce her situation and did not know that she could have been protected and assisted.  

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Protection of potential child victims of trafficking

The SSJE Centre has sheltered an increasing case-load of children since the border controls, both in Ouanaminthe and the Dominican side of the border, have increased, essentially since the beginning of the year. The centre is only intended as a transit centre, to shelter and care for unaccompanied children for a week. But since the process of family reunification takes so long, the children are staying far longer, in some cases for many months. This is leading to frustration amongst many children, some of whom have been running away from the centre.  

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IBESR interview children that have been intercepted on the border or returned by the DR authorities to gather information about the child’s family. Beyond this interview, and after the children have been referred to the transit centre of SSJE, they do not gather additional information from the children about the family, which might lead to swifter family reunification. Some children interviewed for the research reported that they had been deported from the DR with adult family members but on arrival at the CRF had been split from their family members, because their relationships could not be established, and they were referred to the transit centre alone. When this particular case was discussed with IBESR the researcher was told that the child might not have been telling the truth that the adults concerned were family members and without other proof that they were family members, IBESR were obliged to send the child alone to the transit centre.  

110 This was distressing for the child and possibly avoidable. More effort possibly could be made to assess the relationships between a child and other adult members travelling with the child in view of the interest of avoiding lengthy periods of family separation.  

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When children were questioned about how they felt to be in the transit centre, some said they were angry and did not know why they were still there and separated from their family. One boy who lived in the RD with his parents and had been in Haiti on holiday with his grandmother before being intercepted on the border whilst returning to the RD said:

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107 Interview with BPM, Ouanaminthe, juillet 2018  
108 Interview with child migrant, transit centre, Ouanaminthe, July 2018  
109 Interview with Soeurs St Jean, Ouanaminthe, July 2018  
110 Interview with IBESR at CRF  
111 Interview with migrant child, transit centre, Ouanaminthe, July 2018
‘Some of us are angry to be here. We don’t see our families and feel like we are in prison – the process takes too long. If the authorities think that I shouldn’t cross the border with a passeur then that must be right. But my mother didn’t think it was dangerous, as I had my papers.’

(Interview with migrant child, transit centre, Ouanaminthe)

IBESR complain that they do not have the resources for swift reunification of children with their families but other interlocutors noted that they had been given a vehicle to use for family reunification which appeared to be used exclusively by the head of the unit in Ouanaminthe. IOM had also given additional access to a vehicle and fuel. In view of the time taken to reunify children by IBESR it was reported that the Red Cross would sign an agreement with IBESR authorising them to take charge of reunification directly but it was not clear at the time of writing what the status of that agreement was.112

A children’s judge indicated that the judiciary should be informed about the placement of all children by IBESR but sometimes they are not informed. It was suggested that if the correct procedures were followed and judges were informed they might instruct that for instance an adolescent child go home. Adolescent children, who may be capable of making their own way home, are kept at the centre until family members arrive with the necessary identification documents. The logic behind this is not clear. Alternatively the court might be able to use its own channels to locate the parents and family possibly more quickly than IBESR.113

There is little follow up following reunification with families and sometimes the resulting reunification fails. For example a 15 year girl who had lived most of her life in the DR with a Dominican family and had then been deported was reunited with an uncle that she had never met who subsequently sexually abused her. She ran away and returned to live in the transit whilst a decision was being taken about her future.114

In the case of children who have been in domestic servitude supported by the centre, it was reported that many will be referred to orphanages as the family cannot be traced, the child often having been abandoned in the first case. In the case of children who have been intercepted travelling with intermediaries however, most do find their family and very few are relocated to orphanages.

**Intervention and protection in the DR**

On the DR side, CONANI reported that Haitian children will be referred to it for protection by the police or prosecution services generally following police checks and round-ups of irregular migrants or round-ups of street children. It reported that both the police and CESFRONT are trained on trafficking and have standardised protocols to screen for victims. CONANI also assesses cases for indicators of trafficking when children are referred to them. Where they

112 Compte rendu IOM, Ouanaminthe, 19-25 March 2018
113 Interview with juge d’enfant, Fort Liberte, juillet 2018
114 Interview with SSJ, Ouanaminthe
find cases, they refer them to the prosecution authorities (Fiscalía) for follow up investigation and provide temporary shelter for the children.\textsuperscript{115}

In terms of reunifying Haitian children with their parents in the DR, CONANI reported that the immigration status of people in DR is not its concern. If a Haitian child is referred to CONANI whose parents live in the DR, irrespective of their immigration status, then family unity is its priority and it would not return the child to Haiti.\textsuperscript{116} Other interlocutors were rather more sceptical that this was the case.\textsuperscript{117} CONANI informed of cases where IBESR had stopped children in Haiti but requested CONANI’s assistance in finding family members in the DR, but this was not so frequent and it was not clear if these cases led to the child being reunified with family in the DR.

CONANI was aware that during the holiday season there were many children coming to the DR to join their parents but it was not aware of the number of children currently held in the transit centre in Ouanaminthe who had been stopped trying to reunify with parents. Its assistance had not been sought in connection with these cases. It acknowledged the difficulties encountered in obtaining the correct documentation for travel with children and reported that the DR authorities have tried to take a pragmatic approach in some cases. In a case where a Haitian father of a child did not appear on the child’s birth certificate, a certificate was issued by the DGM acknowledging that the man was the father of the child.\textsuperscript{118}

Other Protection issues in the DR
Dominican law and policies prohibit children from education in the DR based on a lack of ID documents with reports that some children are prevented from attending or completing school by officials in both urban and rural areas if they could not present birth certificates or other ID. This arguably increases vulnerability to trafficking and the worst forms of child labour.

The non-payment of wages was raised as an important concern for Haitian workers, particularly those deported or returned. There has been some follow up for non-payment of wages with the support of the Haitian consul and the Employment office in Dajabon. Examples were given of domestic workers and workers in a banana transport factory claiming back-pay. The consul reported that when he has become involved in cases, often the issue has been resolved directly with the employer rather than having to go to the tribunal. But these cases did not involve deportees and there appears to be no systematic approach to securing unpaid wages for deported Haitian workers, some of whom may be trafficking victims, which remains problematic.

\textsuperscript{115} Interview with CONANI, Dajabon, juillet 2018
\textsuperscript{116} Interview with CONANI, Dajabon, juillet 2018
\textsuperscript{117} Interviews with Red Cross and UNICEF, Ouanaminthe who thought CONANI would just return Haitian children to Haiti unless one of their parents was a DR national.
\textsuperscript{118} Interview with CONANI, Dajabon, juillet 2018
Investigation and Prosecution: in Haiti

-Distinguishing trafficking cases from voyages irreguliers

Since the arrival of POLIFRONT at the Ouanaminthe border there have been numerous arrests of intermediaries attempting to cross into the DR with minors. Between January to April 2018 26 people had been arrested for ‘trafic des personnes’ in connection with the migration of minors.\(^{119}\) Smugglers/traffickers of adults are not targeted and it appears have not been arrested.

BPM reported that in 2017, 8 possible cases of trafficking had been sent to the tribunal. It considered that 3 or 4 of these cases were possibly trafficking cases whilst the rest were voyage irreguliers. The majority of these cases involved girls aged 15-17 years attempting to leave Haiti without informing their parents.\(^{120}\)

In Capotille, an unofficial border crossing point, it was reported that the police did not investigate irregular migration or possible trafficking but were only focused in tackling drug trafficking. They had never therefore investigated or arrested any smugglers/traffickers in the locality.\(^{121}\)

Judges interviewed at the tribunal de paix of Ouanaminthe explained how they proceed when presented with cases involving smugglers/traffickers of minors. Firstly they conduct a preliminary investigation to qualify the case in relation to the offence (infraction) committed. This involves considering the reports of the police, BPM and IBESR on the nature of the case. They will also question the accused and minor victims.\(^{122}\) As a result of their investigations and qualification of the case they should normally transfer the case to the TPI in Fort Liberte. The Tribunal de paix in Ouanaminthe has jurisdiction only over petty offences such as theft of small objects, disturbing the peace, domestic violence or traffic offences with a maximum punishment of 1-2 months imprisonment.\(^{123}\) More serious offences, classified as delits ou crimes, including traite des personnes (Loi sur la lutte contre la traite des personnes, 2 juin 2014), agressions sexuelles (Decret du 6 juillet 2005 modifiant le regime des agressions sexuelles et eliminant en la matiere les discriminations contre la femme et le Code Penal) and voyages irreguliers (Decret du 17 novembre 1980 punissant les voyages irreguliers) must be transferred to the Tribunal de Premiere Instance in Fort Liberte to be tried.

A recent case, involving an agression sexuelle against a 15 year old girl who was reportedly travelling with her boyfriend to the DR to join her mother, was qualified as ‘traite des personnes et voyages irreguliers au prejudice d’une mineure.’\(^{124}\) No information was available on the case file as to the nature of any intended exploitation related to the trafficking offence.

In questioning the suspect, the juges de paix explained that they will try to find out where the smuggler/trafficker is going with the minor, how long he has been engaged in this activity and

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\(^{119}\) Liste des arrestations de passeurs par la POLIFRONT, avril 2018
\(^{120}\) Interview with BPM, Ouanaminthe
\(^{121}\) Interview with RFJS, Capitille, juillet 2018
\(^{122}\) Interview with juge de tribunal de paix, Ouanamainthe, juillet 2018
\(^{123}\) Interview with juge de tribunal, Ouanaminthe, juillet 2018
\(^{124}\) Rapport du cas d’arrestation – Trafic de minuer, IOM, on file with author
whether he has documents for the child. In response, the smuggler/trafficker, typically will say that they did not know they would find these kinds of problems on the border or that he did not know that the law punishes this behaviour. In many cases the judge will be told that the mother of the child had asked the smuggler to bring the child to her in the RD and that during the school holidays they would see more frequent crossings of children with false documents.\textsuperscript{125}

In the opinion of the judges, the kinds of cases brought before the tribunal de paix in Ouanaminthe did not involve serious cases of criminal behaviour, but were more commercial transactions involving irregular migration. In response to questions as to how one distinguishes cases of voyages irreguliers from traite des personnes, the juges de paix thought that in voyages irreguliers, false documents were more often used, such as another passport or another child’s birth certificate. Whereas in trafficking-type cases there were no documents and the passeur might even admit that he was taking the person to work in a café/brothel.\textsuperscript{126} In the view of another judge, trafficking cases were difficult to identify as the finality of the act is not visible at the border, where interceptions of presumed traffickers have been taking place. Ultimately a lot depends on the careful questioning of the judge to find out what the intentions of the intermediary really were.\textsuperscript{127}

The commissaire de gouvernement at TPI Fort Liberte also reported that many of the ‘trafficking-type’ cases tried at Fort Liberte involved parents who had made arrangements with intermediaries to travel with their children as they did not have passports. These cases were not new and the Commissaire reported that he had been dealing with such cases since 2012, with a dozen or so such cases each year. In approximately half of the cases the accused would be discharged.\textsuperscript{128} He believed that although trafficking was ‘a la mode’, cases of it were in fact rare. The only case currently being prosecuted for trafficking in Fort Liberte involved a group of priests who had recruited children in Port au Prince in 2016 for a trip to the DR ostensibly to learn Spanish. None of the accused however had yet been arrested and were presumed to be in the DR.\textsuperscript{129} The TPI informed that normally the smugglers when prosecuted did not have the means to pay lawyers, which might indicate that they do not have links to organised crime or particular wealth, but may receive legal counsel under BAL (USAID funded).

- Smugglers and parents

It was reported by the TPI that sometimes the parents of the child might be arrested with the smuggler, if they are all travelling together. Once the court is involved however the mother or father would be liberated and the child, who will have been placed somewhere by IBESR, can be reunified. It was not clear how many times this had happened but from the data provided by POLIFRONT in relation to arrests made between January to April 2017 there were two women arrested, who might have been mothers of children, although it is not possible to know how many may have been fathers.

\textsuperscript{125} Interview with juge de paix, Ouanaminthe
\textsuperscript{126} Interview with juge de paix, Ouanaminthe, juillet 2018
\textsuperscript{127} Interview with juge d’enfant, Fort Liberte
\textsuperscript{128} Interview with Commissaire de gouvernement, Fort Liberte, Juillet 2018
\textsuperscript{129} Acte d’accusation in relation to the case on file with author
It was reported that normally it would take up to five days until the case is heard from when the mother/father/smuggler is arrested at which point the relevant people would be released where necessary. Often if a smuggler is arrested he will call the parents to tell them that he is arrested and the child is with IBESR. The parents have to appear before the court with their documents to retrieve their child. In his experience in 100% of these kinds of smuggling cases the parents have presented to the court to retrieve their child. Sometimes the parents will give evidence in the case asking for a reduction in sentence for the smuggler, indicating again the nature of the trusted relations between some intermediaries and families. If a smuggler appears before the court a second time however the court will not be so lenient.

In cases where children are intercepted but the smuggler has not been apprehended then the court is not necessarily informed of the fact that IBESR have a child and so is not involved in reuniting the child with its family.

Judges reported that they had never had cases of forced begging or other cases involving children working in the border region, such as in shoe-shining, nor cases of forced prostitution of minors, often referred to in the DR. They had never dealt with trafficking cases involving adult victims either.  

- Release or discharge of ‘traffickers’

According to a report on discussions with the juges de paix de Ouanaminthe in April 2017 with regard the release of passeurs before transfer of the matter to the TPI in Fort Liberte, it was reported that:

‘les passeurs sont consideres par la communauta comme de prestataires de service, a qui les parents paient une somme d’argent qui varient entre 3000 et 5000 DOP pour que leurs enfants puissent passer la frontier de maniere irreguliere et continuer le voyage a l’interieur du pays. Pour cela le Tribunal de Paix a tendance a ne pas consider le trafic de personnes comme un crime condamanable, a moins qu’il ne soit pas accompagne d’une accusation de traite ou autre crimes comme le viol ou le vol.’

The release of so many of the passeurs by the tribunal de paix in Ouanaminthe, was however very discouraging for POLIFRONT and IBESR. Often these individuals were soon after seen working on the bridge at the official border crossing in Ouanaminthe and, having often been questioned by IBESR staff that led to their arrest, could pose a threat to IBESR staff. It was later reported that following a number of meetings with the judiciary, the passeurs would no longer be released by the tribunal de paix but that these cases would at least be transferred to the TPI in Fort Liberte who would decide on whether charges would be brought and what sanctions were appropriate.

ONM however expressed its frustration where cases have even been transferred to Fort Liberte but the individual has been subsequently released. An example was given of a girl from Gonaives who had recently been stopped with a passeur who was transferred to Fort

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130 Interview with juge d’enfant, Fort Liberte, juillet 2018
131 Rapport du cas d’arrestation, avril 2017, IOM, on file with author
Liberte, but not long after was seen back working on the bridge. Some of this frustration seemed to stem again from a misunderstanding of the distinction between trafficking and voyages irreguliers, the conviction for which might not lead to imprisonment. Stakeholders interviewed seemed to believe that all passeurs should be locked up as traffickers and the fact that those arrested might be released was due to corruption in the justice system rather than a different and possibly correct evaluation of the facts.

‘Tolerated’ forms of trafficking
The fact that the intention of exploitation might be admitted by a suspect, as described by the judges, is somewhere indicative of the fact that there is a lack of awareness that there might be something wrong in taking a young girl to work in a brothel or as a domestic servant in the DR. It is also the case that the young women possibly don’t think there is anything wrong either. One case was described of a woman, now working in prostitution near Ouanaminthe, who at the age of 14 had been told to come to Ouanaminthe, from Gonaives, and on arrival was taken to the RD and put in a bar and exploited as a prostitute for two years. She explained that she never reported the earlier experience of trafficking because she thought it was normal payment for having been taken to the RD. In another case highlighted above, a 16 year-old girl, sexually abused by a man professing to be her boyfriend, was being taken to the RD as his domestic help. From the case materials available, it wasn’t clear what the girl thought about her relationship with the man and the plan to live with him as his wife/domestic help. Exploring some of the issues around how consent is expressed between men and women in Haiti would be important in trying to raise awareness amongst young people of acceptable conduct and to guard against ‘tolerated’ kinds of trafficking scenarios.

Investigation and Prosecution: in the DR
Different mechanisms exist to proactively investigate for trafficking in the DR but generally the route to identifying possible cases of trafficking for sexual or labour exploitation, outside Santo Domingo, were most likely to come through the arrest of undocumented migrants at police check points or from random immigration-enforcement operations rather than through labour-related inspections, police investigations or efforts by CONANI. For example CONANI reported that there were three cases in the first trimester of the year involving adolescents who had possibly been trafficked. They had been told they were coming for studies but were being taken to work in an agricultural zone in the centre of the country. The DGM stopped the adolescents on the road and referred them to CONANI. The smuggler/trafficker was then referred to the police but not the employer.

Reports from the US Department of Labour on the worst forms of child labour in the DR noted that formal mechanisms are in place to allow the Ministry of Labour to refer victims of child labour to CONANI. During the reporting period, 103 victims of child labour were removed from agriculture, fishing and the service sectors, although whether these included children of Haitian descent was not mentioned in the report.

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132 Interview with ONM, Ouanaminthe
133 Interview with juge d’enfant, Fort Liberte, juillet 2018
134 Interview with CONANI, Dajabon
135 See Worst forms of child labour US DOL report country profile, DR 2017
Labour and Attorney General’s office however was limited due to a lack of resources and not all criminal violations identified by the Ministry of Labour were investigated or prosecuted by the AG. It was also reported that the Attorney General’s Special Prosecutor for Smuggling and Human Trafficking employed 5 investigators in 2016 to investigate worst forms of child labour, including commercial sexual exploitation, but that there were resource constraints. The US TIP report on the DR also noted that resources are concentrated in Santo Domingo and there is a lack of resources and capacity to identify trafficking cases in other localities.\textsuperscript{136}

The DR authorities do not seem to have made much progress in prosecuting smugglers.\textsuperscript{137} It was reported that the DGM may detain smugglers and refer them to the police, who can detain them for up to 48 hours. But if the migrants are subsequently returned to Haiti, there is no evidence to prosecute the smugglers. It does not appear that migrants are given any incentives to provide testimony against smugglers in the DR, such as temporary residence permits, which might be one way of securing evidence if the DR authorities were serious about tackling the smugglers and unauthorised movement into the DR.

It is not known whether employers of irregular migrants in the DR are sanctioned, often considered an important measure to address the supply of irregular migrants to a country. Haitian migrants interviewed on bateyes in the DR informed that some bateyes would not employ undocumented migrants, which might suggest that there are punitive consequences for employers who do so. In Dajabon, it was reported that domestic workers were treated well and no measures were taken against families employing undocumented domestic workers.\textsuperscript{138}

**Binational Cooperation**

Although binational cooperation exists between agencies on a number of issues, it does not appear that there is much binational cooperation for the moment on trafficking issues. The PNH reported that the police do cooperate on theft and kidnapping of children for instance but so far never on trafficking investigations.\textsuperscript{139} Judges also reported that cooperation on investigations in the DR would be most useful but that there had not been occasions to cooperate so far. Also Polifront reported that it meets its counterparts CESFRONT and have cooperated on for instance the extradition of DR nationals fleeing justice in the DR and hiding in Haiti. But a current case of trafficking being prosecuted in Fort Liberte involving Haitians and Dominicans currently located in the DR, had not led to requests for extradition.

With respect to protecting children, the close cooperation between IBESR and CONANI was reported by many, CONANI reporting that it shares whatsapp messages with IBESR and meets regularly with them in Ouanaminthe. A binational child protection committee meets every three months, attended by CONANI and IBESR, BPM and health and women ministries.

\textsuperscript{136} US TIP report 2018, country profile, Dominican Republic  
\textsuperscript{137} Interview with IOM, Dajabon  
\textsuperscript{138} Interview with IOM, Dajabon  
\textsuperscript{139} Interview with PNH, Ouanaminthe, July 2018
The DIE reportedly have little cooperation with their counterparts, the DGM in the DR with no regular contact or meetings and information only sporadically shared.\(^{140}\)

In the DR many complained of the lack of cooperation with the Haitian consul in Dajabon. The Ministry of femmes reported that requests had often been made to assist in the repatriation of Haitian women victims of violence but little assistance was offered. Also where Haitian smugglers had been transferred to the consul it was reported that no action was taken. Also little effort had been made to follow up on illegal deportations of Haitians, such as at week-ends or after working hours.\(^{141}\)

**The effectiveness of activities at the border in tackling trafficking**

The IOM Project ‘*Proteger, Assister et Renforcer les capacites des migrants vulnerables dans la zone frontaliere Haiti/RD*’ aims to increase the capacity of local actors in their tackling of irregular migration and trafficking and put in place mechanisms to ensure the referral of vulnerable migrants to services to ensure a durable reintegration.

The key objectives of the project include:

- Improving mechanisms of protection in the border zone for the benefit of vulnerable migrants;
- Reinforcing local cooperation to reduce risks linked with irregular migration;
- Improving coordination between partners in referral;
- Increasing access to services to improve durable reintegration.

This is to be achieved by training of state authorities and NGOS; creating infrastructure such as the CRF; conducting awareness campaigns on the dangers of irregular migration and referral mechanisms; identifying and referring to assistance vulnerable migrants and registering vulnerable migrants.

Most interlocutors interviewed that were familiar with the CRF agreed that it had been a very positive development overall. Notably it provided migrants with a place to go and allowed IBESR and ONM to operate away from the heat and dust of the bridge. The provision of a space for children to rest and recuperate before being interviewed was also seen as important.

Some considered that the categories of vulnerability who had access to services were however too narrow. Children and vulnerable women are assisted by Soeurs St Jean l’Evangeliste and some men may get limited assistance from the German Red Cross but generally men aged between 18-64 are not considered vulnerable and so excluded from access to services. It was recalled that most deportees will be returned without their belongings often in their work clothes and having spent a few days in prison with limited access to food and water are vulnerable on arrival. Access to necessary assistance was therefore not available to many who needed it.\(^{142}\) There is little to no coverage for health assistance, food and drink, transport back to one’s locality, clothing or other necessary.

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\(^{140}\) Interview with DIE, Ouanaminthe, July 2018

\(^{141}\) Interview with IOM, Dajabon

\(^{142}\) Interview with GARR, Ouanaminthe, July 2018
support for this category. One young man met with by the researchers who had been deported had been stuck at the CRF for over two weeks waiting for someone to provide him with the funding to return to his home.\textsuperscript{143} There was therefore a call for a broader range of recognised vulnerability and more assistance provision.

Also some organisations thought that it was still important to register all returnees from the DR rather than only ‘vulnerable migrants’ as now there was a less complete overview of the numbers returning and returned and the difficulties faced.\textsuperscript{144} A more comprehensive recording of all those returning from the DR therefore was still considered important.

At the same time the representatives from the State authorities present at the CRF are underpaid or not paid which is clearly demotivating and may impact on the delivery of services too.\textsuperscript{145}

Although the training conducted under the project so far has raised awareness of trafficking, more training would be important for stakeholders to better understand the distinctions between irregular migration and trafficking. There is little point in blaming the judiciary for failing to prosecute persons arrested at the border as traffickers, when the vast majority of cases intercepted have not been cases of trafficking. Also as noted, some interventions at the border have led to the unwitting arrest of parents of children as presumed traffickers, so careful consideration needs to be given to how these outcomes can be avoided in future. Finally, since some children are possibly unnecessarily separated from family for lengthy periods of time, in particular when travelling with trusted intermediaries to join family in the DR, more thought needs to be paid to how these kinds of interventions can be avoided and more effective approaches pursued to ensure that family unity is maintained.

In conclusion, it is difficult to tell what the overall impact of measures taken at the border to tackle trafficking have been. Assistance to vulnerable migrants who have returned or been deported from the DR through the referral and assistance offered by the CRF is clearly important, in terms of reducing possible future vulnerabilities. These services and assistance provision should preferably be expanded to a wider group of people. But the control measures at the border, focused on stopping the undocumented migration of children, is more questionable in terms of its effectiveness in tackling trafficking. Although generally it may seem laudable, given the risks of irregular migration generally, it fails to take into account that 5% of the Haitian population live and work in the DR. Given that the majority of them are poor and relatively uneducated, there is little chance of them being able to migrate legally.\textsuperscript{146} More thought therefore needs to be given as to what the real objectives of the controls and interventions at the border are. If the State wants to prevent undocumented migration of its nationals to the DR then arguably it should do so more systematically or not at all. The current efforts in targeting only children have a number of harmful consequences, leading to the separation of families who live and work in the DR and preventing young

\textsuperscript{143} Interview with migrant, CRF, Ouanaminthe, July 2018 
\textsuperscript{144} Interview with GARR, Ouanaminthe, July 2018 
\textsuperscript{145} Interview with ONM, Ouanaminthe, July 2018 
\textsuperscript{146} See worldometers.info where current population of Haiti estimated at 11 million and ENI 2017 for data on Haitian population in DR and socio-economic background.
people, in the absence of alternatives in Haiti, from securing livelihoods over the border. It is not clear that these harmful consequences are acceptable collateral damage for the few possible cases of trafficking that are currently intercepted.

It is clear that for some actors, there should be a clear policy to prevent all irregular movement of both adults and minors to the DR, expressed in the form of controls intensified along the entire border. This appears to be based on the view that:

- Haitians should not be leaving for the DR as they should be prouder of their country,
- the DR mistreats them and does not want them or their children; and
- Haitians should find solutions to their lack of economic prosperity at home.¹⁴⁷

But it is not clear that these views reflect public opinion and will influence policy. They are in stark contrast to the views of some migrants, met with during the research, who believe they are better treated and better off in the DR, given Haiti’s current insecurities.

What migrants do need is support for regularisation and documentation so that they are not subject to the mistreatment, either of employers or DR authorities, in the DR. More also needs to be done in trying to conclude agreements on labour migration with the DR to secure regular channels for the current irregular migration. In the longer term, there is of course also the need to invest in the local economy, perhaps more intensively in the regions where most migrants come from, so that people are able to make choices and are not forced to seek opportunities elsewhere. All of these measures would go a long way to preventing trafficking. But at the same time there is a need to debate questions around whether Haiti does indeed want to prevent young people from leaving the country irregularly, knowing that there are few opportunities in Haiti for them. In the case of younger children, it needs to ask does it really want to separate children from Haitian family established in the DR. Both these outcomes appear to be the consequences of some of the interventions on the border so far.

¹⁴⁷ Views expressed by IBESR, GARR, RFJS, July 2018
Recommendations for action
The following recommendations follow from the analysis in this report:

Understanding trafficking
Given the considerable number of references by stakeholders to girls and young women trafficked to the DR for sexual exploitation, and children trafficked for street vending, begging, shoe shining and, alongside adults, in agricultural work, but the absence of concrete information about cases, there is a pressing need for:

- more research on this issue in the DR in particular about the recruitment and conditions facing women and girls involved in prostitution, including data on the numbers involved. Research should also aim to understand why the DR authorities, in particular the Special Prosecutor on Trafficking in the DR, has had so few cases of trafficking for sexual exploitation involving Haitian women and girls, given the fact that Haitians represent over 80% of the foreign population in the DR according to ENI 2017;
- more research in the DR on networks trafficking or controlling children in street vending, begging, shoe-shining etc in particular to examine more closely whether it consists of largely opportunistic exploitation of children following their arrival in the DR or is organised trafficking from Haiti;
- more research looking at conditions of work for children and adults in typical work sectors including agriculture, construction and the service sector in the DR;
- awareness-raising of assistance and support available to victims of trafficking to encourage reporting of cases both in the DR and on return to Haiti, including through publicising the existence of hotlines for this purpose;

Raise awareness amongst key stakeholders about the differences between trafficking crimes and smuggling of migrants to ensure a better understanding of the nature of the different offences confronted, the harms done to victims as opposed to the State and the sanctions involved including through training and the provision of standardized tools to support the conduct of surveys and the production of comparable data.

Assistance
Establish programmes to support identification, assistance and protection of children in domestic servitude who are possibly both victims of trafficking in the North-East region and at risk of trafficking to the DR because of their vulnerable situation. Raise awareness of support and protection available to such children to help them to denounce their situation and seek protection.

To reduce the unnecessary time spent by children in the transit centre in Ouanaminthe, ensure the gathering of more information on the child’s family through additional interviews of children at the transit centre alongside giving more responsibility to the Red Cross or other competent organisations to conduct family reunification.
Notify the judiciary in relation to the placement of children so that they may also be able to take appropriate steps to ensure swift reunification of children, in view of the current time lapse in reunifying children with family. Review the necessity to prevent adolescent children, referred by IBESR to SSJE for shelter and assistance, from returning home on their own. Ensure more follow up of family reunification to ensure appropriate reintegration of children and to prevent future victims of trafficking;

Support programmes to increase foster care to avoid the placement, in particular of children in domestic servitude, in orphanages

Provide support for more psychological assistance for unaccompanied children who are often traumatised both by their failed migration experience and mistreatment during movement but also because of a history of abuse within the family.\(^{148}\)

Support IBESR together with CONANI to seek joint solutions to family reunification of children with parents in the DR, including during periods of school holidays to avoid unnecessary interventions and family separation.

Establish programmes to provide support and assistance to a broader range of vulnerable migrants, including men between the ages of 18-64 who have been imprisoned prior to deportation/return from the DR and are returned without personal possessions including where necessary healthcare provision and financial assistance to return to one’s locality;

Support dialogue with the DR and measures to ensure that deported migrants are enabled to collect their personal possessions and back-pay before deportation to reduce their vulnerability on return

**Prevention**

To tackle a culture that is tolerant of sexual violence, including in the migration process, encourage women to report crimes and provide access to protection and redress alongside ensuring prosecution and punishment of the perpetrators.

Support measures to provide information/education materials for young people on acceptable forms of behaviour and the expression of consent in relationships between men and women to reduce tolerance of sexual violence

Establish programmes and support measures to improve access to and issuance of identity documentation and other residency permits/documentation, both in Haiti and for the Haitian population living and working in the DR. Reduce the costs of procuring documentation to make it more widely accessible; explore the use of temporary/alternative documents in particular for parents and children migrating to the DR, for example in cases where children’s birth certificates are from the RD and there are difficulties establishing parenthood, alongside raising awareness, in particular in those regions most prone to migration, of the documentation needed to migrate legally from Haiti.

\(^{148}\) Interview with SSJ, Ouanaminthe, July 2018
To address the considerable number of children escorted by intermediaries, who are trusted by the family, to join family living and working in the DR, explore how the IBESR authorisation, possibly in cooperation with CONANI or other mechanisms, could be best used to avoid unnecessary interventions at the border resulting sometimes in lengthy family separation of children. Raise awareness amongst Haitians, also residing in the DR, of the need for IBESR authorisation for third parties to accompany their children in such cases.

Raise awareness of the opportunistic kinds of trafficking that appear prevalent amongst adolescent girls, including amongst young girls working as domestic helps/or in domestic servitude in the North-East region and raise awareness of the fact that safer ways to travel include travelling in larger groups.

Increase dialogue with the DR to address the corruption of DR authorities with respect to irregular migration that exacerbates the vulnerability of Haitian migrants;

Pursue dialogue with the DR authorities to ensure access to education for Haitian children living in the DR to reduce the risk of children falling victim to sexual and labour exploitation.

Increase dialogue with the DR to resolve the legal status of the Haitian population in the DR, including residency, citizenship and work permits.

Support measures to bring relevant parties from Haiti and DR together to enter into a labour migration agreement to provide legal channels for labour migration for men, women and youth, including opportunities for work permits for self employment.

Support measures and programmes to increase employment in Haiti including through targeting out-migration regions for rapid impact sustainable economic projects including infrastructure investments and free trade zones in the border region.

Support programmes to ensure increased access to school for all Haitian children

Adopt a law on the smuggling of migrants, in compliance with the UN Smuggling Protocol and review policy on State intervention in connection with the unauthorised movement of Haitian nationals to the DR.

Investigation and punishment
Review the use of resources focused on intercepting intermediaries at the border – the research indicating that most of those intercepted are not traffickers but smugglers– and consider devoting more resources and finances to intelligence gathering/pro-active investigation to detect trafficking networks/cases of trafficking;

Review action taken that has led to the unlawful arrest of parents of children at the border to ensure that such instances are avoided in future;

Pursue dialogue with the DR authorities to create a mechanism that systematically ensures the payment of wages earnt by Haitian workers including deportees/returnees by supporting
collaboration with counterparts in Ministry of Labour/labour inspectorate of DR in cooperation with Haitian consular authorities in DR

Support capacity building of local police to detect and investigate cases of trafficking to improve the possibility of detecting trafficking cases at unofficial border crossing points.

Support measures to establish local committees and binational committees, including in cooperation with the CNLTP, bringing together key stakeholders to share information on cases of trafficking, coordinate action on trafficking and improve the provision of protection and assistance to victims.

Further cooperation between Haiti and the DR to collaborate on investigations into human trafficking including supporting measures to establish joint investigative teams and to extradite suspects;

Support measures to ensure that salaries and adequate resources are paid and allocated to all those agencies involved in assisting migrants and investigating trafficking in human beings including ONM who in partnership with relevant NGOs could provide a wider range of support services to migrants and BPM so that it could play a more active role in the community to raise awareness of trafficking issues amongst CASEC, judges and local police and IBESR.

Establish cooperation and coordination with national actors, including the CNLTP, and develop local strategies to combat trafficking.
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(http://www.lenational.org/comprendre-le-phenomene-de-la-migration-massive-des-jeunes)
### Annexe 1 – Stakeholders Interviewed

**Stakeholders interviewed:**

<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Fonction</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Acteurs etatiques:</strong></td>
<td></td>
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<tr>
<td>POLIFRONT</td>
<td>Commissaire</td>
<td>Ouanaminthe - CRF</td>
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<tr>
<td>DIE</td>
<td>Representative</td>
<td>Ouanaminthe</td>
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<tr>
<td>IBESR</td>
<td>Agent de Protection</td>
<td>Ouanaminthe - CRF</td>
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<td>IBESR</td>
<td>Agent de Protection</td>
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<tr>
<td>IBESR</td>
<td>Chef du bureau</td>
<td>Ouanaminthe</td>
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<tr>
<td>PNH</td>
<td>Commissaire de police</td>
<td>Ouanaminthe</td>
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<tr>
<td>BPM</td>
<td>Inspector</td>
<td>Ouanaminthe</td>
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<tr>
<td>ONM</td>
<td>Representative</td>
<td>Ouanaminthe, CRF</td>
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<tr>
<td>Tribunal de paix</td>
<td>Juge</td>
<td>Ouanaminthe</td>
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<tr>
<td>Tribunal de premiere instance</td>
<td>Commissaire de gouvernment</td>
<td>Fort Liberte</td>
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<tr>
<td>Tribunal de premiere instance</td>
<td>Juge d’enfants</td>
<td>Fort Liberte</td>
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<tr>
<td>Consulat Haitien</td>
<td>Consul</td>
<td>Dajabon</td>
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<tr>
<td>RD: CONANI</td>
<td>Chef du bureau</td>
<td>Dajabon</td>
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<tr>
<td>RD: Ministere des Femmes</td>
<td>Representative</td>
<td>Dajabon</td>
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<tr>
<td><strong>Organisations non-gouvernementales et internationales</strong></td>
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<tr>
<td>SJM</td>
<td>Chef du bureau</td>
<td>Ouanaminthe</td>
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<tr>
<td>SSJE</td>
<td>Soeur</td>
<td>Centre d’accueil, Ouanaminthe</td>
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<tr>
<td>RFJS</td>
<td>Representative et 3 benevoles</td>
<td>Ferrier – village</td>
</tr>
<tr>
<td>RFJS</td>
<td>Representatives et 5 benevoles</td>
<td>Capotille - village</td>
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<tr>
<td>GARR</td>
<td>Chef du bureau</td>
<td>Ouanaminthe</td>
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<td>Croix Rouge Allemande</td>
<td>Chef du bureau</td>
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<td>ICDH</td>
<td>Representatives</td>
<td>Ouanaminthe, CRF</td>
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<tr>
<td>FOSREFF</td>
<td>Administrateur</td>
<td>Ouanaminthe</td>
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<td>OIM</td>
<td>Chef du bureau</td>
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<td>UNICEF</td>
<td>Agent de protection</td>
<td>Ouanaminthe</td>
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<tr>
<td><strong>Migrants interviewed</strong></td>
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<tr>
<td><strong>Individual interviews</strong></td>
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<tr>
<td>Girl, 15 years</td>
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<td>Centre d’accueil, Ouanaminthe</td>
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<tr>
<td>Girl, 15 years</td>
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<td>Centre d’accueil, Ouanaminthe</td>
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<tr>
<td>Boy, 15 years</td>
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<td>Centre d’accueil, Ouanaminthe</td>
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<tr>
<td>Boy, 12 years</td>
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<td>Centre d’accueil,Ouanaminthe</td>
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<tr>
<td>Age/Category</td>
<td>Location</td>
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<td>------------------------------------------</td>
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<tr>
<td>Boy, 14 years</td>
<td>Centre d’accueil, Ouanaminthe</td>
<td></td>
</tr>
<tr>
<td>Girl, 17 years</td>
<td>Centre d’accueil, Ouanaminthe</td>
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<tr>
<td>Domestic worker, female, 43 years old</td>
<td>Dajabon</td>
<td></td>
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<tr>
<td>Construction worker, male, 22 years old</td>
<td>Ouanaminthe, CRF</td>
<td></td>
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</tbody>
</table>

**Focus group discussions**

<table>
<thead>
<tr>
<th>Description</th>
<th>Location</th>
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</thead>
<tbody>
<tr>
<td>Group of 2 women (20-30 years), two men 40-60 years old and one child (6 years)</td>
<td>Ouanaminthe, CRF</td>
</tr>
<tr>
<td>Group of 15 Haitian workers in Bateye, DR of various ages and men and women</td>
<td>Monte Cristi region, DR</td>
</tr>
<tr>
<td>Group of 5 Haitian women in Bateye, DR of varying ages in range of 20-50 years</td>
<td>Monte Cristi region, DR</td>
</tr>
</tbody>
</table>
Annexe 2 – Interview guides

Les Acteurs Clés

1. Introduction

L'objectif de la recherche est de produire un rapport sur la traite des êtres humains qui affecte le nord-est du pays et qui se concentre sur les caractéristiques du problème et dresse la carte des acteurs et de leur capacité à y faire face. Ce questionnaire est conçu pour solliciter des informations clés auprès des parties prenantes engagées dans la prévention de la traite, l’assistance aux victimes et la détection et la poursuite du crime.

2. Compréhension de la traite et le trafic de migrants

Que comprenez-vous de la traite des personnes? Que pensez-vous sont ses éléments clés? En quoi est-ce différent du trafic de migrants ou migration irrégulière?

3. La nature et l'ampleur de la traite des personnes et du trafic de migrants

(a) Comment évaluez-vous la prévalence de la traite des personnes? Le trafic de migrants ? (désagrégé par sexe, âge ?)

(b) Quelle forme de traite/exploitation rencontrez-vous le plus souvent (ex. travail domestique, agriculture, vente de rue, mendicité, prostitution, pêche, construction, etc.). Est-ce transnational ou interne?

(c) Qui sont les victimes/ groupes vulnérables ? (Examiner l’âge, sexe, origine ethnique, motivation, situation socio-économique etc- quels facteurs rendent quelqu’un plus vulnérable ?) Sont-ils différents de ceux qui sont des migrants clandestins/irréguliers ?

(d) Qui sont les trafiquants (d'où viennent, quel genre de personnes, quelle relation ont-ils avec la victime)? Sont-ils différents de ceux qui font passer des migrants ?

(e) Comment est-il organisé (réseaux organisés impliqués/ cas individuels ?) Quelles sont les voies/méthodes utilisées? Est-ce différents pour les hommes, femmes, enfants? (En quoi diffère-t-il du trafic des migrants ?)

(f) Quelles sont les formes les plus courantes d'abus et d'exploitation signalées par les victimes? En quoi diffèrent-ils pour les hommes, les femmes, les enfants?

(g) Voyez-vous des tendances ou des changements dans la nature de la traite récemment?

(h) Comment pensez-vous que la traite des personnes est perçue dans les communautés? Encouragé, toléré, signalé comme un crime?

4. Cadre juridique et politique

(a) Est-ce que des cas présumés de traite sont signalés aux autorités (par qui et comment ?) font l'objet d'une enquête et sont poursuivis? Donner des détails sur les résultats?

(b) Quels facteurs encouragent et découragent la déclaration, l'enquête et la poursuite des cas de traite?
(c) Quelles mesures ont été prises pour encourager les signalements, les enquêtes et les poursuites? Quoi d'autre est nécessaire?

(d) Le cadre législatif et politique est-il adéquat pour s'attaquer à ce problème? Ce qui est nécessaire? (examiner législation en vigueur en matière de lutte contre la traite, migration, protection de l'enfance, les structures départementales et communales y compris points focaux, groupes de travail, application des plans d'action politiques publiques et autres mesures administratives par ex. mesure administrative régissant les déplacements des mineurs)

(e) Quels mécanismes de coordination existent autour de la question de la traite? Quelle est leur efficacité? quels changements sont nécessaires?

5. Programmes et capacités des agences gouvernementales et non-gouvernementales pour résoudre le problème

(a) Quel devrait être votre rôle dans la lutte contre la traite des personnes?

(b) Comment évaluez-vous votre performance jusqu'ici? Y a-t-il des histoires de réussite?

(c) Quels sont les défis liés à la lutte contre la traite et qu'est-ce qui est nécessaire pour relever ces défis?

(d) Est-ce qu'on a besoin de programmes ou activités spécifiques (soit gouvernementale ou non-gouvernementale) pour lutter contre la traite?

(e) Y a-t-il collaboration et coordination entre les différents acteurs? Qu'est-ce qui devrait être amélioré ?

(f) Suggestions d'améliorations pour la collecte de données?

6. Questions spécialisées

(a) Existe-t-il des mesures opérationnelles spécifiques prises par BPM / PNH / DEI /IBESR pour lutter contre la traite? Quelles lacunes sont identifiées? Comment fonctionne la coordination entre ces acteurs ?

(b) Comment la police détecte-t-elle généralement les cas de traite (ex: plaintes des victimes, enquête proactive, contrôle des frontières, hotline)

(c) Existe-t-il des mécanismes pour identifier les victimes? (Les protocoles/SOPs ?)

(d) Combien de cas de traite ont été étudiés chaque année? Combien d'adultes / enfants impliqués/identifiées ?

(e) Combien d'arrestations ont été faites chaque année? Quel pourcentage d'arrestations a conduit à une condamnation?

(f) Existe-t-il des partenariats entre les forces de l'ordre et d'autres organismes? (ONG / IO?)

(g) Les opérations conjointes sont-elles entreprises?
(h) Des enquêteurs spécialement formés sont-ils toujours utilisés pour interviewer les enfants?
(i) Comment et où sont enregistrés les rapports et autres informations sur les cas de traite? Qui doit être informé du crime?
(j) Quelles sont les installations physiques pour les unités de police ? Y a-t-il une source régulière d’électricité? Équipement? Financement?
(k) Quelles sont les mesures en place pour détecter les cas de traite à des frontières autorisées et non autorisées?
(l) Combien de victimes de la traite ont été identifiées aux frontières?
(m) Combien de trafiquants ont été arrêtés aux frontières?
(n) Les services de poursuite ont-ils des unités spécialisées pour lutter contre la traite et le crime organisé?
(o) Combien de cas de traite ont été traités par les procureurs? Combien de convictions? (Y a-t-il eu des cas de clients des victimes de traite poursuivis (par article 12 de la loi? Y a-t-il eu des extraditions de personnes impliquées dans la traite? (Art. 15.1))
(p) Quelle assistance juridique est disponible pour les victimes de la traite?
(q) Les procureurs ont-ils reçu une formation sur la traite? (ex. EMA training) Est-ce suffisant?
(r) Les juges ont-ils reçu une formation sur la traite? (Probe EMA programme de formation sur la loi anti-traite)
(s) Quelle assistance les victimes de la traite reçoivent-elles? Combien ont reçu cette aide chaque année? Combien étaient des victimes étrangères? Quelles sont les lacunes dans la fourniture d’assistance?
(t) Existe-t-il différentes mesures pour l’assistance au retour et à la réintégration
(u) Combien les fonctionnaires consulaires haïtiens à l’étranger sont-ils impliqués dans l’assistance à leurs ressortissants, victimes de la traite?
(v) Quelles mesures sont prises pour protéger les témoins?
(w) Quelles mesures prises pour sensibiliser les victimes aux droits d'assistance?
Guide d'entretien: Migrants

Avant de commencer l'entretien, le but de la recherche sera expliqué au répondant et son consentement éclairé sera recherché.

1. Information sur le répondant
   (a) Age, sexe, l'origine ethnique, niveau d'éducation, taille de la famille, dépendent, résidence avant migration.
   (b) Qu'est-ce qui est motivé votre départ ?

2. Recrutement et transportation
   (a) Comment avez-vous voyagé ? itinéraires / transport ?
   (b) Qui est impliqué dans le processus de recrutement et de transport et les méthodes de recrutement ? (avez-vous contacté un passeur/intermédiaire, quelqu'un vous a approché, etc.?) Est-ce qu'il y avait des arrangements contractuels ?
   (c) Avez-vous utilisé plusieurs intermédiaires?
   (d) Quels sont les points de destination les plus courants ?
   (e) Quelles dépenses ont été engagées pour voyager? Comment ces dépenses sont-elles été couvertes ?
   (f) Quelles promesses étaient tenues et non tenues dans le processus de trafic?
   (g) Avez-vous travaillé? Comment avez-vous trouvé votre emploi? Quelles étaient vos conditions de travail?

3. Expérience d'abus/exploitation
   (a) Connaissez-vous des migrants abusés ou exploités? Si oui, quelle est la fréquence?
   (b) Quels sont les types communs d'abus et d'exploitation?
   (c) Qui sont les auteurs?
   (d) Quels migrants sont plus vulnérables / à risque d'exploitation et d'abus?
   (e) Les migrants signalent-ils une telle exploitation / abus? Si non, pourquoi pas. Si oui, quels sont les résultats?
   (f) Quelles mesures avez-vous prises pour limiter votre exposition au danger lors de la migration?
   (g) Quelles sont les sources de soutien disponibles? (police, militaire, programmes gouvernementaux, ONG, organisations religieuses?)

4. Perception et compréhension de la traite des personnes
   a) Comment évaluez-vous la prévalence de la traite, de l'exploitation et de la maltraitance parmi les migrants que vous connaissez?
   b) Quel type d'exploitation pensez-vous le plus répandu?
   c) Que recommanderiez-vous en termes de contrôle de la traite des êtres humains?

5. Plans futurs
   (a) Avez-vous l'intention de rester en Haïti, de voyager à l'étranger, de rentrer chez vous? Quels facteurs influencent votre décision?