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017676  
SOURCE: CLOUTCLS.004909  
DRAFTED BY: DRL/ASY:JCTODD:JCT -- 01/29/99 776-8500  
APPROVED BY: DRL/ASY:M SUSSER  
WHA/CAR:MBARNICLE  
DESIRED DISTRIBUTION:  
DRL, WHA ONLY

-----9CD733 292109Z /38

R 292059Z JAN 99  
FM SECSTATE WASHDC  
TO AMEMBASSY SANTO DOMINGO

UNCLAS STATE 017676

E.O. 12958: N/A  
TAGS: PHUM, AMGT, DR  
SUBJECT: OFFICIAL-INFORMAL - DRAFT HUMAN RIGHTS REPORT TO  
REVIEW

DOMINICAN REPUBLIC: INITIAL EDIT OF 1998 COUNTRY REPORT ON  
HUMAN RIGHTS PRACTICES (V-1)

1. THE INITIAL, DRL-EDITED VERSION (VERSION 1 OR V-1) OF  
THE SUBJECT REPORT FOLLOWS THESE INTRODUCTORY PARAGRAPHS.  
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THIS VERSION IS AN IN-HOUSE DRL EDIT, NOT A FINAL VERSION  
OF THE REPORT ON THE VERGE OF PUBLICATION. IT IS BEING  
CIRCULATED FOR REVIEW AND COMMENT. DRL QUESTIONS AND  
EXPLANATIONS OF SUBSTANTIVE CHANGES IN THE FOLLOWING V-1  
ARE IN DOUBLE PARENTHESES; PROPOSED NEW LANGUAGE MAY BE  
INCLUDED AS WELL.

2. PLEASE PROVIDE YOUR COMMENTS WITHIN 5 CALENDAR DAYS.  
AFTER THE DEADLINE FOR COMMENT, PROPOSED CHANGES WILL BE  
DISCUSSED BETWEEN DRL AND THE REGIONAL BUREAU COUNTRY DESK.  
IT WILL NOT BE PUT IN FINAL FORM UNTIL POST'S COMMENTS ARE  
RECEIVED. AT THAT POINT, DRL AND THE COUNTRY DESK WILL  
AGREE ON A FINAL TEXT. THIS AGREED TEXT IN SOME CASES MAY  
BE SENT TO POSTS AS A V-2 (VERSION 2) TELEGRAM FOR A FINAL

CHECK.

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3. PLEASE KEY YOUR COMMENTS TO THE REPORT'S SECTIONS, SUBSECTIONS, AND PARAS. THE POST ALSO MUST SEND COMMENTS KEYED IN SIMILAR FASHION--RATHER THAN SEND A REVISED REPORT IN ITS ENTIRETY--SINCE DRL CANNOT PROCESS ANOTHER COMPLETE NEW TEXT.

4. PLEASE PROVIDE SPECIFIC LANGUAGE FOR ANY PROPOSED CHANGES. IF YOU BELIEVE THE V-1 TEXT TO BE INACCURATE OR BELIEVE THAT A SUBJECT SHOULD BE HANDLED DIFFERENTLY, PLEASE PROVIDE AN EXPLANATION ALONG WITH YOUR SPECIFIC LANGUAGE.

5. BEGIN TEXT OF REPORT:

THE CONSTITUTION PROVIDES FOR A POPULARLY ELECTED PRESIDENT  
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AND A BICAMERAL CONGRESS. PRESIDENT LEONEL FERNANDEZ OF THE DOMINICAN LIBERATION PARTY TOOK OFFICE IN AUGUST 1996 AFTER A FREE AND FAIR ELECTION. THE OPPOSITION DOMINICAN REVOLUTIONARY PARTY, AFTER FREE AND FAIR CONGRESSIONAL ELECTIONS IN MAY, DOMINATES THE SENATE, HOLDING WITH ITS ALLIES 24 OF THE 30 SEATS, AND HAS THE LARGEST PRESENCE IN THE LOWER HOUSE, OCCUPYING 73 OF THE 149 SEATS. ALTHOUGH JUDICIAL REFORM EFFORTS HAVE LED TO A MORE EFFECTIVE JUDICIARY, INTERFERENCE FROM OTHER PUBLIC AND PRIVATE ENTITIES, INCLUDING THE EXECUTIVE BRANCH, UNDERMINES JUDICIAL INDEPENDENCE.

THE NATIONAL POLICE (PN), THE NATIONAL DEPARTMENT OF INVESTIGATIONS (DNI), THE NATIONAL DRUG CONTROL DIRECTORATE (DNCD), AND THE MILITARY (ARMY, AIR FORCE, AND NAVY) FORM THE SECURITY FORCES. THE PN IS UNDER THE SECRETARY OF THE INTERIOR AND POLICE; THE MILITARY IS UNDER THE SECRETARY OF THE ARMED FORCES; AND THE DNI AND THE DNCD, WHICH HAVE PERSONNEL FROM BOTH THE POLICE AND THE MILITARY, REPORT DIRECTLY TO THE PRESIDENT. THE SECURITY FORCES GENERALLY ARE RESPONSIVE TO CIVILIAN EXECUTIVE BRANCH AUTHORITY. HOWEVER, SOME MEMBERS OF THE SECURITY FORCES CONTINUE TO COMMIT HUMAN RIGHTS ABUSES, SOMETIMES WITH THE TACIT ACQUIESCENCE OF THE CIVIL AUTHORITIES.

THE ECONOMY, ONCE HEAVILY DEPENDENT ON SUGAR AND OTHER AGRICULTURAL EXPORTS, CONTINUES TO DIVERSIFY; TOURISM, TELECOMMUNICATIONS, AND FREE TRADE ZONES (FTZ'S) ARE MAJOR SOURCES OF INCOME AND EMPLOYMENT. REMITTANCES FROM ABROAD, ESTIMATED TO EXCEED \$1 BILLION, PROVIDE APPROXIMATELY 10

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PERCENT OF THE \$1,800 PER CAPITA GROSS DOMESTIC PRODUCT.  
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ON SEPTEMBER 22, HURRICANE GEORGES CAUSED MAJOR LOSSES IN THE COUNTRY'S AGRICULTURAL AND TOURISM SECTORS, AS WELL AS SEVERE DAMAGE TO POWER AND TRANSPORTATION INFRASTRUCTURE. STATE-OWNED FIRMS SUCH AS THE STATE SUGAR COUNCIL, THE CORPORATION FOR STATE ENTERPRISES, AND THE DOMINICAN ELECTRICITY CORPORATION IMPEDE ECONOMIC GROWTH BECAUSE OF INEPT FINANCIAL AND ADMINISTRATIVE PRACTICES. THESE FIRMS ARE EXPECTED TO BE PRIVATIZED BY EARLY 1999.

THE GOVERNMENT'S HUMAN RIGHTS RECORD IMPROVED SLIGHTLY, ALTHOUGH SERIOUS ABUSES REMAIN. PRINCIPAL HUMAN RIGHTS PROBLEMS INCLUDE AN INCREASE IN EXTRAJUDICIAL KILLINGS BY POLICE, POLICE BEATINGS OF SUSPECTS, POOR PRISON CONDITIONS, ARBITRARY DETENTION OF SUSPECTS AND SUSPECTS' RELATIVES, AND THE SECURITY FORCES' REFUSAL TO OBEY JUDICIAL ORDERS. MOST REPORTS OF HUMAN RIGHTS ABUSES INVOLVED THE POLICE, RATHER THAN THE DNCD OR THE MILITARY. OTHER SERIOUS PROBLEMS INCLUDE LENGTHY PRETRIAL DETENTION, INTERFERENCE WITH THE JUDICIARY, AND ADMINISTRATIVE CORRUPTION. THE ADMINISTRATION AND EFFECTIVENESS OF THE JUSTICE SYSTEM IMPROVED SOMEWHAT, AS THE SUPREME COURT REPLACED MOST JUDGES. THERE WERE INSTANCES IN WHICH THE POLICE USED FORCE TO DISPERSE DEMONSTRATORS. THE GOVERNMENT RESTRICTS THE MOVEMENT OF HAITIAN SUGAR CANE WORKERS. DISCRIMINATION AND VIOLENCE AGAINST WOMEN, TRAFFICKING IN WOMEN AND GIRLS, PROSTITUTION, ABUSE OF CHILDREN, DISCRIMINATION AGAINST THE DISABLED, ABUSE OF HAITIAN MIGRANTS AND THEIR DESCENDANTS, AND INSTANCES OF FORCED LABOR AND CHILD LABOR ARE SERIOUS PROBLEMS. WORKERS IN THE STATE-OWNED SUGAR PLANTATIONS AND MILLS CONTINUE TO WORK UNDER UNFAIR AND UNSAFE CONDITIONS.

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RESPECT FOR HUMAN RIGHTS

SECTION 1 RESPECT FOR THE INTEGRITY OF THE PERSON,  
INCLUDING FREEDOM FROM:

A. POLITICAL AND OTHER EXTRAJUDICIAL KILLING

THERE WERE NO REPORTS OF POLITICAL KILLINGS BY GOVERNMENT OFFICIALS, BUT THERE WERE REPORTS OF 74 ((NOTE: PLEASE UPDATE AS OF YEAR'S END)) EXTRAJUDICIAL KILLINGS BY THE POLICE, A SHARP INCREASE FROM 1997. BOTH THE DOMINICAN

HUMAN RIGHTS COMMITTEE AND THE DOMINICAN HUMAN RIGHTS COMMISSION STATED PUBLICLY THAT THE POLICE OFTEN ATTEMPT TO JUSTIFY UNWARRANTED KILLINGS BY CLAIMING THAT THEY ARE THE RESULT OF EXCHANGES OF GUNFIRE WITH SUSPECTS. THERE WERE NO REPORTS OF EXTRAJUDICIAL KILLINGS BY THE DNCD, UNLIKE DURING THE PREVIOUS YEAR.

IN JANUARY A POLICE SERGEANT KILLED HIS STEPFATHER AFTER MISTAKING HIM FOR A THIEF AT A HOTEL IN SANTO DOMINGO. IN JULY THE POLICE FIRED LIVE AMMUNITION TO DISPERSE A CROWD OF UNIVERSITY STUDENT DEMONSTRATORS AND KILLED LAW STUDENT FRANKLIN BORTOLO FABIAN MEJIA. THE ATTORNEY GENERAL PROMISED THAT THE POLICE OFFICER RESPONSIBLE WOULD BE PROSECUTED. ((NOTE: WAS HE?)) IN AUGUST POLICE IN SANTO DOMINGO KILLED A PRIEST AFTER ALLEGEDLY MISTAKING HIM FOR A MURDER SUSPECT. AT LEAST ONE WITNESS SAID THAT THE OFFICERS KILLED THE PRIEST WHILE HE SAT IN HIS CAR. IN JULY POLICE KILLED A MAN SUSPECTED OF ROBBING A SANTIAGO PHARMACY, ALLEGING THAT HE HAD THREATENED THEM WITH A

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KNIFE. POLICE KILLED AT LEAST ONE DEMONSTRATOR AND WOUNDED A NUMBER OF OTHERS IN SEPTEMBER (SEE SECTION 2.B.).

THE AUTHORITIES PROVISIONALLY ARRESTED 20 POLICEMEN IN SANTIAGO DE LOS CABALLEROS IN CONNECTION WITH A TRIPLE HOMICIDE ON NOVEMBER 25. THE THREE YOUNG MALE VICTIMS MAY HAVE BEEN KILLED BECAUSE OF THEIR REFUSAL TO SHARE THE PROCEEDS OF A RECENT ROBBERY WITH THE POLICE. THE DETAINED POLICEMEN, ALL OF WHOM WERE AGENTS OF THE CRIMES AGAINST PROPERTY DIVISION, WERE ON DUTY THE NIGHT THE MURDERS OCCURRED. ((NOTE: DRAWN FROM SANTO DOMINGO 5977 - ANY UPDATE?))

THE AUTHORITIES MADE LITTLE PROGRESS IN AN INVESTIGATION OF THE 1975 MURDER OF JOURNALIST ORLANDO MARTINEZ HOWLEY, WHO HAD BEEN CRITICAL OF THE ADMINISTRATION OF FORMER PRESIDENT JOAQUIN BALAGUER. THE FIVE INDIVIDUALS INDICTED STILL ARE AWAITING TRIAL. IN HIS 1988 MEMOIRS, BALAGUER STATED THAT HE LEFT INSTRUCTIONS WITH AN UNNAMED PERSON TO PUBLISH WHAT HE KNOWS ABOUT THE CASE SOME YEARS AFTER HIS DEATH. IN AN INTERVIEW WITH JOURNALISTS, HE SAID THAT HE HAD NOTHING TO ADD AND THAT HIS MEMOIRS CONTAIN HIS OPINION. ALTHOUGH THE INVESTIGATING JUDGE SUMMONED BALAGUER TO BE DEPOSED CONCERNING WHAT HE KNOWS, THE FORMER PRESIDENT REFUSED TO APPEAR. DESPITE HIS NONCOMPLIANCE WITH A JUDICIAL ORDER, HE HAS NOT BEEN HELD IN CONTEMPT. ((NOTE: ANYTHING RECENT ON THE EFFORT TO RETURN MARIANO DURAN FOR TRIAL?))

MILITARY COURTS TRY MILITARY PERSONNEL CHARGED WITH  
EXTRAJUDICIAL KILLINGS. POLICE TRIBUNALS ON OCCASION HAVE  
TRIED, CONVICTED, AND SENTENCED PERSONNEL CHARGED WITH  
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EXTRAJUDICIAL KILLINGS. POLICE OFFICERS MAY BE TRIED BY  
POLICE COURTS OR REMANDED TO CIVILIAN COURT JURISDICTION.  
FROM JANUARY THROUGH AUGUST, POLICE COURTS TRIED (???)  
POLICE OFFICERS FOR MURDER AND (???) FOR OTHER SERIOUS  
CRIMES, WHILE AUTHORITIES DISMISSED (???) OTHER POLICE  
OFFICERS AND REMANDED THEIR CASES TO THE CIVILIAN COURT  
SYSTEM. ((NOTE: PLEASE UPDATE WITH FIGURES FOR THE ENTIRE  
YEAR, IF POSSIBLE))

A TENSE CLIMATE DURING THE CAMPAIGN FOR THE MAY 16  
CONGRESSIONAL AND MUNICIPAL ELECTIONS AT TIMES LED TO  
INCIDENTS OF VIOLENCE. FOR EXAMPLE, OPPOSITION POLITICAL  
PARTIES ACCUSED ACTIVISTS WORKING FOR PRESIDENT FERNANDEZ  
OF BEATING AIR FORCE RESERVE GENERAL LUIS SANTIAGO ON APRIL  
10, CAUSING HIS DEATH A FEW DAYS LATER. THE ALLEGED  
HOMICIDE MARKED THE FIFTH DEATH RESULTING FROM AGGRESSIVE  
CAMPAIGNING. THE POLICE INVESTIGATED THE MURDER AND  
ARRESTED EIGHT PERSONS WHO WERE CHARGED ON ((NOTE: WHEN?))  
WITH ((NOTE: WHAT?)).

ON ((WHEN?)) A JUVENILE ((AGE?)) NAMED JUAN VALVERDE WAS  
KILLED BY MACHETE BLOWS IN THE QUISQUEYA NEIGHBORHOOD NORTH  
OF SANTO DOMINGO, ALLEGEDLY BY PROGOVERNMENT ACTIVISTS.  
((NOTE: BASED ON PRESS ACCOUNTS IN MAY - CAN POST PLEASE  
FLESH THIS OUT? ALSO, PLEASE PROVIDE LANGUAGE COVERING THE  
APRIL 28 DEATHS OF TWO PERSONS IN PROTESTS OVER THE COST OF  
LIVING.))

#### B. DISAPPEARANCE

THERE WERE NO REPORTS OF POLITICALLY MOTIVATED  
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DISAPPEARANCES.

THE GOVERNMENT INTERROGATED A NUMBER OF SUSPECTS IN THE  
CASE OF NARCISO GONZALEZ, A UNIVERSITY PROFESSOR AND CRITIC  
OF THE GOVERNMENT WHO DISAPPEARED IN MAY 1994. HOWEVER, IT  
IS NOT YET CLEAR WHETHER FORMAL CHARGES MAY BE FILED IN  
THIS CASE. ON FEBRUARY 25, TRUTH COMMISSION MEMBERS  
TESTIFIED BEFORE THE INTER- AMERICAN COMMISSION ON HUMAN  
RIGHTS (IACHR) THAT THE GOVERNMENT REFUSED TO COOPERATE AND  
WOULD NOT GRANT TO THE JOINT COMMITTEE ESTABLISHED AT THE

IACHR'S REQUEST SUFFICIENT POWER TO CALL WITNESSES OR ISSUE DIRECTIVES TO THE INVESTIGATING JUDGE. THE GOVERNMENT REPORTEDLY INCREASED ITS COOPERATION WITH THE TRUTH COMMISSION. ((NOTE: WHAT DID THE TRUTH COMMISSION REPORT?))

C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT

TORTURE AND OTHER FORMS OF PHYSICAL ABUSE ARE ILLEGAL, BUT INSTANCES IN WHICH SECURITY SERVICE PERSONNEL PHYSICALLY ABUSED DETAINEES CONTINUE. LACK OF SUPERVISION, TRAINING, AND ACCOUNTABILITY THROUGHOUT THE LAW ENFORCEMENT AND CORRECTIONS SYSTEMS EXACERBATE THE PROBLEM OF PHYSICAL ABUSE. HUMAN RIGHTS GROUPS AND THE PRESS REPORTED VARIOUS INCIDENTS OF PHYSICAL ABUSE OF DETAINEES WHILE IN CUSTODY. FOR EXAMPLE, ((NOTE: IN WHICH MONTH?)) POLICE ALLEGEDLY BEAT A FARMER WHILE HE WAS DETAINED IN HANDCUFFS IN CABRERA. FOLLOWING THE DISMISSAL OF THE DNCD DIRECTOR IN SEPTEMBER 1997, THERE WERE NO FURTHER REPORTS THAT MEMBERS OF THE DNCD ABUSED SUSPECTS (NOTE: CORRECT?)).

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A 1994 VIDEOTAPED ACCOUNT OF A DNCD BEATING RECEIVED CONTINUED PRESS COVERAGE. THE VIDEO SHOWS A DNCD AGENT BEATING SUSPECT LUIS MANUEL MATOS FELIX AROUND THE EARS, WHILE GENERAL HUMEAU (SP?) HIDALGO, THEN THE COUNTRY'S TOP ANTINARCOTICS OFFICIAL, STANDS AT HIS SIDE. ((NOTE: FROM THE DECEMBER 19 MIAMI HERALD - WHY IS THIS GETTING PUBLICITY NOW? IS THIS GENERAL THE SAME AS THE DNCD DIRECTOR DISMISSED IN SEPTEMBER 1997? IS THIS VIDEOTAPED INCIDENT WORTH MENTIONING IN THIS REPORT?))

POLICE ON OCCASION USED FORCE--AT TIMES DEADLY FORCE (SEE SECTION 1.A.)--TO DISPERSE DEMONSTRATORS. IN ((NOTE: WHICH MONTH?)) POLICE WOUNDED AT LEAST 13 PERSONS WITH GUN FIRE AND ARRESTED SEVERAL DOZEN WHEN THEY REMOVED PEASANTS SQUATTING ON PRIVATE LAND IN THE COMMUNITY OF LA HORCA.

THE PROSECUTOR'S OFFICE CONTINUED TO PLACE LAWYERS IN HIGH-VOLUME POLICE STATIONS AND SEVERAL DNCD OFFICES TO MONITOR THE INVESTIGATIVE PROCESS AND ASSURE THAT DETAINEES' RIGHTS ARE RESPECTED (SEE SECTION 1.D.). ((NOTE: IS THIS STILL RESISTED BY MID- AND LOCAL-LEVEL POLICE, OR IS IT NOW EFFECTIVE? IS THIS LIMITED TO THE SANTO DOMINGO METROPOLITAN AREA, AS MENTIONED IN SECTION 1.D. BELOW?)) HUMAN RIGHTS COURSES ARE AN INTEGRAL PART OF MILITARY AND DNCD TRAINING, BOTH FOR ENLISTED PERSONNEL AND OFFICERS.

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CIVILIAN PROSECUTORS SOMETIMES FILE CHARGES AGAINST POLICE AND MILITARY OFFICIALS RELATED TO PHYSICAL ABUSE, TORTURE, AND RELATED CRIMES. PENALTIES FOR TORTURE AND PHYSICAL ABUSE WERE TOUGHENED BY A LAW PASSED IN JANUARY 1997 THAT

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PROVIDES FOR SENTENCES RANGING FROM 10 TO 15 YEARS IN PRISON. HOWEVER, THESE PROVISIONS STILL ARE NOT FULLY KNOWN OR APPLIED BY PROSECUTORS AND JUDGES, AND SOME SENTENCES WERE LESS THAN THAT LAW STIPULATES.

PRISON CONDITIONS ARE POOR. THE PRISONS ARE GROSSLY OVERCROWDED, AND HEALTH AND SANITARY CONDITIONS ARE POOR. A WARDEN IS SUPPOSED TO RUN EACH PRISON AND REPORT TO THE ATTORNEY GENERAL THROUGH THE DIRECTORATE OF PRISONS. A POLICE OR MILITARY COLONEL (OR LIEUTENANT COLONEL) REPORTS TO THE WARDEN AND IS RESPONSIBLE FOR PROVIDING SECURITY. HOWEVER, IN PRACTICE THE COLONEL IS IN CHARGE OF THE PRISON, AND NEITHER THE DIRECTORATE OF PRISONS NOR THE INDIVIDUAL WARDENS HAVE MUCH POWER.

THE PRISONS CONTROLLED BY THE MILITARY GENERALLY ARE ADMINISTERED BETTER THAN THOSE CONTROLLED BY THE NATIONAL POLICE. CONDITIONS AT LA VICTORIA PRISON, RUN BY THE PN, POSE A SERIOUS THREAT TO LIFE AND HEALTH. THE GOVERNMENT ADDED ALMOST 1,200 BEDS TO LA VICTORIA, RAISING ITS CAPACITY TO 2,600, BUT AS MANY AS 3,200 INMATES WERE HELD THERE AT ONE POINT. THE PRISON ORIGINALLY WAS DESIGNED TO HOLD 800 INMATES. THE 46-YEAR-OLD PRISON FLOODED AS A RESULT OF HURRICANE GEORGES, MAKING DIFFICULT CONDITIONS EVEN WORSE. ONE POLICE OFFICER AND AN UNKNOWN NUMBER OF INMATES DIED WHEN SOME INMATES ATTEMPTED TO ESCAPE DURING THE FLOODING. NAJAYO PRISON, ALSO RUN BY THE PN, WAS BUILT FOR 700 INMATES, YET HOUSED 1,800 PRISONERS IN SEPTEMBER. MEDICAL CARE SUFFERS FROM A LACK OF SUPPLIES AND AVAILABLE PHYSICIANS. PRISONERS IMMOBILIZED BY AND DYING OF AIDS ARE NOT TRANSFERRED TO A HOSPITAL, BUT SOME TERMINAL STAGE

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INMATES WERE RELEASED EARLY TO SPEND THEIR LAST DAYS AT HOME.

IN JULY INMATES AT THE SAN FRANCISCO DE MACORIS PRISON SEIZED 119 HOSTAGES, INCLUDING THEIR OWN RELATIVES, WHO WERE PREVENTED FROM LEAVING AFTER VISITING HOURS. THE INMATES LATER RELEASED 38 PERSONS BUT HELD 81 OTHER TO PRESS FOR IMPROVEMENTS IN PRISON CONDITIONS, FOR THE

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REMOVAL OF THE WARDEN AND SEVERAL GUARDS, AND FOR FASTER PROCESSING OF THEIR CASES BY THE COURTS. ((NOTE: FROM A JULY 10 MIAMI HERALD STORY; IS IT CORRECT? WHAT WAS THE OUTCOME? RESULTS OF THE PROTEST?))

FEMALE PRISONERS ARE SEPARATED FROM MALE INMATES. IN GENERAL, CONDITIONS IN THE FEMALE PRISON WINGS ARE SUPERIOR TO THOSE FOUND IN MALE PRISON WINGS, AND THERE HAVE BEEN FEW REPORTS OF ABUSE BY GUARDS.

THE LAW REQUIRES THAT JUVENILES BE DETAINED SEPARATELY FROM ADULTS. HOWEVER, IN A ((NOTE: WHICH MONTH?)) REPORT, THE GOVERNMENT'S COMMISSIONER FOR THE SUPPORT OF JUSTICE REFORM AND MODERNIZATION FOUND A HIGH INCIDENCE OF VIOLATIONS, WITH 156 MINORS JAILED WITH ADULTS AT NAJAYO PRISON.

THE GOVERNMENT PERMITS PRISON VISITS BY INDEPENDENT HUMAN RIGHTS MONITORS.

D. ARBITRARY ARREST, DETENTION, OR EXILE

THE CONSTITUTION STIPULATES THAT THE AUTHORITIES MAY DETAIN SUSPECTS FOR A MAXIMUM OF 48 HOURS BEFORE ARRAIGNMENT,  
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AFTER WHICH THEY MUST CHARGE OR RELEASE THEM, ALTHOUGH IN SPECIAL CIRCUMSTANCES, SUSPECTS MAY BE DETAINED FOR LONGER PERIODS WITH THE APPROVAL OF THE PROSECUTOR'S OFFICE. HOWEVER, THE SECURITY FORCES CONTINUE TO VIOLATE CONSTITUTIONAL PROVISIONS BY DETAINING SUSPECTS FOR INVESTIGATION OR INTERROGATION BEYOND THE PRESCRIBED 48-HOUR LIMIT. THE SECURITY FORCES TRADITIONALLY DETAIN ALL SUSPECTS AND WITNESSES IN A CRIME AND USE THE INVESTIGATIVE PROCESS TO DETERMINE WHICH ONES ARE INNOCENT AND MERIT RELEASE AND WHICH ONES THEY SHOULD CONTINUE TO HOLD. AFTER THE PROSECUTOR'S OFFICE PLACED ITS LAWYERS IN SEVERAL POLICE STATIONS IN 1997, THE POLICE BEGAN TO CURTAIL THE PRACTICE OF ARBITRARY DETENTION IN THOSE PRECINCTS. HOWEVER, PROGRESS HAS BEEN SLOW, AND THIS PILOT PROGRAM HAS BEEN LIMITED TO THE SANTO DOMINGO METROPOLITAN AREA.

THE POLICE IMPRISONED DRIVERS ASSOCIATED WITH THE NATIONAL FEDERATION OF TRANSPORTATION--THE NEW OPTION LABOR UNION-- AFTER A PROTEST AGAINST NEW PUBLIC BUSES ON JANUARY 29. THE DRIVERS WERE JAILED FOR BLOCKING TRAFFIC, NOT FOR EXPRESSING ANTIGOVERNMENT VIEWS. NONETHELESS, THE AUTHORITIES HELD THE DRIVERS FOR SEVERAL DAYS BEFORE CHARGING THEM WITH CRIMES. AFTER THE 48-HOUR PERIOD LAPSED, SEVERAL PROMINENT PERSONS--INCLUDING OPPOSITION



LEADER JOSE FRANCISO PENA GOMEZ--COMPLAINED PUBLICLY. THE AUTHORITIES CHARGED AND RELEASED THE DRIVERS ON FEBRUARY 2, ABOUT 96 HOURS AFTER THEIR ARREST. ((NOTE: FROM SANTO DOMINGO 1823))

THE NATIONAL POLICE ((NOTE: PLEASE CONFIRM THAT THE DNCD NO LONGER DOES THIS)) CONTINUED TO ENGAGE IN INDISCRIMINATE  
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ROUNDUPS OF PERSONS IN POORER NEIGHBORHOODS. THE SECURITY FORCES ALSO CONTINUED TO DETAIN RELATIVES AND FRIENDS OF SUSPECTED CRIMINALS WITH THE AIM OF FORCING SUSPECTS TO SURRENDER (SEE SECTION 1.F.).

MANY SUSPECTS SUFFER LONG PRETRIAL DETENTION. IN SEPTEMBER OVER 75 PERCENT OF THE PRISON POPULATION WAS AWAITING TRIAL, AN INCREASE OF ABOUT 5 PERCENT FROM THE END OF 1997. THE LATEST DATA SHOW THAT PRETRIAL DETENTION AVERAGES 20 MONTHS IN THE INSTRUCTIONAL, OR INVESTIGATIVE, PHASE AND ANOTHER 9 MONTHS IN THE TRIAL PHASE.

DUE TO THE INEFFICIENCY OF THE COURTS (SEE SECTION 1.E.), THE GRANTING OF BAIL SERVES AS THE DE FACTO CRIMINAL JUSTICE SYSTEM. AS A RULE, DEFENDANTS AWARDED BAIL RARELY FACED AN ACTUAL TRIAL; THOSE DENIED BAIL COULD SERVE THEIR ENTIRE SENTENCES WHILE AWAITING TRIAL. ((NOTE: DOES TIME ALREADY SERVED COUNT TOWARD A SENTENCE?)) THIS SITUATION IMPROVED SOMEWHAT AS A RESULT OF THE STEPS TAKEN BY THE SANTO DOMINGO DISTRICT ATTORNEY AND THE JUDICIARY, IN COOPERATION WITH THE DIRECTOR OF PRISONS, TO INTRODUCE A PRISONER REGISTRY SYSTEM WHOSE GOAL IS TO ENSURE THAT PRISONERS RECEIVE A TIMELY TRIAL. THE PRISON SYSTEM (SEE SECTION 1.C.) REMAINS UNDERFUNDED AND SOMETIMES UNABLE TO ACCOUNT FOR PRISONERS WHO ARE SCHEDULED FOR RELEASE. AS A RESULT, SOME PRISONERS REMAIN INCARCERATED EVEN AFTER A COURT RELEASE ORDER.

THE LAW PROHIBITS FORCED EXILE.

E. DENIAL OF FAIR PUBLIC TRIAL  
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ALTHOUGH THE CONSTITUTION STIPULATES AN INDEPENDENT JUDICIARY, INTERFERENCE FROM OTHER PUBLIC AND PRIVATE ENTITIES, INCLUDING THE EXECUTIVE BRANCH, UNDERMINES JUDICIAL INDEPENDENCE. IN AUGUST 1997, FOR THE FIRST TIME THE NATIONAL JUDICIARY COUNCIL CHOSE MEMBERS OF THE SUPREME

COURT, BEGINNING A NEW INDEPENDENCE FROM THE EXECUTIVE AND LEGISLATIVE BRANCHES.

THE JUDICIARY, BASED PRIMARILY ON THE FRENCH JUDICIAL SYSTEM, INCLUDES A 16-MEMBER SUPREME COURT, APPEALS COURTS, COURTS OF FIRST INSTANCE, AND JUSTICE OF THE PEACE COURTS. THERE ARE ALSO SPECIALIZED COURTS THAT HANDLE ADMINISTRATIVE, LABOR, TRAFFIC, LAND REGISTRATION, AND JUVENILE MATTERS.

MILITARY OR POLICE COURTS HAVE JURISDICTION OVER MEMBERS OF THE SECURITY FORCES. PUBLIC PRESSURE HAS RESULTED IN MILITARY OR POLICE BOARDS REMANDING SOME CASES INVOLVING SERIOUS CRIMES TO CIVILIAN COURTS FOR REVIEW, AFTER THE BOARDS DISHONORABLY DISCHARGED THE PERPETRATORS.

JUDGES, RATHER THAN JURIES, RENDER ALL VERDICTS. UNDER THE 1994 CONSTITUTIONAL AMENDMENTS, THE SUPREME COURT IS RESPONSIBLE FOR NAMING ALL LOWER-COURT JUDGES IN ACCORDANCE WITH A JUDICIAL CAREER LAW, WHICH ENTERED INTO FORCE IN AUGUST. THE NATIONAL JUDICIARY COUNCIL SELECTS NEW JUSTICES OF THE SUPREME COURT. THE COUNCIL CONSISTS OF THE PRESIDENT, THE PRESIDENT OF THE SENATE, THE PRESIDENT OF THE CHAMBER OF DEPUTIES, TWO AT-LARGE MEMBERS THEY DESIGNATE, AND TWO CURRENT JUSTICES DESIGNATED BY THE

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SUPREME COURT.

((NOTE: PLEASE PROVIDE A SENTENCE OR TWO ON THE IMPASSE OVER FILLING VACANCIES ON THE COUNCIL IN ORDER TO NAME A NEW SUPREME COURT JUSTICE, DESCRIBED IN SANTO DOMINGO 5394. ALSO, PLEASE PROVIDE LANGUAGE ON THE JUDICIAL CAREER LAW AND THE CONTROVERSIAL PROVISION LIMITING JUDGES TO 4-YEAR TERMS.))

THE SUPREME COURT CONTINUED TO COMBAT JUDICIAL CORRUPTION AND INCOMPETENCE BY HOLDING PUBLIC HEARINGS TO EVALUATE ALL 480 SITTING JUDGES, AND IT REPLACED ABOUT 90 PERCENT OF THEM. THE NEW JUDGES WERE SELECTED USING MORE PROFESSIONAL AND LESS POLITICAL CRITERIA. THE SUPREME COURT SET UP A SYSTEM TO EVALUATE ALLEGATIONS AND INVESTIGATE CHARGES OF CORRUPTION BY JUDICIAL BRANCH EMPLOYEES. BY SEPTEMBER, BASED ON INVESTIGATION OF CORRUPTION CHARGES, THE COURT HAD DISMISSED TWO OF THE NEW JUDGES IT SELECTED IN JANUARY. ((NOTE: ANY UPDATE?))

THE CONSTITUTION PROVIDES FOR PUBLIC TRIAL AND FOR REPRESENTATION BY COUNSEL ((NOTE: CORRECT?)). DURING THE

CLOSED PRETRIAL INVESTIGATIVE PHASE OF THE CRIMINAL JUSTICE PROCESS, THE STATE TRADITIONALLY PROVIDES NO COUNSEL TO IMPRISONED INDIGENTS. IN AUGUST THE GOVERNMENT INAUGURATED A SMALL (13-PERSON) PUBLIC DEFENDER ORGANIZATION TO PROVIDE SERVICE TO INDIGENT DEFENDANTS IN THE SANTO DOMINGO METROPOLITAN AREA. ((NOTE: DO THEY STILL CONTRACT LAWYERS IN PRIVATE PRACTICE TO SERVE AS PUBLIC DEFENDERS? ARE THERE PUBLIC DEFENDERS AVAILABLE FOR CASES AT ALL LEVELS? FOR MISDEMEANORS?))

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THE JUDICIAL SYSTEM IS PLAGUED BY CHRONIC DELAYS, AND MANY SUSPECTS SUFFER LENGTHY PRETRIAL DETENTION (SEE SECTION 1.D.). THE GOVERNMENT'S 5-YEAR PROGRAM TO MODERNIZE COURTS IN SANTO DOMINGO, BEGUN IN SEPTEMBER 1997, MADE SOME PROGRESS IN REDUCING THE JUDICIAL BACKLOG.

A SCREENING MECHANISM FOR PUBLIC PROSECUTORS WAS ESTABLISHED ((NOTE: WHO DOES THE SCREENING?)) AND THE GOVERNMENT REPLACED A NUMBER OF LESS COMPETENT PROSECUTORS WITH OTHERS WITH BETTER CREDENTIALS. HOWEVER, THIS PROCESS WAS NOT ENTIRELY FREE OF POLITICAL INFLUENCE ((NOTE: CAN YOU CITE AN EXAMPLE?)).

THERE WERE NO REPORTS OF POLITICAL PRISONERS.

F. ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

THE CONSTITUTION CONTAINS PROVISIONS AGAINST INVASION OF THE HOME. ALTHOUGH THE GOVERNMENT DOES NOT ARBITRARILY USE WIRETAPPING OR OTHER SURREPTITIOUS METHODS TO INTERFERE WITH THE PRIVATE LIVES OF PERSONS OR FAMILIES, IT TOLERATES AN ACTIVE PRIVATE WIRETAPPING INDUSTRY. THE AUTHORITIES ONLY MAY SEARCH A RESIDENCE IN THE PRESENCE OF A PROSECUTOR OR AN ASSISTANT PROSECUTOR, IN CASES OF "HOT PURSUIT," OR WHERE THERE IS REASON TO BELIEVE THAT A CRIME IS IN PROGRESS.

THE SECURITY FORCES CONTINUED TO DETAIN RELATIVES AND FRIENDS OF SUSPECTS TO TRY TO COMPEL SUSPECTS TO SURRENDER

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(SEE SECTION 1.D.). THE POLICE REPORTEDLY FOLLOWED A LEADER OF A HUMAN RIGHTS GROUP ON SEVERAL OCCASIONS IN LATE 1997 (SEE SECTION 4).

A. FREEDOM OF SPEECH AND PRESS

THE LAW PROVIDES FOR THESE FREEDOMS, AND THE GOVERNMENT RESPECTS THEM IN PRACTICE.

CITIZENS OF ALL POLITICAL PERSUASIONS EXERCISE FREEDOM OF SPEECH. NEWSPAPERS AND MAGAZINES FREELY PRESENT A DIVERSITY OF OPINION AND CRITICISM. SELF-CENSORSHIP IS PRACTICED, PARTICULARLY WHEN COVERAGE COULD ADVERSELY AFFECT THE ECONOMIC OR POLITICAL INTERESTS OF MEDIA OWNERS. ((NOTE: WERE THERE ANY INSTANCES OF SELF-CENSORSHIP DUE TO GOVERNMENT PRESSURE?))

THE NUMEROUS PRIVATELY OWNED RADIO AND TELEVISION STATIONS BROADCAST ALL POLITICAL POINTS OF VIEW. A 1971 LAW PROHIBITS FOREIGN-LANGUAGE BROADCASTS. THE GOVERNMENT CONTROLS ONE TELEVISION STATION BUT NO MAJOR NEWSPAPERS.

PUBLIC AND PRIVATE UNIVERSITIES ENJOY BROAD ACADEMIC FREEDOM. THE MAIN PUBLIC UNIVERSITY, THE AUTONOMOUS UNIVERSITY OF SANTO DOMINGO, WITH APPROXIMATELY 100,000 STUDENTS ((NOTE: PLEASE CONFIRM THAT THIS FIGURE IS CORRECT; LAST YEAR'S REPORT SAID 35,000)), HAS NO RESTRICTIONS ON ENROLLMENT AND MAINTAINS A POLICY OF NONINTERVENTION (OTHER THAN ON CURRICULUM DEVELOPMENT) IN  
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CLASSROOM AFFAIRS. THE GOVERNMENT EXERTS NO CONTROL OVER PRIVATE UNIVERSITIES, EXCEPT FOR THE PRESERVATION OF STANDARDS, AND TEACHERS ARE FREE TO ESPOUSE THEIR OWN THEORIES WITHOUT GOVERNMENT OVERSIGHT.

B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

THE CONSTITUTION PROVIDES FOR FREEDOM OF ASSEMBLY, AND THE GOVERNMENT GENERALLY RESPECTS THIS RIGHT IN PRACTICE. OUTDOOR PUBLIC MARCHES AND MEETINGS REQUIRE PERMITS, WHICH THE GOVERNMENT USUALLY GRANTS. HOWEVER, THERE WERE INCIDENTS IN WHICH THE POLICE USED FORCE TO BREAK UP DEMONSTRATIONS. IN JULY THE POLICE KILLED ONE DEMONSTRATOR WHILE DISPERSING A CROWD (SEE SECTION 1.A.) THERE WERE A NUMBER OF CLASHES BETWEEN POLICE AND PROTESTERS IN SEPTEMBER IN LICEY AND SALCEDO, WHICH RESULTED IN AT LEAST ONE DEATH AND SEVERAL INJURIES ATTRIBUTED TO POLICE. THESE PROTESTS WERE LARGELY PROMPTED BY POWER SHORTAGES, RISING PRICES, AND THE DETERIORATING INFRASTRUCTURE. IN JANUARY THE POLICE ARRESTED PROTESTING BUS DRIVERS FOR BLOCKING

THE CONSTITUTION PROVIDES FOR FREEDOM OF ASSOCIATION, AND THE GOVERNMENT GENERALLY RESPECTS THIS RIGHT IN PRACTICE. POLITICAL PARTIES FREELY AFFILIATE WITH THEIR FOREIGN COUNTERPART ORGANIZATIONS. PROFESSIONAL ORGANIZATIONS OF LAWYERS, DOCTORS, TEACHERS, AND OTHERS FUNCTION FREELY AND CAN MAINTAIN RELATIONS WITH COUNTERPART INTERNATIONAL BODIES OF DIVERSE POLITICAL PHILOSOPHIES.

C. FREEDOM OF RELIGION

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THE CONSTITUTION PROHIBITS DISCRIMINATION ON RELIGIOUS GROUNDS, AND THE GOVERNMENT DOES NOT INTERFERE WITH THE PRACTICE OF RELIGION.

THE CATHOLIC CHURCH, WHICH SIGNED A CONCORDAT WITH THE GOVERNMENT IN 1954, ENJOYS SPECIAL PRIVILEGES NOT EXTENDED TO OTHER RELIGIONS. THESE INCLUDE THE USE OF PUBLIC FUNDS TO UNDERWRITE SOME CHURCH EXPENSES, SUCH AS REHABILITATION OF CHURCH FACILITIES, AND A COMPLETE WAIVER OF CUSTOMS DUTIES WHEN IMPORTING GOODS INTO THE COUNTRY.

D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL, EMIGRATION, AND REPATRIATION

CITIZENS FACE NO UNUSUAL LEGAL RESTRICTIONS ON TRAVEL WITHIN OR OUTSIDE THE COUNTRY; HOWEVER, HAITIAN SUGAR CANE WORKERS FACE RESTRICTIONS ON THEIR FREEDOM OF MOVEMENT (SEE SECTION 6.C.).

HAITIANS CONTINUE TO MIGRATE IN GREAT NUMBERS TO THE DOMINICAN REPUBLIC, SOME LEGALLY BUT MOST UNDOCUMENTED, IN SEARCH OF ECONOMIC OPPORTUNITY. THROUGHOUT THE YEAR, THE SECURITY FORCES, PARTICULARLY THE ARMY, DEPORTED UNDOCUMENTED HAITIAN NATIONALS BELIEVED TO BE IN THE COUNTRY ILLEGALLY. INTERNATIONAL OBSERVERS ESTIMATED THAT THE GOVERNMENT DEPORTED APPROXIMATELY 10,000 HAITIANS FROM JANUARY TO SEPTEMBER. IN MANY CASES, THE GOVERNMENT DENIED THOSE DEPORTED THE OPPORTUNITY TO DEMONSTRATE THAT THEY RESIDED LEGALLY IN THE DOMINICAN REPUBLIC. HAITIAN GOVERNMENT OFFICIALS COMPLAINED THAT HAITIANS OFTEN WERE

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DETAINED WITH LITTLE OR NO FOOD AND THEN DEPORTED WITHOUT NOTICE TO HAITIAN AUTHORITIES.

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REPRESENTATIVES OF NONGOVERNMENTAL ORGANIZATIONS (NGO'S) WORKING IN RURAL AREAS REPORTED THAT DECISIONS TO DEPORT OFTEN WERE MADE BY LOWER RANKING MEMBERS OF THE SECURITY FORCES, SOMETIMES BASED UPON THE RACIAL CHARACTERISTICS OF THE DEPORTEES.

ACCORDING TO A 1984 PRESIDENTIAL DECREE, AN APPLICANT FOR REFUGEE STATUS MUST BE REFERRED TO THE TECHNICAL SUBCOMMISSION OF THE NATIONAL COMMISSION FOR REFUGEES BY THE NATIONAL OFFICE OF REFUGEE AFFAIRS. THE SUBCOMMISSION, WHICH MAKES A RECOMMENDATION TO THE COMMISSION, IS MADE UP OF MEMBERS FROM THE FOREIGN MINISTRY, THE DNI, AND THE IMMIGRATION DIRECTORATE. THE COMMISSION, WHICH MAKES A FINAL DECISION ON THE APPLICATION, COMPRISES THE THREE MEMBERS OF THE SUBCOMMISSION; THE LEGAL ADVISOR TO THE PRESIDENT; AND MEMBERS OF THE PN, THE SECRETARIAT OF LABOR, AND THE ATTORNEY GENERAL'S OFFICE.

IN PRACTICE, THE NATIONAL OFFICE OF REFUGEE AFFAIRS IS NOT YET FUNCTIONING. INSTEAD, THE IMMIGRATION DIRECTORATE ISSUES DOCUMENTATION TO REFUGEES CERTIFIED AS SUCH BY THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR). WHILE THESE DOCUMENTS ARE ACCEPTED ROUTINELY BY THE POLICE AND IMMIGRATION OFFICIALS, THE PROCESS BY WHICH THEY ARE ISSUED DOES NOT COMPLY WITH THE DECREE.

THE UNHCR RECOGNIZED TWO PERSONS, A HAITIAN AND A CHINESE, AS REFUGEES, BRINGING THE TOTAL OF UNHCR-RECOGNIZED

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REFUGEES TO 634. IT IS NOT KNOWN HOW MANY UNDOCUMENTED REFUGEES ACTUALLY ARE LIVING IN THE COUNTRY.

THE GOVERNMENT COOPERATES WITH THE UNHCR AND OTHER HUMANITARIAN ORGANIZATIONS IN ASSISTING REFUGEES. THE GOVERNMENT PROVIDES FIRST ASYLUM AND RESETTLEMENT. IN MARCH IT READMITTED THE TWO CUBANS WHO WERE RETURNED TO CUBA FROM THE DOMINICAN REPUBLIC IN 1997. ((NOTE: PLEASE AMPLIFY - HOW DID THEY REACH THE COUNTRY THE SECOND TIME? HAD THEY BEEN TREATED UNFAIRLY, DESPITE GOC ASSURANCES? WERE THERE ANY OTHER CASES OF FIRST ASYLUM?))

THERE WERE NO REPORTS OF THE FORCED RETURN OF PERSONS TO A COUNTRY WHERE THEY FEARED PERSECUTION.

SECTION 3 RESPECT FOR POLITICAL RIGHTS: THE RIGHT OF  
CITIZENS TO CHANGE THEIR GOVERNMENT

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THE DOMINICAN REPUBLIC IS A CONSTITUTIONAL DEMOCRACY, AND ITS CITIZENS LAST EXERCISED THIS RIGHT IN FREE AND FAIR CONGRESSIONAL ELECTIONS IN MAY. THE PRESIDENT AND ALL 179 MEMBERS OF THE SENATE AND CHAMBER OF DEPUTIES ARE ELECTED FREELY EVERY 4 YEARS BY SECRET BALLOT. THERE IS UNIVERSAL ADULT SUFFRAGE, EXCEPT THAT ACTIVE DUTY POLICE AND MILITARY PERSONNEL MAY NOT VOTE. THE PRESIDENT APPOINTS THE GOVERNORS OF THE 29 PROVINCES. OPPOSITION GROUPS OF THE LEFT, RIGHT, AND CENTER OPERATE OPENLY.

((NOTE: PLEASE PROVIDE A SENTENCE OR TWO ABOUT THE ROLE OF THE CENTRAL ELECTORAL COURT AND THE DISPUTE OVER ITS COMPOSITION - SEE SANTO DOMINGO 5977.))

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THE NATION HAS A FUNCTIONING MULTIPARTY SYSTEM. IN PRACTICE THE PRESIDENT CAN DOMINATE PUBLIC POLICY FORMULATION AND IMPLEMENTATION. HE CAN EXERCISE HIS AUTHORITY THROUGH THE USE OF THE VETO, DISCRETION TO ACT BY DECREE, AND INFLUENCE AS THE LEADER OF HIS PARTY. TRADITIONALLY, THE PRESIDENT HAS PREDOMINANT POWER IN THE GOVERNMENT, EFFECTIVELY MAKING MANY IMPORTANT DECISIONS BY DECREE. HOWEVER, PRESIDENT FERNANDEZ HAS ENCOURAGED ALLIES IN THE LEGISLATURE TO PLAY A GREATER ROLE, AND HAS REDUCED THE RELIANCE ON RULE BY DECREE. ((NOTE: IS THIS STILL THE CASE NOW THAT THE OPPOSITION PARTY CONTROLS THE LEGISLATURE?))

CONGRESS PROVIDES AN OPEN FORUM FOR THE FREE EXCHANGE OF VIEWS AND DEBATE. THE MAIN OPPOSITION PARTY HOLDS WITH ITS ALLIES 80 PERCENT OF THE UPPER HOUSE AND ALMOST HALF OF THE LOWER HOUSE.

WOMEN AND MINORITIES CONFRONT NO SERIOUS LEGAL IMPEDIMENTS TO POLITICAL PARTICIPATION, BUT THEY ARE UNDERREPRESENTED. UNDER THE LAW 25 PERCENT OF POSITIONS ON VOTING LISTS MUST BE RESERVED FOR WOMEN. HOWEVER, THE PARTIES OFTEN PLACE WOMEN LOW ENOUGH ON THE LISTS TO MAKE THEIR ELECTION DIFFICULT OR IMPOSSIBLE. WOMEN HOLD 2 SEATS IN THE 30-MEMBER SENATE AND 25 SEATS IN THE 149-MEMBER CHAMBER OF DEPUTIES. WOMEN CONTINUE TO HAVE REPRESENTATION IN APPOINTED POSITIONS, ALBEIT TO A LIMITED DEGREE. TWO OF THE 15 CABINET SECRETARIES ARE WOMEN. WOMEN HOLD NONE OF THE 29 PROVINCIAL GOVERNORSHIPS. WOMEN FILL 5 OF THE 16 SEATS ON THE SUPREME COURT.

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## SECTION 4 GOVERNMENTAL ATTITUDE REGARDING INTERNATIONAL AND NONGOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

NONGOVERNMENTAL HUMAN RIGHTS ORGANIZATIONS OPERATE FREELY WITHOUT GOVERNMENTAL INTERFERENCE. IN ADDITION TO THE DOMINICAN HUMAN RIGHTS COMMITTEE AND THE NONGOVERNMENTAL TRUTH COMMISSION (BOTH DEALING WITH THE NARCISO GONZALEZ CASE), THE DOMINICAN HUMAN RIGHTS COMMITTEE AND SEVERAL HAITIAN, CHURCH, WOMEN'S, AND LABOR GROUPS EXIST. ((NOTE: PLEASE CLARIFY - IS THE HR COMMITTEE DISTINCT FROM THE HR COMMISSION? DOES THIS COMMITTEE ONLY DEAL WITH THE NARCISO GONZALEZ CASE, OR IS THAT A SEPARATE COMMITTEE?)) THERE IS NO OMBUDSMAN'S OFFICE.

HUMAN RIGHTS ADVOCATE AND COCHAIRMAN OF THE DOMINICAN COMMITTEE ON HUMAN RIGHTS VIRGILIO ALMANZAR REPORTED THAT POLICE FOLLOWED HIM ON SEVERAL OCCASIONS IN LATE 1997. AFTER HE VOICED HIS CONCERNS IN THE MEDIA AND TO THE NATIONAL POLICE LEADERSHIP, THE ALLEGED HARASSMENT ENDED.

## SECTION 5 DISCRIMINATION BASED ON RACE, SEX, RELIGION, DISABILITY, LANGUAGE, OR SOCIAL STATUS

THE LAW PROHIBITS DISCRIMINATION BASED ON RACE AND SEX. SUCH DISCRIMINATION EXISTS IN SOCIETY, BUT THE GOVERNMENT HAS SELDOM ACKNOWLEDGED ITS EXISTENCE OR MADE EFFORTS TO COMBAT IT.

WOMEN

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DOMESTIC VIOLENCE AND SEXUAL HARASSMENT ARE WIDESPREAD. UNDER THE 1997 LAW AGAINST DOMESTIC VIOLENCE, THE STATE CAN PROSECUTE A SUSPECT FOR RAPE, EVEN IF THE VICTIM DOES NOT FILE CHARGES. THIS LAW ALSO ALLOWS A RAPE VICTIM TO PRESS CHARGES AGAINST HER HUSBAND WITHOUT HAVING HER MARRIAGE ANNULLED. ((NOTE: HOW WOULD POST CHARACTERIZE ENFORCEMENT OF THIS LAW'S PROVISIONS AGAINST DOMESTIC VIOLENCE AND WORKPLACE ABUSE? VIGOROUS? EFFECTIVE? OR NOT VERY?)) THE SECRETARY OF PUBLIC HEALTH ANNOUNCED CREATION OF CENTERS FOR BATTERED WOMEN. ONE SUCH CENTER, IN OPERATION SINCE MAY IN THE FORENSIC MEDICINE INSTITUTE, HANDLED 10 TO 15 CASES A DAY, MOST OF THEM INVOLVING MINORS.

THE GOVERNMENT DOES NOT VIGOROUSLY ENFORCE PROSTITUTION LAWS. SEX TOURISM IS A GROWING INDUSTRY THROUGHOUT THE

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COUNTRY AS THE NUMBER OF INTERNATIONAL VISITORS INCREASES. NGO'S HAVE ONGOING HIV/AIDS AND SEXUALLY TRANSMITTED DISEASE PREVENTION PROGRAMS FOR MALE AND FEMALE PROSTITUTES, AS WELL AS FOR HOTEL AND INDUSTRIAL ZONE WORKERS. WOMEN AND GIRLS ARE ALSO VICTIMS OF RINGS TRAFFICKING IN WOMEN AND CHILDREN TO WORK AS PROSTITUTES IN EUROPE IN CONDITIONS RIFE WITH EXPLOITATION AND MISTREATMENT. ONE NGO COUNSELS WOMEN PLANNING TO ACCEPT JOB OFFERS IN EUROPE AND THE EASTERN CARIBBEAN ABOUT IMMIGRATION, HEALTH, AND OTHER ISSUES. THE PROGRAM ALSO PROVIDES SERVICES TO RETURNING WOMEN. THE 1997 LAW AGAINST DOMESTIC VIOLENCE PROHIBITS ACTING AS AN INTERMEDIARY IN A TRANSACTION OF PROSTITUTION, ((NOTE: IS THE FOLLOWING CLAUSE STILL CORRECT?)) BUT THE GOVERNMENT HAS NOT USED THE LAW TO PROSECUTE THIRD PARTIES WHO DERIVE PROFIT FROM

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PROSTITUTION.

DIVORCE IS EASILY OBTAINABLE BY EITHER SPOUSE, AND WOMEN CAN HOLD PROPERTY IN THEIR OWN NAMES APART FROM THEIR HUSBANDS. TRADITIONALLY, WOMEN HAVE NOT SHARED EQUAL SOCIAL AND ECONOMIC STATUS OR OPPORTUNITY WITH MEN, AND MEN HOLD THE OVERWHELMING MAJORITY OF LEADERSHIP POSITIONS IN ALL SECTORS. IN 1991 12.3 PERCENT OF MANAGERS AND ADMINISTRATORS WERE WOMEN; IN 1996 WOMEN HELD 21 PERCENT OF SUCH POSITIONS. IN 1996 9 PERCENT OF WOMEN OVER THE AGE OF 16 HAD SOME HIGHER EDUCATION, COMPARED WITH ONLY 7 PERCENT OF MEN. IN MANY INSTANCES WOMEN ARE PAID LESS THAN MEN IN JOBS OF EQUAL CONTENT AND EQUAL SKILL LEVEL. SOME EMPLOYERS IN INDUSTRY REPORTEDLY GIVE PREGNANCY TESTS TO WOMEN BEFORE HIRING THEM, AS PART OF A REQUIRED MEDICAL EXAMINATION. SOME EMPLOYEES HAVE STATED, AND WORKERS CONFIRM, THAT PREGNANT WOMEN ARE NOT HIRED ((NOTE: STILL CORRECT?)).

#### CHILDREN

DESPITE THE EXISTENCE OF GOVERNMENT INSTITUTIONS DEDICATED TO CHILD WELFARE, PRIVATE SOCIAL AND RELIGIOUS ORGANIZATIONS CARRY THE PRINCIPAL BURDEN. THE PRIVATE INSTITUTIONS RECEIVE NO GOVERNMENT FINANCING. THE 1994 MINOR'S CODE REQUIRES ONLY 6 YEARS OF FORMAL EDUCATION.

THE MOST SERIOUS ABUSE INVOLVING CHILDREN IS THE FAILURE OF THE JUDICIAL SYSTEM TO PROTECT THE STATUS OF MINORS IN CRIMINAL CASES. THE AUTHORITIES SOMETIMES TREATED MINORS AS ADULTS AND INCARCERATED THEM IN PRISON RATHER THAN

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JUVENILE DETENTION CENTERS. ALTHOUGH THE MINOR'S CODE BECAME LAW IN 1994, THE GOVERNMENT DID NOT BEGIN TO IMPLEMENT IT UNTIL 1997, WHEN IT LAID THE GROUNDWORK FOR THE JUVENILE COURT SYSTEM THAT THE CODE MANDATED. THE SUPREME COURT INAUGURATED THE FIRST OF 11 JUVENILE COURTS IN AUGUST AND CHOSE JUDGES FOR THE OTHER 10 COURTS. THESE JUVENILE COURTS ARE TO BE ORGANIZED WITH A FOCUS ON REHABILITATING OFFENDERS. THERE ARE LEGAL DEFENDERS FOR JUVENILES IN SANTO DOMINGO AND LA VEGA ((NOTE: STILL CORRECT?)).

THE MINOR'S CODE CONTAINS PROVISIONS AGAINST CHILD ABUSE, INCLUDING PHYSICAL AND EMOTIONAL MISTREATMENT, SEXUAL EXPLOITATION, AND CHILD LABOR. IT ALSO PROVIDES FOR REMOVAL OF A MISTREATED OR DELINQUENT CHILD TO A PROTECTIVE ENVIRONMENT. HOWEVER, ACCORDING TO LOCAL MONITORS, INSTANCES OF CHILD ABUSE WERE UNDERREPORTED BECAUSE OF TRADITIONAL BELIEFS THAT FAMILY PROBLEMS SHOULD BE DEALT WITH INSIDE THE FAMILY.

SOME IN THE TOURIST INDUSTRY HAVE FACILITATED THE SEXUAL EXPLOITATION OF CHILDREN. TOURS ARE MARKETED OVERSEAS WITH THE UNDERSTANDING THAT BOYS AND GIRLS CAN BE FOUND AS SEX PARTNERS.

TRAFFICKING IN GIRLS FOR PROSTITUTION IS A PROBLEM. THERE ARE NO SHELTERS PROVIDING REFUGE TO CHILDREN WHO BREAK FREE FROM THE PROSTITUTION TRADE. HOWEVER, THE GOVERNMENT MADE SOME PROGRESS IN COMBATING CHILD PROSTITUTION. IN JANUARY THE AUTHORITIES CLOSED 4 MOTELS THAT WERE BEING USED AS BROTHELS, REMOVED 24 WOMEN AND 4 GIRLS, AND ARRESTED THE

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MOTEL ADMINISTRATORS. IN JULY THE SANTO DOMINGO PROSECUTOR'S OFFICE RESCUED FIVE GIRLS UNDER THE AGE OF 15 FROM A PROSTITUTION RING AND ARRESTED TWO INDIVIDUALS. IN SEPTEMBER POLICE ARRESTED TWO FOREIGN CITIZENS IN CONNECTION WITH AN INVESTIGATION OF CHILD PORNOGRAPHY.

## PEOPLE WITH DISABILITIES

DISABLED PERSONS ENCOUNTER DISCRIMINATION IN EMPLOYMENT AND THE PROVISION OF OTHER SERVICES. ALTHOUGH THE LAW CONTAINS PROVISIONS FOR PHYSICAL ACCESS FOR THE DISABLED TO ALL NEW PUBLIC AND PRIVATE BUILDINGS, THE AUTHORITIES HAVE NOT ENFORCED THIS LAW UNIFORMLY. TO IMPROVE OPPORTUNITIES FOR DISABLED CITIZENS, IN 1997 THE GOVERNMENT CREATED A

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SUBSECRETARIAT FOR REHABILITATION UNDER THE SECRETARIAT OF PUBLIC HEALTH, ESTABLISHED A NEW RECREATION CENTER FOR THE DISABLED IN LAS CAOBAS, AND FOUNDED A NEW DEPARTMENT IN THE SPORTS SECRETARIAT TO FACILITATE ATHLETIC COMPETITION FOR THE DISABLED. ALSO IN 1997 THE GOVERNMENT INSTRUCTED THE SECRETARIAT OF EDUCATION TO BEGIN A PILOT PROJECT TO INTEGRATE MENTALLY RETARDED CHILDREN INTO THE PUBLIC SCHOOL SYSTEM ((NOTE: HOW HAS THIS PROGRESSED?))

A PRIVATE ENTITY FOUNDED IN 1962, THE DOMINICAN REHABILITATION ASSOCIATION (ADR) HAS GROWN FROM A 1-ROOM OPERATION TO A LARGE COMPLEX WITH 17 AFFILIATES THROUGHOUT THE COUNTRY. IT PROVIDES SERVICES FOR 2,500 PERSONS DAILY. THE GOVERNMENT PROVIDES ABOUT 25 PERCENT OF THE ADR'S BUDGET.

NATIONAL/RACIAL/ETHNIC MINORITIES  
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A STRONG PREJUDICE AGAINST HAITIANS RUNS THROUGH SOCIETY, DISADVANTAGING MANY HAITIANS AND DOMINICANS OF HAITIAN ANCESTRY. THE GOVERNMENT HAS NOT ACKNOWLEDGED THE EXISTENCE OF THIS DISCRIMINATION NOR MADE ANY EFFORTS TO COMBAT IT. DARKER-SKINNED DOMINICANS ALSO FACE INFORMAL BARRIERS TO SOCIAL AND ECONOMIC ADVANCEMENT.

PERHAPS 500,000 HAITIAN IMMIGRANTS--OR 7 PERCENT OF THE COUNTRY'S POPULATION--LIVE IN BATEYES, OR SHANTYTOWNS, UNDER HARSH CONDITIONS WITH LIMITED OR NO ELECTRICITY, RUNNING WATER, OR SCHOOLING. HUMAN RIGHTS GROUPS REGULARLY CHARGE THE GOVERNMENT WITH UNLAWFUL DEPORTATIONS OF AND POLICE BRUTALITY TOWARD THESE LEGAL AND ILLEGAL IMMIGRANTS.

CREDIBLE SOURCES CHARGE THAT THE GOVERNMENT AT TIMES, IN VIOLATION OF THE CONSTITUTION, REFUSES TO RECOGNIZE AND DOCUMENT AS DOMINICAN CITIZENS INDIVIDUALS OF HAITIAN ANCESTRY BORN IN THE COUNTRY. CHILDREN BORN TO HAITIAN PARENTS ARE CAUGHT IN A BUREAUCRATIC DILEMMA: SINCE MANY HAITIAN PARENTS HAVE NEVER PROCESSED DOCUMENTATION FOR THEIR OWN BIRTH, THEY ARE UNABLE TO DEMONSTRATE THEIR OWN CITIZENSHIP. AS A RESULT, THEY CANNOT DECLARE THEIR CHILDREN'S BIRTHS AT THE CIVIL REGISTRY AND THEREBY ESTABLISH DOMINICAN CITIZENSHIP FOR THEIR OFFSPRING. SOME CIVIL REGISTRY OFFICES DO NOT ACCEPT LATE DECLARATIONS OF BIRTH FOR CHILDREN OF HAITIAN IMMIGRANTS, ALTHOUGH THEY ROUTINELY ACCEPT LATE DECLARATIONS FOR CHILDREN OF DOMINICAN PARENTS. LACK OF DOCUMENTATION OFTEN HINDERS THE ABILITY OF CHILDREN OF HAITIAN DESCENT TO ATTEND SCHOOL

WHERE THERE IS ONE AVAILABLE. SOME PARENTS FAIL TO SEEK  
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DOCUMENTATION FOR FEAR OF BEING DEPORTED.

HAITIAN PARENTS ENCOUNTER DIFFICULTIES REGISTERING THEIR CHILDREN FOR SCHOOL. IT FALLS TO THE DISCRETION OF PUBLIC SCHOOL PRINCIPALS WHETHER CHILDREN MAY ATTEND, SINCE IMMIGRANT PARENTS USUALLY HAVE NO IDENTITY CARDS OR BIRTH CERTIFICATES TO REGISTER CHILDREN FORMALLY. EVEN WHEN PERMITTED TO ATTEND PRIMARY SCHOOL, IT IS RARE THAT THE OFFSPRING OF HAITIAN PARENTS PROGRESS BEYOND SIXTH GRADE.

ALTHOUGH THE GOVERNMENT LARGELY HAS ELIMINATED THE USE OF CHILDREN FOR CUTTING SUGAR CANE, POOR HAITIAN PARENTS FREQUENTLY ARRANGE FOR DOMINICAN FAMILIES TO ADOPT AND EMPLOY THEIR CHILDREN. (THE ADOPTING PARENTS CAN SIMPLY REGISTER A CHILD OF ANY AGE AS THEIR OWN.) IN EXCHANGE, THE HAITIANS RECEIVE MONETARY PAYMENT OR A SUPPLY OF CLOTHES AND FOOD. THEY BELIEVE THAT THIS ENSURES THEIR CHILDREN A MORE PROMISING FUTURE. IN MOST CASES, ADOPTIVE PARENTS DO NOT TREAT THE ADOPTees AS FULL FAMILY MEMBERS AND EXPECT THEM TO WORK IN THE HOUSEHOLDS OR FAMILY BUSINESSES RATHER THAN ATTEND SCHOOL. THERE WERE REPORTS THAT HAITIAN GIRLS BETWEEN THE AGES OF 10 AND 14 WERE THE MOST SOUGHT AFTER, ESPECIALLY IN BORDER AREAS.

THE GOVERNMENT IS DOING LITTLE TO IMPROVE THE CONDITIONS OF HAITIAN IMMIGRANTS. GENERALLY THE GOVERNMENT RELIES UPON INTERNATIONAL RELIEF ORGANIZATIONS. HOWEVER, THE RELIEF COMMUNITY IS RELUCTANT TO DEVOTE FUNDS TO THE SHANTYTOWNS. THE FACT THAT THE TOWNS' LAND AND BUILDINGS BELONG TO PLANTATION OWNERS WHO COULD EXPEL RESIDENTS AT WILL MAKES IT DIFFICULT TO JUSTIFY SUCH EXPENDITURES.

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## SECTION 6 WORKER RIGHTS

### A. THE RIGHT OF ASSOCIATION

THE CONSTITUTION PROVIDES FOR THE FREEDOM TO ORGANIZE LABOR UNIONS AND FOR THE RIGHT OF WORKERS TO STRIKE (AND FOR PRIVATE SECTOR EMPLOYERS TO LOCK OUT WORKERS). ALL WORKERS, EXCEPT THE MILITARY AND THE POLICE, ARE FREE TO ORGANIZE, AND WORKERS IN ALL SECTORS EXERCISE THIS RIGHT.

REQUIREMENTS FOR CALLING A STRIKE INCLUDE THE SUPPORT OF AN

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ABSOLUTE MAJORITY OF ALL COMPANY WORKERS WHETHER UNIONIZED OR NOT, A PRIOR ATTEMPT TO RESOLVE THE CONFLICT THROUGH MEDIATION, WRITTEN NOTIFICATION TO THE LABOR SECRETARIAT, AND A 10-DAY WAITING PERIOD FOLLOWING NOTIFICATION BEFORE PROCEEDING WITH THE STRIKE. THE GOVERNMENT RESPECTS ASSOCIATION RIGHTS AND PLACES NO OBSTACLES TO UNION REGISTRATION, AFFILIATION, OR THE ABILITY TO ENGAGE IN LEGAL STRIKES.

THERE WERE FREQUENT STRIKES DURING THE YEAR ((NOTE: CORRECT?)). UNIVERSITY EMPLOYEES STRUCK IN JANUARY FOR MORE THAN 2 MONTHS. LEADERS OF THE NATIONAL FEDERATION OF TRANSPORT WORKERS AND 30 DRIVERS BEGAN A HUNGER STRIKE ON APRIL 22 TO PROTEST THE GOVERNMENT'S NEW LINE OF BUSES. IN JANUARY POLICE HAD IMPRISONED DRIVERS ASSOCIATED WITH THIS UNION FOR BLOCKING TRAFFIC DURING PROTESTS. DOCTORS HELD A 1-DAY WORK STOPPAGE IN SEPTEMBER FOLLOWING A STRIKE BY HOSPITAL EMPLOYEES.

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THE 1992 LABOR CODE PROVIDES EXTENSIVE PROTECTION FOR WORKER RIGHTS AND SPECIFIES THE STEPS LEGALLY REQUIRED TO ESTABLISH A UNION, FEDERATION, OR CONFEDERATION. THE CODE CALLS FOR AUTOMATIC RECOGNITION OF A UNION IF THE GOVERNMENT HAS NOT ACTED ON ITS APPLICATION WITHIN A SPECIFIC TIME. IN PRACTICE, THE GOVERNMENT READILY HAS FACILITATED RECOGNITION OF LABOR ORGANIZATIONS. ORGANIZED LABOR REPRESENTS ONLY AN ESTIMATED 10 PERCENT OF THE WORK FORCE AND IS DIVIDED AMONG FOUR MAJOR CONFEDERATIONS AND A NUMBER OF INDEPENDENT UNIONS. UNIONS ARE INDEPENDENT OF THE GOVERNMENT AND GENERALLY INDEPENDENT OF POLITICAL PARTIES. HOWEVER, THERE WERE REPORTS OF WIDESPREAD DISCREET INTIMIDATION BY EMPLOYERS IN AN EFFORT TO PREVENT UNION ACTIVITY. FOR EXAMPLE, UNIONS IN FREE TRADE ZONES (FTZ'S) REPORT THAT THEIR MEMBERS HESITATE TO DISCUSS UNION ACTIVITY AT WORK, EVEN DURING BREAK TIME, FOR FEAR OF LOSING THEIR JOBS.

LABOR UNIONS CAN AND DO AFFILIATE FREELY REGIONALLY AND INTERNATIONALLY.

B. THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY

COLLECTIVE BARGAINING IS LAWFUL AND MAY TAKE PLACE IN FIRMS IN WHICH A UNION HAS GAINED THE SUPPORT OF AN ABSOLUTE MAJORITY OF THE WORKERS. ONLY A MINORITY OF COMPANIES HAVE COLLECTIVE BARGAINING PACTS. THE LABOR CODE STIPULATES THAT WORKERS CANNOT BE DISMISSED BECAUSE OF THEIR TRADE

THE LABOR CODE ESTABLISHES A SYSTEM OF LABOR COURTS FOR  
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DEALING WITH DISPUTES, BUT THESE COURTS HAVE PROVEN  
INEFFECTIVE AT ENFORCING THE LAW. ((NOTE: NO MORE REPORTS  
OF BRIBES? HAS THE SUPREME COURT'S OVERHAUL OF THE LABOR  
COURTS CONTINUED?))

THE STATE SUGAR COUNCIL (CEA) EMPLOYS WORKERS FROM MORE  
THAN 100 UNIONS, 2 OF THEM PREDOMINANTLY HAITIAN. THE CEA  
LONG HAS MAINTAINED A NEGATIVE ATTITUDE TOWARD ADDITIONAL  
ORGANIZING EFFORTS.

THE LABOR CODE APPLIES IN THE 40 ESTABLISHED FTZ'S, WHICH  
EMPLOY APPROXIMATELY 200,000 WORKERS, MOSTLY WOMEN.  
WORKPLACE REGULATIONS AND THEIR ENFORCEMENT IN THE FTZ'S DO  
NOT DIFFER FROM THOSE IN THE COUNTRY AT LARGE, ALTHOUGH  
WORKING CONDITIONS ARE SOMETIMES BETTER. SOME FTZ  
COMPANIES HAVE A HISTORY OF DISCHARGING WORKERS WHO ATTEMPT  
TO ORGANIZE UNIONS, BUT THERE ALSO HAVE BEEN REPORTS OF  
UNION ORGANIZERS EXTORTING MONEY FROM BUSINESS OWNERS.  
ALTHOUGH THERE ARE APPROXIMATELY 70 UNIONS IN THE FTZ'S,  
MANY EXIST ONLY ON PAPER. THE MAJORITY OF THE UNIONS IN  
THE FTZ'S ARE AFFILIATED WITH THE NATIONAL FEDERATION OF  
FREE TRADE ZONE WORKERS OR THE UNITED FEDERATION OF FREE  
TRADE ZONE WORKERS.

#### C. PROHIBITION OF FORCED OR COMPULSORY LABOR

THE LAW PROHIBITS FORCED OR COMPULSORY LABOR, INCLUDING  
THAT PERFORMED BY CHILDREN; HOWEVER, THERE WERE INSTANCES  
OF SUCH PRACTICES. POOR HAITIAN PARENTS FREQUENTLY ARRANGE  
FOR DOMINICAN FAMILIES TO "ADOPT" THEIR CHILDREN, IN  
EXCHANGE FOR MONEY OR GOODS. SUCH CHILDREN GENERALLY ARE  
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NOT TREATED AS FULL FAMILY MEMBERS AND ARE EXPECTED TO  
PERFORM WORK IN HOUSEHOLDS OR BUSINESSES (SEE SECTION 5).  
IN ADDITION, TRAFFICKING IN WOMEN AND GIRLS FOR PURPOSES OF  
PROSTITUTION IS ALSO A PROBLEM (SEE SECTION 5). THERE WERE  
ALSO NUMEROUS CREDIBLE REPORTS OF COERCED OVERTIME IN  
FACTORIES AND OF WORKERS BEING FIRED FOR REFUSING TO WORK  
OVERTIME. BOTH EMPLOYERS AND WORKERS STATE THAT NEWLY  
HIRED WORKERS ARE NOT INFORMED THAT OVERTIME IS OPTIONAL.

HAITIAN SUGAR CANE WORKERS CONTINUED TO ENCOUNTER

RESTRICTIONS ON THEIR FREEDOM OF MOVEMENT. THESE INCLUDE ARMED GUARDS ON THE PLANTATIONS WHO TRY TO DISCOURAGE THE MOVEMENT OF DEPARTING WORKERS BEFORE THEY LEAVE COMPANY LANDS. WHILE PAY IS LOW AND LIVING CONDITIONS HARSH, NGO'S AND UNION OFFICIALS AGREE THAT LIVING AND WORKING CONDITIONS AMONG HAITIAN CANE WORKERS HAVE IMPROVED. FOR EXAMPLE, CANE CUTTERS EARN ABOUT \$4.00 (60 PESOS) PER DAY FOR 12 HOURS' LABOR. MANY PLANTATIONS STILL PAY WORKERS THROUGH COUPONS, REDEEMABLE AT COMPANY STORES WITH INFLATED PRICES. SOME PLANTATIONS WITHHOLD WAGES UNTIL THE END OF THE HARVEST SEASON, THEN PAY WORKERS ON THE CONDITION THAT THEY DEPART THE PREMISES.

D. STATUS OF CHILD LABOR PRACTICES AND MINIMUM AGE FOR EMPLOYMENT

THE LABOR CODE PROHIBITS EMPLOYMENT OF CHILDREN UNDER 14 YEARS OF AGE AND PLACES RESTRICTIONS ON THE EMPLOYMENT OF CHILDREN UNDER THE AGE OF 16. THESE RESTRICTIONS INCLUDE A LIMITATION OF NO MORE THAN 6 HOURS OF DAILY WORK, NO EMPLOYMENT IN DANGEROUS OCCUPATIONS OR ESTABLISHMENTS

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SERVING ALCOHOL, AND LIMITATIONS ON NIGHTTIME WORK. CHILDREN BETWEEN THE AGES OF 14 AND 16 MAY WORK IN APPRENTICESHIP AND ARTISTIC PROGRAMS. THE LAW REQUIRES 6 YEARS OF FORMAL EDUCATION. CHILDREN WHO DO NOT CONTINUE IN SCHOOL OFTEN SEEK ILLEGAL EMPLOYMENT BEFORE REACHING THE MINIMUM WORKING AGE. THE LAW PROHIBITS FORCED OR BONDED LABOR BY CHILDREN; HOWEVER, HAITIAN PARENTS ARRANGE THE ADOPTION OF THEIR CHILDREN BY DOMINICAN FAMILIES IN EXCHANGE FOR MONEY OR GOODS, AND SUCH CHILDREN GENERALLY ARE EXPECTED TO WORK IN HOUSEHOLDS OR BUSINESSES (SEE SECTIONS 5 AND 6.C.).

THE HIGH LEVEL OF UNEMPLOYMENT AND LACK OF A SOCIAL SAFETY NET CREATE PRESSURES ON FAMILIES TO ALLOW CHILDREN TO EARN SUPPLEMENTAL INCOME. THE INTERNATIONAL LABOR ORGANIZATION ESTIMATED IN AUGUST 1997 THAT 169,000 CHILDREN BETWEEN THE AGES OF 7 AND 14 HOLD JOBS. THE GOVERNMENT DID NOT SANCTION THE PARENTS OF THESE CHILDREN. CHILD LABOR TAKES PLACE PRIMARILY IN THE INFORMAL ECONOMY, SMALL BUSINESSES, CLANDESTINE FACTORIES, AND PROSTITUTION. CONDITIONS IN CLANDESTINE FACTORIES ARE GENERALLY POOR, UNSANITARY, AND OFTEN DANGEROUS.

E. ACCEPTABLE CONDITIONS OF WORK

THE CONSTITUTION PROVIDES THE GOVERNMENT WITH LEGAL

AUTHORITY TO SET MINIMUM WAGE LEVELS, AND THE LABOR CODE ASSIGNS THIS TASK TO A NATIONAL SALARY COMMITTEE. CONGRESS ALSO MAY ENACT MINIMUM WAGE LEGISLATION. THE MINIMUM MONTHLY SALARY IS \$125 (1,932 PESOS) IN THE FTZ'S AND RANGES FROM \$101 (1,555 PESOS) TO \$157 (2,412 PESOS)

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OUTSIDE THE FTZ'S DEPENDING UPON THE SIZE OF THE COMPANY. THE MINIMUM WAGE DOES NOT PROVIDE A DECENT STANDARD OF LIVING FOR A WORKER AND FAMILY. IT COVERS ONLY A FRACTION OF THE LIVING COSTS OF A FAMILY IN SANTO DOMINGO, BUT MANY WORKERS RECEIVE ONLY THE MINIMUM WAGE. FOR EXAMPLE, 60 PERCENT OF GOVERNMENT EMPLOYEES EARN ONLY THE MINIMUM WAGE ((NOTE: STILL CORRECT?)).

THE LABOR CODE ESTABLISHES A STANDARD WORK PERIOD OF 8 HOURS PER DAY AND 44 HOURS PER WEEK. THE CODE ALSO STIPULATES THAT ALL WORKERS ARE ENTITLED TO 36 HOURS OF UNINTERRUPTED REST EACH WEEK. IN PRACTICE, A TYPICAL WORKWEEK IS MONDAY THROUGH FRIDAY PLUS A HALF DAY ON SATURDAY, BUT LONGER HOURS ARE NOT UNUSUAL. THE CODE GRANTS WORKERS A 35 PERCENT DIFFERENTIAL FOR WORK FROM 44 HOURS TO 68 HOURS PER WEEK AND DOUBLE TIME FOR ANY HOURS ABOVE 68 HOURS PER WEEK.

CONDITIONS FOR AGRICULTURAL WORKERS ARE IN GENERAL MUCH WORSE, ESPECIALLY IN THE SUGAR INDUSTRY. MANY SUGAR CANE WORKER VILLAGES HAVE HIGH RATES OF DISEASE AND LACK SCHOOLS, MEDICAL FACILITIES, RUNNING WATER, AND SEWAGE SYSTEMS. ON SUGAR PLANTATIONS, CANE CUTTERS USUALLY ARE PAID BY THE WEIGHT OF CANE CUT RATHER THAN THE HOURS WORKED. EMPLOYERS OFTEN DO NOT PROVIDE TRUCKS TO TRANSPORT THE NEWLY CUT CANE AT THE CONCLUSION OF THE WORKDAY, CAUSING WORKERS TO RECEIVE LOWER COMPENSATION AFTER THE CANE HAS DRIED OUT AND BECOME LIGHTER.

WHEN THE CANE FINALLY IS WEIGHED, WORKERS ARE GIVEN TICKETS INDICATING THE WEIGHT OF CANE CUT (OFTEN ROUNDED IN FAVOR

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OF THE EMPLOYER) AND THE AMOUNT OF MONEY DUE. THESE TICKETS, ISSUED TO A SPECIFIC PERSON BUT PAYABLE TO THE BEARER, MAY BE TURNED IN TO THE EMPLOYER AND REDEEMED FOR CASH EVERY 2 WEEKS. MANY CANE CUTTERS EARN LESS THAN \$4.00 (60 PESOS) PER DAY. BECAUSE WORKERS EARN SO LITTLE AND SOMETIMES CANNOT WAIT UNTIL PAYDAY TO REDEEM THEIR TICKETS, AN INFORMAL BARTER SYSTEM HAS EVOLVED IN WHICH THE TICKETS ALSO ARE USED TO PURCHASE ITEMS AT PRIVATE STORES LOCATED



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ON THE PLANTATIONS. THESE PRIVATE STORES MAKE CHANGE BY GIVING BACK A COMBINATION OF TICKETS AND CASH. HOWEVER, IT IS NOT UNUSUAL FOR THESE STORES TO RETAIN 10 PERCENT OF THE CASH DUE A CUSTOMER. THE CONDITIONS ARE SOMEWHAT BETTER AT SOME OF THE PRIVATELY OWNED SUGAR PLANTATIONS.

THE DOMINICAN SOCIAL SECURITY INSTITUTE (IDSS) SETS WORKPLACE SAFETY AND HEALTH CONDITIONS. THE EXISTING SOCIAL SECURITY SYSTEM IS GROSSLY UNDERFUNDED AND APPLIES TO ONLY ABOUT 9 PERCENT OF THE POPULATION. APPROXIMATELY 13,000 EMPLOYEES WORK IN THE IDSS BUREAUCRACY TO SUPPORT FEWER THAN 20,000 RETIREES.

BOTH THE IDSS AND THE LABOR SECRETARIAT HAVE SMALL CORPS OF INSPECTORS CHARGED WITH ENFORCING STANDARDS. INSPECTOR POSITIONS CUSTOMARILY ARE FILLED THROUGH POLITICAL PATRONAGE, AND BRIBES FROM BUSINESSES ARE COMMON. IN PRACTICE, WORKERS CANNOT REMOVE THEMSELVES FROM HAZARDOUS WORKING SITUATIONS WITHOUT JEOPARDY TO CONTINUED EMPLOYMENT.

6. END TEXT.  
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