

UNCLASSIFIED

PTQ3331

RELEASED IN FULL

PAGE 01 SANTO 04297 01 OF 14 081547Z
ACTION DRL-02

INFO	LOG-00	AID-00	AMAD-01	CIAE-00	INL-01	DODE-00	WHA-01
	SRPP-00	EB-00	H-01	TEDE-00	INR-00	IO-00	LAB-01
	L-00	ADS-00	NSAE-00	NSCE-00	OIC-02	OPIC-01	PRS-00
	P-00	SP-00	IRM-00	STR-00	TRSE-00	USIE-00	PRM-01
	G-00	MR-00	NFAT-00	SAS-00	/011W		

-----015B28 081654Z /38

R 081547Z OCT 99
FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC 6055

UNCLAS SECTION 01 OF 14 SANTO DOMINGO 004297

DEPARTMENT FOR DRL/CRT, WHA/CA, WHA/CA/DR

NOFORN

E.O. 12958: N/A
TAGS: PHUM, KSEP, ELAB, DR
SUBJECT: COUNTRY HUMAN RIGHTS REPORT FOR THE DOMINICAN REPUBLIC,
1999

1. SENSITIVE BUT UNCLASSIFIED - NOFORN -- ENTIRE TEXT
2. FOLLOWING IS THE 1999 COUNTRY HUMAN RIGHTS REPORT FOR THE DOMINICAN REPUBLIC.
3. INTRODUCTION

UNCLASSIFIED

PAGE 02 SANTO 04297 01 OF 14 081547Z
THE CONSTITUTION PROVIDED FOR A POPULARLY ELECTED PRESIDENT AND A BICAMERAL CONGRESS. PRESIDENT LEONEL FERNANDEZ OF THE DOMINICAN LIBERATION PARTY (PLD) TOOK OFFICE IN 1996 AFTER A FREE AND FAIR ELECTION. THE OPPOSITION DOMINICAN REVOLUTIONARY PARTY (PRD), AFTER FREE AND FAIR CONGRESSIONAL ELECTIONS IN MAY, 1998, DOMINATES THE SENATE AND HAS THE LARGEST PRESENCE IN THE LOWER HOUSE. A THIRD MAJOR PARTY, THE SOCIAL CHRISTIAN REFORM PARTY (PRSC) OF EX-PRESIDENT BALAGUER, CONTESTS ALL ELECTIONS; VARIOUS SMALLER PARTIES ARE CERTIFIED TO CONTEST PROVINCIAL AND NATIONAL ELECTIONS. THE CONSTITUTION (TITLE II, SECT. II, ART. 9) IMPOSES A DUTY TO VOTE ON ALL CITIZENS, I.E. DOMINICANS 18 YEARS OR OLDER (OR YOUNGER IF THEY ARE OR HAVE BEEN MARRIED) WITH THE EXCEPTION OF MEMBERS OF THE POLICE AND THE MILITARY, PERSONS CONVICTED OF TREASON, AND THOSE

SERVING SENTENCES FOR OTHER CRIMES. IN PRACTICE, "CITIZEN" MEANS AN ELIGIBLE DOMINICAN WHO HAS OBTAINED A NATIONAL IDENTITY DOCUMENT (CEDULA) AND IS LIMITED TO THOSE WHOSE BIRTHS HAVE BEEN PROPERLY REGISTERED BY THEIR PARENTS. THE EFFORTS OF THE SUPREME JUDICIAL COURT HAVE LED TO A MORE EFFECTIVE JUDICIARY INDEPENDENT OF OTHER BRANCHES OF GOVERNMENT; NEVERTHELESS THERE HAVE BEEN ATTEMPTS FROM OTHER PUBLIC AND PRIVATE ENTITIES, INCLUDING THE EXECUTIVE BRANCH, TO UNDERMINE 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 AUTHORITY, HOWEVER THERE WERE MANY INSTANCES IN WHICH MEMBERS OF THE SECURITY FORCES ACTED

UNCLASSIFIED

PAGE 03 SANTO 04297 01 OF 14 081547Z
INDEPENDENTLY OF GOVERNMENT AUTHORITY OR CONTROL. 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 \$1.5 BILLION, ARE EQUIVALENT TO APPROXIMATELY 10 PERCENT OF THE \$1,800 PER CAPITA GROSS DOMESTIC PRODUCT. THE COUNTRY'S AGRICULTURAL AND TOURISM SECTORS AND ELECTRICAL POWER NETWORK HAVE LARGELY RECOVERED FROM THE EFFECTS OF 1998'S HURRICANE GEORGES, WHILE TRANSPORTATION INFRASTRUCTURE LAGS SOMEWHAT BEHIND. DURING 1999, THE SUGAR MILLS AND LANDS BELONGING TO THE STATE SUGAR COUNCIL (CEA) WERE TRANSFERRED BY LONG-TERM LEASE TO PRIVATE CONTROL, AND THE DOMINICAN ELECTRICITY CORPORATION (CDE) PRIVATIZED ITS DISTRIBUTION FUNCTION AND A PART OF ITS POWER GENERATING CAPACITY.

THE GOVERNMENT'S HUMAN RIGHTS RECORD REMAINED RELATIVELY UNCHANGED OVERALL AND SERIOUS ABUSES REMAIN. PRINCIPAL HUMAN RIGHTS PROBLEMS INCLUDE: A 100% INCREASE IN EXTRAJUDICIAL KILLINGS BY POLICE; POLICE BEATINGS OF SUSPECTS; ABOMINABLE PRISON CONDITIONS; ARBITRARY DETENTION OF SUSPECTS AND SUSPECTS' RELATIVES; BREAK-INS OF PRIVATE QUARTERS WITHOUT CAUSE IN SEARCH OF SUSPECTS; 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 AND ADMINISTRATIVE CORRUPTION. THE POLICE FREQUENTLY USED EXCESSIVE FORCE TO DISPERSE DEMONSTRATORS. THE GOVERNMENT

RESTRICTS THE MOVEMENT OF HAITIAN SUGAR CANE WORKERS.
DISCRIMINATION AND VIOLENCE AGAINST WOMEN, TRAFFICKING IN WOMEN AND
UNCLASSIFIED

PAGE 04 SANTO 04297 01 OF 14 081547Z

GIRLS, PROSTITUTION AND 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 SUGAR PLANTATIONS AND MILLS OF THE CEA CONTINUED TO
WORK UNDER UNFAIR AND UNSAFE CONDITIONS.

THE ADMINISTRATION AND EFFECTIVENESS OF THE JUSTICE SYSTEM IMPROVED
SOMEWHAT. THE SUPREME COURT ESTABLISHED PETITIONS FOR THE WRIT OF
HABEAS CORPUS IN 1999. IT ALSO CREATED A PROCEDURE FOR AN ACTION
FOR VIOLATION OF A FUNDAMENTAL CONSTITUTIONAL RIGHT, THE SO-CALLED
"RECURSO DE AMPARO."

RESPECT FOR HUMAN RIGHTS

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

A. POLITICAL AND OTHER EXTRAJUDICIAL KILLING

TITLE II, SECT. 1, ART. 8 OF THE CONSTITUTION PROHIBITS THE
ESTABLISHMENT, IMPOSITION, OR EXECUTION OF ANY DEATH PENALTY.
THERE IS NO SUCH PENALTY UNDER DOMINICAN LAW OR CUSTOM. THERE WERE

UNCLASSIFIED

UNCLASSIFIED PTQ3347

PAGE 01 SANTO 04297 02 OF 14 081548Z
ACTION DRL-02

INFO	LOG-00	AID-00	AMAD-01	CIAE-00	INL-01	DODE-00	WHA-01
	SRPP-00	EB-00	OIGO-02	H-01	TEDE-00	INR-00	IO-00
	LAB-01	L-00	ADS-00	NSAE-00	NSCE-00	OIC-02	OPIC-01
	PRS-00	P-00	SP-00	STR-00	TRSE-00	USIE-00	PRM-01
	G-00	MR-00	NFAT-00	SAS-00	/013W		
				-----015B3A	081656Z	/38	

R 081547Z OCT 99
FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC 6056

UNCLAS SECTION 02 OF 14 SANTO DOMINGO 004297

DEPARTMENT FOR DRL/CRT, WHA/CA, WHA/CA/DR

NOFORN

DECONTROLLED/UNCLASSIFIED

E.O. 12958: N/A

TAGS: PHUM, KSEP, ELAB, DR

SUBJECT: COUNTRY HUMAN RIGHTS REPORT FOR THE DOMINICAN REPUBLIC,
1999

NO REPORTS OF POLITICAL KILLINGS BY GOVERNMENT OFFICIALS, BUT THERE WERE REPORTS OF 170 EXTRAJUDICIAL KILLINGS BY THE POLICE, MORE THAN TWICE THE NUMBER IN 1998. THE DOMINICAN HUMAN RIGHTS ADVOCATES AND OTHERS EXPRESS CONCERN THAT THE POLICE MAY EMPLOY UNWARRANTED DEADLY FORCE AGAINST CRIMINAL SUSPECTS IN A SPECIES OF UNIFORMED VIGILANTISM. ANOTHER CONCERN IS THAT SOME VICTIMS ARE INVOLVED IN PRIVATE DISPUTES WITH POLICE AGENTS WHO USE THEIR PUBLIC AUTHORITY
UNCLASSIFIED

PAGE 02 SANTO 04297 02 OF 14 081548Z
AND WEAPONS TO, IN EFFECT, MURDER THEM. LASTLY, THE FACTS SHOW SOME VICTIMS TO HAVE BEEN HONEST CITIZENS ERRONEOUSLY CAUGHT UP IN THE WAVE OF ANTI-GANG VIOLENCE. AS REPORTED IN THE PRESS, THE CIRCUMSTANCES OF THE VAST MAJORITY OF THESE KILLINGS ARE QUESTIONABLE, BUT WITNESSES OTHER THAN THE POLICE ARE USUALLY LACKING. THE FREQUENCY OF EXTRAJUDICIAL KILLINGS CAN BE TRACED CAUSALLY TO THE LACK OF BASIC EDUCATION, POOR TRAINING, AND WEAK DISCIPLINE OF THE MEMBERS OF THE POLICE FORCE. THESE LACKS SPRING FROM THE GOVERNMENT'S DECISION TO PAY ONLY RD \$1,600 PER MONTH (U.S. \$100.00) TO ORDINARY POLICE OFFICERS (WHICH IS APPROXIMATELY ONE-HALF THE AVERAGE TAKE HOME PAY IN THE DOMINICAN REPUBLIC) AND TO THEIR FAILURE TO REQUEST A BUDGETARY ALLOCATION FOR PROPER TRAINING. FOR EXAMPLE, NEW RECRUITS FIRE ONLY ONE ROUND DURING TRAINING. IN ADDITION, THERE STILL IS NO COHERENT POLICY ON THE USE OF DEADLY FORCE OR RULES OF ENGAGEMENT BY THE POLICE.

IN THE MAJORITY OF THE 170 REPORTED EXTRAJUDICIAL KILLINGS DURING THE SIX-MONTH PERIOD BETWEEN 28 FEBRUARY AND 22 SEPTEMBER, 1999, THE VICTIMS WERE CHARACTERIZED AS DELINQUENTS. THE REST WERE OTHER WIVES, GIRLFRIENDS, OR ASSOCIATES OF THE KILLERS, OTHER CIVILIANS, OR FELLOW OFFICERS. IN 102 CASES, THE DEATHS WERE SAID TO RESULT FROM THE EXCHANGE OF GUNFIRE INCIDENT TO ARREST.

IN SANTO DOMINGO, POLICE SHOT A MAN KNOWN ONLY AS "PENITA" WHEN HE CONFRONTED THEIR PATROL WITH A SHOTGUN IN THE STREETS OF MANOGUAYBO. THE POLICE SAID THAT PENITA WAS WANTED ON A SERIES OF CHARGES AND THAT WHEN HE WAS SPOTTED BY A PATROL HE IMMEDIATELY BEGAN SHOOTING. THE POLICE, ACCORDING TO THEIR SPOKESMAN, REPELLED THE AGGRESSION, MORTALLY INJURING PENITA, WHO DIED EN ROUTE TO THE HOSPITAL.

UNCLASSIFIED

PAGE 03 SANTO 04297 02 OF 14 081548Z

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

SOMEWHAT LESS TYPICAL, ONLY BECAUSE OF THE PRESENCE OF WITNESSES, IS THE CASE OF A MAN WHO WAS SOUGHT BY POLICE IN CONNECTION WITH THE MURDER OF A FELLOW OFFICER EARLIER THE SAME DAY. FAUSTO TORRES ESTEVEZ WAS, ACCORDING TO THE PN. A KNOWN DELINQUENT IN SANTIAGO. HE DIED IN A DRAMATIC CONFRONTATION IN THE STREET. HE WAS SAID TO HAVE BEEN IN POSSESSION OF A 12-GAUGE SHOTGUN WITH WHICH HE TRIED TO FIGHT OFF THE PATROL THAT FOUND HIM. BUT ACCORDING TO NEIGHBORS AND OTHER WITNESSES, TORRES ESTEVEZ WAS WALKING WHEN SUDDENLY A VEHICLE SWERVED TO A STOP IN FRONT OF HIM AN SEVERAL MEN CARRYING FIREARMS LEAPT OUT AND BEGAN SHOOTING. WHEN HE WAS DEAD, THEY PUT HIS BODY IN THE TRUNK OF THEIR VEHICLE AND DROVE HIM TO THE MORGUE.

IN AT LEAST ONE CONFIRMED CASE, THE DEATHS OCCURED AFTER THE ALLEGED DELINQUENTS WERE TAKEN INTO CUSTODY. IN MOCA, THREE YOUNG MEN WERE HANDCUFFED AND PLACED, ALIVE, IN THE BACK OF A POLICE PICK-UP TRUCK. THEIR ARREST AND DEPARTURE FROM THE SCENE WAS RECORDED BY A YOUNG JOURNALISM STUDENT WHO HAPPENED TO BE PRESENT. WHEN THEY ARRIVED AT THE POLICE HEADQUARTERS, THEY WERE DEAD. A GENERAL, A COLONEL, A LEGAL CONSULTANT, AND VARIOUS POLICE OFFICERS HAVE BEEN ARRESTED IN THE THREE DEATHS AND WERE RECENTLY TRANSFERRED FROM THE JAIL IN SANTIAGO TO THE NATIONAL DISTRICT IN FURTHERANCE OF THE INVESTIGATION.

A HERRERA MAN WITH A CRIMINAL RECORD WAS REPORTED BY WITNESSES TO HAVE BEEN SHOT BY THE POLICE MOMENTS AFTER HE HAD BEEN PLACED UNDER ARREST. THE TWENTY-SIX-YEAR-OLD MAN IDENTIFIED AS FELIX MANUEL WAS KILLED, ACORDING TO NEIGHBORS IN HERRERA, AFTER HE WAS TAKEN INTO CUSTODY.

POLICE OFFICERS MAY BE TRIED BY POLICE COURTS OR REMANDED TO CIVILIAN COURT JURISDICTION. MILITARY COURTS TRY MILITARY
UNCLASSIFIED

PAGE 04 SANTO 04297 02 OF 14 081548Z
PERSONNEL CHARGED WITH EXTRAJUDICIAL KILLINGS. CHIEF OF POLICE PEDRO DE JESUS CANDELIER ANNOUNCED THAT EVERY TIME AN OFFICER IS INVOLVED IN A QUESTIONABLE INCIDENT, THE CASE GOES TO A COMMISSION OF SUPERIOR OFFICERS FOR INVESTIGATION. HE SAID THAT IF IT BE DETERMINED THAT THE POLICE OFFICER HAS EXCEEDED HIS AUTHORITY, THE CASE IS SENT TO THE POLICE COURTS OR TO THE CIVILIAN COURTS, DEPENDING ON THE SEVERITY OF THE OFFENSE. SO FAR, OUT OF A FORCE OF ABOUT 23,000 MEMBERS, INCLUDING OFFICERS AND CADETS, CANDELIER HAS FIRED AT LEAST 2300 THIS YEAR AND HAS INVESTIGATED OR DETAINED HUNDREDS OF POLICE OFFICERS BECAUSE OF THEIR ALLEGED USE OF EXCESSIVE VIOLENCE. ALSO, DESPITE EFFORTS TO VET POLICE RECRUITS, SOME 1800 PERSONS WITH PRIOR CRIMINAL RECORDS HAVE BEEN INCORPORATED INTO POLICE RANKS, EITHER USING FALSE NAMES AND/OR ID OR WITH RECOMMENDATIONS FROM OTHER STATE INSTITUTIONS, LIKE THE ARMY. CANDELIER HAS MANDATED AN ONGOING PROCESS OF PURIFICATION OF THE POLICE.

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

THE CASE OF THE 1975 MURDER OF JOURNALIST ORLANDO MARTINEZ HOWLEY, A CRITIC OF THE BALAGUER ADMINISTRATION, CONTINUES TO BE ON HOLD IN THE CRIMINAL CHAMBER OF THE COURT OF APPEALS IN SANTO DOMINGO. ONE OF THE ACCUSED, MARIANO CABRERA DURAN, IS IN THE PROCESS OF BEING EXTRADITED FROM THE UNITED STATES. BALAGUER HIMSELF CONTINUES TO

UNCLASSIFIED

UNCLASSIFIED PTQ3357

PAGE 01 SANTO 04297 03 OF 14 081548Z
ACTION DRL-02

INFO	LOG-00	AID-00	AMAD-01	CIAE-00	INL-01	DODE-00	WHA-01
	SRPP-00	EB-00	OIGO-02	H-01	TEDE-00	INR-00	IO-00
	LAB-01	L-00	ADS-00	NSAE-00	NSCE-00	OIC-02	OPIC-01
	PRS-00	P-00	SP-00	STR-00	TRSE-00	USIE-00	PRM-01
	G-00	MR-00	NFAT-00	SAS-00	/013W		

-----015B47 081658Z /38

R 081547Z OCT 99
FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC 6057

UNCLAS SECTION 03 OF 14 SANTO DOMINGO 004297

DEPARTMENT FOR DRL/CRT, WHA/CA, WHA/CA/DR

NOFORN

E.O. 12958: N/A
TAGS: PHUM, KSEP, ELAB, DR
SUBJECT: COUNTRY HUMAN RIGHTS REPORT FOR THE DOMINICAN REPUBLIC,
1999

BE VULNERABLE TO FUTURE CHARGES OF COMPLICITY AND OBSTRUCTION OF JUSTICE, AS WELL AS TO BEING CALLED AS A WITNESS, SHOULD THE CASE EVER REACH TRIAL.

THERE WERE NO REPORTS OF POLITICAL EXTRAJUDICIAL KILLINGS. ELECTION CAMPAIGNING WAS RELATIVELY PEACEFUL.

UNCLASSIFIED

PAGE 02 SANTO 04297 03 OF 14 081548Z

THE PN REPORT THAT 9 PERSONS WERE KILLED IN THE COURSE OF PROTEST DEMONSTRATIONS, MOSTLY IN THE NORTHEAST AND SOUTH OF THE COUNTRY. THE MILITARY AND POLICE HAVE BEEN CALLED INTO SERVICE TO CLEAR GOVERNMENT OWNED LANDS OF FORMER EMPLOYEES OF THE SUGAR MILLS, ASSORTED SQUATTERS, AND WOULD-BE ALIEN SMUGGLERS. IN THE PROCESS

OF REMOVAL OF FAMILIES WITH 15 TO 25 YEARS RESIDENCE IN LOS VALIENTES DE LA CALETA, NEAR BOCA CHICA, GOVERNMENT AGENTS KILLED ONE MAN AND SHOT SEVERAL OTHERS. A YOUNG MAN OF PUNTA DE MOCA DIED FROM A GUNSHOT WOUND RECEIVED WHEN POLICE ATTEMPTED TO STOP A DEMONSTRATION ORGANIZED BY COMMUNITY MEMBERS TO FOCUS ATTENTION ON UNFINISHED PUBLIC WORKS PROJECTS IN THEIR AREA.

B. DISAPPEARANCE

THERE WERE NO REPORTS OF POLITICALLY MOTIVATED DISAPPEARANCES.

THE CASE OF NARCISO GONZALEZ, A UNIVERSITY PROFESSOR AND CRITIC OF THE BALAGUER GOVERNMENT WHO DISAPPEARED IN MAY 1994, STALLED AGAIN. HOWEVER, IN 1999, THE GOVERNMENT RECOGNIZED THE JURISDICTION OF THE INTERAMERICAN COMMISSION ON HUMAN RIGHTS IN THE GONZALEZ CASE.

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

TITLE II, SECT. 1, ART. 8 OF THE CONSTITUTION ESTABLISHED THE INVIOABILITY OF HUMAN LIFE. THIS PROVISION OUTLAWS TORTURE AND ANY OTHER PUNISHMENT OR PROCEDURE THAT OCCASIONS THE LOSS OR DIMINUTION OF THE PHYSICAL INTEGRITY OR HEALTH OF THE PERSON. TORTURE AND OTHER FORMS OF PHYSICAL ABUSE ARE ILLEGAL, BUT INSTANCES IN WHICH SECURITY SERVICE PERSONNEL PHYSICALLY ABUSE DETAINEES CONTINUE. LACK OF SUPERVISION, TRAINING, AND

UNCLASSIFIED

PAGE 03 SANTO 04297 03 OF 14 081548Z
ACCOUNTABILITY THROUGHOUT THE LAW ENFORCEMENT AND CORRECTIONS SYSTEMS EXACERBATE THE PROBLEM OF PHYSICAL ABUSE. HUMAN RIGHTS GROUPS AND THE PRESS REPORTED REGULAR AND REPEATED INCIDENTS OF PHYSICAL ABUSE OF DETAINEES WHILE IN CUSTODY.

SHORTLY AFTER HER RELEASE FROM TWO YEARS CONFINEMENT ON DRUG-RELATED CHARGES, "MISS NAJAYO 98" ANGELA DE LA CRUZ SPOKE OF PRACTICES SHE WITNESSED AT THE MEXICO SECTION OF THE SAN PEDRO DE MACORIS PRISON. THE MOST GRAPHIC WAS THE USE OF THE PUNISHMENT CALLED "THE TOASTER", WHERE GUARDS LAID PRISONERS, SHACKLED HAND AND FOOT, ON A BED OF HOT ASPHALT FOR THE ENTIRE DAY AND, IF THEY SCREAMED, BEAT THEM WITH A CLUB. SAN PEDRO DE MACORIS PRISON IS ADMINISTERED BY THE ARMY.

HOMOSEXUALS AND TRANSVESTITES REPORT TO GAY RIGHTS ADVOCATES THAT DURING DETENTION THE POLICE HAVE HELD THEM IN A DARKENED ROOM AND HAVE GIVEN THEM THE ALTERNATIVE OF PERFORMING FELLATIO ON WHICHEVER GUARDS SO DESIRED OR BEING PLACED IN A LOCKED CELL WITH THE MOST DANGEROUS PRISONERS, WHERE THE DETAINEES PRESUMED THEY WOULD BE RAPED, BEATEN, OR BOTH. THAT THE POLICE USE THE THREAT OF BEING LOCKED IN WITH THE MOST DANGEROUS PRISONERS IS CONFIRMED BY OTHER

DECONTROLLED/UNCLASSIFIED

INFORMANTS. A NEWSPAPER ARTIST ARRESTED FOR A TRAFFIC INFRACTION WAS STRUCK BY A POLICE SARGEANT WHEN HE ASKED TO MAKE A TELEPHONE CALL, AND TOLD TO SHUT UP OR BE LOCKED IN WITH THE MOST DANGEROUS PRISONERS.

THE NATIONAL COORDINATOR FOR HUMAN RIGHTS CITED THE DEPARTMENT OF HOMICIDE AND ROBBERY INVESTIGATIONS AND THE NATIONAL DIRECTORATE FOR DRUG CONTROL FOR THE PERSISTENT USE OF TORTURE TO EXTRACT CONFESSIONS FROM DETAINEES. THE MOST OFTEN USED METHOD IS BEATING. AFTER SEVERAL FORMER DETAINEES WENT TO THE PRESS WITH CREDIBLE

UNCLASSIFIED

PAGE 04 SANTO 04297 03 OF 14 081548Z

REPORTS THAT THE POLICE INTERROGATORS HAD REPEATEDLY BEATEN THEM, THE CHIEF OF POLICE AND ATTORNEY GENERAL DESIGNATED A COMMISSION TO INVESTIGATE. THE BEATINGS ALLEGEDLY TOOK PLACE DURING PERIODS OF DETENTION OF UP TO 15 DAYS WITHOUT PRESENTMENT TO A JUDGE (THE CONSTITUTION PERMITS ONLY 48 HOURS), AND INFORMANTS REPORTED THAT THE POLICE REPEATEDLY AWOKE THEM DURING THE NIGHT FOR QUESTIONING.

THE PROSECUTOR'S OFFICE CONTINUED TO PLACE LAWYERS IN HIGH-VOLUME POLICE STATIONS AND IN SEVERAL DNCD OFFICES TO MONITOR THE INVESTIGATIVE PROCESS AND TO ASSURE THAT DETAINEES' RIGHTS ARE RESPECTED. (SEE SECTION 1.D). MOST PN AND DNCD INVESTIGATORS RESPONDED POSITIVELY TO THIS NEW OVERSIGHT (SOME DNCD PERSONNEL ARE REPORTED TO COMPLAIN OF THEIR HANDS BEING TIED), BUT THE INITIATIVE REMAINS LARGELY LIMITED TO THE SANTO DOMINGO METROPOLITAN AREA, WITH A LESSER PRESENCE IN SANTIAGO. THERE IS SOME EVIDENCE THAT THESE ASSISTANT PROSECUTORS AT TIMES BUY INTO TRADITIONAL PRACTICES OF THE POLICE, RATHER THAN RAISING THE POLICE PRACTICES TO CONSTITUTIONAL STANDARDS. LESS QUALIFIED PROSECUTORS ASSIGNED TO THE REST OF TH COUNTRY HAVE NOT YET ASSUMED STRONGER ROLES IN MANAGING CRIMINAL INVESTIGATIONS AND ENSURING THE RIGHTS OF SUSPECTS. HUMAN RIGHTS COURSES ARE AN INTEGRAL PART OF MILITARY AND DNCD TRAINING, BOTH FOR ENLISTED PERSONNEL AND OFFICERS.

UNCLASSIFIED

UNCLASSIFIED PTQ3360

PAGE 01 SANTO 04297 04 OF 14 081549Z

ACTION DRL-02

INFO	LOG-00	AID-00	AMAD-01	CIAE-00	INL-01	DODE-00	WHA-01
	SRPP-00	EB-00	H-01	TEDE-00	INR-00	IO-00	LAB-01
	L-00	ADS-00	NSAE-00	NSCE-00	OIC-02	OPIC-01	PRS-00
	P-00	SP-00	STR-00	TRSE-00	USIE-00	PRM-01	G-00
	NFAT-00	SAS-00	/011W				

-----015B50 081658Z /38

R 081547Z OCT 99

FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC 6058

DECONTROLLED/UNCLASSIFIED

UNCLAS SECTION 04 OF 14 SANTO DOMINGO 004297

DEPARTMENT FOR DRL/CRT, WHA/CA, WHA/CA/DR

NOFORN

E.O. 12958: N/A

TAGS: PHUM, KSEP, ELAB, DR

SUBJECT: COUNTRY HUMAN RIGHTS REPORT FOR THE DOMINICAN REPUBLIC,
1999

CIVILIAN PROSECUTORS SOMETIMES FILE CHARGES AGAINST POLICE AND
MILITARY OFFICIALS ALLEGING PHYSICAL ABUSE, TORTURE, AND RELATED
CRIMES. PENALTIES FOR TORTURE AND PHYSICAL ABUSE WERE TOUGHENED BY
A LAW PASSED IN 1997 THAT PROVIDES FOR SENTENCES RANGING FROM 10 TO
15 YEARS IN PRISON. HOWEVER, THESE PROVISIONS ARE NOT FULLY KNOWN
OR APPLIED BY PROSECUTORS AND JUDGES, AND SOME SENTENCES ARE LESS
UNCLASSIFIED

PAGE 02 SANTO 04297 04 OF 14 081549Z
THAN THE LAW STIPULATES.

THE CONSTITUTION, UNDER INVIOABILITY OF LIFE, TITLE II, SECT. 1,
ART. 8.1, PROHIBITS THE IMPOSITION OF PUNISHMENTS THAT INVOLVE THE
LOSS OR DIMINUTION OF THE HEALTH OR PHYSICAL INTEGRITY OF THE
INDIVIDUAL. CONDITIONS IN MOST DOMINICAN PRISONS ARE SO APPALLING
FOR THE VAST MAJORITY OF PRISONERS AS TO BE IN CONTINUOUS VIOLATION
OF THIS PROVISION. PRISON CONDITIONS ARE POOR TO ABOMINABLE. THE
PRISONS ARE GROSSLY OVERCROWDED, AND HEALTH AND SANITARY CONDITIONS
ARE POOR. A WARDEN IS SUPPOSED TO RUN EACH PRISON AND TO REPORT TO
THE ATTORNEY GENERAL THROUGH THE DIRECTORATE OF PRISONS. A POLICE
OR MILITARY COLONEL (OR LIEUTENANT COLONEL) WHO IS APPOINTED FOR 3
TO 6 MONTHS ONLY, 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.

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 HELD 3099 PRISONERS IN A FACILITY BUILT
FOR 1000. PRISONERS HAD 4 SQUARE METERS OF SPACE APIECE. IN FOUR
PRISONS -- AZUA, NAGUA, LA ROMANA, AND HIGUEY -- INMATES HAD ONE-
HALF SQUARE METER EACH. IN SAN CRISTOBAL THEY HAD 1.5 SQUARE
METERS; IN TWELVE OTHER PRISONS THE SPACE AVAILABLE WAS 2 TO 3
SQUARE METERS. NINE OTHERS ALLOWED 4 SQUARE METERS PER INMATE. IN
32 PRISONS AROUND THE COUNTRY WITH A TOTAL CAPACITY OF 6,971

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

PERSONS, THE POLICE AND THE MILITARY ARE HOLDING MORE THAN 15,000 PERSONS. DURING THE FIRST SIX MONTHS OF 1999, THE NUMBER OF NEW ADMISSIONS EXCEEDED THE NUMBER OF RELEASES BY 1,461. THE SITUATION IS NOT IMPROVING. MEDICAL CARE SUFFERS FROM A LACK OF SUPPLIES AND UNCLASSIFIED

PAGE 03 SANTO 04297 04 OF 14 081549Z
AVAILABLE PHYSICIANS. PRISONERS IMMOBILIZED BY AND DYING OF AIDS ARE NOT TRANSFERRED TO A HOSPITAL, BUT SOME TERMINAL-STAGE INMATES WERE RELEASED EARLY TO SPEND THEIR LAST DAYS AT HOME.

THE GOVERNMENT IS ULTIMATELY RESPONSIBLE FOR THE DEGRADING AND LIFE-THREATENING CONDITIONS IN THE PRISONS. THE ATTEMPT BY THE DIRECTOR OF PRISONS TO CREATE A NEW CORPS OF SPECIALLY TRAINED PRISON OFFICERS COLLAPSED WHEN IT WAS DISCOVERED THAT THE INITIATIVE HAD BEEN LEFT OUT OF THE PRESIDENT'S BUDGET FOR THIS YEAR. INITIAL BUDGET ALLOCATIONS FOR NECESSITIES SUCH AS FOOD, MEDICINES, AND TRANSPORTATION (TO COURT) WERE REDUCED STILL FURTHER DURING THE YEAR.

IN JUNE, THE WARDENS OF 31 PRISONS REPORTED THAT THEIR MONEY TO BUY FOOD FOR THE PRISONERS WAS EXHAUSTED IN MAY, AND THAT FOR 17 DAYS THEY HAD BEEN UNABLE TO GIVE BREAKFAST OR SUPPER TO THE INMATES. A GOVERNMENT FOOD PROGRAM FOR THE GENERAL PUBLIC WAS PROVIDING LUNCHESES AT SOME PRISONS; AT OTHERS, FOOD CAME FROM THE AGRICULTURAL PRODUCTS RAISED, WHILE AT OTHER PRISONS THE INMATES HAD FOR LUNCH WHATEVER COULD BE BEGGED FROM THE PEOPLE WHO LIVED IN THE VICINITY OF THE PRISON.

IN SEPTEMBER, THE DIRECTOR OF PRISONS REPORTED THAT FUNDS TO BUY GASOLINE HAD RUN OUT. CONSEQUENTLY THERE WAS NO WAY TO TRANSPORT PRISONERS TO COURT FOR HEARINGS OR TRIALS. THE PRIMARY AVENUE TO RELEASE FROM THE SYSTEM WAS BLOCKED BY THE SYSTEM ITSELF.

AT ELIAS PINA, A PRISON BUILT IN 1922, THERE WERE 24 BEDS AND -- DEPENDING ON THE REPORTS RELIED ON -- 82 OR 160 PRISONERS. THERE WAS NO KITCHEN, NO LAUNDRY, NO WORKSHOPS, NO AREA FOR RELIGIOUS SERVICES, NO RECREATION AREA, NO DINING ROOM, NO COMMISSARY, NO UNCLASSIFIED

PAGE 04 SANTO 04297 04 OF 14 081549Z
DISPENSARY, NO WARDEN'S OFFICE, AND NO SCHOOL. THERE WAS A SEWER SYSTEM, A CISTERN FOR WATER, AND A SEPTIC TANK. IN MAY, THE PRESS REPORTED THAT INMATES AT ELIAS PINA HAD NOT SEEN THE SUN FOR FOUR MONTHS AND THAT THE LACK OF LIGHT WAS THE CAUSE OF MANY PRISONERS LOSING THEIR SIGHT -- AT LEAST TEMPORARILY -- WHEN RELEASED OR TRANSFERRED FROM ELIAS PINA.

ACCORDING TO CREDIBLE REPORTS, SOME PRISONS ARE TOTALLY OUT OF THE CONTROL OF THE AUTHORITIES. THEY ARE, IN EFFECT, OPERATED BY ARMED

DECONTROLLED/UNCLASSIFIED

INMATES, WHO DECIDE WHETHER IN INDIVIDUAL GETS FOOD, OR SPACE TO SLEEP, OR A NEEDED VISIT TO A DOCTOR OR DENTIST. INDIVIDUAL INMATES CAN ONLY SECURE A TOLERABLE LEVEL OF EXISTENCE BY PAYING FOR IT. ONLY THOSE WITH CONSIDERABLE PERSONAL OR FAMILY RESOURCES CAN DO SO.

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 RECENT PRESS REPORT FOUND A HIGH INCIDENCE OF

UNCLASSIFIED

UNCLASSIFIED PTQ3375

PAGE 01 SANTO 04297 05 OF 14 081549Z
ACTION DRL-02

INFO	LOG-00	AID-00	AMAD-01	CIAE-00	INL-01	DODE-00	WHA-01
	SRPP-00	EB-00	OIGO-02	H-01	TEDE-00	INR-00	IO-00
	LAB-01	L-00	ADS-00	NSAE-00	NSCE-00	OIC-02	OPIC-01
	PRS-00	P-00	SP-00	STR-00	TRSE-00	USIE-00	PRM-01
	G-00	NFAT-00	SAS-00	/013W			

-----015B63 081700Z /38

R 081547Z OCT 99
FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC 6059

UNCLAS SECTION 05 OF 14 SANTO DOMINGO 004297

DEPARTMENT FOR DRL/CRT, WHA/CA, WHA/CA/DR

NOFORN

E.O. 12958: N/A
TAGS: PHUM, KSEP, ELAB, DR
SUBJECT: COUNTRY HUMAN RIGHTS REPORT FOR THE DOMINICAN REPUBLIC,
1999

VIOLATIONS, WITH 200 MINORS JAILED WITH ADULTS AT NAJAYO PRISON.

THE GOVERNMENT PERMITS PRISON VISITS BY INDEPENDENT HUMAN RIGHTS MONITORS AND BY THE PRESS.

D. ARBITRARY ARREST, DETENTION, OR EXILE

UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

PAGE 02 SANTO 04297 05 OF 14 081549Z
TITLE II, SECT. II, ART. 8 OF THE CONSTITUTION PROVIDES FOR THE SECURITY OF THE INDIVIDUAL AGAINST, INTER ALIA, IMPRISONMENT WITHOUT LEGAL PROCESS, DETENTION BEYOND 48 HOURS WITHOUT PRESENTMENT BEFORE JUDICIAL AUTHORITIES, OR FAILURE BY CUSTODIAL AUTHORITIES TO PRESENT DETAINEES WHEN REQUESTED BY COMPETENT AUTHORITY . IT PROVIDES FOR RECOURSE TO HABEAS CORPUS PROCEEDINGS TO REQUEST THE RELEASE OF THOSE UNLAWFULLY WITHHELD. 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 (SEE SECTION 1.C) AND THIS PROGRAM HAS BEEN LIMITED FOR THE MOST PART TO THE SANTO DOMINGO METROPOLITAN AREA.

THE PROSECUTOR FOR THE COURT OF APPEALS IN SANTIAGO REPORTED THAT THE DEPARTMENT OF INVESTIGATION OF HOMICIDE AND ROBBERY OF THE NATIONAL POLICE, NORTHERN COMMAND, ROUTINELY DETAINED PERSONS BEYOND THE 48-HOUR LIMIT. NOR WAS THAT DEPARTMENT ALONE IN FLOUTING THE CONSTITUTION. DETAINEES IN THE HEADQUARTERS OF THE POLICE, KNOWN AS "THE PALACE", COMPLAINED OF BEING HELD 15 TO 21 DAYS.

THE USUAL EXCUSE OF THE POLICE FOR UNLAWFUL DETENTION WITHOUT PRESENTATION TO A COURT IS THAT SOME CASES INVOLVE MORE COMPLICATED INVESTIGATIONS. THIS POINTS TO THE ROOT OF THE PROBLEM: THE POLICE PATTERN OF ARRESTING INDIVIDUALS BEFORE THEY HAVE
UNCLASSIFIED

PAGE 03 SANTO 04297 05 OF 14 081549Z
INVESTIGATED A CRIME THOROUGHLY, RELYING ON CONFESSIONS TO MAKE THEIR CASE. WITHOUT THE EDUCATION, TRAINING, OR EQUIPMENT TO CONDUCT MODERN FORENSIC INVESTIGATIONS, POLICE ARE RELYING INSTEAD ON HOLDING SUSPECTS INCOMMUNICADO (SEE SECTION 1.E, BELOW) AND REPEATEDLY QUESTIONING THEM, SOMETIMES WITH BEATINGS, UNTIL THEY CONFESS. THE PROSECUTORS WHO ARE ASSIGNED TO MONITOR THE CRIMINAL INVESTIGATION PHASE AT POLICE STATIONS APPEAR TO BE UNABLE TO CONTROL THE PRACTICE. (SEE SECTION 1.C)

A RELATED VIOLATION, UNIVERSALLY CONDEMNED BY THE PRESS AND THE PUBLIC, IS THE POLICE PRACTICE OF ARRESTING AND DETAINING INDIVIDUALS SOLELY BECAUSE OF THEIR FAMILIAL OR MARITAL RELATIONSHIP TO A SUSPECT. A SUSPECT'S PARENTS, SIBLINGS, OR SPOUSE ARE ALL VULNERABLE TO THIS PRACTICE, THE GOAL OF WHICH IS TO

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

COMPEL AN AT-LARGE SUSUPECT TO GIVE HIMSELF UP OR TO COERCE A CONFESSION FROM ONE ALREADY ARRESTED.

AN EX-SERGEANT OF POLICE, ROBERTO MEDINA GUERRERO, THE BROTHER OF ANOTHER EX-POLICEMEN WANTED IN CONNECTION WITH A GANG KNOWN AS LOS MURDOS, GAVE HIMSELF UP TO THE POLICE THROUGH THE GOOD OFFICES OF THE PRESIDENT OF THE COMMITTEE OF HUMAN RIGHTS. HE COMPLAINED THAT THE POLICE HAD UNLEASHED A WAVE OF REPRESSION UPON HIS ENTIRE FAMILY, THAT EVEN HIS 65-YEAR-OLD MOTHER, ESPERANZA MARIA GUERRERO, WAS ARRESTED AND HELD FOR SEVERAL DAYS TO PRESSURE HIS BROTHER CRISTIAN TO GIVE HIMSELF UP. MEDINA GUERRERO REPORTED THAT HE WAS DETAINED FOR FIVE DAYS, RELEASED ON A FRIDAY, AND ON THE FOLLOWING MONDAY THE POLICE WERE LOOKING FOR HIM AGAIN TO ARREST HIM.

IN SEPTEMBER, DNCD DIRECTOR VICE ADMIRAL LUIS ALBERTO HUMEAU HIDALGO PROMISED A FULL INVESTIGATION OF A CASE IN WHICH AGENTS OF THE DNCD, AS WELL AS SOMEONE CLAIMING TO BE WITH INTERPOL, ARRESTED

UNCLASSIFIED

PAGE 04 SANTO 04297 05 OF 14 081549Z
A YOUNG MAN AND HELD HIM PENDING PAYMENT BY HIS FMILY OF RD \$300,000. SOTERO VELEZ WAS DETAINED FOR SEVERAL DAYS. HIS FAMILY COLLECTED RD \$150,000, BOUGHT THEIR SON'S FREEDOM, AND PROMPTLY REPORTED THE CASE TO THE PROSECUTOR.

THE POLICE CONTINUED THE PRACTICE OF MAKING SOMETIMES DAILY SWEEPS THROUGH PARTICULARLY POPULOUS AND/OR IMPOVERISHED COMMUNITIES TO ARBITRARILY ROUND UP AND DETAIN INDIVIDUALS. THE ALLEGED OBJECT OF THE ROUND-UP IS TO FIGHT DELINQUENCY. FOLLOWING THE INDISCRIMINATE ARRESTS, AND IN VIOLATION OF DOMINICAN LAW, THE POLICE REGULARLY DETAIN INDIVIDUALS FOR 4 DAYS UP TO 10, 20, OR MORE, WHILE THEY LOOK FOR A REASON TO CHARGE THEM WITH A CRIME.

MANY SUSPECTS SUFFER LONG PRETRIAL DETENTION. IN SEPTEMBER OVER 75 PERCENT OF THE NATIONAL PRISON POPULATION WAS AWAITING TRIAL, THE SAME OVERALL PERCENTAGE AS IN 1998, DESPITE A TEMPORARY DROP TO ABOUT 69 PERCENT EARLIER IN THE YEAR. HOWEVER, WHILE SUSPECTS NATIONWIDE STILL SUFFER LONG PRETRIAL DETENTION, JUDICIAL STATISTICS SHOW REDUCED DELAYS FOR THE LAST 3 YEARS IN THE SANTO DOMINGO NATIONAL DISTRICT (AN AREA THAT REPRESENTS APPROXIMATELY 45 PERCENT OF ALL CRIMINAL CASES IN THE COUNTRY). IN THIS AREA THE AVERAGE PRETRIAL DETENTION DROPPED FROM 13.8 MONTHS IN 1996 TO 10

UNCLASSIFIED

UNCLASSIFIED PTQ3378

PAGE 01 SANTO 04297 06 OF 14 081549Z
ACTION DRL-02

DECONTROLLED/UNCLASSIFIED

INFO LOG-00 AID-00 AMAD-01 CIAE-00 INL-01 DODE-00 WHA-01
 SRPP-00 EB-00 H-01 TEDE-00 INR-00 IO-00 LAB-01
 L-00 ADS-00 NSAE-00 NSCE-00 OIC-02 OPIC-01 PRS-00
 P-00 SP-00 IRM-00 STR-00 TRSE-00 USIE-00 PRM-01
 G-00 NFAT-00 SAS-00 /011W

-----015B70 081701Z /38

R 081547Z OCT 99
 FM AMEMBASSY SANTO DOMINGO
 TO SECSTATE WASHDC 6060

UNCLAS SECTION 06 OF 14 SANTO DOMINGO 004297

DEPARTMENT FOR DRL/CRT, WHA/CA, WHA/CA/DR

NOFORN

E.O. 12958: N/A
 TAGS: PHUM, KSEP, ELAB, DR
 SUBJECT: COUNTRY HUMAN RIGHTS REPORT FOR THE DOMINICAN REPUBLIC,
 1999

MONTHS IN 1997, 6.5 MONTHS IN 1998, AND 6.1 MONTHS IN 1999.
 HOWEVER THE REST OF THE COUNTRY APPARENTLY HAS EXPERIENCED ONLY
 MODEST DECREASES IN JUDICIAL DELAYS.

BECAUSE OF THE HISTORICAL 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 FACE AN ACTUAL
 UNCLASSIFIED

PAGE 02 SANTO 04297 06 OF 14 081549Z
 TRIAL, (TIME ALREADY SERVED COUNTS 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 IS UNABLE TO ACCOUNT FOR PRISONERS WHO ARE SCHEDULED FOR
 TRIAL OR FOR RELEASE. IN 1999, 21 PERCENT OF THE POSTPONEMENTS OF
 TRIALS WERE CAUSED BY THE FAILURE OF THE PRISON AUTHORITIES TO
 PRODUCE THE ACCUSED. SOME PRISONERS ARE HELD EVEN THOUGH THERE IS
 NO FORMAL CHARGE AGAINST THEM, AND SOME PRISONERS REMAIN
 INCARCERATED EVEN AFTER A COURT ORDERS THEIR RELEASE.

RAFAEL ANTONIO GONZALEZ MEDRANO WAS 23 YEARS OLD WHEN HE WAS TRIED
 FOR SIMPLE POSSESSION OF MARIJUANA AND ON 24 JULY 1990 HE WAS
 SENTENCED TO ONE YEAR INCARCERATION AND A FINE OF RD \$1,500. YET
 HE WAS STILL INCARCERATED AS OF 14 APRIL 1999 BECAUSE HIS CASE HAD
 BEEN LOST BY THE JUDICIAL AND/OR THE PRISON SYSTEM.

DECONTROLLED/UNCLASSIFIED

JOSE LUIS AMEZQUITA SPENT 15 YEARS BEHIND BARS WITHOUT AN OFFICIAL CHARGE AND WITHOUT EVER BEING PRESENTED TO A JUDICIAL OFFICER. HE WAS FINALLY RELEASED THIS YEAR ON A PETITION FOR WRIT OF HABEAS CORPUS. DURING HIS INCARCERATION HE SPENT AT LEAST SOME TIME IN THE MAJORITY OF THE COUNTRY'S PRISONS AND HIS CASE FINALLY CAME TO THE ATTENTION OF THE PUBLIC DEFENDER PROGRAM WHICH ULTIMATELY OBTAINED HIS RELEASE. AT THE TIME OF HIS RELEASE, THEN ATTORNEY GENERAL MARIANO GERMAN MEJIA LAUNCHED AN INVESTIGATION TO DETERMINE THE IDENTITIES OF OTHER PERSONS INCARCERATED WITHOUT OFFICIAL CHARGES OR CONVICTIONS, SAYING THAT THESE CASES REPRESENT THE LACK OF INSTITUTIONALISM OF THE JUDICIAL SYSTEM. OTHER OFFICIALS OPINED THAT THERE MAY BE HUNDREDS OF SUCH CASES IN THE PRISON SYSTEM.

UNCLASSIFIED

PAGE 03 SANTO 04297 06 OF 14 081549Z

THE LAW PROHIBITS FORCED EXILE. THE ON-GOING PROCESS OF OFFICIALLY TRANSPORTING DOMINICAN-BORN CHILDREN OF HAITIAN HERITAGE TO HAITI UNDER THE RUBRIC OF "REPATRIATION" (BECAUSE THEY LACK THE INDICIA OF NATIONALITY PREVIOUSLY DENIED THEM BY THE DOMINICAN GOVERNMENT) IS IN ESSENCE A PRACTICE OF FORCED EXILE.

E. DENIAL OF FAIR PUBLIC TRIAL

ALTHOUGH THE CONSTITUTION CALLS FOR AN INDEPENDENT JUDICIARY, INTERFERENCE FROM OTHER PUBLIC AND PRIVATE ENTITIES, INCLUDING THE EXECUTIVE BRANCH, HAS ON OCCASION ATTEMPTED TO UNDERMINE JUDICIAL INDEPENDENCE. IN AUGUST 1997, THE NATIONAL JUDICIARY COUNCIL CHOSE MEMBERS OF THE SUPREME COURT FOR THE FIRST TIME, 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 JUSTICES OF THE PEACE. THERE ARE ALSO SPECIALIZED COURTS THAT HANDLE ADMINISTRATIVE, LABOR, LAND, AND JUVENILE MATTERS. SPECIALIZED TRAFFIC COURTS ARE PLANNED BUT HAVE NOT YET BEEN ESTABLISHED FOR LACK OF FUNDING.

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 ORDERED THE PERPETRATORS TO BE DISHONORABLY DISCHARGED.

JUDGES, RATHER THAN JURIES, RENDER ALL VERDICTS. UNDER THE 1994 CONSTITUTIONAL AMENDMENTS, THE SUPREME COURT IS RESPONSIBLE FOR

UNCLASSIFIED

PAGE 04 SANTO 04297 06 OF 14 081549Z
NAMING ALL LOWER-COURT JUDGES IN ACCORDANCE WITH A JUDICIAL CAREER

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

LAW, WHICH ENTERED INTO FORCE IN AUGUST 1998. 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 DESIGNATED BY THEM, THE PRESIDENT OF THE SUPREME COURT AND ONE OTHER JUSTICE DESIGNATED BY THE SUPREME COURT.

FOLLOWING THE COMMISSION OF A CRIME, THE CRIMINAL PROCESS BEGINS WITH THE ARREST OF POSSIBLE SUSPECTS. DURING THE INVESTIGATIVE PHASE, SUSPECTS ARE REPEATEDLY QUESTIONED AND URGED TO CONFESS. TITLE II, SECTION I, ART. 8.2, ET SEQ., OF THE CONSTITUTION, SECURITY OF THE INDIVIDUAL, CREATES THE FOLLOWING: THE RIGHT NOT TO BE ARRESTED WITHOUT JUDICIAL WARRANT EXCEPT IN CASES OF FLAGRANTE DELICTO; THE RIGHT NOT TO BE DEPRIVED OF LIBERTY WITHOUT TRIAL OR LEGAL FORMALITIES, OR FOR REASONS OTHER THAN THOSE PROVIDED BY LAW; THE RIGHT TO BE PRESENTED TO A COMPETENT JUDICIAL AUTHORITY WITHIN 48 HOURS OF ONES DETENTION; THE RIGHT NOT TO BE A WITNESS AGAINST ONESELF; AND THE RIGHT TO A DEFENSE IN A IMPARTIAL AND PUBLIC TRIAL.

THE MOST SERIOUS AND COMMON VIOLATION OF THESE RIGHTS OCCURS WHEN

UNCLASSIFIED

UNCLASSIFIED PTQ3382

PAGE 01 SANTO 04297 07 OF 14 081550Z
ACTION DRL-02

INFO LOG-00 AID-00 AMAD-01 CIAE-00 INL-01 DODE-00 WHA-01
SRPP-00 EB-00 H-01 TEDE-00 INR-00 IO-00 LAB-01
L-00 ADS-00 DCP-01 NSAE-00 NSCE-00 OIC-02 OPIC-01
PRS-00 P-00 SP-00 IRM-00 STR-00 TRSE-00 USIE-00
PRM-01 G-00 NEAT-00 SAS-00 /012W

-----015B7C 081701Z /38

R 081547Z OCT 99
FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC 6061

UNCLAS SECTION 07 OF 14 SANTO DOMINGO 004297

DEPARTMENT FOR DRL/CRT, WHA/CA, WHA/CA/DR

NOFORN

E.O. 12958: N/A
TAGS: PHUM, KSEP, ELAB, DR
SUBJECT: COUNTRY HUMAN RIGHTS REPORT FOR THE DOMINICAN REPUBLIC,
1999

DECONTROLLED/UNCLASSIFIED

POLICE DETAIN SUSPECTS, SOMETIMES FOR MANY DAYS, WITHOUT GIVING THEM ACCESS TO A TELEPHONE CALL TO FAMILY WHILE SUBJECTING THEM TO FREQUENT QUESTIONING. ALTHOUGH THE ACCUSED IS ENTITLED TO HAVE AN ATTORNEY PRESENT, S/HE IS OFTEN NOT PERMITTED TO CALL ONE OR, IF ONE ARRIVES, THE ATTORNEY IS NOT PERMITTED TO BE PRESENT DURING THE QUESTIONING. POLICE COMPLAIN THAT THE PRESENCE OF ATTORNEYS INTERFERES WITH THEIR INVESTIGATIONS. UNDER THESE CIRCUMSTANCES,
UNCLASSIFIED

PAGE 02 SANTO 04297 07 OF 14 081550Z
MANY A SUSPECT MAY CONFESS TO ACTS HE DID NOT COMMIT MERELY TO GET RELIEF FROM THE INTENSE QUESTIONING AND THE DETENTION. THE FRUITS OF THESE INTERROGATIONS FREQUENTLY FORM THE ONLY EVIDENCE AT TRIAL. EVEN IF THE COURTS FOLLOW PROPER PROCEDURES FROM THAT POINT ON, THE TRIAL IS IRREDEMIABLY TAINTED BY THE VIOLATION OF RIGHTS DURING THE QUESTIONING AND CANNOT BE FAIR.

THE SUPREME COURT CONTINUED TO COMBAT JUDICIAL CORRUPTION AND INCOMPETENCE. IN A SERIES OF OPERATIONS, THE TRIAL COURT JUDGES IN THE NATIONAL DISTRICT, IN COOPERATION WITH OTHER SEGMENTS OF THE CRIMINAL JUSTICE SYSTEM, SUCCEEDED IN INCREASING THE NUMBER OF CASES RESOLVED SO THAT THEY FINALLY EXCEED, SLIGHTLY, THE NUMBER OF CASES TAKEN INTO THE SYSTEM. THE PROCESS OF ALTERNATE DISPUTE RESOLUTION WAS ASSISTED BY RECOURSE TO THE USE OF PRIVATE RECONCILIATION AND MEDIATION AS ALTERNATIVES TO TRIAL AND INCARCERATION. THERE REMAINS A BACKLOG OF 100,000 CRIMINAL CASES IN THE NATIONAL DISTRICT ALONE, 200,000 THROUGHOUT THE COUNTRY. WHILE THE SUPREME COURT'S PLAN FOR DECONGESTION OF THE COURT DOCKETS IS BEARING SOME FRUIT, IT HAS ALSO BEEN FRUSTRATED BY THE FAILURE OF THE GOVERNMENT TO ALLOCATE SUFFICIENT FUNDS. DOCKETS ARE CROWDED WITH TRAFFIC INFRACTIONS WHICH SHOULD BE HEARD IN THE TRAFFIC COURTS PROVIDED FOR BY STATUTE. DUE TO A LACK OF BUDGET, 25 ADDITIONAL COURTS IN THE NATIONAL DISTRICT AND ELSEWHERE HAVE NOT BEEN SET UP.

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
UNCLASSIFIED

PAGE 03 SANTO 04297 07 OF 14 081550Z
AT TITLE II, SECT. I, ART. 8.3, INVIOABILITY OF THE DOMICILE. 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.

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

THE LAW PERMITS THE ARREST OF A SUSPECT CAPTURED IN THE ACT OF COMMITTING A CRIME, AND POLICE MAY ENTER A RESIDENCE OR BUSINESS IN HOT PURSUIT. OTHERWISE JUDGES MUST AUTHORIZE ARRESTS AND ISSUE SEARCH WARRANTS. HOWEVER, THE PN AND OCCASIONALLY THE DNCD CONTINUE TO VIOLATE THESE REQUIREMENTS. SOME PROSECUTORS CONFESS THAT OUT OF "TACTICAL NECESSITY TO COMBAT CRIMINALITY" AND "WITH GREAT RELUCTANCE", THEY TOLERATE THE ILLEGAL SEARCH PRACTICES. THEY JUSTIFY THEIR ACTIONS BY ARGUING THAT THE GOVERNMENT HAS NOT PROVIDED SUFFICIENT RESOURCES OR ATTENTION TO CRIMINAL INVESTIGATION AND THAT, GIVEN THE CUMBERSOME AND ANTIQUATED CRIMINAL PROCEDURES, ADHERING TO THE LETTER OF THE LAW WOULD MAKE LAW ENFORCEMENT NEARLY IMPOSSIBLE. ON A SATURDAY IN EARLY AUGUST, THE POLICE EXECUTED A SERIES OF DAWN RAIDS ON MOTELS IN AND NEAR THE NATIONAL DISTRICT IN AN ATTEMPT TO LOCATE AND ARREST SUSPECTED CRIMINALS. PEOPLE, OF WHOM THERE WAS NO REASON TO SUSPECT ANY WRONGDOING, WERE AWOKEN BEFORE 6 A.M. AND MADE TO STAND OUTSIDE WHILE THEIR ROOMS WERE SEARCHED. HUMAN RIGHTS ADVOCATES COMPLAINED VIGOROUSLY OF THE INTERFERENCE WITH THE SECURITY OF DOMICILE GUARANTEED BY THE CONSTITUTION.

IN SEPTEMBER, POLICE AGENTS IN BARAHONA CARRIED OUT A NUMBER OF EARLY-MORNING BREAK-INS AT VARIOUS HOMES IN THE COMMUNITY IN SEARCH OF THE ORGANIZERS OF A STRIKE HELD THE PREVIOUS DAY DURING WHICH ONE PERSON WAS KILLED AND SEVERAL OTHERS WERE WOUNDED. VARIOUS PEOPLE WERE DETAINED AS A RESULT OF THE SEARCHES.

UNCLASSIFIED

PAGE 04 SANTO 04297 07 OF 14 081550Z

THE SECURITY FORCES CONTINUED TO DETAIN RELATIVES AND FRIENDS OF SUSPECTS TO TRY TO COMPEL SUSPECTS TO SURRENDER OR TO CONFESS. (SEE SECTION 1.D)

SECTION 2 RESPECT FOR CIVIL LIBERTIES, INCLUDING:

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. HOWEVER, SELF-CENSORSHIP IS PRACTICED, PARTICULARLY WHEN COVERAGE COULD ADVERSELY AFFECT THE ECONOMIC OR POLITICAL INTERESTS OF MEDIA OWNERS. THERE ARE ALSO INSTANCES OF GOVERNMENT PRESSURE ON MEDIA DIRECTORS NOT TO PUBLISH CERTAIN UNFAVORABLE ITEMS.

IN AN UNUSUAL CASE, POLICE IN LA ROMANA DETAINED A YOUNG MAN WHO HAD REPORTEDLY VIDEOTAPED THE LIVE ARREST OF A YOUNG MAN WHO

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED PTQ3385

PAGE 01 SANTO 04297 08 OF 14 081550Z
ACTION DRL-02

INFO LOG-00 AID-00 AMAD-01 CIAE-00 INL-01 DODE-00 WHA-01
SRPP-00 EB-00 H-01 TEDE-00 INR-00 IO-00 LAB-01
L-00 ADS-00 NSAE-00 NSCE-00 OIC-02 OPIC-01 PRS-00
P-00 SP-00 IRM-00 STR-00 TRSE-00 USIE-00 PRM-01
G-00 NFAT-00 SAS-00 /011W

-----015B90 081702Z /38

R 081547Z OCT 99
FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC 6062

UNCLAS SECTION 08 OF 14 SANTO DOMINGO 004297

DEPARTMENT FOR DRL/CRT, WHA/CA, WHA/CA/DR

NOFORN

E.O. 12958: N/A
TAGS: PHUM, KSEP, ELAB, DR
SUBJECT: COUNTRY HUMAN RIGHTS REPORT FOR THE DOMINICAN REPUBLIC,
1999

ARRIVED DEAD AT THE POLICE STATION. THE VIDEOTAPE WAS CONFISCATED.
NOT LONG THEREAFTER, THE POLICE REPORTED THAT THE TAPE HAD BEEN
ERASED, "BY MEMBERS OF THE PRESS WHO DID NOT WANT THE PUBLIC TO BE
CONFUSED." THE ERASURE OCCURRED, HOWEVER, WHILE THE TAPE WAS IN
POLICE CUSTODY.

IN AN APPARENT ATTEMPT TO SUPPRESS INFORMATION, THE POLICE ARRESTED
UNCLASSIFIED

PAGE 02 SANTO 04297 08 OF 14 081550Z
A JOURNALIST WHO HAD LISTED THE NUMEROUS EXTRAJUDICIAL KILLINGS AND
HELD HIM FOR QUESTIONING.
THE NUMEROUS PRIVATELY OWNED RADIO AND TELEVISION STATIONS
BROADCAST ALL POLITICAL POINTS OF VIEW. 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 MOSTLY PART-TIME STUDENTS, HAS FEW
RESTRICTIONS ON ENROLLMENT AND MAINTAINS A POLICY OF NON-
INTERVENTION (OTHER THAN ON CURRICULUM DEVELOPMENT) IN CLASSROOM

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

AFFAIRS. THE GOVERNMENT EXERTS NO CONTROL OVER PRIVATE UNIVERSITIES, EXCEPT FOR THE PRESERVATION OF STANDARDS, AND TEACHERS ARE FREE TO EXPOUSE 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. ON SEVERAL OCCASIONS THROUGHOUT THE YEAR, THE GOVERNMENT RESPONDED WITH FORCE TO DISPERSE DEMONSTRATORS FOR THE COMPLETION OF PUBLIC WORKS PROJECTS, AGAINST EVICTIONS, OR RELATED TO A STRIKE.

THE CONSTITUTION PROVIDES FOR FREEDOM OF ASSOCIATION, AND THE GOVERNMENT GENERALLY RESPECTS THIS RIGHT IN PRACTICE. POLITICAL PARTIES FREQUENTLY AFFILIATE WITH THEIR FOREIGN COUNTERPART ORGANIZATIONS. PROFESSIONAL ORGANIZATIONS OF LAWYERS, DOCTORS,
UNCLASSIFIED

PAGE 03 SANTO 04297 08 OF 14 081550Z
TEACHERS, AN OTHERS FUNCTION FREELY AND CAN MAINTAIN RELATIONSHIPS WITH COUNTERPART ORGANIZATIONS.

JUDICIAL BRANCH STATISTICS CONCERNING THE USE OF THE CRIMINAL CHARGE OF "ASSOCIATION WITH CRIMINAL ELEMENTS" SUGGEST IMPROVEMENT IN CONDITIONS FOR POLITICAL DISSENT UNDER THE FERNANDEZ ADMINISTRATION. THE CHARGE TRADITIONALLY WAS USED AGAINST DISSIDENTS AND THOSE INVOLVED IN STREET DEMONSTRATIONS AGAINST THE GOVERNMENT. FROM 1990 TO 1996, THIS CHARGE REPRESENTED 13 TO 16 PERCENT OF ALL CRIMINAL CHARGES FILED IN THE NATIONAL DISTRICT. IN 1997 AND 1998, THIS FIGURE DROPPED TO LESS THAN 2 PERCENT. HOWEVER, IT ROSE SLIGHTLY, TO 3 PERCENT, IN 1999.

C. FREEDOM OF RELIGION

THE CONSTITUTION PROHIBITS DISCRIMINATION ON RELIGIOUS GROUNDS, AND THE GOVERNMENT DOES NOT INTERFERE WITH THE PRACTICE OF RELIGION. HOWEVER, ATTENDANCE AT CATHOLIC MASS FOR MEMBERS OF THE NATIONAL POLICE IS COMPULSORY.

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.

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

IN AUGUST, EDUCATION AUTHORITIES WERE CALLED UPON TO INVESTIGATE THE REPORT THAT THE DIRECTORS OF PILAR CONSTANZO POLYTECHNIC SCHOOL, IN THE SECTOR OF VILLA DUARTE, NATIONAL DISTRICT, WERE DISCRIMINATING AGAINST STUDENTS AND TEACHERS WHO WERE NOT UNCLASSIFIED

PAGE 04 SANTO 04297 08 OF 14 081550Z
CATHOLICS. SOME TEN TEACHERS WERE LAID OFF BY THE PUBLICLY-CONTROLLED SCHOOL. THERE WERE ALSO COMPLAINTS THAT PROTESTANT STUDENTS WERE REFUSED ADMISSION, DESPITE EXCELLENT TEST SCORES AND GRADES. STUDENTS WHOSE PARENTS ARE JEHOVAH'S WITNESSES, SEVENTH DAY ADVENTISTS, MORMONS, AND OTHER FAITHS CONTRARY TO CATHOLICISM WERE ALLEGEDLY REFUSED ENTRY TO THE SCHOOL. THE CASE IS UNDER INVESTIGATION.

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

TITLE II, SECTION 4, ART. 8 OF THE CONSTITUTION PROVIDES FOR FREEDOM OF TRAVEL, EXCEPT FOR LIMITATIONS IMPOSED UNDER JUDICIAL SENTENCE, OR POLICE REGULATIONS FOR IMMIGRATION AND HEALTH REASONS. 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 WITHOUT LEGAL DOCUMENTS, IN SEARCH OF ECONOMIC OPPORTUNITY. THROUGHOUT THE YEAR, THE SECURITY FORCES, PARTICULARLY THE ARMY, DEPORTED UNDOCUMENTED HAITIAN NATIONALS

UNCLASSIFIED

UNCLASSIFIED PTQ3391

PAGE 01 SANTO 04297 09 OF 14 081551Z
ACTION DRL-02

INFO LOG-00 AID-00 AMAD-01 CIAE-00 INL-01 DODE-00 WHA-01
SRPP-00 EB-00 H-01 TEDE-00 INR-00 IO-00 LAB-01
L-00 ADS-00 DCP-01 NSAE-00 NSCE-00 OIC-02 OPIC-01
PRS-00 P-00 SP-00 STR-00 TRSE-00 USIE-00 PRM-01
G-00 MR-00 NFAT-00 SAS-00 /012W

-----015B9A 081703Z /38

R 081547Z OCT 99
FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC 6063

UNCLAS SECTION 09 OF 14 SANTO DOMINGO 004297

DEPARTMENT FOR DRL/CRT, WHA/CA, WHA/CA/DR

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

NOFORN

E.O. 12958: N/A

TAGS: PHUM, KSEP, ELAB, DR

SUBJECT: COUNTRY HUMAN RIGHTS REPORT FOR THE DOMINICAN REPUBLIC,
1999

BELIEVED TO BE IN THE COUNTRY ILLEGALLY. INTERNATIONAL OBSERVERS ESTIMATED THAT THE GOVERNMENT DEPORTED APPROXIMATELY 10,000 HAITIANS FROM THE SOUTHWESTERN PROVINCE OF BARAHONA ALONE. 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 DETAINED WITH LITTLE OR NO FOOD AND THEN DEPORTED WITHOUT TIMELY
UNCLASSIFIED

PAGE 02 SANTO 04297 09 OF 14 081551Z
NOTICE TO HAITIAN AUTHORITIES.

NGO REPRESENTATIVES 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 GOVERNMENT COOPERATES WITH THE UNHCR AND OTHER HUMANITARIAN ORGANIZATIONS IN ASSISTING REFUGEES. THE GOVERNMENT PROVIDES FIRST ASYLUM AND RESETTLEMENT.

IN 1999, CITING FEARS OF A MASSIVE INFLUX OF HAITIANS ACROSS THE SHARED BORDER, THE GOVERNMENT BACKED AWAY FROM ITS REFUGEE POLICY
UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

PAGE 03 SANTO 04297 09 OF 14 081551Z

WITH RESPECT TO HAITIANS, OPTING INSTEAD FOR A POLICY OF STRICTLY-ENFORCED DOCUMENTARY REQUIREMENTS AND REPATRIATION FOR THOSE FOUND LACKING. THIS POLICY HAS, IN PRACTICE, BEEN SOFTENED BY THE REALITY OF DEPENDENCE ON HAITIAN LABOR FOR CERTAIN AGRICULTURAL AND MOST CONSTRUCTION.

**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

THE DOMINICAN REPUBLIC IS A CONSTITUTIONAL DEMOCRACY, AND ITS CITIZENS LAST EXERCISED THIS RIGHT IN FREE AND FAIR CONGRESSIONAL ELECTIONS IN MAY 1998. 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; HOWEVER, 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.

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. PRESIDENT FERNANDEZ REDUCED THE RELIANCE ON RULE BY DECREE DURING THE FIRST 3 YEARS OF HIS ADMINISTRATION.

CONGRESS PROVIDES AN OPEN FORUM FOR THE FREE EXCHANGE OF VIEWS AND
UNCLASSIFIED

PAGE 04 SANTO 04297 09 OF 14 081551Z

DEBATE. THE MAIN OPPOSITION PARTY HOLDS 18 OF 30 SEATS IN THE UPPER HOUSE AND 57 OF 149 SEATS IN 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 SO LOW ON THE LISTS AS 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 BE REPRESENTED IN APPOINTED POSITIONS, ALBEIT TO A LIMITED DEGREE. TWO OF THE 15 CABINET SECRETARIES ARE WOMEN, BUT NONE OF THE 29 PROVINCIAL GOVERNORS ARE FEMALE. WOMEN FILL 5 OF THE 15 SEATS ON THE SUPREME COURT; THERE IS ONE VACANCY ON THE COURT.

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

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, THE NATIONAL HUMAN RIGHTS COMMISSION, AND THE

UNCLASSIFIED

UNCLASSIFIED PTQ3395

PAGE 01 SANTO 04297 10 OF 14 081551Z
ACTION DRL-02

INFO LOG-00 AID-00 AMAD-01 CIAE-00 INL-01 DODE-00 WHA-01
SRPP-00 EB-00 H-01 TEDE-00 INR-00 IO-00 LAB-01
L-00 ADS-00 NSAE-00 NSCE-00 OIC-02 OPIC-01 PRS-00
P-00 SP-00 STR-00 TRSE-00 USIE-00 PRM-01 G-00
NEAT-00 SAS-00 /011W

-----015BA7 081703Z /38

R 081547Z OCT 99
FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC 6064

UNCLAS SECTION 10 OF 14 SANTO DOMINGO 004297

DEPARTMENT FOR DRL/CRT, WHA/CA, WHA/CA/DR

NOFORN

E.O. 12958: N/A
TAGS: PHUM, KSEP, ELAB, DR
SUBJECT: COUNTRY HUMAN RIGHTS REPORT FOR THE DOMINICAN REPUBLIC,
1999

NONGOVERNMENTAL TRUTH COMMISSION (DEALING WITH THE NARCISO GONZALEZ CASE), SEVERAL HAITIAN, CHURCH, WOMEN'S, AND LABOR GROUPS EXIST. THERE IS NO OMBUDSMAN'S OFFICE.

THE GOVERNMENT RECOGNIZED THE JURISDICTION OF THE INTERAMERICAN COMMISSION ON HUMAN RIGHTS FOR THE FIRST TIME IN 1999.

UNCLASSIFIED

PAGE 02 SANTO 04297 10 OF 14 081551Z

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.

A. WOMEN

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. HOWEVER, BECAUSE THE LAW WAS PASSED RELATIVELY RECENTLY, ITS EFFECTIVENESS IN ENHANCING WOMEN'S LIVES COULD NOT YET BE DETERMINED. THE GOVERNMENT'S OFFICE OF WOMEN'S ISSUES ASSISTS WOMEN WITH OUTREACH PROGRAMS ON DOMESTIC VIOLENCE AND LEGAL RIGHTS. IN MAY 1998, THE GOVERNMENT OPENED A CENTER FOR THE FORENSIC EXAMINATION OF ABUSED WOMEN, WHICH HANDLED 10 TO 15 CASES A DAY, MOST OF THEM INVOLVING MINORS. HOWEVER, THERE STILL ARE NO SHELTERS FOR BATTERED WOMEN.

THE GOVERNMENT DOES NOT VIGOROUSLY ENFORCE PROSTITUTION LAWS EXCEPT IN CASES INVOLVING CHILD PROSTITUTION AND INTERNATIONAL TRAFFICKING. (SEE SECTION 5.B) SEX TOURISM IS A GROWING INDUSTRY THROUGHOUT THE 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 WOMEN AND CHILDREN TO WORK AS

UNCLASSIFIED

PAGE 03 SANTO 04297 10 OF 14 081551Z
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, AND THE GOVERNMENT HAS USED THE LAW TO PROSECUTE THIRD PARTIES WHO DERIVE PROFIT FROM 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 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

DECONTROLLED/UNCLASSIFIED

PART OF A REQUIRED MEDICAL EXAMINATION. UNION LEADERS AND HUMAN RIGHTS ADVOCATES REPORT THAT PREGNANT WOMEN OFTEN ARE NOT HIRED.

B. 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.

UNCLASSIFIED

PAGE 04 SANTO 04297 10 OF 14 081551Z
SEXUAL ABUSE IS PERHAPS THE MOST SERIOUS HUMAN RIGHTS VIOLATION AFFECTING CHILDREN. EITHER THE RATE OF CHILD RAPE IS STEADILY RISING OR THIS CRIME IS BEING REPORTED MORE. THE PN'S DEPARTMENT OF SEXUAL ABUSE RECEIVED 200 TO 300 REPORTS PER MONTH OF RAPES OF CHILDREN BETWEEN 4 AND 11 YEARS OF AGE. ONLY 30% EVER REACHED THE COURTS, WHILE THE FACTS OF OTHER CASES REMAINED HIDDEN BEHIND DOORS WITHIN FAMILIES. IN 50% OF THE CASES, THE RAPIST IS A PERSON CLOSE TO THE CHILD: A FATHER, GRANDFATHER, UNCLE, BROTHER, COUSIN OR CLOSE FAMILY FRIEND. THE CRIMINAL LAW PROVISION ON SEXUAL ABUSE AND INTRAFAMILY VIOLENCE HAS BEEN MODIFIED. THE LAW NOW PROVIDES A PENALTY OF 10 TO 20 YEARS INCARCERATION AND A FINE OF 100 TO 200 THOUSAND PESOS FOR PERSONS FOUND GUILTY OF SEXUAL ABUSE OF A MINOR.

TYPICAL CASES OF CHILD SEXUAL ABUSE ARE: THE 14 YEAR OLD GIRL RAPED IN THE HOME WHERE SHE WORKED AS A DOMESTIC IN SAN CRISTOBAL; THE TWO DAUGHTERS, AGES 13 AND 14 WHO WERE SEXUALLY ABUSED BY THEIR TRUCKDRIVER FATHER.

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. ACCORDING TO LOCAL MONITORS,

UNCLASSIFIED

UNCLASSIFIED PTQ3403

PAGE 01 SANTO 04297 11 OF 14 081552Z
ACTION DRL-02

INFO LOG-00 AID-00 AMAD-01 CIAE-00 INL-01 DODE-00 WHA-01
SRPP-00 EB-00 H-01 TEDE-00 INR-00 IO-00 LAB-01
L-00 ADS-00 NSAE-00 NSCE-00 OIC-02 OPIC-01 PRS-00
P-00 SP-00 IRM-00 STR-00 TRSE-00 USIE-00 PRM-01
G-00 NFAT-00 SAS-00 /011W

-----015BBF 081704Z /38

DECONTROLLED/UNCLASSIFIED

R 081547Z OCT 99
FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC 6065

UNCLAS SECTION 11 OF 14 SANTO DOMINGO 004297

DEPARTMENT FOR DRL/CRT, WHA/CA, WHA/CA/DR

NOFORN

E.O. 12958: N/A
TAGS: PHUM, KSEP, ELAB, DR
SUBJECT: COUNTRY HUMAN RIGHTS REPORT FOR THE DOMINICAN REPUBLIC,
1999

INSTANCES OF CHILD ABUSE WERE UNDER-REPORTED BECAUSE OF TRADITIONAL BELIEFS THAT FAMILY PROBLEMS SHOULD BE DEALT WITH INSIDE THE FAMILY. HOWEVER, CHILD ABUSE IS RECEIVING INCREASING PUBLIC ATTENTION. MIDYEAR REPORTS FROM THE MINISTRY OF HEALTH SHOWED THAT 26 TO 30% OF THE FEMALE ADOLESCENTS WERE PREGNANT OR HAD ALREADY BORNE CHILDREN. MANY OF THESE PREGNANCIES WERE REPORTED TO BE THE RESULT OF RAPE OR INCEST AND ARE OFTEN ACCOMPANIED BY SEXUALLY

UNCLASSIFIED

PAGE 02 SANTO 04297 11 OF 14 081552Z
TRANSMITTED DISEASES.

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. JOURNALISTS REPORTED THAT THE MAJORITY OF PROSTITUTES IN BROTHELS VISITED AROUND THE NATIONAL DISTRICT APPEARED TO BE BETWEEN 16 AND 18 YEARS OF AGE. THERE ARE NO SHELTERS PROVIDING REFUGE TO CHILDREN WHO BREAK FREE FROM THE PROSTITUTION TRADE. FOR UNDERAGE GIRLS, PROSTITUTION IS ONE OF THE FEW JOBS AVAILABLE IN THE INFORMAL ECONOMY.

IN MAY, THE PN DISMANTLED AN EXPATRIATE RING THAT SPECIALIZED IN THE PROSTITUTING MINORS IN ISRAEL AND USED FALSE DOCUMENTS TO ARRANGE THEIR TRANSPORTATION. THE RING WAS BROKEN AFTER THE FATHER OF ONE OF THE GIRLS TAKEN TO ISRAEL MADE A REPORT THAT HIS DAUGHTER HAD BEEN KIDNAPPED ALONG WITH TEN OTHER GIRLS. THERE WAS EVIDENCE THAT THE GIRL'S MOTHER AND UNCLE WERE INVOLVED IN THE SCHEME.

IN AUGUST, THE PROSECUTOR FOR THE NATIONAL DISTRICT RESCUED A 16-YEAR-OLD VILLA MELLA GIRL FROM A BROTHEL WHERE SHE HAD BEEN HELD AGAINST HER WILL FOR FIVE MONTHS AND OFFERED AS A SEXUAL ATTRACTION TO TOURISTS. THE AUTHORITIES WHO RESCUED THE GIRL FOUND EVIDENCE OF DRUG USE, AS WELL AS A LARGE NUMBER OF BEDBUGS AND RATS, AT THE

DECONTROLLED/UNCLASSIFIED

SITE. SIX PERSONS WERE ARRESTED IN CONNECTION WITH THE KIDNAPPING.

ANOTHER SERIOUS VIOLATION OF THE RIGHTS OF 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 JUVENILE DETENTION CENTERS.

UNCLASSIFIED

PAGE 03 SANTO 04297 11 OF 14 081552Z

IN 1997 THE GOVERNMENT BEGAN TO IMPLEMENT THE 1994 MINOR'S CODE, LAYING 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.

C. PEOPLE WITH DISABILITIES

DISABLED PERSONS ENCOUNTER DISCRIMINATION IN EMPLOYMENT AND IN 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 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 AND OTHER CHILDREN WITH SPECIAL NEEDS INTO THE PUBLIC SCHOOL SYSTEM. IN 1998 THE GOVERNMENT TOOK ITS FIRST STEPS TO IMPLEMENT THE PROJECT, INTEGRATING CHILDREN WITH SPECIAL NEEDS INTO FIVE PUBLIC SCHOOLS IN MARGINAL AREAS OF THE SANTO DOMINGO NATIONAL DISTRICT.

A PRIVATE ENTITY FOUNDED IN 1962, THE DOMINICAN REHABILITATION ASSOCIATION (ADR) HAS GROWN FROM A ONE-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

UNCLASSIFIED

PAGE 04 SANTO 04297 11 OF 14 081552Z
PERCENT OF THE ADR'S BUDGET.

D. NATIONAL/RACIAL/ETHNIC MINORITIES

A STRONG PREJUDICE AGAINST HAITIANS RUNS THROUGH SOCIETY, DISADVANTAGING MANY HAITIANS AND DOMINICANS OF HAITIAN ANCESTRY, AS WELL AS OTHER FOREIGNERS OF AFRICAN 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, IN 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

UNCLASSIFIED

UNCLASSIFIED PTQ3413

PAGE 01 SANTO 04297 12 OF 14 081552Z
ACTION DRL-02

INFO	LOG-00	AID-00	AMAD-01	CIAE-00	INL-01	DODE-00	WHA-01
	SRPP-00	EB-00	H-01	TEDE-00	INR-00	IO-00	LAB-01
	L-00	ADS-00	DCP-01	NSAE-00	NSCE-00	OIC-02	OPIC-01
	PRS-00	P-00	SP-00	IRM-00	STR-00	TRSE-00	USIE-00
	PRM-01	G-00	NFAT-00	SAS-00	/012W		

-----015BCF 081705Z /38

R 081547Z OCT 99
FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC 6066

UNCLAS SECTION 12 OF 14 SANTO DOMINGO 004297

DEPARTMENT FOR DRL/CRT, WHA/CA, WHA/CA/DR

NOFORN

E.O. 12958: N/A
TAGS: PHUM, KSEP, ELAB, DR
SUBJECT: COUNTRY HUMAN RIGHTS REPORT FOR THE DOMINICAN REPUBLIC,
1999

DILEMMA: SINCE MANY HAITIAN PARENTS HAVE NEVER POSSESSED 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
UNCLASSIFIED

PAGE 02 SANTO 04297 12 OF 14 081552Z
DECLARATIONS FOR CHILDREN OF DOMINICAN PARENTS.

LACK OF DOCUMENTATION OFTEN DEPRIVES CHILDREN OF HAITIAN DESCENT OF THE OPPORTUNITY TO ATTEND SCHOOL WHERE THERE IS ONE AVAILABLE. SOME PARENTS FAIL TO SEEK 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, WHEN IMMIGRANT PARENTS 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 HAS LARGELY ELIMINATED THE USE OF CHILDREN FOR CUTTING SUGAR CANE, POOR HAITIAN AND DOMINICAN PARENTS SOMETIMES ARRANGE FOR DOMINICAN FAMILIES TO "ADOPT" AND EMPLOY THEIR CHILDREN. THE ADOPTING PARENTS CAN SIMPLY REGISTER A CHILD OF ANY AGE AS THEIR OWN. (DOMINICAN LAW ACTUALLY PROVIDES FOR TWO DIFFERENT FORMS OF ADOPTION, ONE OF WHICH IS MORE AKIN TO FOSTER-PARENTING THAN TO TRUE ADOPTION.) IN EXCHANGE, THE PARENTS RECEIVE MONETARY PAYMENT OR A SUPPLY OF CLOTHES AND FOOD. THEY BELIEVE THAT THIS ENSURES THEIR CHILDREN A MORE PROMISING FUTURE. IN MANY CASES, ADOPTIVE PARENTS DO NOT TREAT THE ADOPTED AS FULL FAMILY MEMBERS. THE PARENTS RAISE THEM AND EXPECT THEM TO WORK IN THE HOUSEHOLDS OR FAMILY BUSINESSES RATHER THAN ATTEND SCHOOL. THE EFFECT IS A SPECIES OF BONDAGE, AT LEAST UNTIL THE YOUNG PERSON REACHES HIS MAJORITY. 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
UNCLASSIFIED

PAGE 03 SANTO 04297 12 OF 14 081552Z
IMMIGRANTS AND GENERALLY RELIES UPON RELIEF ORGANIZATIONS. A NUMBER OF NGO'S AND OTHER AGENCIES PROVIDE ASSISTANCE IN THE SHANTYTOWNS.

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. DECONTROLLED/UNCLASSIFIED

REQUIREMENTS FOR CALLING A STRIKE INCLUDE THE SUPPORT OF AN 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.

NURSES EXERCISED THE RIGHT TO STRIKE IN JULY. MEDICAL DOCTORS WORKING FOR HEALTH MAINTENANCE ORGANIZATIONS AND INSURANCE COMPANIES STRUCK IN AUGUST AND HAVE YET TO SETTLE. PROFESSORS OF THE AUTONOMOUS UNIVERSITY OF SANTO DOMINGO STRUCK IN AUGUST DELAYING THE OPENING OF CLASSES FOR MORE THAN A WEEK. PUBLIC SCHOOL TEACHERS STRUCK AT THE BEGINNING OF THE SCHOOL YEAR AS WELL.

UNCLASSIFIED

PAGE 04 SANTO 04297 12 OF 14 081552Z
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 HAS FACILITATED RECOGNITION OF LABOR ORGANIZATIONS READILY. 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

UNCLASSIFIED

UNCLASSIFIED PTQ3417

PAGE 01 SANTO 04297 13 OF 14 081552Z
ACTION DRL-02

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

INFO LOG-00 NP-00 AID-00 AMAD-01 CIAE-00 INL-01 DODE-00
WHA-01 SRPP-00 EB-00 H-01 TEDE-00 INR-00 IO-00
LAB-01 L-00 ADS-00 NSAE-00 NSCE-00 OIC-02 OPIC-01
PRS-00 P-00 SP-00 STR-00 TRSE-00 USIE-00 PRM-01
G-00 NFAT-00 SAS-00 /011W

-----015BD8 081705Z /38

R 081547Z OCT 99
FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC 6067

UNCLAS SECTION 13 OF 14 SANTO DOMINGO 004297

DEPARTMENT FOR DRL/CRT, WHA/CA, WHA/CA/DR

NOFORN

E.O. 12958: N/A
TAGS: PHUM, KSEP, ELAB, DR
SUBJECT: COUNTRY HUMAN RIGHTS REPORT FOR THE DOMINICAN REPUBLIC,
1999

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 UNION MEMBERSHIP OR ACTIVITIES.

THE LABOR CODE ESTABLISHES A SYSTEM OF LABOR COURTS FOR DEALING WITH DISPUTES. AFTER A RECENT OVERHAUL BY THE SUPREME COURT, THESE
UNCLASSIFIED

PAGE 02 SANTO 04297 13 OF 14 081552Z
COURTS HAVE PROVEN MORE EFFECTIVE AT ENFORCING THE LAW.

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

DECONTROLLED/UNCLASSIFIED

PRACTICES. POOR HAITIAN AND DOMINICAN PARENTS SOMETIMES ARRANGE FOR DOMINICAN FAMILIES TO "ADOPT" THEIR CHILDREN, IN EXCHANGE FOR MONEY OR GOODS. SUCH CHILDREN OFTEN ARE NOT TREATED AS FULL FAMILY MEMBERS AND ARE EXPECTED TO 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. UNION OFFICIALS 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
UNCLASSIFIED

PAGE 03 SANTO 04297 13 OF 14 081552Z
PLANTATIONS; 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 IN ESTABLISHMENTS 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, POOR HAITIAN AND DOMINICAN PARENTS SOMETIMES 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.

UNCLASSIFIED

PAGE 04 SANTO 04297 13 OF 14 081552Z

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) OUTSIDE THE FTZ'S DEPENDING UPON THE SIZE OF THE COMPANY AND THE NATURE OF THE BUSINESS. 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.

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 COMMONPLACE. THE CODE GRANTS WORKERS A 35 PERCENT DIFFERENTIAL FOR WORK TOTALING BETWEEN 44 HOURS TO 68 HOURS PER WEEK AND DOUBLE TIME FOR ANY HOURS ABOVE 68 HOURS PER WEEK.

UNCLASSIFIED

UNCLASSIFIED PTQ3421

PAGE 01 SANTO 04297 14 OF 14 081552Z
ACTION DRL-02

INFO	LOG-00	AID-00	AMAD-01	CIAE-00	INL-01	DODE-00	WHA-01
	SRPP-00	EB-00	H-01	TEDE-00	INR-00	IO-00	LAB-01
	L-00	ADS-00	NSAE-00	NSCE-00	OIC-02	OPIC-01	PRS-00
	P-00	SP-00	STR-00	TRSE-00	USIE-00	PRM-01	G-00
	NFAT-00	SAS-00	/011W				

-----015BDF 081706Z /38

R 081547Z OCT 99
FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC 6068

UNCLAS SECTION 14 OF 14 SANTO DOMINGO 004297

DEPARTMENT FOR DRL/CRT, WHA/CA, WHA/CA/DR

NOFORN

E.O. 12958: N/A
TAGS: PHUM, KSEP, ELAB, DR
SUBJECT: COUNTRY HUMAN RIGHTS REPORT FOR THE DOMINICAN REPUBLIC,
1999

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

UNCLASSIFIED

PAGE 02 SANTO 04297 14 OF 14 081552Z

THE NEWLY CUT CANE AT THE CONCLUSION OF THE WORKDAY, CAUSING WORKERS TO RECEIVE LOWER COMPENSATION BECAUSE 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 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, AND INFORMAL BARTER SYSTEM HAS EVOLVED IN WHICH THE TICKETS ALSO ARE USED TO PURCHASE ITEMS AT PRIVATE STORES LOCATED 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.

UNCLASSIFIED

PAGE 03 SANTO 04297 14 OF 14 081552Z
KADUNC

UNCLASSIFIED

<< END OF DOCUMENT >>