

PTQ6855

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ACTION DRL-09

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P 052033Z JAN 95  
FM AMEMBASSY SANTO DOMINGO  
TO SECSTATE WASHDC PRIORITY 2463

LIMITED OFFICIAL USE SECTION 01 OF 05 SANTO DOMINGO 000075

DEPT FOR DRL AND ARA/CAR

E.O. 12356: N/A

TAGS: PHUM, ELAB, KSPR, DR

SUBJECT: DOMINICAN REPUBLIC: REVISIONS FOR 1994 COUNTRY REPORT  
ON HUMAN RIGHTS PRACTICES

REF: A) 94 STATE 338293 B) 94 SANTO DOMINGO 8356  
C) 94 STATE 215437

1. LOU/NOFORN - ENTIRE TEXT.
2. THIS MESSAGE CONTAINS EMBASSY'S RESPONSES AND COMMENTS KEYED TO DEPARTMENT'S REVISION (REF A) OF THE 1994 DOMINICAN REPUBLIC COUNTRY REPORT ON HUMAN RIGHTS PRACTICES.

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3. PARA 5: IN THE THIRD SENTENCE, CHANGE "THE SENATE..." TO "THE PRESIDENT..." THE SENATE APPOINTS JUDGES AT LOWER LEVELS NOT THE SUPREME COURT JUSTICES. IN THE FOURTH SENTENCE CHANGE "FRAUD" TO "IRREGULARITIES" AND DELETE "LIKELY".

--COMMENT. WILY PRESIDENT BALAGUER MAY HAVE WELCOMED, PERHAPS EVEN ORCHESTRATED, THE EXTENSION TO TWO YEARS VERSUS 18 MONTHS, BUT HE DID NOT "RENEGE". THE LEGISLATURE WORKED OUT THE CONSTITUTIONAL REFORMS WHICH IN THE END BENEFITTED HIM WITH SIX MONTHS IN OFFICE MORE THAN HE HAD FIRST AGREED. THE NEW PENULTIMATE SENTENCE OF THE PARAGRAPH, SHOULD END WITH "...18 MONTHS." AND THE NEW LAST SENTENCE SHOULD READ: "HOWEVER, THE CONGRESS, CONTROLLED BY BALAGUER'S PARTY, SET THE NEXT PRESIDENTIAL ELECTIONS FOR MAY 1996, PROVIDING BALAGUER A TWO-YEAR TERM.

4. PARA 6: CHANGE "ACQUIESCENT" TO "ACQUIESCENCE."

5. PARA 8: DELETE FIRST SENTENCE. COMMENT. DOMINICANS EXERCISED THEIR RIGHT TO CHANGE THEIR GOVERNMENT PEACEFULLY IN THE MAY 1994 ELECTIONS. ALSO, DEPARTMENT IS AWARE, PRESIDENT BALAGUER WAS WELCOMED AT THE SUMMIT OF THE AMERICAS AS A DEMOCRATICALLY ELECTED PRESIDENT. THAT THE PRESIDENTIAL VOTE WAS MARRIED BY SUBSTANTIAL IRREGULARITIES IS INDISPUTABLE AND IT WAS IN THE PRESIDENTIAL CONTEST THAT THE WRONGDOINGS APPEARED TO BE FOCUSED. A NEW NATIONAL LEGISLATURE, HOWEVER, WAS ALSO ELECTED IN MAY AS WERE NUMEROUS LOCAL OFFICIALS. DOMINICANS FREELY PARTICIPATED IN THEIR ELECTION AS WELL AS THE PRESIDENT'S. IT WOULD THEREFORE ONLY BE CORRECT TO STATE THAT DOMINICANS WERE PREVENTED FROM CHANGING THE COUNTRY'S PRESIDENT.

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--EMBASSY IS PUZZLED BY DEPARTMENT'S INSERTION OF FINAL SENTENCE IN PARAGRAPH. THE PROBLEM OF VIOLENCE AGAINST WOMEN EXISTS IN THE D.R. IT IS DIFFICULT TO EVALUATE THE EXTENT OF THE PROBLEM BECAUSE OF THE LACK OF STATISTICS. AS NOTED IN THE TEXT OF THE DRAFT REPORT, AVAILABLE DATA DATES FROM 1992. DOES THE DEPARTMENT INTEND TO INSERT SIMILAR ASSERTIONS IN THE REPORTS OF ALL THE COUNTRIES OF THE HEMISPHERE WHERE SIMILAR CONDITIONS AND TRADITIONS SET THE CONTEXT? ALSO, THE DISTINCTION AS TO WHERE THE COERCION OF WOMEN INTO PROSTITUTION OCCURS SHOULD BE NOTED.

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DOMINICAN WOMEN ARE DUPED OR TRAVEL ABROAD UNDER FALSE PRETENSES AND ARE COERCED INTO PROSTITUTION WHILE LIVING IN OTHER COUNTRIES. IT IS PRINCIPALLY A FAILING OF THE AUTHORITIES IN THOSE COUNTRIES THAT THE PROBLEM OF COERCED PROSTITUTION IS NOT ADDRESSED.

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-- THE PARAGRAPH SHOULD READ AS FOLLOWS: "HUMAN RIGHTS PROBLEMS INCLUDED ELECTORAL DISENFRANCHISEMENT, CONTINUING INSTANCES OF POLICE KILLINGS OF CIVILIANS, ARBITRARY DETENTIONS (PARTICULARLY DURING THE TENSE POST-ELECTORAL PERIOD), BEATINGS OF SUSPECTS, SECURITY SERVICES' REFUSAL TO OBEY JUDICIAL ORDERS, JUDICIAL CORRUPTION, MALADMINISTRATION OF THE COURTS AND ABUSES AGAINST MIGRANT WORKERS. WORKERS IN THE STATE-OWNED SUGAR PLANTATIONS AND MILLS CONTINUED TO LABOR UNDER DEPLORABLE CONDITIONS. WORKERS IN THE COUNTRY'S EXPORT PROCESSING ZONES ACHIEVED SOME GAINS WITH THE SIGNING OF COLLECTIVE CONTRACTS AND OTHER AGREEMENTS. "

6. PARA 11: THE CASES MAY STILL BE UNDER INVESTIGATION. WE ARE, HOWEVER UNABLE TO CONFIRM THE STATUS.

7. PARA 12: IN MARCH, A POLICE LIEUTENANT WAS SENTENCED TO TWO YEARS IN PRISON FOR THE "VOLUNTARY HOMICIDE" OF AN INDIVIDUAL.  
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IN JULY, A POLICE CORPORAL WAS SENTENCED TO FIVE MONTHS IMPRISONMENT FOR THE "FATAL WOUNDING" OF ANOTHER PERSON. AT EMBASSY'S REQUEST, THE NATIONAL POLICE PROVIDED A COMPUTER PRINTOUT OF CASES HEARD BY, OR PENDING BEFORE, THE POLICE TRIBUNAL AS OF SEPTEMBER 6. THE LARGEST NUMBER OF CASES (39 PERCENT) INVOLVED "DELIBERATE BULLET WOUND," FOLLOWED BY "DEATHS" (15 PERCENT) AND "VIOLENCE AGAINST PERSONS" (13 PERCENT). THE LIST OF CASES HEARD BY THE POLICE TRIBUNALS PROVIDES SCANT INFORMATION AS TO WHEN THE OFFENSES OCCURRED. IN ONE INSTANCE, WHERE A POLICEMAN WAS SENTENCED TO FIVE YEARS IMPRISONMENT FOR "VIOLENCE AGAINST A LADY," THE DATE OF THE OFFENSE IS NOVEMBER 12, 1991. OTHERS SHOW DATES AS RECENT AS THE FALL OF 1993. OF THE 213 CASES PENDING, IN AT LEAST ONE CASE, THE OFFENSE DATES FROM APRIL 1992 WHILE THE MAJORITY APPEAR TO BE 1993 AND MORE RECENTLY.

8. PARA 13: IN THE SECOND SENTENCE, CHANGE "NEVER DETERMINED" TO "HAS BEEN UNABLE TO DETERMINE". IN THE FOLLOWING SENTENCE,

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CHANGE "MANY OF THE PROFESSOR'S ASSOCIATES..." TO "MANY DOMINICANS..." IT IS NOT JUST THE "PROFESSOR'S ASSOCIATES" WHO BELIEVE THAT THE GOVERNMENT ORDERED THE DISAPPEARANCE, THE

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FM AMEMBASSY SANTO DOMINGO  
TO SECSTATE WASHDC PRIORITY 2464

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DEPT FOR DRL AND ARA/CAR

E.O. 12356: N/A

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TAGS:PHUM, ELAB, KSPR, DR

SUBJECT: DOMINICAN REPUBLIC: REVISIONS FOR 1994 COUNTRY REPORT  
ON HUMAN RIGHTS PRACTICES

ALLEGED CULPABILITY OF THE GOVERNMENT HAS REACHED THE STATE OF CONVENTIONAL WISDOM. THE PERPETRATORS OF THE ACT COVERED THEIR TRACKS WELL. TO DATE, THERE IS NO EVIDENCE OF GOVERNMENT INVOLVEMENT. IN NOVEMBER, THE DOMINICAN HUMAN RIGHTS COMMISSION MET WITH THE THEN CHIEF OF THE NATIONAL POLICE WHO PROMISED THAT THE INVESTIGATION OF THE CASE WOULD CONTINUE. THE NEW POLICE CHIEF RECENTLY TOLD US THAT THE APPOINTMENT OF A GENERAL TO TAKE OVER THE INVESTIGATION, CURRENTLY IN THE HANDS OF A TRIUMVIRATE

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OF COLONELS, IS UNDER CONSIDERATION. THEY DO NOT WISH, HOWEVER,  
TO MAKE THIS PUBLIC.

9. PARA 14: DELETE "HOWEVER," AND "ONLY" FROM LAST SENTENCE.
10. PARA 16: RE "SPECIAL CIRCUMSTANCES". THE SPECIAL CIRCUMSTANCES RELATE USUALLY TO THE NEED TO GATHER ADDITIONAL EVIDENCE, THE POSSIBILITY THAT A SUSPECT MIGHT FLEE, OR IF A SUSPECT IS CONSIDERED DANGEROUS. AS NOTED IN THE TEXT, IN PRACTICE, MANY PERSONS ARE ROUTINELY HELD FOR MORE THAN 48 HOURS. THE LAST SENTENCE IN THE PARAGRAPH IS INACCURATE. FOLLOWING A RIOT IN THE CAPITAL'S LA VICTORIA PRISON IN NOVEMBER, THE NATIONAL DISTRICT ATTORNEY GENERAL SOUGHT THE RELEASE OF HUNDREDS OF PERSONS DETAINED DESPITE HAVING ORDERS "FROM COMPETENT JUDICIAL AUTHORITIES" FOR THEIR RELEASE (SEE ALSO PARA 22). AT THE TIME, THE AG ALSO FOUND THAT PRISON AUTHORITIES WERE HOLDING DOZENS OF YOUNG PEOPLE FOR "CAPRICIOUS" REASONS AND SOUGHT THEIR RELEASE AS WELL. ADDITIONALLY, THE AG PROPOSED THE BEGINNING OF TRIALS ON SATURDAYS AT THE PRISON TO ALLEVIATE THE PROBLEM OF PERSONS HELD OVER WEEKENDS. THE PROPOSAL WAS NOT PURSUED AFTER THE SUPREME COURT OPINED THAT THE PRISON WAS NOT AN APPROPRIATE, CONSTITUTIONAL VENUE.
11. PARA 18: FROM THE FIRST SENTENCE, DELETE "AND AGAIN IN JULY". ALSO, DELETE LAST SENTENCE. THE ORIGINAL SOURCE OF THIS INFORMATION HAS NOT BEEN ABLE TO VERIFY IT AND WE HAVE NOT BEEN ABLE TO VERIFY FROM OTHER SOURCES WHETHER THIS NUMBER IS CORRECT. THE POLICE TELL US THAT NONE OF THOSE PERSONS HELD DURING THE

POST-ELECTORAL PERIOD REMAIN IN CUSTODY. THERE IS, HOWEVER, THE  
CASE OF ONE PERSON (A JOURNALIST) WHO WAS TRIED IN MILITARY COURT  
FOR ALLEGEDLY SEEKING TO BUY ARMS FROM A MEMBER OF THE ARMED  
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FORCES. HUMAN RIGHTS GROUPS PROTESTED THAT THE SENTENCE THE  
INDIVIDUAL RECEIVED (20 YEARS) WAS EXCESSIVE FOR THE OFFENSE.

12. PARA 20: IN THE FIRST SENTENCE, CHANGE "COMPLETELY  
UNDERMINES" TO "SUBSTANTIALLY UNDERMINES". DELETE  
"LACKADAISICAL" FROM SEVENTH SENTENCE. THE COMPOSITION OF THE  
NATIONAL JUDICIAL COUNCIL IS STIPULATED IN AUGUST'S  
CONSTITUTIONAL AMENDMENTS. THE COUNCIL IS TO BE HEADED BY THE  
PRESIDENT OF THE REPUBLIC AND INCLUDES THE PRESIDENTS OF THE  
SENATE, SUPREME COURT AND HOUSE OF DEPUTIES AS WELL AS ANOTHER  
FROM EACH OF THOSE THREE BODIES.

13. PARA 22: DELETE SECOND SENTENCE. IN REFERENCE TO THE FIRST  
CLAUSE SEE PARA TEN ABOVE. AS TO THE SECOND CLAUSE, IT IS  
APPARENT, THAT BY LETTING THOSE PERSONS DETAINED ILLEGALLY REMAIN  
IN CUSTODY, THE GOVERNMENT IS ADDRESSING THE "STATED CONCERNS OF  
THE OFFICIALS WHO VIOLATE THE RELEASE ORDERS."

14. PARA 23: NO, BAIL IS A PROVISION WHICH ALLOWS SOME ACCUSED  
TO NOT BE HELD WHILE THE CASE IS PENDING. IT IS ABUSED BY  
PERSONS WHO USE IT AS A PAYOFF.

15. PARA 26: NUMEROUS INDIVIDUALS MADE THESE ALLEGATIONS. YES,  
WE THINK THEY ARE VALID.

16. PARA 28: IN THE FIRST SENTENCE, PLACE A PERIOD AFTER  
SPEECH" AND DELETE "...BUT THERE IS CLEAR DISCRIMINATION ...  
BROADCASTS." ALSO, IN THE SECOND SENTENCE, PLACE A PERIOD AFTER  
"VIEW" AND DELETE THOSE OF CREOLE SPEAKERS. THE 1971 LAW WHICH  
GOVERNS RADIO BROADCASTING PROHIBITS ALL/ALL FOREIGN LANGUAGE  
BROADCASTS. NONETHELESS, THERE WERE CREOLE-LANGUAGE BROADCASTS  
IN THE D.R. IN 1994 SUCH AS THOSE EMANATING FROM RADIO JIMANI.

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17. PARA 29: YES, "PROMINENT PERSONS" INCLUDES GOVERNMENT OFFICIALS. THE CONSEQUENCES COULD RANGE FROM LOSS OF FRIENDSHIP TO LOSS OF LIVELIHOOD. TO OUR KNOWLEDGE, THERE HAVE BEEN NO EXPLICIT THREATS FROM THE GOVERNMENT OR FROM OTHER SOURCES, BUT WE KNOW OF CASES WHERE JOURNALISTS HAVE BEEN INTIMIDATED WITH THE POSSIBILITY OF LOSING THEIR JOBS. IN MAY, AFTER THE ELECTIONS, THE FOREIGN MINISTRY ISSUED A NOTE WARNING JOURNALISTS THAT THE AUTHORITIES WOULD TAKE ACTION ACCORDINGLY IF ANY INDIVIDUAL VIOLATED DOMINICAN NATIONAL SECURITY. SOME SEE THE DISAPPEARANCE OF NARCISO GONZALEZ, WHO IN ADDITION TO BEING A PROFESSOR WAS A WRITER, AS A WARNING TO THOSE WHO WOULD OVERSTEP THE UNCODIFIED BOUNDS OF FREEDOM OF EXPRESSION IN THE D.R.

18. PARA 31: DELETE "WITH THE EXCEPTION OF THE GONZALEZ CASE". THE CASE IS NOT ONE RELATED TO ACADEMIC FREEDOM. THE PROFESSOR, WELL-KNOWN FOR LEFTIST VIEWS, EXPRESSED STRONG ANTI-GOVERNMENT AND ANTI-BALAGUER VIEWS IN A MANNER UNRELATED TO HIS ACADEMIC POSITION. THE ARTICLE WHICH MANY CONSIDER THE PRIMARY REASON FOR HIS DISAPPEARANCE APPEARED IN A MINOR LEFTIST PUBLICATION.

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	SP-00	SR-00	SS-00	STR-01	TRSE-00	USIE-00	PRME-01
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FM AMEMBASSY SANTO DOMINGO

TO SECSTATE WASHDC PRIORITY 2465

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DEPT FOR DRL AND ARA/CAR

E.O. 12356: N/A

TAGS:PHUM, ELAB, KSPR, DR

SUBJECT: DOMINICAN REPUBLIC: REVISIONS FOR 1994 COUNTRY REPORT  
ON HUMAN RIGHTS PRACTICES

19. PARA 32: DELETE "ROUTINELY" FROM SECOND SENTENCE.

20. PARA 36: END LAST SENTENCE WITH THE WORD "PLANTATIONS".  
THE CLAUSE WHICH FOLLOWS ("ILLUSTRATED...") IS GRATUITOUS.21. PARA 37: THE LCHR CRITIQUE OFFERS INFORMATION ABOUT  
PRACTICES REGARDING THE HAITIANS AND THE UNHCR IN 1993. THE  
EMBASSY HAS NO SIMILAR INFORMATION (SUCH AS THE SAFE HOUSE  
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INCIDENT MENTIONED ON PAGE 84 OF THE LCHR CRITIQUE) FOR 1994. TO  
THE CONTRARY, AND AS NOTED IN OUR ORIGINAL DRAFT, IN 1994 THE  
GODR FACILITATED THE MOVEMENT OF HUNDREDS OF HAITIANS GRANTED  
REFUGEE STATUS BY THE USG. ALSO, THE GODR ALLOWED NUMEROUS  
CHINESE WHO HAD ENTERED THE COUNTRY ILLEGALLY TO PESENT THEIR  
CASES TO THE UNHCR.

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22. PARA 38: THE FIRST SENTENCE OF THE PARAGRAPH IS INCORRECT. CITIZENS HAVE THE RIGHT TO CHANGE THEIR GOVERNMENT PEACEFULLY (REF C, PARA 38) AND, AS WE NOTED IN OUR ORIGINAL SUBMISSION, "THE DOMINICAN PEOPLE VOTED IN RECORD NUMBERS IN THE MAY 16 NATIONAL ELECTIONS." THEY WERE NOT/NOT "DENIED THE ABILITY TO EXERCISE THIS RIGHT." ALSO, IN THE SECOND SENTENCE, IT WAS NOT THE INTERNATIONAL OBSERVERS WHO IDENTIFIED THE INSTANCES OF DOUBLE VOTING AND VOTING BY INELIGIBLE PERSONS, IT WAS THE VERIFICATION COMMISSION WITH INFORMATION PROVIDED BY THE POLITICAL PARTIES. THE CENTRAL ELECTORAL BOARD WAS NAMED BY THE PRINCIPAL POLITICAL PARTIES AND CONTROLLED BY MEMBERS OF BALAGUER'S PARTY.

23. PARA 39: THE LAST SENTENCE IS INCORRECT. THE MOVE BY CONGRESS TO CHANGE THE TERM OF OFFICE FROM 18 MONTHS TO TWO YEARS OCCURRED IN AUGUST FOLLOWING THE SIGNING OF THE PACT FOR DEMOCRACY. PENA GOMEZ WAS NOT HOSPITALIZED UNTIL OCTOBER. PLACE A PERIOD AFTER "DECISION". THE NEW LAST SENTENCE SHOULD READ: "HOWEVER, THE CONGRESS, CONTROLLED BY BALAGUER'S PARTY, SET THE NEXT PRESIDENTIAL ELECTIONS FOR MAY 1996, PROVIDING BALAGUER A TWO-YEAR TERM. IN THE SECOND SENTENCE, AFTER "...GOMEZ" INSERT "THE THIRD-RANKING PLD AND REPRESENTATIVES OF CIVIL SOCIETY" AND AFTER "1995" INSERT "AS WELL AS A PROHIBITION ON PRESIDENTIAL RE-ELECTION."

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24. PARA 40: CITIZENS AGE 18.

25. PARA 41: DELETE "TINY" IN THE FOURTH SENTENCE. FOUR SENATE RACES AND EIGHT DEPUTY RACES WERE CLOSE ENOUGH THAT THEY MAY HAVE BEEN AFFECTED BY THE ELECTION IRREGULARITIES.

26. PARA 46: EMBASSY IS UNABLE TO DETERMINE "THE CURRENT EXTENT OF VIOLENCE AGAINST WOMEN" IN THE D.R. OTHER THAN AS STATED IN THE FIRST SENTENCE OF THE PARAGRAPH. ACCORDING TO ONE INFORMAL GROUP INTERESTED IN CHANGING THE PENAL CODE, SEVEN THOUSAND RAPES OCCUR ANNUALLY BUT ONLY 1500 ARE REPORTED TO THE POLICE. THE STUDY CITED IN REF B HAS NOT BEEN DUPLICATED NOR HAS THERE BEEN FOLLOWUP ON SIMILAR DATA TO OUR KNOWLEDGE. SPOUSAL ABUSE PER SE IS NOT A CRIME. IT IS SELDOM, IF NOT RARELY, REPORTED. AS IS

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THE CASE NUMEROUS OTHER COUNTRIES, ONE WOULD NOT LIKELY ERR IN PRESUMING THAT THE POLICE AND THE COURTS, IF A CASE EVER REACHES THAT POINT, TREAT THE CASES WITH LESS THAN FULL FORCE.

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27. PARA 47: RESTORE ORIGINAL LANGUAGE (REF B) "AN UNDETERMINED NUMBER OF DOMINICAN WOMEN...". THOUGH IT EXISTS, PROSTITUTION IS ILLEGAL IN THE DOMINICAN REPUBLIC. THE GOVERNMENT, OF COURSE, DOES NOT DILIGENTLY ENFORCE THE LAW BUT SOCIETY IN GENERAL VIEWS THE "PROFESSION" WITH SCORN. THERE IS NO EVIDENCE OF GOVERNMENT COMPLICITY IN THE TRAFFICKING OF WOMEN. THE GOVERNMENT IS IN PART ADDRESSING THE PROBLEM THROUGH AGGRESSIVE ANTI-ALIEN SMUGGLING EFFORTS. THE GODR WAS VERY COOPERATIVE ON THE CASE OF CHINESE ALIENS WHO WERE BEING SMUGGLED INTO THE U.S.

--ALSO, AS WRITTEN IN THE REVISION, THE INITIAL SENTENCE OF THE PARAGRAPH WOULD LEAD A READER TO CONCLUDE THAT IT IS WOMEN WHO  
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ARE PROSTITUTES IN COUNTRY WHO ARE THEN EXPLOITED INTERNATIONALLY. TO THE CONTRARY, THE WOMEN VICTIMS OF THE INTERNATIONAL RINGS ARE OFTEN YOUNG, UNEDUCATED PERSONS WHO ARE DUPED AND SENT ABROAD UNDER FALSE PRETENSES. ALSO, DELETE SECOND SENTENCE. WHILE ONE FINDS DOMINICAN WOMEN WORKING AS PROSTITUTES IN HAITI, THEY ARE PERHAPS NO MORE COMMON THERE THAN IN NEW YORK CITY, ROME OR THE NETHERLANDS.

-- THE PROSECUTIONS ARE ON DOCUMENTATION FRAUD PRINCIPALLY BECAUSE AUTHORITIES CONSIDER IT THE CRIME BEING COMMITTED AT THE TIME OF APPREHENSION. THIS ALSO EASES PROSECUTION SINCE THERE IS PHYSICAL EVIDENCE.

28. PARA 49: IT IS NOW LAW, BUT FOR A PERIOD INSUFFICIENT TO JUDGE ITS EFFECTIVENESS.

29. PARA 53: THE LCHR IS CORRECT IN ITS CRITIQUE OF THE LABOR CODE. THIS IS A SERIOUS PROBLEM WHICH THE LABOR MINISTRY BEGAN TO ADDRESS IN PART THROUGH THE MORE PROFESSIONAL RECRUITMENT OF LABOR LAWYERS. THE PROCESS IS, HOWEVER, IN THE EARLY STAGES.

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ACTION DRL-09

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	SP-00	SR-00	SS-00	STR-01	TRSE-00	USIE-00	PRME-01
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FM AMEMBASSY SANTO DOMINGO  
TO SECSTATE WASHDC PRIORITY 2466

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DEPT FOR DRL AND ARA/CAR

E.O. 12356: N/A  
TAGS: PHUM, ELAB, KSPR, DR  
SUBJECT: DOMINICAN REPUBLIC: REVISIONS FOR 1994 COUNTRY REPORT  
ON HUMAN RIGHTS PRACTICES

30. PARA 56: PLACE A PERIOD AFTER "...DISPUTES" AND ADD "THE  
COURTS HAVE BEEN INADEQUATE ENFORCEMENT MECHANISMS. LABOR

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JUDGES, FOR EXAMPLE, OFTEN DO NOT APPLY SANCTIONS WHEN THE LABOR MINISTER BRINGS A CASE AND VIOLATIONS AGAINST FREEDOM OF ASSOCIATION, MINIMUM WAGE AND OVERTIME PAY CONTINUE."

31. PARA 57: THE THIRD SENTENCE IS INCORRECT. THE CEA IS RESISTANT TO ANY AND ALL ADDITIONAL UNION ORGANIZING ACTIVITY.  
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ORGANIZERS HAVE BEEN SUBJECTED TO HOSTILITY, AT TIMES PHYSICAL. UNFORTUNATELY, WE DO NOT HAVE SPECIFIC DOCUMENTATION OF INCIDENTS WHICH MAY HAVE OCCURRED IN 1994.

-- LABOR/MANAGEMENT RELATIONS, AS ARE WORKING CONDITIONS, ONLY AT LA ROMANA ARE EXEMPLARY. THE CONDITIONS AT THE COUNTRY'S OTHER PRIVATE SUGAR MILL FALL IN BETWEEN, BUT EMBASSY DOES NOT HAVE SUFFICIENT INFORMATION TO CORRECTLY DESCRIBE THE CONDITIONS THERE.

32. PARA 58: DELETE "ONLY" IN SECOND SENTENCE OF PARAGRAPH. EMBASSY IS UNABLE AT THIS TIME TO DETERMINE WHAT IS THE STATUS OF THE OTHER CASES WHICH THE LABOR MINISTRY HAS BROUGHT AGAINST EPZ FIRMS. "IN APRIL, THE GOVERNMENT INVOKED LAW 8-90 AND LIFTED THE EXPORT LICENSE OF A KOREAN FIRM IN THE EPZ FOR VIOLATIONS OF THE LABOR CODE. THE ACTION RESULTED IN THE SIGNING OF THE FIRST COLLECTIVE BARGAINING AGREEMENT IN THE HISTORY OF THE EPZS."

33. PARA 59: THE AFL-CIO DROPPED ITS GSP PETITION AGAINST THE D.R. IN OCTOBER. THE ORGANIZATION CITED "THE SIGNING OF TWO COLLECTIVE CONTRACTS AND SEVERAL ADDITIONAL AGREEMENTS WITH FREE ZONE COMPANIES" AS REASONS FOR ITS ACTION. THE "EXTENSIVE VIOLATIONS" INVOLVE THE FIRING OF WORKERS WHO ATTEMPT TO ORGANIZE UNIONS AND THE FAILURE OF FIRMS TO REINSTATE WORKERS WHOSE LABOR ACTIVITIES ARE PROTECTED UNDER THE LABOR CODE.

34. PARA 60: THE PROBLEM OF FORCED RECRUITMENT HAS BEEN DECLINING AS MORE OF SUGAR INDUSTRY LABOR BECOMES LESS MIGRATORY. AS THIS YEAR'S HARVEST IN THE SOUTHERN HALF OF THE COUNTRY BEGAN, LABOR SECRETARY ALBUQUERQUE ESTIMATED THAT BETWEEN 20 TO 30 PERCENT OF THE WORKERS WOULD BE MIGRANTS. IN PREVIOUS YEARS, THE  
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FIGURE HAD BEEN HIGHER. ACCORDING TO THE DOMINICAN HUMAN RIGHTS COMMITTEE (CDH), APPROXIMATELY 500 HAITIANS FROM THE PART OF HAITI DEVASTATED BY A TROPICAL STORM IN THE FALL WERE CONTRACTED UNDER FALSE PRETENSES TO WORK AT THE RIO HAINA SUGAR MILL WHICH WAS THE FIRST OF THE STATE PLANTATIONS TO BEGIN THE HARVEST THIS YEAR. TECHNICALLY, THE CEA DOES NOT PAY RECRUITERS INSIDE HAITI TO OBTAIN WORKERS. THE RECRUITMENT OF LABORERS HAS BEEN "PRIVATIZED" AND THE ORGANIZATION TURNS A BLIND EYE TO THE ORIGIN OF THE WORKERS.

35. PARA 61: UNFORTUNATELY, JUST AS FARM WORK IS CYCLICAL SO ARE THE HUMAN RIGHTS PROBLEMS ASSOCIATED WITH IT IN THE D.R. IN ADDITION, THE SUGAR INDUSTRY IS AT BEST STAGNANT, SO THE NUMBER OF LABORERS, I.E., THE 30,000 CANE CUTTERS, DOES NOT CHANGE MUCH. WE HAVE LOOKED INTO THE SITUATION AND THE PROBLEMS NONETHELESS OCCUR.

36. PARA 62: IN THE FIRST SENTENCE, REPLACE "BUT THE RESTRICTIONS...PAST." WITH "BUT THERE WERE FEWER REPORTED INSTANCES THAN IN THE PAST."

--THE POINT OF THE PERMITS IS TO REGULARIZE THE LABOR BETWEEN THE D.R. AND HAITI. IN 1994, THE LABOR MINISTRY JOINED IN THE PROCESS. THE LABOR SECRETARY (PROTECT) EXPRESSED DOUBTS ABOUT THE PROCESS IN DECEMBER IN A CONVERSATION WITH POLOFF. HE POINTED OUT THAT THE LANGUAGE BARRIER AND ILLITERACY OF THE MAJORITY OF THE HAITIANS CONTRACTED MADE THE PROCESS ALMOST PERFUNCTORY. ALSO, HE SAID, MANY DO NOT HAVE THE SLIGHTEST UNDERSTANDING OF WHERE IT IS THEY ARE GOING TO BE WORKING. THE PERMITS ARE INTENDED TO RELIEVE THE FREEDOM OF MOVEMENT PROBLEM BY EFFECTING A CONTRACTUAL OBLIGATION FOR THE WORKER TO REMAIN IN

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A SPECIFIC AREA FOR THE DURATION OF THE WORK CONTRACT. THE PROGRAM DOES NOT RESULT IN GREATER MOBILITY. WORKERS ARE NEEDED

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IN SPECIFIC LOCATIONS AND THEIR SUPERVISORS EXPECT THEM TO WORK THERE. THE PERMITS CAN RESULT IN LESS ABUSE THAN WHEN WORKERS WERE UNDOCUMENTED BECAUSE A WORKER IS THEREBY CONSIDERED TO BE IN THE COUNTRY LEGALLY, BUT INSUFFICIENT EVIDENCE IS AVAILABLE TO US TO MAKE A DEFINITIVE STATEMENT AT THIS.

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--IN OUR VIEW, THE LCHR CONCLUSION THAT WORK ON CEA PLANTATIONS AMOUNTS TO INDENTURED SERVITUDE AS WELL AS THE ICFTU'S FINDINGS ARE CORRECT. IT IS IMPORTANT TO NOTE, HOWEVER, THAT IT IS NOT/NOT ONLY THE HAITIAN WORKERS WHO LIVE AND TOIL UNDER THOSE CONDITIONS. ALL WORKERS EMPLOYED THERE, REGARDLESS OF ETHNIC OR NATIONAL ORIGIN, SUFFER.

Q

37. PARA 64: IN THE FIRST SENTENCE, DELETE "CHILDREN REMAIN AT RISK OF EXPLOITATION SINCE" AND AFTER "...ENFORCE" INSERT "AND MANY EMPLOYERS IGNORE".

38. PARA 68: NO, WORKERS CANNOT REMOVE THEMSELVES FROM DANGEROUS WORKPLACE SITUATIONS WITHOUT JEOPARDY TO CONTINUED

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EB-01 H-01 TEDE-00 INR-00 IO-16 LAB-01 L-01  
ADS-00 NSAE-00 NSCE-00 OIC-02 PA-01 PRS-01 P-01  
SP-00 SR-00 SS-00 STR-01 TRSE-00 USIE-00 PRME-01  
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DEPT FOR DRL AND ARA/CAR

E.O. 12356: N/A  
TAGS:PHUM, ELAB, KSPR, DR  
SUBJECT: DOMINICAN REPUBLIC: REVISIONS FOR 1994 COUNTRY REPORT  
ON HUMAN RIGHTS PRACTICES

EMPLOYMENT.

39. PARA 69: IN THE FOURTH SENTENCE, CHANGE "CANE CUTTERS" TO  
"FIELD WORKERS" SINCE ALL WORKERS WHO LIVE IN THE BATEY BARRACKS  
ARE STILL PAYED IN VOUCHERS. IN THE FINAL SENTENCE, DELETE  
"HAITIAN". THE CONDITIONS IN THE CEA VILLAGES (BATEYS) ARE  
DEPLORABLE AND MORE THAN HAITIANS LIVE IN THEM.  
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