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DRAFTED BY: ARA/CAR: DCSUMMERS

APPROVED BY: ARA/CAR: RAMILLSPAUGH

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SUBJECT: HUMAN RIGHTS REPORT ON THE DOMINICAN REPUBLIC

1. LOU/NOFORN--ENTIRE TEXT.
2. THE FINAL EDITED VERSION (V-3) OF THE 1994 REPORT ON HUMAN RIGHTS PRACTICES FOR THE DOMINICAN REPUBLIC IS TRANSMITTED HERewith FOR A FINAL REVIEW TO CHECK FOR SIGNIFICANT FACTUAL OR OTHER ERRORS, BUT NOT, REPEAT NOT, TO RENEGOTIATE THE TEXT OR ADD NEW INFORMATION UNLESS IT IS ABSOLUTELY ESSENTIAL AND SUCCINCT. ANY POST COMMENTS
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SHOULD BE KEYED TO THE NUMBERED PARAGRAPHS IN THIS CABLE. PLEASE RESPOND WITHIN 24 HOURS IN ORDER TO HELP THE DEPARTMENT MEET THE DEADLINE FOR COMPLETING ALL 193 REPORTS.

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3. POST SHOULD KEEP IN MIND THAT ALL DRAFTS INCLUDING THIS ONE MUST BE TREATED AS LIMITED OFFICIAL USE/NOFORN. WHEN THE FINAL REPORT IS OFFICIALLY RELEASED TO THE PUBLIC, YOU WILL BE SENT AN UNCLASSIFIED VERSION, AND THAT IS THE ONLY VERSION WHICH MAY BE RELEASED.

4. BEGIN TEXT OF REPORT:

5. THE CONSTITUTION OF THE DOMINICAN REPUBLIC PROVIDES FOR A POPULARLY ELECTED PRESIDENT AND A BICAMERAL CONGRESS. IN PRACTICE, THE SYSTEM HEAVILY FAVORS THE EXECUTIVE BRANCH, HEADED BY SEVEN-TERM PRESIDENT JOAQUIN BALAGUER. THE PRESIDENT APPOINTS JUSTICES TO THE SUPREME COURT, WHICH HEADS AN ONLY NOMINALLY INDEPENDENT JUDICIARY. INTERNATIONAL OBSERVERS FOUND SIGNIFICANT IRREGULARITIES IN THE MAY ELECTIONS, INCLUDING THE DISFRANCHISEMENT OF TENS OF THOUSANDS OF VOTERS. DESPITE AN INCONCLUSIVE INVESTIGATION OF FRAUD CHARGES, THE CENTRAL ELECTORAL BOARD DECLARED INCUMBENT PRESIDENT BALAGUER THE WINNER. AFTER LENGTHY NEGOTIATIONS BETWEEN THE PARTIES AND THE CANDIDATES, IT WAS AGREED THAT PRESIDENT BALAGUER WOULD SERVE A REDUCED TERM OF 18 MONTHS. HOWEVER, THE CONGRESS, CONTROLLED BY BALAGUER'S PARTY, SET THE NEXT PRESIDENTIAL ELECTIONS FOR MAY 1996, PROVIDING HIM A 2-YEAR TERM INSTEAD OF THE NORMAL 4 YEARS.

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6. 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 SERVICES. THE GOVERNMENT CONTROLS ALL THE SECURITY SERVICES, WHICH ARE GENERALLY RESPONSIVE TO CIVILIAN EXECUTIVE BRANCH AUTHORITY. HOWEVER, SOME MEMBERS OF THE SECURITY FORCES CONTINUED TO COMMIT HUMAN RIGHTS ABUSES, WITH THE TACIT ACQUIESCENCE OF THE CIVIL AUTHORITIES.

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7. ONCE HEAVILY DEPENDENT ON SUGAR, THE ECONOMY HAS GROWN MORE DIVERSE; TOURISM AND EXPORT PROCESSING ZONES ARE NOW MAJOR SOURCES OF INCOME AND EMPLOYMENT. STATE-OWNED FIRMS SUCH AS THE STATE SUGAR COUNCIL, THE CONSORTIUM OF STATE ENTERPRISES, AND THE DOMINICAN ELECTRICITY CORPORATION CONTINUE TO BE HEAVILY INVOLVED IN THE ECONOMY, AND THE FINANCIAL AND ADMINISTRATIVE DIFFICULTIES OF THESE FIRMS STILL IMPEDE ECONOMIC GROWTH.

8. HUMAN RIGHTS PROBLEMS INCLUDED ELECTORAL DISFRANCHISEMENT, CONTINUING INSTANCES OF POLICE KILLINGS OF CIVILIANS, ARBITRARY DETENTIONS (PARTICULARLY DURING THE TENSE POST-ELECTORAL PERIOD), BEATING 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. PROSTITUTION AND DOMESTIC VIOLENCE ARE ALSO LIMITED OFFICIAL USE

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SERIOUS PROBLEMS.

RESPECT FOR HUMAN RIGHTS

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

A. POLITICAL AND OTHER EXTRAJUDICIAL KILLING

9. THERE WERE NO REPORTS OF POLITICAL KILLINGS.

10. POLICE AND MILITARY PERSONNEL CARRIED OUT EXTRAJUDICIAL KILLINGS WHICH RESULTED IN THE DEATH OF AT LEAST HALF A DOZEN CIVILIANS. SOME KILLINGS OCCURRED AS A RESULT OF PERSONAL DISPUTES BUT OTHERS CLEARLY WERE THE RESULT OF EXCESSIVE FORCE WHILE IN CUSTODY. IN JULY THE AUTHORITIES CHARGED A POLICE LIEUTENANT COLONEL AND THREE LIEUTENANTS WITH KILLING FOUR PERSONS ARRESTED FOR

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ROBBERY. IN SEPTEMBER THE COLONEL ALLEGEDLY BRIBED THE CIVILIAN JUDGE TO GAIN HIS FREEDOM AND FLED THE COUNTRY.

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11. MILITARY COURTS TRY MILITARY PERSONNEL CHARGED WITH EXTRAJUDICIAL KILLINGS. POLICE PERSONNEL ACCUSED OF SUCH KILLINGS ARE SUBJECT TO DISMISSAL FROM THE POLICE FORCE, AND CAN BE REMANDED TO CIVILIAN COURTS FOR TRIAL. POLICE TRIBUNALS HAVE ON OCCASION TRIED, CONVICTED, AND SENTENCED PERSONNEL CHARGED WITH EXTRAJUDICIAL KILLINGS. IN MARCH A POLICE TRIBUNAL SENTENCED A LIEUTENANT TO 2 YEARS IN PRISON FOR THE "VOLUNTARY HOMICIDE OF AN INDIVIDUAL." IN JULY A TRIBUNAL SENTENCED A POLICE CORPORAL TO 5 MONTHS' IMPRISONMENT FOR THE "FATAL LIMITED OFFICIAL USE

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WOUNDING" OF ANOTHER PERSON. OF THE OVER 200 CASES PENDING IN THE POLICE TRIBUNAL AT YEAR'S END, 39 PERCENT INVOLVED "DELIBERATE BULLET WOUND", 15 PERCENT INVOLVED DEATH, AND 13 PERCENT WERE LISTED AS "VIOLENCE AGAINST PERSONS."

B. DISAPPEARANCE

12. IN MAY A PROFESSOR AT THE AUTONOMOUS UNIVERSITY OF SANTO DOMINGO, NARCISO GONZALEZ, DISAPPEARED. POLICE INVESTIGATORS VERIFIED THE PROFESSOR'S LAST KNOWN WHEREABOUTS ON MAY 26, AND PURSUED NUMEROUS UNFRUITFUL LEADS BUT NEVER DETERMINED WHAT HAPPENED TO HIM. MANY DOMINICANS, INCLUDING THE PROFESSOR'S CLOSE ASSOCIATES, BELIEVE THAT THE GOVERNMENT ORDERED THE PROFESSOR'S DISAPPEARANCE BECAUSE OF HIS ACCUSATIONS AGAINST MEMBERS OF THE GOVERNMENT, INCLUDING PRESIDENT BALAGUER, IN LECTURES AND IN A MAGAZINE ARTICLE PUBLISHED NEAR THE TIME OF HIS DISAPPEARANCE. THE CASE REMAINED UNRESOLVED AT YEAR'S END.

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

13. ALTHOUGH TORTURE AND OTHER FORMS OF PHYSICAL ABUSE ARE ILLEGAL, SECURITY SERVICE PERSONNEL CONTINUED TO ABUSE DETAINEES. THE AUTHORITIES USUALLY ORDER LITTLE OR

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NO PUNISHMENT FOR PERPETRATORS OF SUCH ABUSE. ALTHOUGH PUNISHMENT MAY RANGE UP TO 5 YEARS' INCARCERATION FOR SERIOUS CASES OF ABUSE, AS A RULE THE COURTS HAVE GIVEN CONVICTED OFFICIALS SENTENCES RANGING FROM A 1-MONTH LIMITED OFFICIAL USE

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SUSPENSION TO 6 MONTHS IN JAIL. IN SEPTEMBER A POLICE APPEALS TRIBUNAL UPHELD THE CONVICTION OF A LIEUTENANT COLONEL FOUND GUILTY OF HEADING A TORTURE RING IN POLICE HEADQUARTERS. THE COURT SENTENCED THE OFFICER TO 2 YEARS' IMPRISONMENT.

14. PRISONS ARE OVERCROWDED, AND HEALTH AND SANITARY CONDITIONS ARE SUBSTANDARD. SOME PRISON PERSONNEL REPORTEDLY ENGAGE IN EXTORTION AND OTHER CORRUPT ACTIVITIES, AND MOST PRISONERS FIND IT NECESSARY TO RELY ON RELATIVES OR THEIR OWN FINANCES IN ORDER TO OBTAIN SUFFICIENT FOOD. MEDICAL CARE SUFFERS FROM A LACK OF SUPPLIES. IN SOME INSTANCES, MINORS HAVE BEEN INCARCERATED IN ADULT PRISONS (SEE SECTION 5).

D. ARBITRARY ARREST, DETENTION, OR EXILE

15. THE CONSTITUTION STIPULATES THAT THE AUTHORITIES MAY DETAIN SUSPECTS FOR A MAXIMUM OF 48 HOURS FOR INVESTIGATION BEFORE ARRAIGNMENT, AFTER WHICH THEY MUST CHARGE OR RELEASE THEM. HOWEVER, IN SPECIAL CIRCUMSTANCES, THE AUTHORITIES MAY DETAIN SUSPECTS FOR LONGER PERIODS WITH THE APPROVAL OF THE PROSECUTOR'S OFFICE. SECURITY SERVICES ROUTINELY VIOLATED CONSTITUTIONAL PROVISIONS BY DETAINING WITNESSES AS WELL AS SUSPECTS FOR "INVESTIGATION" OR "INTERROGATION" BEYOND THE PRESCRIBED 48-HOUR LIMIT. CIVIL AUTHORITIES' EFFORTS TO ADDRESS THESE WIDESPREAD ABUSES HAVE NOT YET PRODUCED ANY RESULTS.

16. MILITARY OFFICERS OCCASIONALLY VIOLATED LEGAL LIMITED OFFICIAL USE

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PROVISIONS AGAINST MILITARY DETENTION OF CIVILIANS. THE
DNCND AND NATIONAL POLICE CONTINUED TO ENGAGE IN
INDISCRIMINATE ROUNDUPS OF PEOPLE IN POORER
NEIGHBORHOODS. IN SEPTEMBER, FOR EXAMPLE, POLICE
DETAINED MORE THAN 200 PERSONS IN ONE ROUNDUP IN THE
COUNTRY'S CAPITAL. THEY RELEASED MOST DETAINEES AFTER
SEVERAL HOURS IN CUSTODY. THE SECURITY SERVICES ALSO
OCCASIONALLY DETAIN RELATIVES OF SUSPECTED CRIMINALS WITH
THE AIM OF COERCING SUSPECTS TO SURRENDER. CIVIL
AUTHORITIES HAVE TAKEN NO ACTION TO CURB THESE WIDESPREAD
ABUSES.

17. THE AUTHORITIES DETAINED HUNDREDS OF PERSONS, AMONG
THEM SUPPORTERS OF THE LEADING OPPOSITION PARTY, MEMBERS
OF OTHER ANTIGOVERNMENT GROUPS, AND JOURNALISTS, IN THE
PERIOD FOLLOWING THE MAY ELECTIONS. IN SOME CASES, THEY
CARRIED OUT THESE DETENTIONS OSTENSIBLY TO FOIL POSSIBLE
VIOLENT DEMONSTRATIONS. VARIOUS ORGANIZATIONS HAD CALLED
FOR STRIKES AND DEMONSTRATIONS TO DEMAND ANNULMENT OF THE
MAY ELECTIONS AND TO CALL FOR NEW ELECTIONS. THEY ALSO
ASKED THAT THE AUTHORITIES PRODUCE MISSING UNIVERSITY
PROFESSOR GONZALEZ (SEE SECTION I.B.).

18. WHILE THE LAW DOES NOT PROHIBIT EXILE, THERE ARE NO
KNOWN CURRENT CASES OF DOMINICAN CITIZENS IN FORCED EXILE.

E. DENIAL OF FAIR PUBLIC TRIAL

19. ALTHOUGH THE CONSTITUTION STIPULATES AN INDEPENDENT
JUDICIARY, IN PRACTICE INTERFERENCE FROM PUBLIC AND
PRIVATE ENTITIES, INCLUDING THE EXECUTIVE BRANCH,
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SUBSTANTIALLY UNDERMINES JUDICIAL INDEPENDENCE. THE
PRESIDENT APPOINTS JUSTICES TO THE SUPREME COURT, AND THE
SENATE APPOINTS JUSTICES TO THE APPELLATE COURT AND
COURTS OF THE FIRST INSTANCE. THEIR TERMS OF OFFICE

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CORRESPOND ROUGHLY TO THOSE OF THE PRESIDENT AND OTHER ELECTED OFFICIALS. A NEWLY ELECTED SENATE CAN EITHER REPLACE THE JUDGES OR RECONFIRM THEM, AND MAY REMOVE OR TRANSFER THEM BY A MAJORITY VOTE. SENATORS CUSTOMARILY NOMINATE JUDGES ON POLITICAL GROUNDS RATHER THAN FOR THEIR COMPETENCE AS JURISTS. A NUMBER OF CORRUPT AND INCOMPETENT PROSECUTORS AND JUDGES ALSO UNDERMINE THE SYSTEM. FURTHERMORE, THE JUDICIAL AUTHORITIES ARE INEFFECTUAL IN THE ADMINISTRATIVE SUPERVISION OF JUDGES AND PROSECUTORS. A 1994 CONSTITUTIONAL REFORM FREED THE JUDICIARY'S BUDGET FROM LEGISLATIVE CONTROL AND CREATED A NATIONAL JUDICIAL COUNCIL WHICH IS TO BEGIN NAMING JUDGES IN 1996.

20. THE CONSTITUTION PROVIDES FOR PUBLIC TRIAL. STATUTES PROVIDE FOR PUBLIC DEFENDERS IN ALL CRIMINAL CASES, BUT THE NUMBER EMPLOYED IS INSUFFICIENT. THE COURTS NORMALLY APPOINT LAWYERS OR LAW STUDENTS AT PUBLIC EXPENSE TO DEFEND INDIGENTS IN FELONY CRIMINAL CASES, BUT ONLY AS AVAILABLE IN MISDEMEANOR CASES. CHRONIC DELAYS PLAGUED THE JUDICIAL PROCESS; OF THE PENAL SYSTEM'S APPROXIMATELY 11,000 DETAINEES, THE COURTS HAVE TRIED AND CONVICTED ONLY ABOUT 10 PERCENT. ALTHOUGH THE RIGHT TO JUDICIAL DETERMINATION OF THE LEGALITY OF DETENTION EXISTS, PRETRIAL DETENTION IS LEGAL AND COMMONLY EMPLOYED. THIS CUSTOM, COUPLED WITH A LACK OF ADMINISTRATIVE AND FINANCIAL SUPPORT FOR THE SYSTEM,
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CREATES A MAJOR BACKLOG OF CASES, WHICH IN TURN CAUSES SUSPECTS TO SUFFER LONG PERIODS OF PRETRIAL DETENTION THAT SOMETIMES EXCEED POSSIBLE CRIMINAL PENALTIES.

21. MORE THAN 250 PERSONS, AMONG THEM MORE THAN 50 PERSONS WITHOUT OFFICIAL CHARGES AGAINST THEM, REMAINED INCARCERATED IN SANTO DOMINGO'S LA VICTORIA PRISON DESPITE HAVING JUDICIAL ORDERS FOR THEIR RELEASE, ACCORDING TO A GROUP OF HUMAN RIGHTS MONITORS. THESE PRISONERS HAVE BEEN IN CUSTODY FOR PERIODS RANGING FROM 1 MONTH TO MORE THAN 5 YEARS. MINORS CONSTITUTE MORE THAN HALF THE GROUP. THE ATTORNEY GENERAL CALLED FOR THE RELEASE OF THESE PRISONERS. HOWEVER, THE NATIONAL POLICE

AND THE DNCD PERSISTED IN THEIR REFUSALS TO RELEASE SOME PRISONERS AND DETAINEES WHO HAD BEEN GRANTED JUDICIAL RELEASE ORDERS, ALLEGING JUDICIAL CORRUPTION AND THE SERIOUSNESS OF THE ALLEGED CRIMES AS JUSTIFICATION FOR THIS NONCOMPLIANCE. NO HIGHER AUTHORITY HAS TAKEN ACTION TO FORCE THE PRISON AUTHORITIES TO COMPLY WITH THE RELEASE ORDERS.

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22. THE JUDICIAL SYSTEM PROVIDES FOR BAIL. HOWEVER, CASES IN WHICH BAIL IS POSTED RARELY COME TO TRIAL, CIRCUMVENTING THE INTENDED PURPOSE OF BAIL.

23. MILITARY OR POLICE COURTS HAVE JURISDICTION OVER MEMBERS OF THE ARMED FORCES AND POLICE, BUT A MILITARY OR POLICE BOARD FREQUENTLY REMANDS CASES TO CIVILIAN COURTS AFTER REVIEW.

24. THERE IS NO EVIDENCE THAT THE GOVERNMENT HOLDS LIMITED OFFICIAL USE

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POLITICAL PRISONERS.

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

25. THE GOVERNMENT DOES NOT ARBITRARILY INTERFERE WITH THE PRIVATE LIVES OF PERSONS OR FAMILIES AND GENERALLY OBSERVES CONSTITUTIONAL PROVISIONS AGAINST INVASION OF THE HOME. THE AUTHORITIES MAY NOT SEARCH A RESIDENCE EXCEPT IN THE PRESENCE OF A PROSECUTOR OR AN ASSISTANT PROSECUTOR, IN INSTANCES OF "HOT PURSUIT," OR WHEN THERE IS PROBABLE CAUSE TO BELIEVE THAT A CRIME IS IN PROGRESS. DURING THE 1994 ELECTORAL CAMPAIGN AND THE POST-ELECTORAL CRISIS, THERE WERE NUMEROUS CREDIBLE ALLEGATIONS OF WIDESCALE INTERCEPTION OF TELEPHONE CONVERSATIONS AND SURVEILLANCE OF INDIVIDUALS WHICH MAY HAVE INVOLVED THE GOVERNMENT AS WELL AS POLITICAL PARTIES. IN ADDITION, OPPOSITION POLITICIANS CHARGED THAT GOVERNMENT RAIDS ON THEIR HOMES, OSTENSIBLY TO SEARCH FOR FIREARMS, WERE POLITICALLY MOTIVATED. THEY ALSO CHARGED THAT THE SECURITY SERVICE OFFICIALS WHO ROUNDED UP MANY OF THE DETAINEES MENTIONED IN SECTION

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1.D. EMPLOYED ILLEGAL RAIDS ON THEIR HOMES TO CAPTURE THEM.

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SECTION 2 RESPECT FOR CIVIL LIBERTIES, INCLUDING:

A. FREEDOM OF SPEECH AND PRESS

26. THE LAW PROVIDES FOR THESE FREEDOMS AND THE GOVERNMENT GENERALLY RESPECTED THEM IN PRACTICE.
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HOWEVER, THERE WERE INSTANCES IN WHICH THE AUTHORITIES ABUSED THESE RIGHTS.

27. DOMINICANS OF MOST POLITICAL PERSUASIONS EXERCISE FREEDOM OF SPEECH, BUT THE 1971 LAW PROHIBITING FOREIGN LANGUAGE BROADCASTS EFFECTIVELY TARGETS CREOLE SPEAKERS. THE NUMEROUS PRIVATELY OWNED RADIO AND TELEVISION STATIONS BROADCAST ALL POLITICAL POINTS OF VIEW.

28. THE GOVERNMENT CONTROLS ONE TELEVISION STATION BUT NO MAJOR NEWSPAPERS. NEWSPAPERS FREELY REFLECT INDEPENDENT AND OPPOSITION POINTS OF VIEW. ALTHOUGH JOURNALISTS OPERATE IN A RELATIVELY TOLERANT ENVIRONMENT, THEY PRACTICE A CERTAIN AMOUNT OF SELF-CENSORSHIP FOR FEAR OF RETALIATION RANGING FROM LOSS OF INFLUENCE TO LOSS OF A JOB. SOON AFTER THE MAY ELECTIONS, THE FOREIGN MINISTRY ISSUED A NOTE WARNING THE AUTHORITIES WOULD TAKE ACTION ACCORDINGLY AGAINST JOURNALISTS DEEMED TO HAVE VIOLATED NATIONAL SECURITY. ECONOMIC CONSIDERATIONS ALSO INHIBIT FREE EXPRESSION, AS POWERFUL ECONOMIC CONSORTIUMS OR WEALTHY, INFLUENTIAL FAMILIES OWN ALL THE PRINCIPAL MEDIA OUTLETS. SOME JOURNALISTS SOLICIT, OR ARE RESPONSIVE TO, BRIBES IN ORDER TO GENERATE REPORTS.

29. IN JULY THE EXECUTIVE COMMITTEE OF THE COLLEGE OF DOMINICAN JOURNALISTS DENOUNCED POLICE INFRINGEMENT OF ACTIVITIES BY JOURNALISTS DURING THE POSTELECTORAL PERIOD. DURING THE ENSUING MONTHS, THE AUTHORITIES TEMPORARILY JAILED A NUMBER OF JOURNALISTS, BEAT SOME, AND DAMAGED THEIR EQUIPMENT.

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30. PUBLIC AND PRIVATE UNIVERSITIES ENJOY BROAD ACADEMIC FREEDOM. THE GOVERNMENT EXERTS NO CONTROL OVER PRIVATE UNIVERSITIES EXCEPT FOR THE PRESERVATION OF STANDARDS, AND TEACHERS APPEAR TO BE FREE TO VOICE THEIR OWN THEORIES WITHOUT GOVERNMENT OVERSIGHT.

B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

31. THE CONSTITUTION PROVIDES FOR THESE FREEDOMS, WHICH THE GOVERNMENT GENERALLY RESPECTS IN PRACTICE. THE GOVERNMENT REQUIRES PERMITS FOR OUTDOOR PUBLIC MARCHES AND MEETINGS, AND THE AUTHORITIES USUALLY GRANTED THEM. HOWEVER, IN THE POSTELECTORAL PERIOD, THE AUTHORITIES PREEMPTED ANTIGOVERNMENT DEMONSTRATIONS BY ILLEGALLY DETAINING ORGANIZERS.

32. POLITICAL PARTIES FREELY AFFILIATE WITH THEIR FOREIGN COUNTERPART ORGANIZATIONS. PROFESSIONAL ORGANIZATIONS OF LAWYERS, DOCTORS, TEACHERS, AND OTHERS FUNCTION FREELY AND CAN MAINTAIN RELATIONS WITH COUNTERPART INTERNATIONAL BODIES OF DIVERSE POLITICAL PHILOSOPHIES.

C. FREEDOM OF RELIGION

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

D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY,
FOREIGN TRAVEL, EMIGRATION, AND REPATRIATION
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34. CITIZENS FACE NO UNUSUAL LEGAL RESTRICTIONS ON TRAVEL WITHIN OR OUTSIDE THE COUNTRY.

35. IN 1994 THE AUTHORITIES FORCIBLY REPATRIATED BETWEEN SEVERAL HUNDRED TO A FEW THOUSAND HAITIANS BELIEVED TO BE IN THE COUNTRY ILLEGALLY, ACCORDING TO VARIOUS SOURCES. SOME OF THESE WERE LEGAL RESIDENT HAITIANS AND PERSONS OF HAITIAN ANCESTRY WHO MAY HAVE CLAIMS TO DOMINICAN CITIZENSHIP. THE AUTHORITIES DID NOT ALLOW THE HAITIANS OPPORTUNITY TO ESTABLISH THEIR POSSIBLE CLAIMS TO LEGAL RESIDENCE. ALTHOUGH SOMEWHAT DIMINISHED IN COMPARISON WITH EARLIER YEARS (SEE SECTION 6.C.), THERE WAS CONTINUED FORCED RECRUITMENT AND DETENTION OF HAITIANS TO WORK ON SUGAR PLANTATIONS.

36. SINCE THE 1991 COUP IN HAITI, THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR) ACCORDED REFUGEE STATUS TO 1,341 HAITIANS WHO FLED TO THE DOMINICAN REPUBLIC. ALTHOUGH THE GOVERNMENT BEGAN PROCESSING PETITIONS FOR DOMINICAN RECOGNITION OF THE REFUGEE STATUS OF THE HAITIAN UNHCR WARDS IN 1991, ONLY 10 PERCENT HAVE BEEN GRANTED SUCH STATUS THUS FAR.

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

37. CITIZENS HAVE THE CONSTITUTIONAL RIGHT TO CHANGE THEIR GOVERNMENT IN FREE AND FAIR ELECTIONS, BUT THERE WERE ALLEGATIONS OF A LEVEL OF FRAUD IN THE NATIONAL ELECTIONS WHICH EFFECTIVELY INFRINGED THIS RIGHT.

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ALTHOUGH PEOPLE VOTED IN RECORD NUMBERS IN THE MAY 16 ELECTIONS, INTERNATIONAL OBSERVERS IDENTIFIED SIGNIFICANT IRREGULARITIES, INCLUDING THE DISFRANCHISEMENT OF TENS OF THOUSANDS OF VOTERS (PRIMARILY SUPPORTERS OF THE LEADING OPPOSITION PARTY), EVIDENCE OF DOUBLE VOTING, AND VOTING BY INELIGIBLE PERSONS. AN INVESTIGATION COMMISSION APPOINTED BY THE CENTRAL ELECTORAL BOARD (AN INDEPENDENT BODY APPOINTED BY THE SENATE WITH THE APPROVAL OF THE

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MAJOR PARTIES) LARGELY CONFIRMED THE IRREGULARITIES, NOTING THAT THEY PLACED IN DISPUTE A NUMBER OF VOTES POTENTIALLY LARGER THAN THE MARGIN OF VICTORY. DESPITE THE IRREGULARITIES, THE CENTRAL ELECTORAL BOARD DECLARED INCUMBENT PRESIDENT JOAQUIN BALAGUER THE WINNER BY 22,000 VOTES.

38. THE DOMINICAN REVOLUTIONARY PARTY (PRD), LED BY PRESIDENTIAL CANDIDATE JOSE FRANCISCO PENA GOMEZ, STRONGLY RESISTED THIS DECISION, CONSIDERING IT AN ATTEMPT TO STEAL THE ELECTION. FACED WITH AN EXPLOSIVE POLITICAL CRISIS, PRESIDENT BALAGUER NEGOTIATED A POLITICAL AGREEMENT WITH PENA GOMEZ, LEADERS OF THE NEXT LARGEST PARTY, THE DOMINICAN LIBERATION PARTY (PLD), AND OTHER POLITICAL FIGURES. THE AGREEMENT INCLUDED SEVERAL CONSTITUTIONAL REFORMS, MOST NOTABLY SHORTENING BALAGUER'S NEW TERM TO 18 MONTHS (MEANING ELECTIONS IN NOVEMBER 1995) AS WELL AS PROHIBITION OF PRESIDENTIAL REELECTION. IN ACCORDANCE WITH THIS PACT, CONGRESS RATIFIED THE CENTRAL ELECTORAL BOARD'S DECISION. HOWEVER, THE CONGRESS, CONTROLLED BY BALAGUER'S PARTY, SET THE NEXT PRESIDENTIAL ELECTIONS FOR MAY 1996, PROVIDING BALAGUER A 2-YEAR TERM. AFTER BOYCOTTING THE LIMITED OFFICIAL USE

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NEW CONGRESS FOR A MONTH IN PROTEST, THE OPPOSITION PRD LEGISLATORS TOOK THEIR SEATS BASED ON A PROMISE OF FUTURE CONSTITUTIONAL NEGOTIATIONS.

39. THE CONSTITUTION CALLS FOR THE PRESIDENT AND ALL 150 MEMBERS OF THE SENATE AND CHAMBER OF DEPUTIES TO BE ELECTED EVERY 4 YEARS. ELECTIONS ARE BY SECRET BALLOT WITH UNIVERSAL SUFFRAGE FOR CITIZENS AGE 18 AND ABOVE (EXCEPT FOR ACTIVE DUTY MILITARY AND POLICE, WHO MAY NOT VOTE). THE PRESIDENT APPOINTS THE GOVERNORS OF THE 29 PROVINCES.

40. ALTHOUGH THE NATION HAS A FUNCTIONING MULTIPARTY SYSTEM, IN PRACTICE THE PRESIDENT DOMINATES PUBLIC POLICY FORMULATION AND IMPLEMENTATION. HE EXERCISES HIS AUTHORITY THROUGH USE OF THE VETO, DISCRETION TO ACT BY DECREE, AND INFLUENCE AS THE LEADER OF HIS PARTY. THE

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CONGRESS TRADITIONALLY HAS HAD LIMITED POWERS AND SELDOM DISAPPROVES ACTIONS BY THE EXECUTIVE BRANCH. THE GOVERNING REFORMED CHRISTIAN SOCIALIST PARTY (PRSC) HAS A 2-VOTE WORKING MAJORITY IN THE 30-SEAT SENATE WHEN IT COMBINES ITS 14 VOTES WITH 1 VOTE FROM THE PLD AND 1 VOTE FROM THE DEMOCRATIC UNION. SIMILARLY, IN COALITION WITH THE PLD, IT HAS A WORKING PLURALITY IN THE CHAMBER OF DEPUTIES. FOUR SENATE RACES AND EIGHT DEPUTY RACES WERE CLOSE ENOUGH THAT THEY MAY HAVE BEEN AFFECTED BY THE ELECTION IRREGULARITIES IN FAVOR OF THE RULING PRSC.

41. WOMEN AND MINORITIES CONFRONT NO LEGAL OR PRACTICAL IMPEDIMENTS TO POLITICAL PARTICIPATION. WOMEN HOLD 8 OF THE COUNTRY'S 29 APPOINTED GOVERNORSHIPS, 5 CABINET-LEVEL LIMITED OFFICIAL USE

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EXECUTIVE BRANCH POSITIONS, 14 SEATS IN THE 120-MEMBER HOUSE OF DEPUTIES, AND 1 SEAT IN THE SENATE.

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

42. NONGOVERNMENTAL HUMAN RIGHTS ORGANIZATIONS OPERATE FREELY WITHOUT GOVERNMENT INTERFERENCE. IN ADDITION TO THE DOMINICAN HUMAN RIGHTS COMMITTEE (CDH), SEVERAL OTHER HAITIAN, CHURCH, AND LABOR GROUPS EXIST. THE GOVERNMENT HAS BEEN SLOW TO ACKNOWLEDGE CRITICISM AND REQUESTS FOR INFORMATION FROM SOME INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS. IT HAS NOT RESPONDED TO CRITICISMS LEVELED BY THE U.N. HUMAN RIGHTS COMMISSION IN 1993 REGARDING TREATMENT OF HAITIAN REFUGEES.

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

43. THE LAW PROHIBITS DISCRIMINATION BASED ON RACE OR SEX. SUCH DISCRIMINATION EXISTS IN SOCIETY, BUT THE GOVERNMENT HAS NOT ACKNOWLEDGED ITS EXISTENCE OR MADE EFFORTS TO COMBAT IT.

WOMEN

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44. WOMEN TRADITIONALLY HAVE NOT SHARED EQUAL SOCIAL AND ECONOMIC STATUS OR OPPORTUNITY WITH MEN, AND MEN HOLD THE OVERWHELMING MAJORITY OF LEADERSHIP POSITIONS IN ALL SECTORS. IN MANY INSTANCES, WOMEN ARE PAID LESS THAN MEN
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IN JOBS OF EQUAL CONTENT AND EQUAL SKILL LEVEL. ACCORDING TO ONE STUDY, WOMEN ARE THE HEAD OF THE HOUSEHOLD IN 37 PERCENT OF THE FAMILIES IN THE CAPITAL. EITHER SPOUSE CAN EASILY OBTAIN A DIVORCE, AND WOMEN CAN HOLD PROPERTY IN THEIR OWN NAMES APART FROM THEIR HUSBANDS. CONGRESS DID NOT ACT ON LEGISLATIVE PROPOSALS INTRODUCED IN 1993 TO MODIFY WOMEN'S STATUS UNDER THE CIVIL AND PENAL CODE.

45. DOMESTIC VIOLENCE AND SEXUAL HARASSMENT ARE WIDESPREAD. ACCORDING TO ONE REPORT, APPROXIMATELY 7,000 RAPES OCCUR ANNUALLY, BUT VICTIMS REPORT ONLY 1,500 TO THE POLICE. SPOUSAL ABUSE ITSELF IS NOT A CRIME, AND IS RARELY REPORTED.

46. DOMINICAN WOMEN ARE VICTIMS OF RINGS WHICH SMUGGLE THIRD WORLD WOMEN TO EUROPE TO WORK AS PROSTITUTES IN CONDITIONS RIFE WITH EXPLOITATION AND MISTREATMENT. THE GOVERNMENT DOES NOT VIGOROUSLY ENFORCE PROSTITUTION LAWS, BUT DOES PERIODICALLY PROSECUTE ORGANIZED ALIEN SMUGGLING RINGS. CORRUPTION AND A RELUCTANCE TO RESTRICT EMIGRATION HINDER ENFORCEMENT OF THE LAW.

CHILDREN

47. THE GOVERNMENT HAS NOT SUPPORTED ITS PROFESSED COMMITMENT TO CHILD WELFARE WITH FINANCIAL OR HUMAN RESOURCES. DESPITE THE EXISTENCE OF GOVERNMENT INSTITUTIONS DEDICATED TO CHILD WELFARE, PRIVATE SOCIAL AND RELIGIOUS ORGANIZATIONS CARRY THE PRINCIPAL BURDEN. THE MOST SERIOUS ABUSE INVOLVING CHILDREN IS THE FAILURE
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OF THE JUSTICE SYSTEM TO RESPECT THE STATUS OF MINORS IN
CRIMINAL CASES; THERE ARE MORE THAN 150 MINORS IN THE
COUNTRY'S MAIN PRISON. ESPECIALLY IN NARCOTICS CASES,
THE AUTHORITIES SOMETIMES TREAT MINORS AS ADULTS AND
INCARCERATE THEM IN PRISONS RATHER THAN JUVENILE
DETENTION CENTERS.

48. ACCORDING TO LOCAL HUMAN RIGHTS MONITORS, THE
INCIDENCE OF CHILD ABUSE IS UNDERREPORTED BECAUSE OF
TRADITIONAL BELIEFS THAT FAMILY PROBLEMS SHOULD BE
HANDLED WITHIN THE FAMILY. SPORADIC INSTANCES OF HAITIAN
CHILD LABOR ON SUGAR PLANTATIONS CONTINUED TO OCCUR (SEE
SECTION 6.D.). A NEW MINOR'S CODE WENT INTO EFFECT ON
JANUARY 1, 1995. THE 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.

NATIONAL/RACIAL/ETHNIC MINORITIES

49. DOMINICANS ARE STRONGLY PREJUDICED AGAINST HAITIANS,
WHO CONSTITUTE A SIGNIFICANT PERCENTAGE OF THE UNSKILLED
MANUAL LABOR FORCE. THIS OFTEN TRANSLATES INTO
DISCRIMINATION AGAINST THOSE WITH DARKER SKIN. IN
ELECTION CAMPAIGNING, PRESIDENT BALAGUER'S PRSC SOUGHT TO
CASTIGATE PRD CANDIDATE PENA GOMEZ BY CHARACTERIZING THE
LATTER'S DARK SKIN AS A HAITIAN ATTRIBUTE. THE
GOVERNMENT DOES NOT ACKNOWLEDGE THE EXISTENCE OF THIS
DISCRIMINATION NOR MAKE ANY EFFORTS TO COMBAT IT.
DARK-SKINNED DOMINICANS ALSO FACE STRONG INFORMAL

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BARRIERS TO SOCIAL AND ECONOMIC ADVANCEMENT.

50. CREDIBLE SOURCES CHARGE THAT THE GOVERNMENT

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CONTINUES TO OBSTRUCT THE RECOGNITION OF INDIVIDUALS OF HAITIAN ANCESTRY BORN IN THE COUNTRY AS DOMINICAN CITIZENS, AS IT HAS FOR MANY YEARS. LACK OF DOCUMENTATION ALSO SOMETIMES HINDERS THE ABILITY OF CHILDREN OF HAITIAN DESCENT TO ATTEND SCHOOL; SOME PARENTS FAIL TO SEEK DOCUMENTATION FOR FEAR OF BEING DEPORTED.

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PEOPLE WITH DISABILITIES

51. DISABLED PERSONS ENCOUNTER DISCRIMINATION IN EMPLOYMENT AND THE PROVISION OF OTHER SERVICES. ALTHOUGH A SEPTEMBER 1991 LAW MANDATES CERTAIN PROVISIONS FOR PHYSICAL ACCESS FOR THE DISABLED FOR ALL NEW PUBLIC AND PRIVATE BUILDINGS, THE AUTHORITIES HAVE NOT ENFORCED IT.

SECTION 6 WORKER RIGHTS

A. THE RIGHT OF ASSOCIATION

52. THE CONSTITUTION PROVIDES FOR THE FREEDOM TO ORGANIZE LABOR UNIONS AND ALSO FOR THE RIGHTS OF WORKERS TO STRIKE (AND FOR PRIVATE SECTOR EMPLOYERS TO LOCK OUT WORKERS). ALL WORKERS, EXCEPT MILITARY AND POLICE, ARE FREE TO ORGANIZE AND WORKERS IN ALL SECTORS EXERCISE THIS RIGHT. REQUIREMENTS FOR CALLING A STRIKE INCLUDE THE SUPPORT OF AN ABSOLUTE MAJORITY OF THE WORKERS OF THE COMPANY, A PRIOR ATTEMPT TO RESOLVE THE CONFLICT THROUGH LIMITED OFFICIAL USE

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ARBITRATION, WRITTEN NOTIFICATION TO THE LABOR SECRETARIAT, AND A 10-DAY WAITING PERIOD FOLLOWING NOTIFICATION BEFORE PROCEEDING WITH THE STRIKE. THE 1992 LABOR CODE ALSO ELIMINATED PREVIOUS PROHIBITIONS AGAINST POLITICAL AND SYMPATHY STRIKES. THE GOVERNMENT RESPECTS ASSOCIATION RIGHTS AND PLACES NO OBSTACLES TO UNION REGISTRATION, AFFILIATIONS, OR THE ABILITY TO ENGAGE IN LEGAL STRIKES. THE GOVERNMENT HAS NOT ESTABLISHED AN ADEQUATE COURT SYSTEM TO ENFORCE THE LABOR CODE.

53. A NUMBER OF STRIKES OCCURRED IN 1994, PRINCIPALLY IN THE PUBLIC SECTOR. THE LABOR CODE SPECIFIES IN DETAIL

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THE STEPS LEGALLY REQUIRED TO ESTABLISH A UNION, FEDERATION, AND 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 READILY FACILITATED RECOGNITION OF LABOR ORGANIZATIONS. ORGANIZED LABOR REPRESENTS BETWEEN 10 AND 15 PERCENT OF THE WORK FORCE AND IS DIVIDED AMONG THREE LARGE CONFEDERATIONS, THREE MINOR CONFEDERATIONS, AND A NUMBER OF INDEPENDENT UNIONS. THE INTERNATIONAL LABOR ORGANIZATION'S COMMITTEE OF EXPERTS CONSIDERS THE TWO-THIRDS MAJORITY VOTE REQUIRED TO FORM CONFEDERATIONS IS TOO HIGH.

54. UNIONS ARE INDEPENDENT OF THE GOVERNMENT AND POLITICAL PARTIES. LABOR UNIONS CAN AND DO FREELY AFFILIATE REGIONALLY AND INTERNATIONALLY.

B. THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY

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55. ALTHOUGH COLLECTIVE BARGAINING IS LAWFUL AND MAY TAKE PLACE IN FIRMS IN WHICH A UNION HAS GAINED THE SUPPORT OF AN ABSOLUTE MAJORITY OF THE WORKERS, ONLY A MINORITY OF COMPANIES HAVE COLLECTIVE BARGAINING PACTS. THE LABOR CODE STIPULATES THAT WORKERS CANNOT BE DISMISSED BECAUSE OF THEIR TRADE UNION MEMBERSHIP OR ACTIVITIES. THE PREVIOUS CODE ALLOWED ARBITRARY TERMINATION OF A WORKER SO LONG AS SEVERANCE PAY WAS PROVIDED; THE 1992 CODE EXEMPTS FROM DISMISSAL SPECIFIC NUMBERS OF UNION ORGANIZERS AND OFFICIALS. THE NUMBER OF UNION ORGANIZERS OR OFFICIALS GIVEN PROTECTION FROM LAYOFFS CAN TOTAL UP TO 20 MEMBERS OF A UNION IN FORMATION, BETWEEN 5 AND 10 MEMBERS OF A UNION EXECUTIVE COUNCIL (DEPENDING ON THE SIZE OF THE WORK FORCE), AND UP TO 3 MEMBERS OF A COLLECTIVE BARGAINING NEGOTIATING COMMITTEE. THE NEW CODE ESTABLISHED A NEW SYSTEM OF LABOR COURTS FOR DEALING WITH LABOR DISPUTES. HOWEVER, THE COURTS ARE INADEQUATE ENFORCEMENT MECHANISMS. LABOR JUDGES, FOR EXAMPLE, OFTEN DO NOT APPLY SANCTIONS WHEN THE SECRETARY OF LABOR INTRODUCES A CASE. VIOLATIONS OF FREEDOM OF ASSOCIATION, THE MINIMUM WAGE AND OVERTIME PAY

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56. THE STATE SUGAR COUNCIL (CEA) EMPLOYS WORKERS FROM OVER 100 UNIONS. DOMINICAN WORKERS PREDOMINATE IN THE UNIONS, ALTHOUGH BETWEEN TWO AND FIVE UNIONS ARE HAITIAN-DOMINATED. THE CEA TOLERATES EXISTING UNIONS BUT HAS STEADILY RESISTED ADDITIONAL UNION ORGANIZING ACTIVITY.

57. THE LABOR CODE APPLIES IN THE 26 ESTABLISHED EXPORT LIMITED OFFICIAL USE

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PROCESSING ZONES (EPZ'S) COMPRISED OF OVER 400, MOSTLY U.S.-OWNED OR ASSOCIATED, COMPANIES EMPLOYING MORE THAN 170,000 WORKERS, MOSTLY WOMEN. IN 1994 TWO EPZ COMPANIES CONCLUDED COLLECTIVE BARGAINING AGREEMENTS WITH UNIONS. SOME EPZ COMPANIES HAVE A HISTORY OF DISCHARGING WORKERS WHO ATTEMPT TO ORGANIZE UNIONS. ALTHOUGH THE GOVERNMENT REGISTERED MORE THAN 50 UNIONS IN THE EPZ'S SINCE THE NEW LABOR CODE WENT INTO EFFECT IN 1992, FEWER THAN 10 OF THESE UNIONS STILL HAVE THEIR MEMBERSHIP INTACT. SOME UNIONS APPARENTLY CEASED TO FUNCTION DUE TO FIRINGS OF UNION MEMBERS, WHILE OTHERS MAY HAVE DISSOLVED BECAUSE OF VOLUNTARY RESIGNATIONS OR COMPANY CLOSURE. THE SECRETARIAT OF LABOR HAS BROUGHT CRIMINAL CHARGES AGAINST 55 EPZ FIRMS FOR LABOR CODE VIOLATIONS INVOLVING WORKER RIGHTS. THE COURTS FOUND IN FAVOR OF MANAGEMENT IN THE MAJORITY OF CASES CONCLUDED. THE UNIONS WON TWO CASES. A NUMBER OF CASES WERE UNDER APPEAL AND OTHERS STILL PENDING AT YEAR'S END.

C. PROHIBITION OF FORCED OR COMPULSORY LABOR

58. THE LAW PROHIBITS FORCED OR COMPULSORY LABOR. DURING PREVIOUS YEARS, THE GOVERNMENT AND THE CEA FORCIBLY RECRUITED HAITIAN SEASONAL AGRICULTURAL WORKERS AND THEN RESTRICTED THEM TO SPECIFIC SUGAR PLANTATIONS. THE CEA DENIED THE USE OF PAID RECRUITERS INSIDE HAITI TO OBTAIN WORKERS, AND THERE IS NO CONCLUSIVE EVIDENCE THAT EITHER PRACTICE OCCURRED TO ANY SIGNIFICANT DEGREE IN 1994. THERE ARE NO FIRM STATISTICS ON THE NUMBER OF CANE CUTTERS ON CEA PLANTATIONS; MOST ESTIMATES PLACE THE

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WHERE RECRUITERS CONTRACTED APPROXIMATELY 500 HAITIANS
UNDER FALSE PRETENSES TO WORK AT THE RIO HAINA SUGAR
MILL. AS THIS YEAR'S HARVEST IN THE SOUTHERN HALF OF THE
COUNTRY BEGAN, THE SECRETARY OF LABOR ESTIMATED THAT THE
PERCENTAGE OF MIGRANT WORKERS WOULD DROP TO BETWEEN 20
AND 30 PERCENT OF THE WORKERS.

59. HAITIAN SUGAR CANE WORKERS CONTINUED TO ENCOUNTER
RESTRICTIONS ON THEIR FREEDOM OF MOVEMENT, BUT THERE WERE
FEWER REPORTED INSTANCES THAN IN THE PAST. THEY INCLUDED
THE PRESENCE OF ARMED GUARDS IN AND AROUND VARIOUS SUGAR
PLANTATIONS AND THE SEQUESTERING OF WORKERS' BELONGINGS
IN ORDER TO DISCOURAGE THEIR MOVEMENT TO OTHER CEA
PLANTATIONS OR OTHER TYPES OF EMPLOYMENT. THE GOVERNMENT
PROGRAM TO DOCUMENT TEMPORARY WORKERS BEGUN IN 1992 HAS
BEEN EXTENDED TO APPROXIMATELY 50 PERCENT OF ALL
ITINERANT HAITIAN WORKERS. HAITIANS' RIGHT TO WORK IS
THUS DOCUMENTED, BUT A CONTRACTUAL OBLIGATION IS ALSO
IMPOSED FOR WORKERS TO REMAIN IN A SPECIFIC AREA FOR THE
DURATION OF THE WORK CONTRACT. MANY HAITIANS DO NOT
UNDERSTAND THE CONTRACTUAL PROCESS, AND WORK CONDITIONS
TANTAMOUNT TO INDENTURED SERVITUDE PREVAIL. THE CEA AND
THE DOMINICAN OFFICE OF IMMIGRATION INITIATED A PROGRAM
IN LATE 1991 TO ISSUE 1-YEAR TEMPORARY WORK PERMITS TO
THE WORKERS. ACCORDING TO A 1993 SURVEY BY AN
INDEPENDENT POLLING FIRM, 50 PERCENT OF ALL ITINERANT
HAITIAN WORKERS POSSESSED PERMITS. THERE ARE NO FIGURES
AVAILABLE ON THE NUMBER OF FORCIBLY REPATRIATED HAITIAN
CANE AND COFFEE WORKERS, BUT THE AUTHORITIES CONTINUED TO
FORCE REPATRIATIONS AT WILL, DEPENDING UPON THE DEMAND
FOR LABOR.

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D. MINIMUM AGE FOR EMPLOYMENT OF CHILDREN

60. THE LABOR CODE PROHIBITS EMPLOYMENT OF YOUTH UNDER 14 YEARS OF AGE AND PLACES VARIOUS RESTRICTIONS ON THE EMPLOYMENT OF YOUTH UNDER AGE 16. THESE RESTRICTIONS INCLUDE A LIMITATION OF NO MORE THAN 6 HOURS OF DAILY WORK, NO EMPLOYMENT IN DANGEROUS OCCUPATIONS OR JOBS INVOLVING THE PROVISION OF INTOXICATING BEVERAGES, AND LIMITATIONS ON NIGHTTIME WORK.

61. IN PRACTICE, CHILDREN REMAIN AT RISK OF EXPLOITATION SINCE THE GOVERNMENT DOES NOT ENFORCE MANY OF THE CHILD LABOR RESTRICTIONS. DURING THE PAST FEW YEARS, THE LABOR SECRETARIAT MADE SOME EFFORT TO ENFORCE THE LAW IN CASES WHERE COMPANIES EMPLOYED UNDERAGE WORKERS, BUT PENALTIES WERE LARGELY LIMITED TO SMALL FINES. SOME YOUNG WORKERS OBTAINED WORK PERMITS AND CONTINUED THEIR EMPLOYMENT; EMPLOYERS DISMISSED THOSE UNABLE TO OBTAIN PERMITS. NUMEROUS MINORS PERFORM UNREGULATED WORK AS ITINERANT VENDORS SHINING SHOES, SELLING NEWSPAPERS, AND CLEANING CARS.

62. THE CEA AND THE LABOR SECRETARIAT TOOK STEPS TO DISCOURAGE CHILD LABOR IN CEA SUGAR PLANTATIONS, AND IT OCCURRED IN ONLY ISOLATED INSTANCES, MOST INVOLVING CHILDREN ACCOMPANYING THEIR FATHERS INTO THE FIELDS.

E. ACCEPTABLE CONDITIONS OF WORK

63. THE CONSTITUTION GIVES THE GOVERNMENT LEGAL LIMITED OFFICIAL USE

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AUTHORITY TO SET MINIMUM WAGE LEVELS, AND THE LABOR CODE ASSIGNS THIS TASK TO A NATIONAL SALARY COMMITTEE. CONGRESS MAY ALSO ENACT MINIMUM WAGE LEGISLATION. MINIMUM WAGE RAISES HAVE NOT COMPENSATED FOR THE LOSS OF PURCHASING POWER, AND SCHEDULED WAGE INCREASES IN 1994 ONLY PROVIDED PARTIAL RELIEF. MOST WORKERS RECEIVE ONLY THE MINIMUM WAGE, WHICH AVERAGES AROUND 90 PER MONTH

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(1240.00 PESOS) DEPENDING ON THE SECTOR AND EMPLOYER SIZE. THE MINIMUM WAGE REPRESENTS ONLY 20 PERCENT OF THE ESTIMATED MONTHLY COST OF LIVING FOR AN AVERAGE-SIZE FAMILY IN SANTO DOMINGO. AS A RESULT, MANY PEOPLE HOLD MORE THAN ONE JOB.

64. 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. THE CODE GRANTS WORKERS A 35 PERCENT WAGE DIFFERENTIAL FOR WORK OVER 44 AND UP TO 68 HOURS PER WEEK AND A 100 PERCENT DIFFERENTIAL FOR ANY HOURS ABOVE 68 HOURS PER WEEK.

65. WORKPLACE SAFETY AND HEALTH CONDITIONS FREQUENTLY DO NOT MEET LEGAL STANDARDS, WHICH THE DOMINICAN SOCIAL SECURITY INSTITUTE (IDSS) AND THE LABOR CODE ESTABLISH. BOTH THE IDSS AND THE LABOR SECRETARIAT HAVE SMALL CORPS OF INSPECTORS CHARGED WITH ENFORCING STANDARDS. HOWEVER, THESE POSTS ARE CUSTOMARILY FILLED THROUGH POLITICAL PATRONAGE, AND SOME INSPECTORS HAVE EARNED A REPUTATION FOR CORRUPTION. IN PRACTICE, WORKERS CANNOT REMOVE THEMSELVES FROM WORKPLACE SITUATIONS WITHOUT JEOPARDY TO CONTINUED EMPLOYMENT.

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66. CONDITIONS FOR AGRICULTURAL WORKERS, PARTICULARLY HAITIANS, ARE IN GENERAL MUCH WORSE, ESPECIALLY IN THE SUGAR INDUSTRY. ALTHOUGH THE CEA READILY COOPERATES WITH NONGOVERNMENTAL ORGANIZATIONS ACTIVE IN EFFORTS TO IMPROVE THE CONDITIONS OF SUGAR CANE WORKERS, IN SOME CASES THE CEA AND THE GOVERNMENT HAVE FAILED TO TAKE MEASURES TO IMPLEMENT WRITTEN AGREEMENTS DESIGNED TO OVERCOME THE PROBLEMS FACING SUGAR CANE WORKERS. CANE CUTTERS ON CEA PLANTATIONS ARE PAID BY WEIGHT OF CUT CANE RATHER THAN HOURS WORKED AND THUS ARE USUALLY REQUIRED TO WORK SIGNIFICANTLY MORE HOURS THAN THE STANDARD WORKWEEK IN ORDER TO EARN A WAGE APPROACHING THAT OF WORKERS IN OTHER INDUSTRIES. THE CEA CONTINUED TO VIOLATE THE LABOR CODE'S PROHIBITION OF PAYMENT IN NONCASH FORMS BY PAYING FIELD WORKERS IN VOUCHERS. CANE CUTTERS ALSO FACED

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WIDESPREAD CHEATING DURING THE WEIGHING OF THEIR CUT
CANE. ALTHOUGH THE CEA AND THE LABOR SECRETARIAT SIGNED
AN AGREEMENT WITH LABOR UNIONS TO ALLOW UNION OFFICIALS
TO ASSIST THE LABOR SECRETARIAT IN THE INSPECTION AND
MONITORING OF CEA WEIGH STATIONS, THEY TOOK NO ACTION TO
IMPLEMENT THIS AGREEMENT. MANY WORKER VILLAGES WHICH ARE
PREDOMINANTLY INHABITED BY HAITIANS CONTINUE TO SUFFER
HIGH RATES OF DISEASE AND A LACK OF EDUCATION AND MEDICAL
FACILITIES, RUNNING WATER, AND SEWAGE SYSTEMS.

67. END TEXT.
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