

UNCLASSIFIED

PTQ4809

RELEASED IN FULL

PAGE 01 SANTO 04833 01 OF 08 051859Z
ACTION ARA-01

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

-----7249E4 051859Z /38

O 051853Z OCT 98
FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC IMMEDIATE 1941

UNCLAS SECTION 01 OF 08 SANTO DOMINGO 004833

E.O. 12958: N/A
TAGS: PHUM, DR
SUBJECT: 1998 COUNTRY HUMAN RIGHTS REPORT FOR THE DOMINICAN
REPUBLIC

1. (U) SENSITIVE BUT UNCLASSIFIED - NOFORN -- ENTIRE TEXT.
2. (U) FOLLOWING IS THE 1998 COUNTRY HUMAN RIGHTS REPORT FOR THE
DOMINICAN REPUBLIC
3. (SBU/NF) THE CONSTITUTION PROVIDES FOR A POPULARLY ELECTED
PRESIDENT AND A BICAMERAL CONGRESS. PRESIDENT LEONEL FERNANDEZ OF
THE DOMINICAN LIBERATION PARTY TOOK OFFICE IN AUGUST 1996 AFTER A
FREE AND FAIR ELECTION. THE DOMINICAN REVOLUTIONARY PARTY, AFTER
FREE AND FAIR CONGRESSIONAL ELECTIONS IN MAY 1998, DOMINATES THE
SENATE, HOLDING WITH ITS ALLIES 24 OF THE 30 SEATS, AND HAS THE
UNCLASSIFIED

PAGE 02 SANTO 04833 01 OF 08 051859Z
LARGEST PRESENCE IN THE LOWER HOUSE, OCCUPYING 73 OF THE 149
SEATS. JUDICIAL REFORM EFFORTS HAVE LED TO A CONSIDERABLY MORE
EFFECTIVE AND INDEPENDENT JUDICIARY.

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 ARE GENERALLY RESPONSIVE TO CIVILIAN
EXECUTIVE BRANCH AUTHORITY. HOWEVER, SOME MEMBERS OF THE

SECURITY FORCES CONTINUE TO COMMIT HUMAN RIGHTS ABUSES. THE ECONOMY, ONCE HEAVILY DEPENDENT ON SUGAR AND OTHER AGRICULTURAL EXPORTS, CONTINUES TO DIVERSIFY; TOURISM, TELECOMMUNICATIONS, AND FREE TRADE ZONES (FTZ'S) ARE MAJOR SOURCES OF INCOME AND EMPLOYMENT. REMITTANCES FROM ABROAD, ESTIMATED TO EXCEED \$1 BILLION, PROVIDE APPROXIMATELY TEN PERCENT OF THE \$1800 PER CAPITA GROSS DOMESTIC PRODUCT. HURRICANE GEORGES, WHICH HIT THE DOMINICAN REPUBLIC ON SEPTEMBER 22, CAUSED MAJOR LOSSES IN THE COUNTRY'S AGRICULTURAL AND TOURISM SECTORS, AS WELL AS SEVERE DAMAGE TO POWER AND TRANSPORTATION INFRASTRUCTURE. STATE-OWNED FIRMS SUCH AS THE STATE SUGAR COUNCIL, THE CORPORATION FOR STATE ENTERPRISES, AND THE DOMINICAN ELECTRICITY CORPORATION IMPEDE ECONOMIC GROWTH BECAUSE OF INEPT FINANCIAL AND ADMINISTRATIVE PRACTICES. THESE FIRMS ARE EXPECTED TO BE PRIVATIZED BY EARLY 1999.

THE GOVERNMENT'S HUMAN RIGHTS RECORD IMPROVED, PARTICULARLY IN ADMINISTRATION OF JUSTICE, ALTHOUGH SERIOUS ABUSES REMAIN.

UNCLASSIFIED

PAGE 03 SANTO 04833 01 OF 08 051859Z
 PRINCIPAL HUMAN RIGHTS PROBLEMS INCLUDE CONTINUING INSTANCES OF EXTRAJUDICIAL KILLINGS BY POLICE, BEATINGS AND ARBITRARY DETENTION OF SUSPECTS, DETENTION OF SUSPECTS' RELATIVES, THE SECURITY FORCES' REFUSAL TO OBEY JUDICIAL ORDERS, AND POOR PRISON CONDITIONS. OTHER PROBLEMS INCLUDE INTERFERENCE WITH THE JUDICIARY, LENGTHY PRETRIAL DETENTION, ADMINISTRATIVE CORRUPTION, DISCRIMINATION AND VIOLENCE AGAINST WOMEN, PROSTITUTION, ABUSE OF CHILDREN, DISCRIMINATION AGAINST THE DISABLED, ABUSE OF HAITIAN MIGRANTS AND THEIR DESCENDANTS, CHILD LABOR, AND IMPEDIMENTS TO FREE ASSOCIATION. WORKERS IN THE STATE-OWNED SUGAR PLANTATIONS AND MILLS CONTINUE TO WORK UNDER UNFAIR AND UNSAFE CONDITIONS. MOST REPORTS OF HUMAN RIGHTS ABUSES INVOLVED THE POLICE, RATHER THAN THE MILITARY. THE DNCD'S PERFORMANCE HAS IMPROVED SINCE LATE 1997. HUMAN RIGHTS COURSES ARE AN INTEGRAL PART OF MILITARY AND DNCD TRAINING, FOR BOTH ENLISTED PERSONNEL AND OFFICERS.

RESPECT FOR HUMAN RIGHTS

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

A. POLITICAL AND OTHER EXTRAJUDICIAL KILLING

THERE WERE NO REPORTS OF POLITICAL KILLINGS, BUT THERE WERE REPORTS OF 74 EXTRAJUDICIAL KILLINGS BY THE POLICE. THIS REPRESENTS AN INCREASE FROM LAST YEAR. BOTH THE DOMINICAN HUMAN RIGHTS COMMITTEE AND THE DOMINICAN HUMAN RIGHTS COMMISSION STATED PUBLICLY THAT THE POLICE OFTEN ATTEMPT TO JUSTIFY UNWARRANTED KILLINGS BY CLAIMING THAT THEY ARE THE RESULT OF EXCHANGES OF

GUNFIRE WITH SUSPECTS. THERE WERE NO REPORTS OF EXTRAJUDICIAL KILLINGS BY THE DNCD.

UNCLASSIFIED

PAGE 04 SANTO 04833 01 OF 08 051859Z

IN AUGUST POLICE IN SANTO DOMINGO KILLED A PRIEST AFTER ALLEGEDLY MISTAKING HIM FOR A MURDER SUSPECT. AT LEAST ONE WITNESS HAS SAID THAT THE OFFICERS KILLED THE PRIEST AS HE SAT IN HIS CAR. IN JULY POLICE KILLED A MAN SUSPECTED OF ROBBING A SANTIAGO PHARMACY, ALLEGING THAT HE HAD THREATENED THEM WITH A KNIFE. IN JANUARY A POLICE SERGEANT KILLED HIS STEPFATHER AFTER MISTAKING HIM FOR A THIEF AT A HOTEL IN SANTO DOMINGO.

THE AUTHORITIES MADE LITTLE PROGRESS IN AN INVESTIGATION OF THE 1975 MURDER OF JOURNALIST ORLANDO MARTINEZ. THE FIVE INDIVIDUALS INDICTED ARE STILL AWAITING TRIAL. FORMER PRESIDENT JOAQUIN BALAGUER STATED IN HIS 1988 MEMOIRS THAT HE LEFT INSTRUCTIONS WITH AN UNNAMED PERSON TO PUBLISH WHAT HE KNOWS ABOUT THE CASE SOME YEARS AFTER HIS DEATH. IN A 1998 INTERVIEW WITH JOURNALISTS, HE SAID THAT HE HAD NOTHING TO TESTIFY AND THAT HIS OPINION IS WRITTEN IN HIS MEMOIRS. BALAGUER WAS SUMMONED BY THE INVESTIGATING JUDGE TO BE DEPOSED CONCERNING WHAT HE KNOWS; HOWEVER, THE EX-PRESIDENT HAS REFUSED TO APPEAR. DESPITE HIS NON-COMPLIANCE WITH A JUDICIAL ORDER, HE HAS NOT BEEN HELD IN CONTEMPT.

UNCLASSIFIED

<< END OF DOCUMENT >>

UNCLASSIFIED PTQ4810

PAGE 01 SANTO 04833 02 OF 08 051859Z
ACTION ARA-01

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

-----7249F0 051859Z /38

O 051853Z OCT 98
FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC IMMEDIATE 1942

UNCLAS SECTION 02 OF 08 SANTO DOMINGO 004833

E.O. 12958: N/A
TAGS: PHUM, DR

DECONTROLLED/UNCLASSIFIED

SUBJECT: 1998 COUNTRY HUMAN RIGHTS REPORT FOR THE DOMINICAN
REPUBLIC

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

B. DISAPPEARANCE

UNCLASSIFIED

PAGE 02 SANTO 04833 02 OF 08 051859Z

THERE WERE NO REPORTS OF POLITICALLY MOTIVATED DISAPPEARANCES.
THE GOVERNMENT INTERROGATED A NUMBER OF SUSPECTS IN THE CASE OF
NARCISO GONZALEZ, A UNIVERSITY PROFESSOR AND CRITIC OF THE
GOVERNMENT WHO DISAPPEARED IN MAY 1994. HOWEVER, IT IS NOT YET
CLEAR WHETHER FORMAL CHARGES WILL BE FILED IN THIS CASE.

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

TORTURE AND OTHER FORMS OF PHYSICAL ABUSE ARE ILLEGAL, BUT
INSTANCES OF SECURITY SERVICE PERSONNEL PHYSICALLY ABUSING
DETAINEES CONTINUE. LACK OF SUPERVISION, TRAINING, AND
ACCOUNTABILITY THROUGHOUT THE LAW ENFORCEMENT AND CORRECTIONS
SYSTEMS EXACERBATE THE PROBLEM OF PHYSICAL ABUSE. HUMAN RIGHTS
GROUPS AND THE PRESS REPORTED VARIOUS INCIDENTS OF PHYSICAL ABUSE
OF DETAINEES WHILE IN CUSTODY. AN EXAMPLE OF SUCH AN INCIDENT IS
THE BEATING A FARMER ALLEGEDLY RECEIVED FROM POLICE WHILE
DETAINED IN HANDCUFFS IN CABRERA. THERE WERE NO CREDIBLE REPORTS
OF THE DNCD ABUSING SUSPECTS.

THE PROSECUTOR'S OFFICE CONTINUED TO PLACE LAWYERS IN HIGH-VOLUME
POLICE STATIONS AND SEVERAL DNCD OFFICES TO MONITOR THE
INVESTIGATIVE PROCESS AND ASSURE DETAINEES' RIGHTS ARE RESPECTED
(SEE SECTION 1.D.). HUMAN RIGHTS COURSES ARE AN INTEGRAL PART OF
MILITARY AND DNCD TRAINING, BOTH FOR ENLISTED PERSONNEL AND
OFFICERS.

CIVILIAN PROSECUTORS SOMETIMES FILE CHARGES AGAINST POLICE AND
MILITARY OFFICIALS RELATED TO PHYSICAL ABUSE, TORTURE, AND
RELATED CRIMES. PENALTIES FOR TORTURE AND PHYSICAL ABUSE WERE

UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

PAGE 03 SANTO 04833 02 OF 08 051859Z
TOUGHENED BY A LAW PASSED IN JANUARY 1997 WHICH PROVIDES FOR SENTENCES RANGING UP TO 15 YEARS IN PRISON. THESE PROVISIONS ARE STILL NOT FULLY KNOWN OR APPLIED BY PROSECUTORS AND JUDGES, AND THEREFORE SOME SENTENCES METED OUT ARE LESS THAN THE LAW REQUIRES.

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

THE PRISONS CONTROLLED BY THE MILITARY ARE GENERALLY BETTER ADMINISTERED THAN THOSE CONTROLLED BY THE NATIONAL POLICE (PN). CONDITIONS AT LA VICTORIA PRISON, RUN BY THE PN, POSE A SERIOUS THREAT TO LIFE AND HEALTH. IN 1998, THE GOVERNMENT ADDED ALMOST 1200 BEDS TO LA VICTORIA, RAISING ITS CAPACITY TO 2600, BUT AS MANY AS 3200 INMATES WERE HELD THERE AT ONE POINT. THE FORTY SIX-YEAR-OLD PRISON FLOODED AS A RESULT OF HURRICANE GEORGES, MAKING DIFFICULT CONDITIONS THERE EVEN WORSE. NAJAYO PRISON, ALSO RUN BY THE PN, WAS BUILT FOR 700, YET HOUSED 1800 PRISONERS IN SEPTEMBER. MEDICAL CARE SUFFERS FROM A LACK OF SUPPLIES AND AVAILABLE PHYSICIANS. PRISONERS IMMOBILIZED BY AND DYING OF AIDS ARE NOT TRANSFERRED TO A HOSPITAL, BUT SOME TERMINAL STAGE INMATES ARE RELEASED EARLY TO SPEND THEIR LAST DAYS AT HOME WITH FAMILY MEMBERS.

FEMALES ARE SEPARATED FROM MALE INMATES. IN GENERAL, CONDITIONS
UNCLASSIFIED

PAGE 04 SANTO 04833 02 OF 08 051859Z
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, A 1998 REPORT OF THE GOVERNMENT'S COMMISSIONER FOR THE SUPPORT OF JUSTICE REFORM AND MODERNIZATION FOUND A HIGH INCIDENCE OF VIOLATIONS, WITH 156 MINORS INCARCERATED WITH ADULTS AT NAJAYO PRISON.

THE GOVERNMENT PERMITS PRISON VISITS BY INDEPENDENT HUMAN RIGHTS MONITORS.

D. ARBITRARY ARREST, DETENTION, OR EXILE

THE CONSTITUTION STIPULATES THAT AUTHORITIES MAY DETAIN SUSPECTS

DECONTROLLED/UNCLASSIFIED

FOR A MAXIMUM OF 48 HOURS BEFORE ARRAIGNMENT, AFTER WHICH THEY MUST CHARGE OR RELEASE THEM. HOWEVER, IN SPECIAL CIRCUMSTANCES, SUSPECTS MAY BE DETAINED FOR LONGER PERIODS, WITH THE APPROVAL OF THE PROSECUTOR'S OFFICE. 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

UNCLASSIFIED

<< END OF DOCUMENT >>

UNCLASSIFIED PTQ4811

PAGE 01 SANTO 04833 03 OF 08 051859Z
ACTION ARA-01

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

-----7249F7 051900Z /38

O 051853Z OCT 98
FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC IMMEDIATE 1943

UNCLAS SECTION 03 OF 08 SANTO DOMINGO 004833

E.O. 12958: N/A
TAGS: PHUM, DR
SUBJECT: 1998 COUNTRY HUMAN RIGHTS REPORT FOR THE DOMINICAN
REPUBLIC

IN A CRIME AND USE THE INVESTIGATIVE PROCESS TO DETERMINE WHO IS INNOCENT AND MERITS RELEASE AND WHOM THEY SHOULD CONTINUE TO HOLD. IN 1997, AFTER THE PROSECUTOR'S OFFICE PLACED ITS LAWYERS IN SEVERAL POLICE STATIONS, THE POLICE BEGAN TO CURTAIL THE PRACTICE OF ARBITRARY DETENTION IN THOSE PRECINCTS. PROGRESS HAS BEEN SLOW, HOWEVER, AND THIS PILOT PROGRAM HAS BEEN LIMITED TO THE SANTO DOMINGO METROPOLITAN AREA.

THE NATIONAL POLICE CONTINUE TO ENGAGE IN INDISCRIMINATE ROUNDUPS OF PEOPLE IN POORER NEIGHBORHOODS. THE SECURITY FORCES ALSO CONTINUE TO DETAIN RELATIVES AND FRIENDS OF SUSPECTED CRIMINALS

UNCLASSIFIED

PAGE 02 SANTO 04833 03 OF 08 051859Z
WITH THE AIM OF FORCING SUSPECTS TO SURRENDER.

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

BECAUSE OF THE INEFFICIENCY OF THE JUSTICE SYSTEM (SEE SECTION 1.E.), THE GRANTING OF BAIL HAD BECOME THE DE FACTO CRIMINAL JUSTICE SYSTEM. AS A RULE, DEFENDANTS AWARDED BAIL RARELY FACED AN ACTUAL TRIAL; THOSE DENIED BAIL COULD SERVE THEIR ENTIRE SENTENCES WHILE AWAITING TRIAL. THIS SITUATION HAS 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 DO NOT LANGUISH WITHOUT THE BENEFIT OF A TRIAL. THE PRISON SYSTEM (SEE SECTION 1.C.) REMAINS UNDERFUNDED AND SOMETIMES UNABLE TO ACCOUNT FOR PRISONERS TO BE RELEASED, THUS SOME PRISONERS REMAIN INCARCERATED EVEN AFTER A COURT RELEASE ORDER.

THE LAW PROHIBITS FORCED EXILE.

E. DENIAL OF FAIR PUBLIC TRIAL

ALTHOUGH THE CONSTITUTION STIPULATES AN INDEPENDENT JUDICIARY, INTERFERENCE FROM OTHER PUBLIC AND PRIVATE ENTITIES, INCLUDING THE EXECUTIVE BRANCH, UNDERMINES JUDICIAL INDEPENDENCE.

UNCLASSIFIED

PAGE 03 SANTO 04833 03 OF 08 051859Z
 THE JUDICIARY, BASED PRIMARILY ON THE FRENCH JUDICIAL SYSTEM, INCLUDES A 16-MEMBER SUPREME COURT, APPEALS COURTS, COURTS OF FIRST INSTANCE, AND JUSTICE OF THE PEACE COURTS. THERE ARE ALSO SPECIALIZED COURTS THAT HANDLE ADMINISTRATIVE, LABOR, TRAFFIC, LAND REGISTRATION, AND JUVENILE MATTERS.

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

THE SUPREME COURT CONTINUED TO COMBAT JUDICIAL CORRUPTION AND

DECONTROLLED/UNCLASSIFIED

INCOMPETENCE BY HOLDING EVALUATIONS AND PUBLIC HEARINGS FOR ALL 480 SITTING JUDGES IN 1998. ABOUT 90 PERCENT OF ALL JUDGES WHO WERE SITTING ON THE BENCH AS OF JANUARY 1, 1998 HAVE BEEN REPLACED. THE NEW JUDGES WERE SELECTED USING MORE PROFESSIONAL AND LESS POLITICAL CRITERIA. THE SUPREME COURT HAS SET UP A SYSTEM OF EVALUATION/INSPECTIONS AND INVESTIGATIONS OF ALLEGED CORRUPTION BY JUDICIAL BRANCH EMPLOYEES. BY SEPTEMBER, BASED ON INVESTIGATION OF CORRUPTION CHARGES, THE COURT HAD DISMISSED TWO OF THE NEW JUDGES SELECTED IN JANUARY.

THE CONSTITUTION PROVIDES FOR PUBLIC TRIAL. HOWEVER, DURING THE CLOSED PRETRIAL INSTRUCTIONAL, OR INVESTIGATIVE, PHASE OF THE CRIMINAL JUSTICE PROCESS, THE STATE TRADITIONALLY PROVIDES NO
UNCLASSIFIED

PAGE 04 SANTO 04833 03 OF 08 051859Z
COUNSEL TO IMPRISONED INDIGENTS. IN AUGUST THE GOVERNMENT INAUGURATED A SMALL (13-PERSON) PUBLIC DEFENDER ORGANIZATION TO PROVIDE SERVICE TO INDIGENT DEFENDANTS IN THE SANTO DOMINGO METROPOLITAN AREA.

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

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 DISHONORABLY DISCHARGING THE PERPETRATORS.

A SCREENING MECHANISM FOR PUBLIC PROSECUTORS WAS ESTABLISHED IN 1998, WITH A NUMBER OF LESS COMPETENT PROSECUTORS REPLACED BY OTHERS WITH BETTER CREDENTIALS. THIS PROCESS, HOWEVER, HAS NOT BEEN ENTIRELY FREE OF POLITICAL INFLUENCE.

UNCLASSIFIED

<< END OF DOCUMENT >>

UNCLASSIFIED PTQ4813

PAGE 01 SANTO 04833 04 OF 08 051900Z
ACTION ARA-01

INFO LOG-00 AID-00 AMAD-01 CIAE-00 DODE-00 SRPP-00 EB-00
 UTED-00 H-01 IM-01 TEDE-00 INR-00 IO-00 LAB-01
 L-01 ADS-00 NSAE-00 NSCE-00 OIC-02 OPIC-01 PRS-00

DECONTROLLED/UNCLASSIFIED

P-00 SP-00 STR-00 TRSE-00 USIE-00 PRM-01 DRL-02
G-00 MR-00 NFAT-00 SAS-00 /012W

-----724A01 051900Z /38

O 051853Z OCT 98
FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC IMMEDIATE 1944

UNCLAS SECTION 04 OF 08 SANTO DOMINGO 004833

E.O. 12958: N/A
TAGS: PHUM, DR
SUBJECT: 1998 COUNTRY HUMAN RIGHTS REPORT FOR THE DOMINICAN
REPUBLIC

THERE WERE NO REPORTS OF POLITICAL PRISONERS.

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

THE CONSTITUTION CONTAINS PROVISIONS AGAINST INVASION OF THE
HOME. ALTHOUGH THE GOVERNMENT DOES NOT ARBITRARILY USE
WIRETAPPING OR OTHER SURREPTITIOUS METHODS TO INTERFERE WITH THE
PRIVATE LIVES OF PERSONS OR FAMILIES, IT TOLERATES AN ACTIVE
PRIVATE WIRETAPPING INDUSTRY. THE AUTHORITIES MAY ONLY SEARCH A
RESIDENCE IN THE PRESENCE OF A PROSECUTOR OR AN ASSISTANT

UNCLASSIFIED

PAGE 02 SANTO 04833 04 OF 08 051900Z
PROSECUTOR, IN CASES OF "HOT PURSUIT," OR WHERE THERE IS REASON
TO BELIEVE THAT A CRIME IS IN PROGRESS.

THE SECURITY FORCES CONTINUE TO DETAIN RELATIVES AND FRIENDS OF
SUSPECTS TO TRY TO COMPEL SUSPECTS TO SURRENDER (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. SELF-CENSORSHIP IS PRACTICED, PARTICULARLY WHEN
COVERAGE COULD ADVERSELY AFFECT THE ECONOMIC OR POLITICAL
INTERESTS OF MEDIA OWNERS.

THE NUMEROUS PRIVATELY OWNED RADIO AND TELEVISION STATIONS
BROADCAST ALL POLITICAL POINTS OF VIEW. A 1971 LAW PROHIBITS

DECONTROLLED/UNCLASSIFIED

FOREIGN-LANGUAGE BROADCASTS. THE GOVERNMENT CONTROLS ONE TELEVISION STATION BUT NO MAJOR NEWSPAPERS. PUBLIC AND PRIVATE UNIVERSITIES ENJOY BROAD ACADEMIC FREEDOM. THE MAIN PUBLIC UNIVERSITY, THE AUTONOMOUS UNIVERSITY OF SANTO DOMINGO, WITH APPROXIMATELY 100,000 STUDENTS, HAS NO RESTRICTIONS ON ENROLLMENT AND MAINTAINS A POLICY OF NON-INTERVENTION (OTHER THAN ON CURRICULUM DEVELOPMENT) IN CLASSROOM AFFAIRS. THE GOVERNMENT EXERTS NO CONTROL OVER PRIVATE UNIVERSITIES, EXCEPT FOR THE PRESERVATION OF STANDARDS, AND TEACHERS ARE FREE TO ESPOUSE THEIR

UNCLASSIFIED

PAGE 03 SANTO 04833 04 OF 08 051900Z
OWN THEORIES WITHOUT GOVERNMENT OVERSIGHT.

B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

THE CONSTITUTION PROVIDES FOR FREEDOM OF ASSEMBLY, WHICH THE GOVERNMENT COMMONLY RESPECTS IN PRACTICE. OUTDOOR PUBLIC MARCHES AND MEETINGS REQUIRE PERMITS, WHICH THE GOVERNMENT USUALLY GRANTS. THERE WERE A NUMBER OF CLASHES BETWEEN POLICE AND PROTESTERS IN SEPTEMBER IN LICEY AND SALCEDO, WHICH RESULTED IN AT LEAST ONE DEATH AND SEVERAL INJURIES ATTRIBUTED TO POLICE. THESE PROTESTS WERE LARGELY PROMPTED BY POWER SHORTAGES, RISING PRICES, AND DETERIORATING INFRASTRUCTURE.

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

C. FREEDOM OF RELIGION

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

THE CATHOLIC CHURCH, WHICH SIGNED A CONCORDAT WITH THE GOVERNMENT IN 1954, ENJOYS SPECIAL PRIVILEGES NOT EXTENDED TO OTHER RELIGIONS. THESE INCLUDE THE USE OF PUBLIC FUNDS TO UNDERWRITE SOME CHURCH EXPENSES, SUCH AS REHABILITATION OF CHURCH

UNCLASSIFIED

PAGE 04 SANTO 04833 04 OF 08 051900Z
FACILITIES, AND COMPLETE EXONERATION OF CUSTOMS DUTIES WHEN IMPORTING GOODS INTO THE COUNTRY.

D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL,

EMIGRATION, AND REPATRIATION

CITIZENS FACE NO UNUSUAL LEGAL RESTRICTIONS ON TRAVEL WITHIN OR OUTSIDE THE COUNTRY.

HAITIANS CONTINUE TO MIGRATE IN GREAT NUMBERS TO THE DOMINICAN REPUBLIC, SOME LEGALLY BUT MOST UNDOCUMENTED, IN SEARCH OF ECONOMIC OPPORTUNITY. THROUGHOUT THE YEAR, THE SECURITY FORCES, PARTICULARLY THE ARMY, DEPORTED UNDOCUMENTED HAITIAN NATIONALS BELIEVED TO BE IN THE COUNTRY ILLEGALLY. INTERNATIONAL OBSERVERS ESTIMATED THAT THE GOVERNMENT DEPORTED APPROXIMATELY 10,000 HAITIANS FROM JANUARY TO SEPTEMBER. IN MANY CASES, THE GOVERNMENT DENIED THOSE DEPORTED THE OPPORTUNITY TO DEMONSTRATE THAT THEY LEGALLY RESIDED IN THE DOMINICAN REPUBLIC. HAITIAN GOVERNMENT OFFICIALS COMPLAINED THAT HAITIANS WERE OFTEN DETAINED WITH LITTLE OR NO FOOD AND THEN DEPORTED WITHOUT NOTICE TO HAITIAN AUTHORITIES.

UNCLASSIFIED

<< END OF DOCUMENT >>

UNCLASSIFIED PTQ4816

PAGE 01 SANTO 04833 05 OF 08 051900Z
ACTION ARA-01

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

-----724A09 051900Z /38

O 051853Z OCT 98
FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC IMMEDIATE 1945

UNCLAS SECTION 05 OF 08 SANTO DOMINGO 004833

E.O. 12958: N/A
TAGS: PHUM, DR
SUBJECT: 1998 COUNTRY HUMAN RIGHTS REPORT FOR THE DOMINICAN
REPUBLIC

REPRESENTATIVES OF NONGOVERNMENTAL ORGANIZATIONS (NGO'S) WORKING IN RURAL AREAS REPORTED THAT DECISIONS TO DEPORT WERE OFTEN MADE BY LOWER RANKING MEMBERS OF THE SECURITY FORCES, SOMETIMES BASED UPON THE RACIAL CHARACTERISTICS OF THE DEPORTEES. HAITIAN SUGAR CANE WORKERS FACE RESTRICTIONS ON THEIR FREEDOM OF MOVEMENT (SEE SECTION 6.C.).

DECONTROLLED/UNCLASSIFIED

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
UNCLASSIFIED

PAGE 02 SANTO 04833 05 OF 08 051900Z
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 ROUTINELY ACCEPTED BY THE POLICE AND IMMIGRATION OFFICIALS, THE PROCESS BY WHICH THEY ARE ISSUED DOES NOT COMPLY WITH THE DECREE.

IN 1998 THE UNHCR RECOGNIZED TWO PERSONS, A HAITIAN AND A CHINESE, AS REFUGEES, BRINGING THE TOTAL OF UNHCR-RECOGNIZED REFUGEES TO 634. IT IS NOT KNOWN HOW MANY REFUGEES ARE ACTUALLY LIVING IN THE COUNTRY.

THE GOVERNMENT COOPERATES WITH THE UNHCR AND OTHER HUMANITARIAN ORGANIZATIONS IN ASSISTING REFUGEES. THE GOVERNMENT PROVIDES FIRST ASYLUM AND RESETTLEMENT. IN MARCH TO READMITTED THE TWO CUBANS THAT WERE RETURNED TO CUBA FROM THE DOMINICAN REPUBLIC IN 1997.

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
UNCLASSIFIED

PAGE 03 SANTO 04833 05 OF 08 051900Z

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

DECONTROLLED/UNCLASSIFIED

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. HOWEVER, PRESIDENT FERNANDEZ HAS ENCOURAGED ALLIES IN THE LEGISLATURE TO PLAY A GREATER ROLE, AND HAS REDUCED THE RELIANCE ON RULE BY DECREE.

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

WOMEN AND MINORITIES CONFRONT NO SERIOUS LEGAL IMPEDIMENTS TO POLITICAL PARTICIPATION. WOMEN HOLD TWO SEATS IN THE 30-MEMBER SENATE AND 25 SEATS IN THE 149-MEMBER CHAMBER OF DEPUTIES. WOMEN CONTINUE TO HAVE REPRESENTATION IN APPOINTED POSITIONS, ALBEIT TO A LIMITED DEGREE. TWO OF THE 15 CABINET SECRETARIES ARE WOMEN. WOMEN HOLD NONE OF THE 29 PROVINCIAL GOVERNORSHIPS. FIVE OF THE

UNCLASSIFIED

PAGE 04 SANTO 04833 05 OF 08 051900Z
16 SLOTS ON THE SUPREME COURT ARE FILLED BY WOMEN.

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

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

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

WOMEN

UNCLASSIFIED

UNCLASSIFIED PTQ4817

PAGE 01 SANTO 04833 06 OF 08 051901Z
 ACTION ARA-01

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

-----724AOC 051901Z /38

O 051853Z OCT 98
 FM AMEMBASSY SANTO DOMINGO
 TO SECSTATE WASHDC IMMEDIATE 1946

UNCLAS SECTION 06 OF 08 SANTO DOMINGO 004833

E.O. 12958: N/A
 TAGS: PHUM, DR
 SUBJECT: 1998 COUNTRY HUMAN RIGHTS REPORT FOR THE DOMINICAN
 REPUBLIC

DOMESTIC VIOLENCE AND SEXUAL HARASSMENT ARE WIDESPREAD. UNDER THE 1997 LAW AGAINST DOMESTIC VIOLENCE, THE STATE CAN NOW 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. THE GOVERNMENT DOES NOT VIGOROUSLY ENFORCE PROSTITUTION LAWS. 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. DOMINICAN WOMEN AND GIRLS ARE ALSO VICTIMS OF

UNCLASSIFIED

PAGE 02 SANTO 04833 06 OF 08 051901Z

RINGS TRAFFICKING IN PROSTITUTES TO WORK 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.

DIVORCE IS EASILY OBTAINABLE BY EITHER SPOUSE, AND WOMEN CAN HOLD PROPERTY IN THEIR OWN NAMES APART FROM THEIR HUSBANDS. TRADITIONALLY, WOMEN HAVE NOT SHARED EQUAL SOCIAL AND ECONOMIC STATUS OR OPPORTUNITY WITH MEN, AND MEN HOLD THE OVERWHELMING

MAJORITY OF LEADERSHIP POSITIONS IN ALL SECTORS. IN MANY INSTANCES WOMEN ARE PAID LESS THAN MEN IN JOBS OF EQUAL CONTENT AND EQUAL SKILL LEVEL. SOME EMPLOYERS IN INDUSTRY REPORTEDLY GIVE PREGNANCY TESTS TO WOMEN BEFORE HIRING THEM, AS PART OF A MEDICAL EXAMINATION.

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 SIX YEARS OF FORMAL EDUCATION.

THE MOST SERIOUS ABUSE INVOLVING CHILDREN IS THE FAILURE OF THE JUDICIAL SYSTEM TO PROTECT THE STATUS OF MINORS IN CRIMINAL CASES. THE AUTHORITIES SOMETIMES TREATED MINORS AS ADULTS AND INCARCERATED THEM IN PRISON RATHER THAN JUVENILE DETENTION CENTERS. ALTHOUGH THE MINOR'S CODE BECAME LAW IN 1994, THE
UNCLASSIFIED

PAGE 03 SANTO 04833 06 OF 08 051901Z
GOVERNMENT DID NOT BEGIN TO IMPLEMENT IT UNTIL 1997, WHEN IT LAID THE GROUNDWORK FOR THE JUVENILE COURT SYSTEM MANDATED BY THE CODE. THE SUPREME COURT INAUGURATED THE FIRST OF 11 JUVENILE COURTS IN AUGUST AND CHOSE JUDGES FOR THE OTHER TEN COURTS VIA A RIGOROUS SELECTION PROCESS. THESE JUVENILE COURTS ARE ORGANIZED WITH A FOCUS ON THE REHABILITATION OF OFFENDERS.

THE MINOR'S CODE CONTAINS PROVISIONS AGAINST CHILD ABUSE, INCLUDING PHYSICAL AND EMOTIONAL MISTREATMENT, SEXUAL EXPLOITATION, AND CHILD LABOR. IT ALSO PROVIDES FOR REMOVAL OF A MISTREATED OR DELINQUENT CHILD TO A PROTECTIVE ENVIRONMENT. HOWEVER, ACCORDING TO LOCAL MONITORS, INSTANCES OF CHILD ABUSE WERE UNDERREPORTED BECAUSE OF TRADITIONAL BELIEFS THAT FAMILY PROBLEMS SHOULD BE DEALT WITH INSIDE THE FAMILY. SOME IN THE TOURIST INDUSTRY HAVE FACILITATED THE SEXUAL EXPLOITATION OF CHILDREN. TOURS ARE MARKETED OVERSEAS WITH THE UNDERSTANDING THAT BOYS AND GIRLS CAN BE FOUND AS SEX PARTNERS.

ALTHOUGH THERE ARE NO SHELTERS PROVIDING REFUGE TO CHILDREN WHO BREAK FREE FROM THE PROSTITUTION TRADE, THE GOVERNMENT MADE SOME PROGRESS IN COMBATTING CHILD PROSTITUTION. FOR EXAMPLE, IN JANUARY AUTHORITIES CLOSED FOUR MOTELS THAT WERE BEING USED AS BROTHELS, REMOVING 24 WOMEN AND FOUR GIRLS AND ARRESTING THE MOTEL ADMINISTRATORS. IN JULY THE SANTO DOMINGO PROSECUTOR'S OFFICE RESCUED FIVE GIRLS UNDER THE AGE OF 15 FROM A PROSTITUTION RING AND ARRESTED TWO INDIVIDUALS. IN SEPTEMBER POLICE ARRESTED AN AMERICAN CITIZEN ALONG WITH A DANISH CITIZEN IN CONNECTION WITH AN INVESTIGATION OF CHILD PORNOGRAPHY.

DECONTROLLED/UNCLASSIFIED

PEOPLE WITH DISABILITIES

UNCLASSIFIED

PAGE 04 SANTO 04833 06 OF 08 051901Z
DISABLED PERSONS ENCOUNTER DISCRIMINATION IN EMPLOYMENT AND
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 UNIFORMLY
ENFORCED THIS LAW. 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, FOUNDED A NEW DEPARTMENT IN THE SPORTS SECRETARIAT TO
FACILITATE ATHLETIC COMPETITION FOR THE DISABLED, AND INSTRUCTED
THE SECRETARIAT OF EDUCATION TO BEGIN A PILOT PROJECT INTEGRATING
MENTALLY RETARDED CHILDREN INTO THE PUBLIC SCHOOL SYSTEM. IN
1998 THE GOVERNMENT MODERNIZED DARIO CONTRERAS HOSPITAL, A PUBLIC
TRAUMATOLOGY AND ORTHOPEDICS FACILITY; AND CREATED A DEPARTMENT
OF PHYSICAL MEDICINE IN PADRE BILLINI HOSPITAL, ANOTHER PUBLIC
FACILITY.

NATIONAL/RACIAL/ETHNIC MINORITIES

A STRONG PREJUDICE AGAINST HAITIANS RUNS THROUGH SOCIETY,
DISADVANTAGING MANY HAITIANS AND DOMINICANS OF HAITIAN ANCESTRY.
THE GOVERNMENT HAS NOT ACKNOWLEDGED THE EXISTENCE OF THIS

UNCLASSIFIED

<< END OF DOCUMENT >>

UNCLASSIFIED PTQ4818

PAGE 01 SANTO 04833 07 OF 08 051901Z
ACTION ARA-01

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

-----724A1B 051901Z /38

O 051853Z OCT 98
FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC IMMEDIATE 1947

UNCLAS SECTION 07 OF 08 SANTO DOMINGO 004833

E.O. 12958: N/A DECONTROLLED/UNCLASSIFIED
TAGS: PHUM, DR
SUBJECT: 1998 COUNTRY HUMAN RIGHTS REPORT FOR THE DOMINICAN
REPUBLIC

DISCRIMINATION NOR MADE ANY EFFORTS TO COMBAT IT. DARKER-SKINNED
DOMINICANS ALSO FACE INFORMAL BARRIERS TO SOCIAL AND ECONOMIC
ADVANCEMENT.

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
DOMINICAN REPUBLIC. CHILDREN BORN TO HAITIAN PARENTS ARE CAUGHT
IN A BUREAUCRATIC DILEMMA: SINCE MANY HAITIAN PARENTS HAVE NEVER
PROCESSED DOCUMENTATION FOR THEIR OWN BIRTH, THEY ARE UNABLE TO
DEMONSTRATE THEIR OWN CITIZENSHIP. AS A RESULT, THEY CANNOT
UNCLASSIFIED

PAGE 02 SANTO 04833 07 OF 08 051901Z
DECLARE THEIR CHILDREN'S BIRTHS AT THE CIVIL REGISTRY AND THEREBY
ESTABLISH DOMINICAN CITIZENSHIP FOR THEIR OFFSPRING. SOME CIVIL
REGISTRY OFFICES DO NOT ACCEPT LATE DECLARATIONS OF BIRTH FOR
CHILDREN OF HAITIAN IMMIGRANTS, ALTHOUGH THEY ROUTINELY ACCEPT
LATE DECLARATIONS FOR CHILDREN OF DOMINICAN PARENTS. LACK OF
DOCUMENTATION OFTEN HINDERS THE ABILITY OF CHILDREN OF HAITIAN
DESCENT TO ATTEND SCHOOL WHERE THERE IS ONE AVAILABLE. SOME
PARENTS FAIL TO SEEK DOCUMENTATION FOR FEAR OF BEING DEPORTED.

SECTION 6 WORKER RIGHTS

A. THE RIGHT OF ASSOCIATION

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

REQUIREMENTS FOR CALLING A STRIKE INCLUDE THE SUPPORT OF AN
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 TEN-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.

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

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED
UNCLASSIFIED

PAGE 03 SANTO 04833 07 OF 08 051901Z
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 ONLY AN ESTIMATED TEN
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 OF 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 FREELY AFFILIATE REGIONALLY AND
INTERNATIONALLY.

B. THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY

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

THE LABOR CODE ESTABLISHES A SYSTEM OF LABOR COURTS FOR DEALING
WITH DISPUTES, BUT THESE COURTS HAVE PROVEN INEFFECTIVE AT
ENFORCING THE LAW.

THE STATE SUGAR COUNCIL (CEA) EMPLOYS WORKERS FROM MORE THAN 100
UNIONS, TWO OF THEM PREDOMINANTLY HAITIAN. THE CEA HAS LONG
UNCLASSIFIED

PAGE 04 SANTO 04833 07 OF 08 051901Z
MAINTAINED A NEGATIVE ATTITUDE TOWARD ADDITIONAL ORGANIZING
EFFORTS.

THE LABOR CODE APPLIES IN THE 40 ESTABLISHED (FTZ'S), WHICH
EMPLOY APPROXIMATELY 200,000 WORKERS, MOSTLY WOMEN. WORKPLACE
REGULATIONS AND THEIR ENFORCEMENT IN THE FTZ'S DO NOT DIFFER FROM
THOSE IN THE COUNTRY AT LARGE, ALTHOUGH WORKING CONDITIONS ARE
SOMETIMES BETTER. SOME FTZ COMPANIES HAVE A HISTORY OF
DISCHARGING WORKERS WHO ATTEMPT TO ORGANIZE UNIONS, YET THERE
HAVE ALSO BEEN REPORTS OF UNION ORGANIZERS EXTORTING BUSINESS
OWNERS. MANY UNIONS IN THE FTZ'S 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

DECONTROLLED/UNCLASSIFIED

C. PROHIBITION OF FORCED OR COMPULSORY LABOR

THE LAW PROHIBITS FORCED OR COMPULSORY LABOR, INCLUDING THAT PERFORMED BY CHILDREN, AND IT IS NOT KNOWN TO OCCUR. HOWEVER, THERE WERE NUMEROUS CREDIBLE REPORTS OF COERCED OVERTIME IN FACTORIES AND OF WORKERS BEING FIRED FOR REFUSING TO WORK OVERTIME. BOTH EMPLOYERS AND WORKERS STATE THAT NEWLY HIRED

UNCLASSIFIED

<< END OF DOCUMENT >>

UNCLASSIFIED PTQ4821

PAGE 01 SANTO 04833 08 OF 08 051901Z
ACTION ARA-01

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

-----724A27 051902Z /38

O 051853Z OCT 98
FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC IMMEDIATE 1948

UNCLAS SECTION 08 OF 08 SANTO DOMINGO 004833

E.O. 12958: N/A
TAGS: PHUM, DR
SUBJECT: 1998 COUNTRY HUMAN RIGHTS REPORT FOR THE DOMINICAN
REPUBLIC

WORKERS ARE NOT INFORMED THAT OVERTIME IS OPTIONAL.

HAITIAN SUGAR CANE WORKERS CONTINUED TO ENCOUNTER RESTRICTIONS ON THEIR FREEDOM OF MOVEMENT. THESE INCLUDE ARMED GUARDS ON THE PLANTATIONS WHO TRY TO DISCOURAGE THE MOVEMENT OF DEPARTING WORKERS BEFORE THEY LEAVE COMPANY LANDS. WHILE PAY IS LOW AND LIVING CONDITIONS HARSH, NGO'S AND UNION OFFICIALS AGREE THAT LIVING AND WORKING CONDITIONS AMONG HAITIAN CANE WORKERS HAVE IMPROVED.

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

PAGE 02 SANTO 04833 08 OF 08 051901Z

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 SIX HOURS OF DAILY WORK, NO EMPLOYMENT IN DANGEROUS OCCUPATIONS OR ESTABLISHMENTS SERVING ALCOHOL, AND LIMITATIONS ON NIGHTTIME WORK. THE LAW REQUIRES SIX YEARS OF FORMAL EDUCATION.

THE LAW PROHIBITS FORCED OR BONDED LABOR BY CHILDREN, AND IT IS NOT KNOWN TO OCCUR (SEE SECTION 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 SEVEN AND 14 HOLD JOBS. THE GOVERNMENT DID NOT SANCTION THE PARENTS OF THESE CHILDREN.

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 MAY ALSO ENACT MINIMUM WAGE LEGISLATION. THE MINIMUM MONTHLY SALARY IS \$125 (1,932 PESOS) IN THE FREE TRADE ZONES AND RANGES FROM \$101 (1,555 PESOS) TO \$157 (2,412 PESOS) OUTSIDE THE FTZ'S DEPENDING UPON THE SIZE OF THE COMPANY. THIS 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 EIGHT HOURS
UNCLASSIFIED

PAGE 03 SANTO 04833 08 OF 08 051901Z
PER DAY AND 44 HOURS PER WEEK. THE CODE ALSO STIPULATES THAT ALL WORKERS ARE ENTITLED TO 36 HOURS OF UNINTERRUPTED REST EACH WEEK. IN PRACTICE, A TYPICAL WORKWEEK IS MONDAY THROUGH FRIDAY PLUS A HALF DAY ON SATURDAY, BUT LONGER HOURS ARE NOT UNUSUAL. THE CODE GRANTS WORKERS A 35 PERCENT DIFFERENTIAL FOR WORK FROM 44 HOURS TO 68 HOURS PER WEEK AND DOUBLE TIME FOR ANY HOURS ABOVE 68 HOURS PER WEEK.

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 NINE 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

ARE CUSTOMARILY FILLED THROUGH POLITICAL PATRONAGE. IN PRACTICE, WORKERS CANNOT REMOVE THEMSELVES FROM HAZARDOUS WORKING SITUATIONS WITHOUT JEOPARDY TO CONTINUED EMPLOYMENT. 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 ARE USUALLY PAID BY THE WEIGHT OF CANE CUT RATHER THAN HOURS WORKED. EMPLOYERS OFTEN DO NOT PROVIDE TRUCKS TO TRANSPORT THE NEWLY CUT CANE AT THE CONCLUSION OF THE WORKDAY, CAUSING WORKERS TO RECEIVE LOWER COMPENSATION AFTER THE CANE HAS DRIED OUT AND BECOME LIGHTER.

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

PAGE 04 SANTO 04833 08 OF 08 051901Z
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 TWO WEEKS. MANY CANE CUTTERS EARN LESS THAN \$3.90 (60 PESOS) PER DAY. BECAUSE WORKERS EARN SO LITTLE AND SOMETIMES CANNOT WAIT UNTIL PAYDAY TO REDEEM THEIR TICKETS, AN INFORMAL BARTER SYSTEM HAS EVOLVED IN WHICH THE TICKETS ARE ALSO 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 TEN PERCENT OF THE CASH DUE A CUSTOMER.

THE CONDITIONS ARE SOMEWHAT BETTER AT SOME OF THE PRIVATELY-OWNED SUGAR PLANTATIONS.

4. (SBU/NF) NOTE: POST WILL SEND ASAP BY SEPTTEL THE STATISTICS REFERRED TO IN PARAGRAPH 8 OF THE REPORT IN THE SENTENCE THAT BEGINS "FROM JANUARY TO AUGUST, POLICE COURTS TRIED..."

WATT

UNCLASSIFIED

<< END OF DOCUMENT >>