

UNCLASSIFIED

PT05565

RELEASED IN FULL

PAGE 01 SANTO 04373 201350Z
ACTION DRL-02

INFO	LOG-00	NP-00	AID-00	AMAD-00	CIAE-00	INL-00	DODE-00
	WHA-00	SRPP-00	EB-00	UTED-00	H-01	TEDE-00	INR-00
	IO-00	LAB-01	L-00	NSAE-00	NSCE-00	OIC-02	OPIC-01
	PC-01	PRS-00	P-00	SP-00	STR-00	TEST-00	TRSE-00
	USIE-00	IIP-00	PRM-00	G-00	NFAT-00	SAS-00	/008W

-----326CF7 201353Z /02

O 191606Z OCT 01
FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC IMMEDIATE 2196

UNCLAS SANTO DOMINGO 004373

DEPT FOR DRL/CRT, WHA/CA -- CPEACOCK

SENSITIVE

E.O. 12958: N/A
TAGS: PHUM, DR
SUBJECT: DOMINICAN REPUBLIC 2001 HUMAN RIGHTS REPORT

REF: SECSTATE 130794

1. SENSITIVE BUT UNCLASSIFIED - ENTIRE TEXT.
2. FOLLOWING IS THE 2001 COUNTRY HUMAN RIGHTS REPORT FOR THE DOMINICAN REPUBLIC.
3. DOMINICAN REPUBLIC

UNCLASSIFIED

PAGE 02 SANTO 04373 201350Z

THE CONSTITUTION PROVIDES FOR A POPULARLY ELECTED PRESIDENT AND A BICAMERAL CONGRESS. PRESIDENT HIPOLITO MEJIA OF THE DOMINICAN REFORM PARTY (PRD) TOOK OFFICE ON AUGUST 16 AFTER A FREE AND FAIR ELECTION, REPLACING PRESIDENT LEONEL FERNANDEZ OF THE DOMINICAN LIBERATION PARTY (PLD). THE PRD ALSO HAS CONTROL OF THE SENATE AND CHAMBER OF DEPUTIES. THE CONSTITUTION PROVIDES FOR AN INDEPENDENT JUDICIARY; HOWEVER, INTERFERENCE FROM OUTSIDE FORCES REMAINS A PROBLEM. THE RECENT SELECTION OF THREE SUPREME COURT JUSTICES WAS CONDUCTED IN A LESS RIGOROUS, TRANSPARENT AND PARTICIPATORY PROCESS THAN THE PREVIOUS SELECTION OF JUSTICES.

THE NATIONAL POLICE (PN), THE NATIONAL DEPARTMENT OF

DECONTROLLED/UNCLASSIFIED

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. ALTHOUGH THE SECURITY FORCES GENERALLY ARE RESPONSIVE TO CIVILIAN AUTHORITY, THERE WERE INSTANCES IN WHICH MEMBERS OF THE SECURITY FORCES, PRINCIPALLY THE NATIONAL POLICE, ACTED INDEPENDENTLY OF GOVERNMENT AUTHORITY OR CONTROL. MEMBERS OF THE NATIONAL POLICE, AND TO A LESSER THE MILITARY, CONTINUED TO COMMIT SERIOUS 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 EXCEED \$1.9 BILLION, EQUIVALENT TO APPROXIMATELY 9 PERCENT OF THE \$2,100

UNCLASSIFIED

PAGE 03 SANTO 04373 201350Z

PER CAPITA GROSS DOMESTIC PRODUCT. THE RECENT SLOWDOWN IN THE U.S. ECONOMY, TOGETHER WITH CONTINUED HIGH OIL PRICES, HAS CAUSED A SHARP DROP IN GDP GROWTH, WHICH EXCEEDED 7 PERCENT PER YEAR FROM 1996 THROUGH 2000. INFLATION, HOWEVER, REMAINS LOW AND THE PESO/DOLLAR EXCHANGE RATE HAS BEEN STABLE. THE 1999 TRANSFER OF SUGAR MILLS TO PRIVATE CONTROL CONTRIBUTED TO INCREASING POVERTY AND JOBLESSNESS IN THE BATEYES (SUGAR CANE SHANTYTOWNS). INCOME DISTRIBUTION IN THE COUNTRY IS HIGHLY SKEWED, AND ACCORDING TO THE U.N. DEVELOPMENT PROGRAM, THE RICHEST 10 PERCENT OF THE POPULATION RECEIVES OVER 37 PERCENT OF THE INCOME, OVER 18 TIMES THAT RECEIVED BY THE MOST IMPOVERISHED 10 PERCENT OF THE POPULATION.

THE GOVERNMENT'S HUMAN RIGHTS RECORD WAS POOR, AND SERIOUS PROBLEMS REMAIN. POLICE COMMITTED EXTRAJUDICIAL KILLINGS. THE POLICE, AND TO A LESSER DEGREE THE MILITARY, TORTURED, BEAT, AND OTHERWISE ABUSED DETAINEES AND PRISONERS. POLICE ON SEVERAL OCCASIONS USED EXCESSIVE FORCE TO DISPERSE DEMONSTRATORS. THERE WAS SOME LIMITED PROGRESS IN THE NUMBER OF POLICE OFFICERS SENT TO CIVIL COURT. HOWEVER, THE SUPREME COURT FAILED TO DECIDE A SUIT BROUGHT 2 YEARS AGO REQUESTING THAT THE COURT RULE ON THE CONSTITUTIONALITY OF POLICE TRIBUNALS. PRISON CONDITIONS RANGED FROM POOR TO HARSH. POLICE ARBITRARILY ARRESTED AND DETAINED SUSPECTS AND SUSPECTS' RELATIVES. WHILE IMPROVEMENTS IN THE EFFICIENCY OF THE JUDICIARY CONTINUE, LENGTHY PRETRIAL DETENTION AND LONG DELAYS IN TRIALS REMAINED PROBLEMS. POLICE COMMITTED BREAK-INS OF PRIVATE HOMES WITHOUT JUDICIAL ORDERS. THE AUTHORITIES RARELY PROSECUTE ABUSERS, AND AT TIMES MEMBERS OF THE SECURITY FORCES COMMIT ABUSES WITH THE TACIT ACQUIESCENCE OF THE

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

CIVIL AUTHORITIES, LEADING TO A CLIMATE OF IMPUNITY. MEMBERS OF THE PRESIDENT'S SECURITY FORCE MISTREATED JOURNALISTS. THE UNCLASSIFIED

PAGE 04 SANTO 04373 201350Z

GOVERNMENT RESTRICTS THE MOVEMENT OF AND FORCIBLY EXPELS HAITIAN AND DOMINICAN-HAITIAN MIGRANTS. VIOLENCE AND DISCRIMINATION AGAINST WOMEN; PROSTITUTION, INCLUDING CHILD PROSTITUTION; ABUSE OF CHILDREN; DISCRIMINATION AGAINST THE DISABLED; DISCRIMINATION AGAINST AND ABUSE OF HAITIAN MIGRANTS AND THEIR DESCENDANTS; AND CHILD LABOR ARE SERIOUS PROBLEMS. THERE CONTINUED TO BE REPORTS OF FORCED LABOR. WORKERS ON THE SUGAR PLANTATIONS AND MILLS CONTINUED TO WORK IN UNSAFE CONDITIONS. TRAFFICKING IN PERSONS IS A SERIOUS PROBLEM.

RESPECT FOR HUMAN RIGHTS

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

A. ARBITRARY OR UNLAWFUL DEPRIVATION OF LIFE

THERE WERE NO REPORTS OF POLITICAL KILLINGS BY GOVERNMENT OFFICIALS; HOWEVER, POLICE COMMITTED OVER 200 EXTRAJUDICIAL KILLINGS. IT IS DIFFICULT FOR ANY OUTSIDE OBSERVER TO QUANTIFY THE EXACT NUMBER OF VICTIMS OF EXTRAJUDICIAL KILLINGS EACH YEAR; INCLUDED IN THIS NUMBER ARE CIVILIANS WHO WERE KILLED IN ALLEGED "EXCHANGES OF GUNFIRE" WITH POLICE. THE POLICE FAIL TO COOPERATE WITH CIVILIAN AUTHORITIES IN MANY WAYS, WHICH MADE QUANTIFYING THE PROBLEM VERY DIFFICULT. FOR EXAMPLE, THE POLICE DO NOT PROVIDE PUBLIC MINISTRY OFFICIALS WITH REPORTS ON INVESTIGATIONS OF CITIZENS KILLED IN CONFRONTATIONS WITH POLICE; POLICE RARELY DOCUMENTED CITIZEN KILLINGS IN ACCORDANCE WITH MINIMUM INVESTIGATIONS OR CRIME SCENE STANDARDS; POLICE DENIED CIVILIAN AUTHORITIES, INCLUDING PROSECUTORS REQUESTING INFORMATION, UNCLASSIFIED

PAGE 05 SANTO 04373 201350Z

TRANSCRIPTS OF POLICE TRIBUNAL HEARINGS THAT PROCESS THESE CASES IN SECRET; AND THE POLICE HAVE BEEN KNOWN TO PUBLICLY FIRE OFFICIALS INVOLVED IN THESE INCIDENTS, ONLY TO REINSTATE THEM QUIETLY LATER.

THE DOMINICAN HUMAN RIGHTS COMMITTEE AND OTHER OBSERVERS STATE THAT THE POLICE EMPLOY UNWARRANTED DEADLY FORCE AGAINST CRIMINAL SUSPECTS IN A KIND OF UNIFORMED VIGILANTISM, OR IN SOME CASES BECAUSE CRIMINALS REFUSED TO PAY POLICE "COMMISSIONS" OR BRIBES FOR CRIMINAL ACTIVITY. IN ADDITION, SOME VICTIMS ARE INVOLVED IN PRIVATE DISPUTES WITH POLICE AGENTS, WHILE OTHER VICTIMS LATER WERE FOUND TO BE HONEST CITIZENS ERRONEOUSLY CAUGHT UP IN THE

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

WAVE OF ANTIGANG VIOLENCE CARRIED OUT BY THE POLICE. THE CIRCUMSTANCES OF THE VAST MAJORITY OF THESE KILLINGS ARE QUESTIONABLE, BUT WITNESSES OTHER THAN THE POLICE USUALLY ARE LACKING.

EXTRAJUDICIAL KILLINGS STEM FROM THE LACK OF BASIC EDUCATION, POOR TRAINING, AND WEAK DISCIPLINE OF THE MEMBERS OF THE POLICE FORCE. THESE PROBLEMS ARE AGGRAVATED BY LOW PAY AND THE FACT THAT THE GOVERNMENT'S BUDGETARY ALLOCATION FOR THE POLICE IS TOO LOW TO SUPPORT THE HIGHER RECRUITING STANDARDS NEEDED AND TO PROVIDE ADEQUATE TRAINING FOR POLICE. FOR EXAMPLE, NEW RECRUITS FIRE ONLY ONE ROUND OF AMMUNITION DURING TRAINING, AND THERE IS NO COHERENT POLICY ON THE USE OF DEADLY FORCE OR RULES OF ENGAGEMENT BY THE POLICE. ADDITIONALLY, THE LACK OF PROFESSIONAL, TRANSPARENT, AND CREDIBLE INVESTIGATION OF THE CIRCUMSTANCES IN WHICH POLICE KILL CITIZENS IN "EXCHANGES OF GUNFIRE" LEAD TO THE PERCEPTION OF IMPUNITY IN THESE KILLINGS. FINALLY, THERE IS A LACK OF MEANINGFUL TRAINING IN HUMAN RIGHTS AS APPLIED TO POLICE WORK.

UNCLASSIFIED

PAGE 06 SANTO 04373 201350Z

IN THE MAJORITY OF THE OVER 200 DEATHS AT THE HANDS OF POLICE, THE POLICE CHARACTERIZED THE VICTIMS OF POLICE KILLINGS AS DELINQUENTS. THE REST WERE WIVES, GIRLFRIENDS, OTHER CIVILIANS, OR FELLOW OFFICERS. IN MOST CASES, THE POLICE CLAIMED THAT THE DEATHS RESULTED FROM THE EXCHANGE OF GUNFIRE IN THE COURSE OF AN ARREST. IN OCTOBER 1999, THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR) ISSUED A REPORT THAT CRITICIZED THE POLICE FOR COMMITTING EXTRAJUDICIAL KILLINGS AND NEGLECTING TO INVESTIGATE AND PUNISH OFFICERS RESPONSIBLE FOR SUCH ABUSES. POLICE ASSERT THAT THE DEATHS OF SO-CALLED DELINQUENTS RESULTED FROM SHOOT-OUTS REQUIRING THE POLICE TO ACT IN SELF-DEFENSE. HOWEVER, A NUMBER OF CASES DEMONSTRATE THAT THIS OFTEN IS NOT THE CASE.

FOR EXAMPLE, ON MAY 11, 26 YEAR-OLD RUBEN DARIO PANIAGUA WAS ALLEGEDLY SHOT IN THE HEAD AS HE SAT ON THE CURB IN FRONT OF HIS HOUSE READING THE NEWSPAPER WITH HIS TEN-YEAR-OLD BROTHER. WITNESSES CLAIM HE WAS KILLED BECAUSE HE REFUSED A POLICE ATTEMPT TO SHAKE HIM DOWN FOR MONEY. HIS NEIGHBORHOOD, THE BARRIO EL CAPOTILLO, ERUPTED IN PROTEST OVER THE SHOOTING. ON MAY 14, DURING A PROTEST OF THE KILLING OF PANIAGUA, POLICE CONFRONTED PROTESTERS AND ALLEGEDLY KILLED 37 YEAR-OLD JOSE ALEJANDRO MORAN AND 16 YEAR-OLD MARCOS EZEQUIEL OLIVARES. DURING THE DEMONSTRATIONS, POLICE ALSO WOUNDED SEVERAL OTHER BYSTANDERS. PROTESTS CONTINUED IN CAPOTILLO ON MAY 16 AND SPREAD INTO THE NEIGHBORING BARRIO VILLAS AGRICOLAS. PRESIDENT MEJIA FORMED A COMMITTEE LED BY THE HEAD OF THE ARMED FORCES TO INVESTIGATE THE DEATHS. TWO POLICE OFFICERS, FRANKLIN TEJADA TEJADA AND CARLOS

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

MIGUEL FELIZ MATEO, WERE ARRESTED FOR THE SHOOTING OF PANIAGUA. THE POLICE CLAIMED THAT TWO OTHER INDIVIDUALS KILLED DURING THE PROTESTS DID NOT DIE AT THE HANDS OF THE NATIONAL POLICE, BUT BY UNCLASSIFIED

PAGE 07 SANTO 04373 201350Z

A CIVILIAN, HECTOR BIENVENIDO CROSS, WHO THEY ALLEGED WAS A BARRIO AGITATOR. COMMUNITY LEADERS CHARGED THAT SIX POLICE OFFICERS WERE INVOLVED IN THE SHOOTINGS AND THAT CROSS WAS CONNECTED TO THE POLICE. CROSS LATER STATED THAT HE WORKED FOR THE POLICE. THE INVESTIGATION LATER REVEALED THAT THE BULLET FOUND IN ONE OF THE VICTIMS DID NOT COME FROM THE GUN OF CROSS. TWO ADDITIONAL POLICE OFFICERS, IVAN ANDRES DURAN AND WELLINGTON GABRIEL CARRASCO, AND A MEMBER OF THE ARMED FORCES, WARREN ANTONIO MATOS, WERE SUBSEQUENTLY ARRESTED. IN SEPTEMBER, AN INSTRUCTION JUDGE SENT CROSS, TEJADA, MATEO AND MATOS TO BE TRIED IN A CIVILIAN CRIMINAL COURT. THE OTHERS DETAINED IN CONNECTION WITH THIS CASE WERE RELEASED.

ON JUNE 11, A POLICE OFFICER IN LA ROMANA SHOT 37 YEAR OLD CARMELO DEL ROSARIO, IN FRONT OF HIS WIFE AND CHILDREN. DEL ROSARIO HAD CRITICIZED THE OFFICER FOR NEARLY HITTING HIS SMALL DAUGHTER WITH HIS CAR. IN RESPONSE, THE OFFICER REPORTEDLY PULLED OUT A GUN AND SHOT HIM. THE OFFICER STATED THAT HIS ACTIONS WERE IN SELF-DEFENSE, BUT WITNESSES DENY THAT CARMELO ATTACKED THE OFFICER. THERE WAS NO PUBLIC INFORMATION AVAILABLE ABOUT THE OFFICER'S CASE.

ON JULY 5, WENDY ALTAGRACIA GATON TEJADA, A UNIVERSITY STUDENT, WAS KILLED IN THE SANTO DOMINGO NEIGHBORHOOD OF HERRERA DURING A PROTEST. ONE OFFICER INVOLVED IN THE CASE WAS SENT TO CIVIL COURT BUT THE INSTRUCTION JUDGE HAS MADE NO RULING ON WHETHER THE CASE WILL GO TO TRIAL. THREE OTHERS WERE SENT TO THE MILITARY TRIBUNAL; THERE WAS NO PUBLIC INFORMATION REGARDING THE STATUS OF THEIR CASES.

DURING THE EVENING OF SATURDAY SEPTEMBER 29, IN THE NEIGHBORHOOD UNCLASSIFIED

PAGE 08 SANTO 04373 201350Z

OF VILLA FRANCISCA, 18 YEAR OLD PEDRO MANUEL CONTREAS, KNOWN AS "MORENO" WAS KILLED BY POLICE PRIVATE FRANCISCO REYES SANTANA, KNOWN AS "TYSON". WITNESSES STATE THAT TYSON AND FOUR OTHER POLICE OFFICERS BROKE DOWN THE DOOR TO THE HOUSE AND CHASED PEDRO MANUEL TO THE STREET WHERE HE WAS SHOT AT POINT BLANK RANGE. PEDRO MANUEL HAD BEEN IN PRISON BEFORE AND HAD REPORTED PROBLEMS WITH TYSON SINCE HIS RELEASE. PEDRO MANUEL'S BROTHER CLAIMS TO HAVE BEEN DETAINED AND TORTURED BY OFFICERS SEARCHING FOR HIS BROTHER PRIOR TO HIS BROTHER'S DEATH. NEIGHBORS STATE THAT TYSON, SERGEANT MEDINA MEDINA AND ONE OTHER POLICE OFFICER OFTEN

DECONTROLLED/UNCLASSIFIED

EXTORTED MONEY FROM PEDRO MANUEL AND OTHER YOUTHS IN THE BARRIO. TYSON REPORTEDLY HAD BEEN SENT TO POLICE TRIBUNALS SEVEN PREVIOUS TIMES AND WAS FORMERLY DENOUNCED BY LAWYER AND HUMAN RIGHTS ACTIVIST AURA CELESTE FERNANDEZ. ACCORDING TO POLICE, TYSON AND SERGEANT MEDINA MEDINA WERE TAKEN INTO CUSTODY AND A COMMISSION WAS CREATED TO INVESTIGATE THE INCIDENT. THE COMMISSION RECOMMENDED THAT THE OFFICERS BE TRIED IN POLICE COURT. HOWEVER, THE DISTRICT ATTORNEY BEGAN PROCEEDINGS TO HAVE TYSON AND MEDINA CHARGED IN THE CIVILIAN COURTS. AS OF OCTOBER, THE QUESTION OF JURISDICTION FOR THE CASE HAD NOT BEEN RESOLVED.

THE NUMBER OF HAITIAN MIGRANTS KILLED BY MILITARY PERSONNEL WHILE ATTEMPTING TO ENTER THE COUNTRY WAS SIGNIFICANTLY LESS THAN LAST YEAR. THERE WERE, HOWEVER, A FEW REPORTED CASES, INCLUDING THE CASE OF ELIE JEAN BAPTISTE (SEE SECTION 2.D.).

THE ADMINISTRATION OF PRESIDENT HIPOLITO MEJIA ACKNOWLEDGED THE PROBLEMS WITH THE POLICE APPARATUS. EARLY IN HIS ADMINISTRATION, MEJIA CREATED A POLICE REFORM COMMISSION TO BE MADE UP OF THE CHIEF OF POLICE, THE ATTORNEY GENERAL, THE SECRETARY OF THE ARMED FORCES, THE LEGAL ADVISOR TO THE

UNCLASSIFIED

PAGE 09 SANTO 04373 201350Z

PRESIDENT, REPRESENTATIVES OF HUMAN RIGHTS ORGANIZATIONS, AND LEGISLATORS. THE POLICE REFORM COMMISSION DEVELOPED LEGISLATION THAT MODIFIES THE CURRENT POLICE LAW. THE DRAFT BILL, WHICH INCLUDED SUGGESTIONS BY CIVIL SOCIETY, WOULD LIMIT USE OF POLICE TRIBUNALS TO CASES OF DISCIPLINARY ACTIONS AND WOULD ESTABLISH SELECTION CRITERIA FOR NEW RECRUITS. THE DRAFT LEGISLATION WAS PENDING IN THE CONGRESS.

POLICE COURTS MAY TRY POLICE OFFICERS OR MAY REMAND THEM TO CIVILIAN COURT JURISDICTION. MILITARY COURTS TRY MILITARY PERSONNEL CHARGED WITH EXTRAJUDICIAL KILLINGS OR OTHER CRIMES. POLICE CHIEF CANDELIER ANNOUNCED THAT EVERY TIME AN OFFICER IS INVOLVED IN A QUESTIONABLE INCIDENT, THE CASE GOES TO A POLICE COMMISSION OF SUPERIOR OFFICERS FOR INVESTIGATION. HE SAID THAT IF IT IS DETERMINED THAT THE POLICE OFFICER EXCEEDED HIS AUTHORITY, THE CASE IS SENT TO THE POLICE COURTS OR TO THE CIVILIAN COURTS, DEPENDING ON THE SEVERITY OF THE OFFENSE. IN THE OVER 200 EXTRAJUDICIAL KILLINGS, FEWER THAN 10 OFFICERS HAVE BEEN SENT TO THE CIVILIAN COURTS. ALTHOUGH THE POLICE SEND VERY FEW CASES TO CIVILIAN COURTS, AS A RESULT OF REQUESTS FROM THE FORMER ATTORNEY GENERAL, DISTRICT ATTORNEY, AND JUSTICE REFORM COMMISSIONER, SEVERAL OFFICERS WERE SENT TO THE CIVILIAN COURTS IN HIGH PROFILE CASES.

IN 2000, SIX CIVIL SOCIETY GROUPS SUBMITTED AN "ACT OF UNCONSTITUTIONALITY" TO THE SUPREME COURT ON THE ISSUE OF THE

DECONTROLLED/UNCLASSIFIED

LEGALITY OF LAW 285, WHICH ENCOMPASSES THE CODE OF POLICE JUSTICE. CIVIL SOCIETY GROUPS ARGUE THAT POLICE COURTS VIOLATE THE CONSTITUTION, AND THAT THEY WEAKEN THE SEPARATION AND INDEPENDENCE OF GOVERNMENTAL FUNCTIONS, AS WELL AS THE EXCLUSIVITY OF THE JUDICIAL FUNCTION IN THE ADMINISTRATION OF UNCLASSIFIED

PAGE 10 SANTO 04373 201350Z
JUSTICE. THE LAWSUIT ASKS THE COURT TO RULE ON THE CONSTITUTIONALITY OF THESE POLICE TRIBUNALS; A DECISION WAS STILL PENDING AS OF OCTOBER.

IN SEVERAL NEIGHBORHOODS IN SANTO DOMINGO, CIVIL SOCIETY HELD PROTESTS AGAINST POLICE VIOLENCE (SEE SECTION 2.B.).

STATE AGENTS IN PRISONS ALSO COMMITTED EXTRAJUDICIAL KILLINGS. IN THE ARMY RUN PRISON IN SAN PEDRO DE MACORIS, AT LEAST 4 PRISONERS DIED FROM INJURIES RECEIVED WHILE IN CUSTODY. IN SEPTEMBER, MARTIN JIMENES MATEO WAS SHOT IN WHAT AUTHORITIES CHARACTERIZED AS AN ESCAPE ATTEMPT. THERE ALSO WERE A NUMBER OF DEATHS IN PRISONS DUE TO HARSH CONDITIONS AND OFFICIAL NEGLIGENCE (SEE SECTION 1.C.).

IN THE 2000 CASE INVOLVING THREE INDIVIDUALS SHOT IN NAJAYO PRISON IN SAN CRISTOBAL, THE OFFICERS INVOLVED WERE NEVER TRIED IN EITHER THE POLICE OR CIVIL COURTS, ACCORDING TO HUMAN RIGHTS GROUPS.

IN THE JULY 1999 CASE IN WHICH THE AUTHORITIES ARRESTED A GENERAL, A COLONEL, A LEGAL CONSULTANT, AND VARIOUS POLICE OFFICERS IN CONNECTION WITH THE DEATHS OF THREE ALLEGED DELINQUENTS IN MOCA, ALL WERE RELEASED WITHOUT GOING TO TRIAL. THE COLONEL WAS SUBSEQUENTLY PROMOTED.

THERE WERE NO DEVELOPMENTS IN THE CASES OF THE POLICE OFFICERS INVOLVED IN THE KILLING OF ANTONIO LORA FERNANDEZ IN APRIL 2000, THE KILLING OF JUAN EXPEDITO GARCIA IN JULY 2000, THE KILLING OF JUAN JOSE URENA IN JULY 2000, THE 6 HAITIANS AND 1 DOMINICAN SHOT IN JULY 2000, THE 30 YEAR OLD HAITIAN KILLED IN AUGUST 2000, EMILIO JOSE MATIAS AND LAURI MENDEZ SENA KILLED IN

UNCLASSIFIED

PAGE 11 SANTO 04373 201350Z
SEPTEMBER 2000 OR JOHNNY PERDOMO SANTO KILLED IN NOVEMBER 2000.

RETIRED GENERAL JOAQUIN POU CASTRO, FORMER AIR FORCE OFFICER MARIANO CABRERA DURAN, AND LUIS EMILIO DE LA ROSA BERAS, CONVICTED OF THE 1975 MURDER OF JOURNALIST ORLANDO MARTINEZ HOWLEY, A CRITIC OF THE BALAGUER ADMINISTRATION, ARE APPEALING THEIR 30 YEAR SENTENCES. A FOURTH DEFENDANT, GENERAL LLUBERAS MONTAS, WHO WAS NOT TRIED WITH THE OTHERS FOR HEALTH REASONS, IS

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

CURRENTLY BEING TRIED IN THE TENTH PENAL COURT. HE HAD 6 HEARINGS SCHEDULED THIS YEAR, ALL OF WHICH WERE POSTPONED BECAUSE HE FAILED TO APPEAR.

B. DISAPPEARANCE

THERE WERE NO REPORTS OF POLITICALLY MOTIVATED DISAPPEARANCES.

FORMER SECRETARY OF THE ARMED FORCES, CONSTANTINO MATOS VILLANUEVA, WAS SENT TO CRIMINAL COURT IN THE CASE OF NARCISO GONZALEZ, A UNIVERSITY PROFESSOR AND CRITIC OF THE BALAGUER GOVERNMENT WHO DISAPPEARED IN MAY 1994. TWO OTHERS, GENERAL LEONARDO A. DE JESUS REYES BENCOSME AND AIR FORCE COLONEL MANUEL CONCEPCION PEREZ VOLQUEZ, WERE EXCLUDED FROM THE CASE, THOUGH THIS DECISION IS BEING APPEALED. THERE WAS NO ACTION DURING THE YEAR ON THE FAMILY'S COMPLAINT TO THE INTER-AMERICAN COURT OF HUMAN RIGHTS.

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

THE CONSTITUTION AND THE LAW PROHIBIT TORTURE AND OTHER FORMS OF PHYSICAL ABUSE; HOWEVER, SECURITY FORCE PERSONNEL CONTINUE TO
UNCLASSIFIED

PAGE 12 SANTO 04373 201350Z

TORTURE, BEAT, AND OTHERWISE PHYSICALLY ABUSE DETAINEES AND PRISONERS. LACK OF SUPERVISION, TRAINING, AND ACCOUNTABILITY THROUGHOUT THE LAW ENFORCEMENT AND CORRECTIONS SYSTEMS EXACERBATE THE PROBLEM OF PHYSICAL ABUSE. HUMAN RIGHTS GROUPS AND THE LOCAL PRESS REPORTED REGULAR AND REPEATED OCCURRENCES OF PHYSICAL ABUSE OF DETAINEES WHILE IN CUSTODY, INCLUDING BEATINGS, SEXUAL ABUSE, ASPHYXIATION WITH PLASTIC BAGS TO ELICIT CONFESSIONS, AND A TORTURE METHOD CALLED "ROASTING THE CHICKEN" IN WHICH THE VICTIM IS PLACED OVER HOT COALS AND TURNED UNTIL CONFESSING.

THE THREE OFFICERS ACCUSED OF BEING INVOLVED IN JUNE 2000 OF TORTURE AND ABUSE OF AT LEAST NINE MINORS IN THE NATIONAL DISTRICT HAVE NOT BEEN TRIED BY THE POLICE COURTS OR THE CIVIL COURTS. AN INVESTIGATIVE JUDGE IN THE EIGHTH PENAL COURT, WHO WAS ASSIGNED TO INVESTIGATE THE CASE IN THE CIVILIAN COURTS, RULED THAT THE COURT DID NOT HAVE JURISDICTION OVER A POLICE MATTER.

IN AUGUST 2000 JUDGES OF THE APPEALS COURT FOR CHILDREN AND ADOLESCENTS IN SAN PEDRO DE MACORIS MADE PUBLIC A SET OF ALLEGATIONS OF SIMILAR ABUSES COMMITTED AGAINST 19 MINORS IN POLICE STATIONS IN JUAN DOLIO AND BOCA CHICA, AS WELL AS IN THE GENERAL PEDRO SANTANA PUBLIC JAIL, WHICH IS CONTROLLED BY THE ARMY. TO DATE, THERE HAS BEEN NO INVESTIGATION INTO THESE

DECONTROLLED/UNCLASSIFIED

ALLEGED ABUSES BY THE POLICE OR THE MILITARY.

HOMOSEXUAL AND TRANVESTITE DETAINEES REPORT TO GAY RIGHTS ADVOCATES THAT DURING DETENTION THE POLICE HAVE HELD THEM IN A DARKENED ROOM AND HAVE GIVEN THEM THE ALTERNATIVE OF PERFORMING FELLATIO ON GUARDS OR BEING PLACED IN A LOCKED CELL WITH THE MOST DANGEROUS PRISONERS, WHERE THE DETAINEES PRESUMED THAT THEY WOULD

UNCLASSIFIED

PAGE 13 SANTO 04373 201350Z

BE RAPED, BEATEN, OR BOTH. OTHER INFORMANTS CONFIRMED THAT THE POLICE USE THE PROSPECT OF BEING LOCKED IN WITH THE MOST DANGEROUS PRISONERS AS A THREAT.

ACCORDING TO HUMAN RIGHTS ORGANIZATIONS, THE NATIONAL POLICE, THE DNCD AND PRISON OFFICIALS ALL USE FORMS OF TORTURE. THE METHOD MOST OFTEN USED IS BEATING. AFTER SEVERAL FORMER DETAINEES WENT TO THE PRESS IN 1999 WITH CREDIBLE REPORTS THAT POLICE INTERROGATORS HAD BEATEN THEM REPEATEDLY, THE CHIEF OF POLICE AND ATTORNEY GENERAL DESIGNATED A COMMISSION TO INVESTIGATE. THE BEATINGS ALLEGEDLY TOOK PLACE DURING PERIODS OF DETENTION OF UP TO 15 DAYS WITHOUT ARRAIGNMENT BEFORE A JUDGE (THE CONSTITUTION PERMITS ONLY 48 HOURS). THE INFORMANTS REPORTED THAT THE POLICE REPEATEDLY AWOKE THEM DURING THE NIGHT FOR QUESTIONING. HUMAN RIGHTS ADVOCATES HAVE DESCRIBED ANOTHER FORM OF ABUSE THAT GUARDS REPORTEDLY USE AGAINST PRISONERS IN THE MEXICO SECTION OF SAN PEDRO DE MACORIS PRISON. PRISON OFFICIALS USE A PUNISHMENT CALLED "THE TOASTER", WHERE PRISONERS ARE LAID, SHACKLED HAND AND FOOT, ON A BED OF HOT ASPHALT FOR THE ENTIRE DAY AND ARE BEATEN WITH A CLUB IF THEY SCREAM. THE ARMY ADMINISTERS SAN PEDRO DE MACORIS PRISON. IN BARAHONA, POLICE ARE DESCRIBED AS USING A PRACTICE CALLED "GOLPE DE POLLO" IN WHICH THEY BEAT A PERSON'S EARS UNTIL THEY BLEED.

AFTER A PROMISING START, THE NATIONAL DISTRICT PROSECUTOR'S OFFICE DID NOT EXPAND ITS PROGRAM OF PLACING LAWYERS IN HIGH-VOLUME POLICE STATIONS AND IN SEVERAL DNCD OFFICES TO MONITOR THE INVESTIGATIVE PROCESS AND TO ASSURE THAT DETAINEES' RIGHTS ARE RESPECTED (SEE SECTION 1.D.). THIS INITIATIVE REMAINS LARGELY LIMITED TO THE SANTO DOMINGO METROPOLITAN AREA, WITH A LESSER PRESENCE IN SANTIAGO. THERE IS SOME EVIDENCE THAT THESE

UNCLASSIFIED

PAGE 14 SANTO 04373 201350Z

ASSISTANT PROSECUTORS AT TIMES ACQUIESCE IN TRADITIONAL POLICE PRACTICES, RATHER THAN ATTEMPT TO RAISE THESE PRACTICES TO CONSTITUTIONAL STANDARDS. LESS QUALIFIED PROSECUTORS ASSIGNED TO THE REST OF THE COUNTRY HAVE NOT ASSUMED STRONG ROLES IN MANAGING CRIMINAL INVESTIGATIONS AND ENSURING THE RIGHTS OF SUSPECTS.

DECONTROLLED/UNCLASSIFIED

HUMAN RIGHTS COURSES ARE OFFERED IN THE TRAINING CURRICULUMS FOR MILITARY AND DDCD ENLISTED PERSONNEL AND OFFICERS. IN AUGUST THE MILITARY INSTITUTE OF HUMAN RIGHTS OFFERED ITS FIRST DIPLOMA COURSE IN HUMAN RIGHTS. HOWEVER, MONITORING AND SANCTIONING SYSTEMS FOR ABUSES OF HUMAN RIGHTS REMAIN INEFFECTIVE.

CIVILIAN PROSECUTORS SOMETIMES FILE CHARGES AGAINST POLICE AND MILITARY OFFICIALS ALLEGING TORTURE, PHYSICAL ABUSE, AND RELATED CRIMES. A 1997 LAW PROVIDES PENALTIES FOR TORTURE AND PHYSICAL ABUSE, INCLUDING SENTENCES OF FROM 10 TO 15 YEARS IN PRISON. HOWEVER, UNTIL RECENTLY, THESE PROVISIONS WERE NOT KNOWN FULLY OR APPLIED BY PROSECUTORS AND JUDGES. THERE HAVE BEEN REPEATED CALLS BY HUMAN RIGHTS GROUPS FOR CIVILIAN TRIALS OF OFFICIALS CHARGED WITH ABUSE AND TORTURE; HOWEVER, MOST CASES, IF TRIED AT ALL, ARE SENT TO MILITARY OR POLICE TRIBUNALS.

POLICE OFFICERS WERE FIRED FOR DRUG USE, INCLUDING COCAINE AND MARIJUANA, EXTORTION, AND VIOLENT ATTACKS. HOWEVER, SOME DISCHARGED OFFICERS LATER WERE REHIRED. SIGNIFICANT PROBLEMS ALSO REMAIN BECAUSE SERIOUS EFFORTS HAVE NOT BEEN MADE TO VET POLICE RECRUITS. MANY PERSONS WITH PRIOR CRIMINAL RECORDS REPORTEDLY HAVE BEEN INCORPORATED INTO POLICE RANKS, EITHER USING FALSE NAMES OR IDENTIFICATION OR WITH RECOMMENDATIONS FROM OTHER STATE INSTITUTIONS, SUCH AS THE ARMY.

UNCLASSIFIED

PAGE 15 SANTO 04373 201350Z

THE POLICE AT TIMES FORCIBLY DISPERSED DEMONSTRATORS, USING TEAR GAS AND WEAPONS (SEE SECTIONS 1.A., 2.B. AND 6.B.).

PRISON CONDITIONS RANGE FROM POOR TO HARSH. REPORTS OF TORTURE AND MISTREATMENT IN PRISONS ARE COMMON. THE PRISONS ARE SERIOUSLY OVERCROWDED, HEALTH AND SANITARY CONDITIONS ARE POOR, AND SOME PRISONS ARE OUT OF THE CONTROL OF THE AUTHORITIES. THE GENERAL DIRECTORATE OF PRISONS FALLS UNDER THE AUTHORITY OF THE PUBLIC MINISTRY AND IS SERIOUSLY UNDERFUNDED. BUDGET ALLOCATIONS FOR NECESSITIES SUCH AS FOOD, MEDICINES, AND TRANSPORTATION WERE LACKING. MEDICAL CARE IN ALL PRISONS 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 WERE RELEASED EARLY TO SPEND THEIR LAST DAYS AT HOME.

IN 32 PRISONS AROUND THE COUNTRY WITH A TOTAL CAPACITY OF 9,000 PERSONS, THE POLICE AND THE MILITARY HOLD MORE THAN 15,500 PRISONERS AND DETAINEES. AS OF SEPTEMBER, THE MILITARY CONTROLLED 22 PRISONS WITH A TOTAL OF 5,069 PRISONERS, AND THE NATIONAL POLICE CONTROLLED 10 PRISONS, WITH A TOTAL OF 10,486 INMATES. A WARDEN IS RESPONSIBLE FOR RUNNING EACH PRISON AND

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

REPORTS TO THE ATTORNEY GENERAL THROUGH THE DIRECTORATE OF PRISONS. A POLICE OR MILITARY COLONEL (OR LIEUTENANT COLONEL), WHO IS APPOINTED FOR 3 TO 6 MONTHS ONLY, REPORTS TO THE WARDEN AND IS RESPONSIBLE FOR PROVIDING SECURITY. HOWEVER, IN PRACTICE THE COLONEL IS IN CHARGE OF THE PRISON, AND NEITHER THE DIRECTORATE OF PRISONS NOR THE INDIVIDUAL WARDENS HAVE MUCH POWER. ACCORDING TO SOME REPORTS, SOME PRISONS ARE TOTALLY OUT OF THE CONTROL OF THE AUTHORITIES. THEY ARE, IN EFFECT, OPERATED BY ARMED INMATES, WHO DECIDE WHETHER AN INDIVIDUAL GETS FOOD,
UNCLASSIFIED

PAGE 16 SANTO 04373 201350Z
SPACE TO SLEEP, OR MEDICAL CARE. INDIVIDUAL INMATES ONLY CAN SECURE A TOLERABLE LEVEL OF EXISTENCE BY PAYING FOR IT. ONLY THOSE WITH CONSIDERABLE PERSONAL OR FAMILY RESOURCES CAN DO SO.

NEWSPAPERS AND HUMAN RIGHTS GROUPS REPORTED THAT THE OVERCROWDING AND DETERIORATING CONDITIONS AT THE NAJAYO PRISON POSE A SERIOUS THREAT TO THE HEALTH AND SAFETY OF THE INMATES. THE PRISON, WHICH WAS BUILT TO HOLD 850 INMATES, AND WHICH CURRENTLY HAS A CAPACITY FOR 1,320 INMATES, NOW HOLDS OVER 2,849. INMATES SUFFER FROM VARIOUS ILLNESSES INCLUDING TUBERCULOSIS, BRONCHITIS AND SKIN INFECTIONS. INMATES WHO CANNOT AFFORD TO PAY FOR BEDS ARE FORCED TO SLEEP ON THE FLOOR; THESE INMATES ARE KNOWN AS "FROGS" BECAUSE THEY SLEEP IN THE DIRT. INMATES CHARGE THAT THEY ARE ONLY GIVEN ONE MEAL PER DAY AND THAT THE FOOD IS INEDIBLE. IN ORDER TO RECEIVE EDIBLE FOOD, THEY MUST PAY FOR IT TO BE BROUGHT INTO THE PRISON. NEWSPAPERS AND HUMAN RIGHTS GROUPS REPORT THAT THERE IS EXTENSIVE DRUG AND ARMS TRAFFICKING WITHIN THE PRISONS, AS WELL AS PROSTITUTION AND SEXUAL ABUSE, INCLUDING ABUSE OF MINORS.

CONDITIONS AT LA VICTORIA PRISON, WHICH IS RUN BY THE NATIONAL POLICE, ALSO POSE A SERIOUS THREAT TO LIFE AND HEALTH. IN SEPTEMBER, THIS PRISON HELD 3,886 PRISONERS IN A FACILITY ORIGINALLY BUILT FOR 1,000, BUT WHICH PRISON AUTHORITIES CLAIM HAS THE CAPACITY FOR 2,000. IN AUGUST, WORK WAS COMPLETED ON IMPROVEMENTS TO LA VICTORIA, INCLUDING THE ADDITION OF 180 BEDS AND RENOVATION OF THE SEWER SYSTEM.

A GOVERNMENT FOOD PROGRAM FOR THE GENERAL PUBLIC IS USED TO PROVIDE LUNCHESES AT SOME PRISONS. THE FORMER DIRECTOR OF PRISONS REPORTED THAT HIS OFFICE HAD THE BUDGET TO SPEND \$0.50 (8 PESOS)
UNCLASSIFIED

PAGE 17 SANTO 04373 201350Z
PER INMATE TO PROVIDE THREE MEALS PER DAY. INMATES SURVEYED SAID THAT THE FOOD PROVIDED WAS UNACCEPTABLE, AND MOST CHOSE TO EAT WHATEVER THEY COULD BEG FOR OR PURCHASE FROM PERSONS IN THE VICINITY OF THE PRISON OR FROM FAMILY MEMBERS. DUE TO

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

INEFFICIENCY AND CORRUPTION WITHIN THE PRISON SYSTEM, VISITORS OFTEN HAVE TO BRIBE PRISON GUARDS IN ORDER TO VISIT PRISONERS.

FEMALE PRISONERS ARE SEPARATED FROM MALE INMATES. IN GENERAL, CONDITIONS IN THE FEMALE PRISON WINGS ARE SUPERIOR TO THOSE FOUND IN MALE PRISON WINGS. THERE HAVE BEEN SOME REPORTS OF GUARDS PHYSICALLY AND SEXUALLY ABUSING FEMALE INMATES. THERE ARE ALSO REPORTS THAT IN NAJAYO WOMEN ARE FORCED TO ACT AS PROSTITUTES IN EXCHANGE FOR FOOD AND PROTECTION. FEMALE INMATES, UNLIKE THEIR MALE COUNTERPARTS, ARE PROHIBITED FROM RECEIVING CONJUGAL VISITS. THOSE WHO DELIVER WHILE INCARCERATED ARE PERMITTED TO KEEP THEIR BABIES WITH THEM IN PRISON UNTIL THEY REACH 1 YEAR OF AGE.

THE LAW REQUIRES THAT JUVENILES BE DETAINED SEPARATELY FROM ADULTS. IN PRACTICE, JUVENILES ARE OFTEN MIXED WITH THE GENERAL POPULATION. RECENT PRESS REPORTS FOUND A HIGH INCIDENCE OF JUVENILES WHO WERE DETAINED WITH ADULT PRISONERS BEING FORCED INTO SEXUAL SERVITUDE IN RETURN FOR PROTECTION AT PRISONS AROUND THE COUNTRY. HUMAN RIGHTS GROUPS CHARGED THAT NEARLY ALL OF THE 280 JUVENILES IN NAJAYO PRISON WHO WERE HOUSED WITH ADULTS WERE SEXUALLY ABUSED. IN JULY, AFTER MUCH DELAY, A NEW PRISON FOR MINORS WAS OPENED IN NAJAYO, WITH A CAPACITY OF 200.

INMATES ARE NOT SEPARATED BY CRIME WITHIN THE PRISON POPULATION; HOWEVER, THEY MAY BE PUT INTO SOLITARY CONFINEMENT FOR DISTURBANCES WHILE INCARCERATED.

UNCLASSIFIED

PAGE 18 SANTO 04373 201350Z
THE GOVERNMENT PERMITS PRISON VISITS BY INDEPENDENT HUMAN RIGHTS MONITORS AND BY THE PRESS.

D. ARBITRARY ARREST, DETENTION, OR EXILE

ARBITRARY ARREST AND DETENTION ARE PROBLEMS. THE CONSTITUTION PROVIDES FOR THE SECURITY OF THE INDIVIDUAL AGAINST IMPRISONMENT WITHOUT LEGAL PROCESS, BARS DETENTION BEYOND 48 HOURS WITHOUT THE DETAINEE BEING PRESENTED BEFORE JUDICIAL AUTHORITIES, AND PROHIBITS CUSTODIAL AUTHORITIES FROM NOT PRESENTING DETAINEES WHEN REQUESTED. IT ALSO PROVIDES FOR RECOURSE TO HABEAS CORPUS PROCEEDINGS TO REQUEST THE RELEASE OF THOSE UNLAWFULLY HELD. HOWEVER, THE SECURITY FORCES CONTINUED TO VIOLATE CONSTITUTIONAL PROVISIONS BY DETAINING SUSPECTS FOR INVESTIGATION OR INTERROGATION BEYOND THE PRESCRIBED 48-HOUR LIMIT. THE POLICE TRADITIONALLY DETAIN ALL SUSPECTS AND WITNESSES IN A CRIME AND USE THE INVESTIGATIVE PROCESS TO DETERMINE WHO ARE INNOCENT AND MERIT RELEASE, AND WHO THEY SHOULD CONTINUE TO HOLD. AFTER THE PROSECUTOR'S OFFICE PLACED ITS LAWYERS IN SEVERAL POLICE STATIONS IN 1997, THE POLICE BEGAN TO CURTAIL THE PRACTICE OF ARBITRARY

DECONTROLLED/UNCLASSIFIED

DETENTION IN THOSE PRECINCTS. DURING THE YEAR, FEW NEW PROSECUTORS WERE PLACED IN POLICE STATIONS, AND THE EFFECTIVENESS AGAINST HUMAN RIGHTS ABUSES OF THOSE WORKING IN POLICE STATIONS DIMINISHED. (SEE SECTION 1.C).

THE PROSECUTOR FOR THE COURT OF APPEALS IN SANTIAGO REPORTED THAT THE DEPARTMENT OF INVESTIGATION OF HOMICIDE AND ROBBERY OF THE NATIONAL POLICE, NORTHERN COMMAND, ROUTINELY DETAINED PERSONS BEYOND THE 48-HOUR LIMIT. DETAINEES AT POLICE HEADQUARTERS IN SANTO DOMINGO, KNOWN AS "THE PALACE," REPORTED THAT THEY WERE HELD FOR 15 TO 21 DAYS. JUVENILES HELD AT THE

UNCLASSIFIED

PAGE 19 SANTO 04373 201350Z
DEPARTMENT FOR MINORS AT THE VILLA JUANA POLICE STATION COMMONLY ARE HELD FOR 8 TO 14 DAYS, WELL BEYOND THE 24-HOUR LIMIT FOR MINORS. THE OFFICIAL IN CHARGE OF THE DEPARTMENT FOR MINORS ATTRIBUTES THIS TO LACK OF SWIFT ACTION BY THE JUVENILE DEFENDER, THE PUBLIC MINISTRY OFFICIAL IN CHARGE OF INTERROGATING MINORS AND SENDING THEM BEFORE A JUVENILE COURT JUDGE. BY LAW, JUVENILES MAY NOT BE INTERROGATED BY THE POLICE OR IN THE PRESENCE OF POLICE.

THE POLICE CONTINUED THE PRACTICE OF MAKING FREQUENT SWEEPS OR ROUNDUPS IN LOW-INCOME, HIGH-CRIME COMMUNITIES IN WHICH THEY ARREST AND DETAIN INDIVIDUALS ARBITRARILY. THE ALLEGED OBJECTIVE OF THE ROUNDUPS IS TO FIGHT DELINQUENCY. IN JUNE THE POLICE INITIATED "OPERATION GUARAGUAO", A SERIES OF SWEEPS OF LOW-INCOME NEIGHBORHOODS IN SANTO DOMINIGO, SANTIAGO AND LA VEGA, IN ORDER TO "COMBAT VIOLENCE." DURING THESE SWEEPS, POLICE ARRESTED LARGE NUMBERS OF RESIDENTS OF THE LOW-INCOME COMMUNITIES AND TOOK POSSESSION OF PROPERTY INCLUDING MOTORCYCLES, OTHER VEHICLES, AND WEAPONS. FOR EXAMPLE, ON AUGUST 29, DURING THE SEVENTH SUCH OPERATION, OVER 230 PERSONS WERE ARRESTED. THE ARMED FORCES ALSO CARRIED OUT SIMILAR SWEEPS. ON JULY 14, THE ARMED FORCES CARRIED OUT "OPERATION CENTELLA" IN WHICH THEY CLOSED DOWN ALL MAJOR ROUTES INTO SANTO DOMINGO, SEARCHED CARS FOR WEAPONS AND DRUGS, AND DETAINED INDIVIDUALS THOUGHT TO BE CRIMINALS.

FOLLOWING THE INDISCRIMINATE ARRESTS, THE POLICE REGULARLY DETAIN INDIVIDUALS FOR UP TO 20 DAYS OR MORE, WHILE THEY LOOK FOR A REASON TO CHARGE THEM WITH A CRIME EVEN THOUGH THE LAW PERMITS PROSECUTORS TO ORDER DETENTIONS FOR UP TO 48 HOURS WITHOUT A JUDGE'S ORDER. HUMAN RIGHTS ORGANIZATIONS REPORT THAT

UNCLASSIFIED

PAGE 20 SANTO 04373 201350Z
INDIVIDUALS DETAINED IN THESE ROUNDUPS FREQUENTLY ARE BEATEN. FOR EXAMPLE, IN ONE SUCH SWEEP IN FEBRUARY, A MEMBER OF THE

DECONTROLLED/UNCLASSIFIED

BARAHONA COMMISSION FOR HUMAN RIGHTS WAS DETAINED AND BEATEN. THE POLICE SAY THAT THEY RELY UPON UNLAWFUL DETENTION WITHOUT PRESENTATION TO A COURT BECAUSE SOME CASES INVOLVE MORE COMPLICATED INVESTIGATIONS. HOWEVER, THERE IS A CLEAR PATTERN OF THE POLICE ARRESTING INDIVIDUALS BEFORE INVESTIGATING A CRIME THOROUGHLY, AND RELYING ON CONFESSIONS TO MAKE THEIR CASE. WITHOUT THE EDUCATION, TRAINING, OR EQUIPMENT TO CONDUCT MODERN FORENSIC INVESTIGATIONS, POLICE RELY INSTEAD ON HOLDING SUSPECTS INCOMMUNICADO (SEE SECTION 1.E.), REPEATEDLY QUESTIONING THEM, AND SOMETIMES BEATING THEM, UNTIL THEY CONFESS. PROSECUTORS WHO ARE ASSIGNED TO MONITOR THE CRIMINAL INVESTIGATION PHASE AT POLICE STATIONS APPEAR TO BE UNWILLING OR UNABLE TO CONTROL THE PRACTICE (SEE SECTION 1.C.).

A RELATED PROBLEM IS THE POLICE PRACTICE OF ARRESTING AND DETAINING INDIVIDUALS SOLELY BECAUSE OF THEIR FAMILIAL OR MARITAL RELATIONSHIP TO A SUSPECT. A SUSPECT'S PARENTS, SIBLINGS, OR SPOUSE ARE ALL VULNERABLE TO THIS PRACTICE, THE GOAL OF WHICH IS TO COMPEL AN AT-LARGE SUSPECT TO GIVE HIMSELF UP OR TO COERCE A CONFESSION FROM ONE ALREADY ARRESTED. IN 1999 THE PN CHIEF HAD ORDERED THAT THIS PRACTICE BE ENDED IMMEDIATELY; HOWEVER, ACCORDING TO THE DOMINICAN HUMAN RIGHTS COMMITTEE, DETENTIONS OF SUSPECTS' RELATIVES HAS CONTINUED.

LOCAL HUMAN RIGHTS ORGANIZATIONS HAVE REPORTED ON AND CRITICIZED POLICE ROUNDUPS OF HAITIAN AND DOMINICAN-HAITIAN CONSTRUCTION WORKERS. OFFICIALS ALLEGEDLY TAKE GROUPS OF DARK-SKINNED OR "HAITIAN-LOOKING" INDIVIDUALS TO EMPTY BUILDINGS SOON AFTER THEY ARE PAID, IN ORDER TO EXTORT MONEY FROM THEM. ONE WORKER

UNCLASSIFIED

PAGE 21 SANTO 04373 201350Z

REPORTED THAT HE WAS BEATEN FREQUENTLY, AND THAT MANY OF HIS PAYCHECKS WERE TAKEN DURING THESE ROUNDUPS. HE SAID THAT THE LICENSE PLATES ARE REMOVED FROM THE OFFICIAL POLICE VEHICLES SO THAT THE PERPETRATORS CANNOT BE IDENTIFIED EASILY.

MANY SUSPECTS SUFFER LONG PRETRIAL DETENTION. BETWEEN 70 AND 85 PERCENT OF THE NATIONAL PRISON POPULATION WAS AWAITING TRIAL; OF THESE, ABOUT THREE-QUARTERS WERE "PRISONERS WITHOUT SENTENCES," AND THE REMAINDER HAD CONVICTIONS UNDER APPEAL. JUDICIAL STATISTICS SHOW REDUCED DELAYS FOR 1998 AND 1999 IN THE SANTO DOMINGO NATIONAL DISTRICT (AN AREA THAT ACCOUNTS FOR APPROXIMATELY 45 PERCENT OF ALL CRIMINAL CASES IN THE COUNTRY). HOWEVER, DELAYS HAVE INCREASED OVER THE LAST TWO YEARS. THE AVERAGE PRETRIAL DETENTION THROUGHOUT THE COUNTRY IS MORE THAN 6 MONTHS.

THE FAILURE OF PRISON AUTHORITIES TO PRODUCE THE ACCUSED FOR COURT HEARINGS WAS MORE PRONOUNCED THIS YEAR, CAUSING A

DECONTROLLED/UNCLASSIFIED

SIGNIFICANT PERCENTAGE OF TRIAL POSTPONEMENTS. PRISONERS OFTEN HAVE THEIR COURT DATES POSTPONED BECAUSE THEY ARE NOT TAKEN FROM THE PRISON TO COURT, OR BECAUSE THEIR LAWYER OR WITNESS DOES NOT APPEAR. AUTHORITIES HELD SOME PRISONERS EVEN THOUGH THERE WERE NO FORMAL CHARGES AGAINST THEM, AND KEPT SOME PRISONERS JAILED EVEN AFTER A COURT ORDERED THEIR RELEASE. ONE PRISONER IN NAJAYO STATED HE HAD BEEN IN PRISON 5 YEARS WITHOUT BEING SENTENCED. IN 1999 AND 2000, THIS SITUATION IMPROVED SOMEWHAT AS A RESULT OF THE STEPS TAKEN BY THE FORMER SANTO DOMINGO DISTRICT ATTORNEY AND THE JUDICIARY, IN COOPERATION WITH THE DIRECTOR OF PRISONS, TO INTRODUCE A PRISONER REGISTRY SYSTEM THAT FOCUSES ON PROVIDING TIMELY TRIALS FOR PRISONERS. HOWEVER, THIS SITUATION DETERIORATED. IN OCTOBER, THE ATTORNEY GENERAL

UNCLASSIFIED

PAGE 22 SANTO 04373 201350Z
ANNOUNCED THE FORMATION OF A COMMISSION TO INVESTIGATE THIS PROBLEM.

IN OCTOBER OF 2000 THE ATTORNEY GENERAL PROPOSED A PROGRAM TO REDUCE PRISON CROWDING BY RELEASING INMATES WHO ONLY WERE HELD PENDING PAYMENT OF A FINE. DUE TO THE HISTORICAL INEFFICIENCY OF THE COURTS (SEE SECTION 1.E.), THE GRANTING OF BAIL SERVES AS THE DE FACTO CRIMINAL JUSTICE SYSTEM AND DEFENDANTS AWARDED BAIL RARELY FACE AN ACTUAL TRIAL. AS A RULE, FEW DEFENDANTS ARE GRANTED BAIL. LARGE NUMBERS OF PRISONERS ARE GENERALLY PARDONED ON AUGUST 16TH AND AT THE END OF THE YEAR. IN AUGUST, 212 PRISONERS WERE PARDONED.

MODEST ADVANCES WERE MADE BY THE MEJIA GOVERNMENT TO INCREASE THE AVAILABILITY OF FREE LEGAL SERVICES TO THE POOR BY INCREASING THE NUMBER OF STATE FUNDED PUBLIC DEFENDERS FROM 31 TO 45 AND INCREASING THE NUMBER OF REGIONAL PUBLIC DEFENDER OFFICERS FROM TWO TO FIVE. MOST DETAINEES AND PRISONERS CANNOT AFFORD ADEQUATE DEFENSE SERVICES. A DRAFT BILL TO CREATE A NATIONAL PUBLIC DEFENDER PROGRAM REMAINS IN CONGRESS; HOWEVER, PRESIDENT MEJIA SIGNED A PRESIDENTIAL DECREE ESTABLISHING A NATIONAL PUBLIC DEFENDER SYSTEM.

THE LAW PROHIBITS FORCED EXILE, AND THERE WERE NO REPORTS OF ITS USE. HOWEVER, PERSONS WHO CREDIBLY ASSERTED THAT THEY WERE CITIZENS SOMETIMES WERE EXPELLED TO HAITI (SEE SECTIONS 1.F. AND 2.D.).

E. DENIAL OF FAIR PUBLIC TRIAL

THE CONSTITUTION PROVIDES FOR AN INDEPENDENT JUDICIARY; HOWEVER,

UNCLASSIFIED

PAGE 23 SANTO 04373 201350Z

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

ATTEMPTS BY PUBLIC AND PRIVATE ENTITIES, INCLUDING THE EXECUTIVE BRANCH, TO UNDERMINE JUDICIAL INDEPENDENCE STILL REMAIN. THE JUDICIARY APPEARS EQUIPPED TO RESIST SUCH OUTSIDE INTERFERENCE, DUE IN PART TO TRAINING FUNDED BY FOREIGN TECHNICAL ASSISTANCE. COURT OFFICIALS ALSO BEGAN TO IMPLEMENT NEW SELECTION CRITERIA FOR JUDGES. THE NATIONAL COUNCIL OF MAGISTRATES (CNM) CHOOSES MEMBERS OF THE SUPREME COURT. IN 2001, THE CNM MET FOR ONLY THE SECOND TIME SINCE IT WAS ESTABLISHED IN 1994 TO FILL THREE VACANT SEATS ON THE SUPREME COURT. UNFORTUNATELY, THE SELECTION PROCESS FOLLOWED BY THE CNM IN 2001 WAS LESS RIGOROUS, TRANSPARENT AND PARTICIPATORY THAN THE PROCESS CONDUCTED IN 1997, LEADING CIVIL SOCIETY GROUPS TO ASSERT THAT THEY HAD NOT BEEN AFFORDED AN ADEQUATE OPPORTUNITY TO PARTICIPATE IN THE PROCESS; THEY DID NOT KNOW IN ADVANCE WHO THE CANDIDATES WERE NOR WERE GIVEN THE OPPORTUNITY TO COMMENT ON THEIR QUALIFICATIONS.

THE JUDICIARY, BASED PRIMARILY ON THE NAPOLEONIC CODE, INCLUDES A 16-MEMBER SUPREME COURT, APPEALS COURTS, COURTS OF FIRST INSTANCE, AND JUSTICES OF THE PEACE. THERE ARE ALSO SPECIALIZED COURTS THAT HANDLE ADMINISTRATIVE, LABOR, LAND, AND JUVENILE MATTERS.

MILITARY OR POLICE COURTS HAVE JURISDICTION OVER CASES INVOLVING MEMBERS OF THE SECURITY FORCES. HOWEVER, CIVIL SOCIETY GROUPS CHALLENGED THIS SYSTEM IN A SUPREME COURT CASE WHICH THE COURT STILL HAD NOT RULED ON DESPITE MUCH PUBLIC ATTENTION (SEE SECTION 1.A.). PUBLIC PRESSURE EXISTS FOR MILITARY OR POLICE BOARDS TO REMAND CASES INVOLVING SERIOUS CRIMES TO CIVILIAN COURTS JURISDICTION; HOWEVER, FEW CASES WERE REMANDED DURING THE YEAR. IN OTHER CASES, CIVIL AUTHORITIES HAVE REQUESTED THAT THE PN TURN OVER THEIR FILES SO THAT CASES OF SUSPECTED

UNCLASSIFIED

PAGE 24 SANTO 04373 201350Z
EXTRAJUDICIAL KILLINGS MIGHT BE EVALUATED INDEPENDENTLY FOR POSSIBLE PROSECUTION. THERE WAS LITTLE COOPERATION FROM THE NATIONAL POLICE OR MILITARY IN REQUESTED INVESTIGATIONS DURING THE YEAR (SEE SECTION 1.C.).

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. THE NATIONAL COUNCIL OF MAGISTRATES SELECTS NEW JUSTICES OF THE SUPREME COURT. THE COUNCIL CONSISTS OF THE PRESIDENT, THE PRESIDENT OF THE SENATE, THE PRESIDENT OF THE CHAMBER OF DEPUTIES, TWO AT-LARGE MEMBERS DESIGNATED BY THEM (ONE SENATOR AND ONE DEPUTY, FROM PARTIES DIFFERENT THAN THOSE OF THE PRESIDENTS OF THE SENATE AND CHAMBER), THE PRESIDENT OF THE SUPREME COURT, AND ONE OTHER JUSTICE DESIGNATED BY THE SUPREME COURT.

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

FOLLOWING THE COMMISSION OF A CRIME, THE CRIMINAL PROCESS BEGINS WITH THE ARREST OF POSSIBLE SUSPECTS. DURING THE INVESTIGATIVE PHASE, SUSPECTS ARE QUESTIONED REPEATEDLY AND URGED TO CONFESS. THE CONSTITUTION PROVIDES FOR THE RIGHT NOT TO BE ARRESTED WITHOUT JUDICIAL WARRANT EXCEPT IN CASES WHERE THE SUSPECT IS CAUGHT IN THE ACT; THE RIGHT NOT TO BE DEPRIVED OF LIBERTY WITHOUT TRIAL OR LEGAL FORMALITIES, OR FOR REASONS OTHER THAN THOSE PROVIDED BY LAW; THE RIGHT TO BE PRESENTED TO A COMPETENT JUDICIAL AUTHORITY WITHIN 48 HOURS OF ONE'S DETENTION; THE RIGHT NOT TO BE A WITNESS AGAINST ONESELF; AND THE RIGHT TO A DEFENSE IN AN IMPARTIAL AND PUBLIC TRIAL. THESE RIGHTS COMMONLY ARE VIOLATED.

THE MOST SERIOUS AND COMMON VIOLATION OF THESE RIGHTS OCCURS WHEN
UNCLASSIFIED

PAGE 25 SANTO 04373 201350Z
POLICE DETAIN SUSPECTS, SOMETIMES FOR MANY DAYS, WITHOUT ALLOWING THEM ACCESS TO A TELEPHONE TO CALL FAMILY WHILE SUBJECTING THEM TO FREQUENT QUESTIONING. ALTHOUGH ACCUSED PERSONS ARE ENTITLED TO HAVE AN ATTORNEY PRESENT, THEY OFTEN ARE NOT PERMITTED TO CALL ONE OR, IF ONE ARRIVES, THE ATTORNEY IS NOT PERMITTED TO BE PRESENT DURING THE QUESTIONING. (THE POLICE COMPLAIN THAT THE PRESENCE OF ATTORNEYS INTERFERES WITH THEIR INVESTIGATIONS.) TORTURE FREQUENTLY IS USED AS A METHOD TO EXTRACT A CONFESSION DURING QUESTIONING (SEE SECTION 1.C.). UNDER THESE CIRCUMSTANCES, SUSPECTS MAY CONFESS TO ACTS THAT THEY DID NOT COMMIT MERELY TO GET RELIEF FROM THE INTENSE QUESTIONING AND THE DETENTION. THE RESULTS OF THESE INTERROGATIONS FREQUENTLY FORM THE ONLY EVIDENCE PRESENTED AT THE TRIAL.

THE LAW PROVIDES FOR THE REMEDY OF "AMPARO," AN ACTION ANY CITIZEN MAY BRING FOR VIOLATION OF A CONSTITUTIONAL RIGHT, IN ACCORDANCE WITH THE TERMS OF THE INTER-AMERICAN CONVENTION ON HUMAN RIGHTS. THIS ACTION INCLUDES VIOLATIONS BY JUDICIAL OFFICIALS. THE PROCESS OF DISPUTE RESOLUTION, INCLUDING RECONCILIATION, MEDIATION, AND ARBITRATION, CONTINUES TO BE USED AS AN ALTERNATIVE TO TRIAL AND INCARCERATION.

THERE REMAINS A LARGE BACKLOG OF CRIMINAL CASES IN THE NATIONAL DISTRICT AND THROUGHOUT THE COUNTRY. THE SUPREME COURT'S PLANS TO UNCLOG THE COURT DOCKETS HAVE BEEN FRUSTRATED BY THE GOVERNMENT'S FAILURE TO ALLOCATE SUFFICIENT FUNDS. DOCKETS ARE CROWDED WITH TRAFFIC INFRACTIONS THAT SHOULD BE HEARD IN THE TRAFFIC COURTS PROVIDED FOR BY STATUTE. DUE TO A LACK OF FUNDS, THE TRAFFIC COURTS HAVE NOT BEEN SET UP. OTHER COMPLICATIONS IN CLEARING THE BACKLOG ARISE FROM THE EXHAUSTION OF FUNDS FOR TRANSPORTING PRISONERS TO COURT. PRISONERS AND HUMAN RIGHTS
UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

PAGE 26 SANTO 04373 201350Z
GROUPS ALSO ALLEGE THAT PRISONERS ARE NOT TAKEN TO THEIR TRIALS IF THEY FAIL TO PAY BRIBES TO THE GUARDS. MANY CASES MUST BE RESCHEDULED WHEN THE ACCUSED DOES NOT APPEAR. THE GOVERNMENT ESTABLISHED 8 OF THE 25 ADDITIONAL COURTS PROVIDED FOR BY LAW, INCLUDING 5 COURTS FOR CHILDREN AND ADOLESCENTS.

THERE HAS BEEN STAGNATION IN THE JOINT REFORM EFFORTS BETWEEN THE JUDICIARY AND THE SANTO DOMINGO DISTRICT ATTORNEY'S OFFICE. THERE ARE ALSO INDICATIONS THAT WHEREAS IN THE PREVIOUS YEAR THE CONGESTION IN THE CRIMINAL SYSTEM WAS REDUCED BY MORE THAN 50 PERCENT THROUGH USE OF COMMUNITY CONCILIATION CENTERS, THOSE GAINS HAVE LARGELY BEEN LOST THIS LAST YEAR. IT IS NOW CLEAR THAT THE CHANGE OF 90 PERCENT OF PUBLIC MINISTRY OFFICIALS BY THE MEJIA ADMINISTRATION IN AUGUST 2000 HAS RESULTED IN A MARKED DETERIORATION OF THE TECHNICAL COMPETENCE AND ETHICAL STANDARDS OF PROSECUTORS AROUND THE COUNTRY. THE PRACTICAL EFFECT HAS BEEN A DETERIORATION IN THE QUALITY OF JUSTICE AVAILABLE TO THE POOR AND TO COMBAT IMPUNITY.

THERE WERE NO REPORTS OF POLITICAL PRISONERS.

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

THE CONSTITUTION CONTAINS PROVISIONS AGAINST ARBITRARY ENTRANCE OF ONE'S HOME; HOWEVER, POLICE SOMETIMES BREAK INTO PRIVATE QUARTERS WITHOUT CAUSE TO SEARCH FOR SUSPECTS, AND THE AUTHORITIES INFRINGE ON CITIZENS' PRIVACY RIGHTS IN OTHER WAYS AS WELL. ALTHOUGH THE GOVERNMENT DENIES ARBITRARY USE OF WIRETAPPING OR OTHER SURREPTITIOUS METHODS TO INTERFERE WITH THE PRIVATE LIVES OF PERSONS OR FAMILIES, IT HAS NOT TAKEN NECESSARY
UNCLASSIFIED

PAGE 27 SANTO 04373 201350Z
STEPS TO DISMANTLE AN ACTIVE PRIVATE WIRETAPPING INDUSTRY.

THE LAW PERMITS THE ARREST OF A SUSPECT CAUGHT IN THE ACT OF COMMITTING A CRIME, AND POLICE MAY ENTER A RESIDENCE OR BUSINESS IN PURSUIT OF SUCH SUSPECTS. OTHERWISE JUDGES MUST AUTHORIZE ARRESTS AND ISSUE SEARCH WARRANTS. HOWEVER, THE PN CONTINUED TO VIOLATE THESE REQUIREMENTS. SOME PROSECUTORS CONFESSED THAT OUT OF "TACTICAL NECESSITY TO COMBAT CRIMINALITY" AND "WITH GREAT RELUCTANCE," THEY TOLERATED THE ILLEGAL SEARCH PRACTICES. THEY JUSTIFIED THEIR ACTIONS BY ARGUING THAT THE GOVERNMENT HAS NOT PROVIDED SUFFICIENT RESOURCES OR ATTENTION TO CRIMINAL INVESTIGATION AND THAT, GIVEN THE CUMBERSOME AND ANTIQUATED CRIMINAL PROCEDURES, ADHERING TO THE LETTER OF THE LAW WOULD MAKE LAW ENFORCEMENT NEARLY IMPOSSIBLE.

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

THE DOMINICAN HUMAN RIGHTS COMMITTEE REPORTED THAT POLICE CARRIED OUT RAIDS ON PRIVATE HOMES IN THE SANTO DOMINGO NEIGHBORHOODS OF CAPOTILLO, GUALEY, GUANDULES, GUACHUPITA, LOS ALCARRIZOS AND LA ZURZA; POLICE ALLEGEDLY WENT INTO HOMES WITHOUT SEARCH WARRANTS TO LOOK FOR DELINQUENTS.

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

SECTION 2 RESPECT FOR CIVIL LIBERTIES, INCLUDING:

A. FREEDOM OF SPEECH AND PRESS

THE LAW PROVIDES FOR FREEDOM OF SPEECH AND OF THE PRESS, AND THE GOVERNMENT GENERALLY RESPECTS THEM IN PRACTICE.

UNCLASSIFIED

PAGE 28 SANTO 04373 201350Z

CITIZENS OF ALL POLITICAL PERSUASIONS EXERCISE FREEDOM OF SPEECH. HOWEVER, THERE WERE SOME ISOLATED EXCEPTIONS. FOR EXAMPLE, DURING THE NATIONAL BOOK FAIR, A BOOTH RUN BY A GAY AND LESBIAN GROUP WAS SHUT DOWN BECAUSE THEIR SAFE SEX MATERIALS WERE DEEMED "PORNOGRAPHIC." THE BOOTH WAS REOPENED AFTER THE GROUP AGREED NOT TO DISTRIBUTE THE SAFE SEX LITERATURE. IN JULY, POLICE FLEW A HELICOPTER TO BARAHONA TO PICK UP AN OUTSPOKEN CRITIC OF A GOVERNMENT AQUEDUCT PROJECT. HE WAS DETAINED WITHOUT CHARGES FOR 48 HOURS BEFORE BEING RELEASED.

NEWSPAPERS AND MAGAZINES FREELY PRESENT A DIVERSITY OF OPINION AND CRITICISM; THERE ARE EIGHT DAILY AND SEVEN WEEKLY NEWSPAPERS, AND THREE WEEKLY MAGAZINES. HOWEVER, JOURNALISTS AND EDITORS AT TIMES PRACTICE SELF-CENSORSHIP, PARTICULARLY WHEN COVERAGE COULD ADVERSELY AFFECT THE ECONOMIC OR POLITICAL INTERESTS OF MEDIA OWNERS. NUMEROUS PRIVATELY OWNED RADIO AND TELEVISION STATIONS BROADCAST ALL POLITICAL POINTS OF VIEW. THE GOVERNMENT CONTROLS ONE TELEVISION STATION.

THE NATIONAL UNION OF PRESS WORKERS REPORTED ISOLATED INSTANCES OF MISTREATMENT OF MEMBERS OF THE PRESS. FOR EXAMPLE, IN MARCH, THE HEAD OF THE PRESIDENT'S SECURITY TEAM REPORTEDLY THREATENED 3 MEMBERS OF THE PRESS IN HIGUEY. IN JULY, ESTEBAN ROSARIO, PRODUCER OF THE PROGRAM 'DETRAS DE LA VERDAD' WAS DETAINED AND ACCUSED OF SEXUALLY ASSAULTING A MINOR. ROSARIO CLAIMED THAT THE CHARGES WERE BROUGHT TO INTIMIDATE HIM. THE NATION UNION OF PRESS WORKERS MARCHED IN PROTEST OF HIS TREATMENT AND HE WAS RELEASED.

PUBLIC AND PRIVATE UNIVERSITIES ENJOY BROAD ACADEMIC FREEDOM.

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

THE MAIN PUBLIC UNIVERSITY, THE AUTONOMOUS UNIVERSITY OF SANTO
UNCLASSIFIED

PAGE 29 SANTO 04373 201350Z

DOMINGO, WITH APPROXIMATELY 100,000 MOSTLY PART-TIME STUDENTS,
HAS FEW RESTRICTIONS ON ENROLLMENT AND MAINTAINS A POLICY OF
NONINTERVENTION (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 OWN THEORIES WITHOUT
GOVERNMENT OVERSIGHT.

B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

THE CONSTITUTION PROVIDES FOR FREEDOM OF ASSEMBLY AND THE
GOVERNMENT GENERALLY RESPECTS THIS RIGHT IN PRACTICE; HOWEVER,
THERE WERE SOME EXCEPTIONS, AND THE GOVERNMENT AT TIMES
RESTRICTED THIS RIGHT. OUTDOOR PUBLIC MARCHES AND MEETINGS
REQUIRE PERMITS, WHICH THE GOVERNMENT USUALLY GRANTS; HOWEVER,
THE POLICE USED FORCE TO BREAK UP DEMONSTRATIONS ON SEVERAL
OCCASIONS THROUGHOUT THE YEAR. THE GOVERNMENT RESPONDED WITH
FORCE TO DISPERSE DEMONSTRATORS CALLING FOR COMPLETION OF PUBLIC
WORKS PROJECTS, OPPOSING EVICTIONS, OPPOSING BLACKOUTS,
SUPPORTING A STRIKE AND CALLING FOR THE REMOVAL OR POLICE CHIEF
CANDELIER, INCLUDING SEVERAL NEIGHBORHOODS IN SANTO DOMINGO:
CAPOTILLO, VILLA AGRICOLAS, AND LA ZURZA. ONE PROTEST IN
CAPOTILLO AGAINST A KILLING IN THAT NEIGHBORHOOD RESULTED IN TWO
DEAD DURING THE PROTEST (SEE SECTION 1.A.)

NEWS REPORTS AND HUMAN RIGHTS ORGANIZATIONS CRITICIZED THE
MANNER IN WHICH POLICE USED FORCE TO DISPERSE DEMONSTRATORS
DURING A MARCH OF THE DOMINICAN MEDICAL ASSOCIATION (AMD) IN
FEBRUARY. THE AMD HAD PERMISSION FROM THE SECRETARY OF INTERIOR
TO MARCH AGAINST PROPOSED SOCIAL SECURITY LEGISLATION. WHEN THE
GROUP ATTEMPTED TO LEAVE, POLICE FIRED TEAR GAS AND RUBBER

UNCLASSIFIED

PAGE 30 SANTO 04373 201350Z

BULLETS, WOUNDING 10 PHYSICIANS.

ACCORDING TO THE DOMINICAN HUMAN RIGHTS COMMITTEE, THE POLICE ON
SEVERAL OTHER OCCASIONS USED FORCE TO REMOVE SQUATTERS FROM
STATE-OWNED LANDS IN AND NEAR SANTO DOMINGO.

THERE WERE NO REPORTS OF THE USE OF THE CRIMINAL CHARGE
"ASSOCIATION WITH CRIMINAL ELEMENTS" TO STIFLE POLITICAL DISSENT
THIS YEAR. UNDER FORMER PRESIDENT BALAGUER, THE AUTHORITIES
TRADITIONALLY USED THIS CHARGE AGAINST DISSIDENTS AND THOSE
INVOLVED IN STREET DEMONSTRATIONS AGAINST THE GOVERNMENT.

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

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

C. FREEDOM OF RELIGION

THE CONSTITUTION PROHIBITS DISCRIMINATION ON RELIGIOUS GROUNDS, AND MANY RELIGIONS AND DENOMINATIONS ARE ACTIVE. THE CONSTITUTION PROVIDES FOR FREEDOM OF RELIGION, AND THE GOVERNMENT GENERALLY RESPECTS THIS RIGHT IN PRACTICE.

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

UNCLASSIFIED

PAGE 31 SANTO 04373 201350Z
IMPORTING GOODS INTO THE COUNTRY. THE ATTENDANCE AT CATHOLIC MASS FOR MEMBERS OF THE NATIONAL POLICE IS COMPULSORY.

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

THE CONSTITUTION PROVIDES FOR FREEDOM OF TRAVEL, EXCEPT FOR LIMITATIONS IMPOSED UNDER JUDICIAL SENTENCE, OR POLICE REGULATIONS FOR IMMIGRATION AND HEALTH REASONS, AND THE GOVERNMENT GENERALLY RESPECTS THESE PROVISIONS IN PRACTICE; HOWEVER, THERE WERE SOME EXCEPTIONS. CITIZENS FACE NO UNUSUAL LEGAL RESTRICTIONS ON TRAVEL WITHIN OR OUTSIDE THE COUNTRY. LOCAL AND INTERNATIONAL HUMAN RIGHTS GROUPS CITED DISCRIMINATION AGAINST HAITIAN MIGRANTS, WHOM THEY SAID WERE SUBJECT TO ARBITRARY AND UNILATERAL ACTION BY THE AUTHORITIES.

HAITIANS CONTINUE TO MIGRATE IN GREAT NUMBERS TO THE DOMINICAN REPUBLIC, SOME LEGALLY BUT MOST WITHOUT LEGAL DOCUMENTS, IN SEARCH OF ECONOMIC OPPORTUNITY. SOME ILLEGAL MIGRATION IS ASSISTED BY THE AUTHORITIES, ESPECIALLY BY POLICE AND MILITARY IN THE BORDER AREAS, WHO PROFIT FROM THE ILLEGAL TRAFFIC. THROUGHOUT THE YEAR, THE SECURITY FORCES, PARTICULARLY THE ARMY, REPATRIATED UNDOCUMENTED HAITIAN NATIONALS BELIEVED TO BE IN THE COUNTRY ILLEGALLY, THOUGH IN SIGNIFICANTLY LOWER NUMBERS THAN LAST YEAR. IN JULY THE DIRECTORATE OF MIGRATION REPORTED THAT ABOUT 4,500 HAITIANS WERE REPATRIATED DURING THE YEAR BETWEEN JANUARY AND MAY AND THAT REPATRIATIONS HAD VIRTUALLY STOPPED SINCE MAY. NGOS WORKING AT THE HAITIAN BORDER AGREE WITH THESE

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

FIGURES FOR THE DIRECTORATE OF MIGRATION. HOWEVER, THE ARMED FORCES CARRIED OUT MASSIVE REPATRIATIONS AT THE BEGINNING OF THE UNCLASSIFIED

PAGE 32 SANTO 04373 201350Z
YEAR, CLAIMING TO HAVE REPATRIATED AROUND 12,000 HAITIANS PER MONTH IN THE FIRST THREE MONTHS OF THE YEARS.

IN SOME CASES, THE GOVERNMENT DENIED THOSE DEPORTED THE OPPORTUNITY TO DEMONSTRATE THAT THEY WERE LEGAL RESIDENTS IN THE COUNTRY OR TO MAKE ARRANGEMENTS FOR THEIR FAMILIES OR PROPERTY. HAITIAN GOVERNMENT OFFICIALS COMPLAINED THAT HAITIANS OFTEN WERE DETAINED WITH LITTLE OR NO FOOD AND THEN DEPORTED WITHOUT TIMELY NOTICE TO THE HAITIAN AUTHORITIES. HUMAN RIGHTS ORGANIZATIONS AND THE MEDIA CONTINUED TO REPORT INSTANCES OF VIOLENT TREATMENT OF HAITIAN MIGRANTS BY THE AUTHORITIES.

IN MARCH, ELIE-JEAN BAPTISTE WAS SHOT WHILE ATTEMPTING TO CROSS THE MASSACRE RIVER FROM HAITI TO PARTICIPATE IN THE MARKET IN DAJABON. ELIE-JEAN WAS AT A SPOT WHERE SOLDIERS ALLOW UNOFFICIAL CROSSING FOR A COST OF ABOUT 55 CENTS (10 PESOS). A SOLDIER DEMANDED THAT HE PAY CLOSER TO ONE DOLLAR (15 PESOS). WHEN ELIE-JEAN REFUSED AND ATTEMPTED TO RETURN TO HAITI, HE WAS SHOT IN THE BACK. BORDER NGOS STATE THAT THE OFFICER INVOLVED WAS NOT PUNISHED.

IN MARCH 2000, THE IACHR HELD A HEARING IN TWO 1997 CASES OF TWO DOMINICAN-BORN CHILDREN WHO HAVE BEEN DENIED BIRTH REGISTRATIONS. THE MOTHERS OF BOTH CHILDREN ARE DOMINICAN CITIZENS OF HAITIAN DESCENT. THE LAW IN QUESTION IS LAW 6-59 ON CIVIL RECORDS, AND THE LEGAL ISSUE IN THE CASE IS THE DENIAL OF THE RIGHT TO REGISTER A LATE DECLARATION OF BIRTH. THE CASES WERE STILL PENDING.

IN AUGUST 2000, THE INTER-AMERICAN COURT OF HUMAN RIGHTS HEARD A CASE PRESENTED BY THE DOMINICAN CENTER FOR JUSTICE AND UNCLASSIFIED

PAGE 33 SANTO 04373 201350Z
INTERNATIONAL LAW (CEJIL), DOMINICANS 2000, HUMAN RIGHTS WATCH, THE INTERNATIONAL HUMAN RIGHTS LAW CLINIC, AND OTHER INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS, ALLEGING THAT MASSIVE EXPULSIONS, REPATRIATIONS, AND DEPORTATIONS OF HAITIANS AND DOMINICAN-HAITIANS BY THE GOVERNMENT VIOLATED INTERNATIONAL HUMAN RIGHTS LAW. THE INTER-AMERICAN COURT CONSIDERED GENERAL CONCERNS ABOUT "MASS EXPULSIONS" AND "FORCED REPATRIATIONS" CARRIED OUT BY THE MINISTRY OF INTERIOR AND POLICE, AS WELL AS NINE INDIVIDUAL CASES OF PERSONS WHO ALLEGEDLY WERE EXPELLED FORCIBLY WITHOUT OPPORTUNITY FOR DUE PROCESS.

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

THE COURT RENDERED ITS DECISION, LAYING OUT "PROVISIONAL MEASURES" FOR THE FUTURE TREATMENT OF HAITIANS, AND SPECIFIC RELIEF AND PROTECTION OF THE NINE INDIVIDUALS. IT DID NOT REQUIRE IMMEDIATE BROAD-BASED ACCOUNTABILITY OF THE MIGRATION AUTHORITIES FOR ENFORCEMENT OF BORDER AGREEMENTS REACHED WITH HAITI IN DECEMBER 1999. THESE AGREEMENTS SET OUT A SYSTEMATIZED DEPORTATION PROCEDURE IN WHICH HAITIAN AUTHORITIES WOULD BE ADVISED OF POTENTIAL DEPORTATIONS, DEPORTEES WOULD BE GIVEN OPPORTUNITIES FOR LEGAL HEARINGS (TO PRESENT PROOF OF LEGAL STATUS IN THE COUNTRY), AS WELL AS OPPORTUNITIES TO ADVISE FAMILY MEMBERS AND COLLECT BELONGINGS. RATHER, THE COURT REQUESTED THAT THE GOVERNMENT PROVIDE MORE DETAILED INFORMATION ABOUT THE CONDITION OF INDIVIDUALS IN THE BORDER "BATEYES" (SHANTYTOWNS) WHO POTENTIALLY ARE SUBJECT TO FORCED EXPULSIONS. IT ALSO ASKED FOR A GOVERNMENT REPORT EVERY 2 MONTHS ON PROVISIONAL MEASURES THAT ARE EXPECTED TO BE ADOPTED TO COMPLY WITH THE COURT'S DECISION.

THE ONGOING PROCESS OF REPATRIATING HAITIAN CITIZENS DID NOT DIMINISH AFTER THE COURT'S DECISION AND CONTINUED IN LARGE
UNCLASSIFIED

PAGE 34 SANTO 04373 201350Z
NUMBERS UNTIL MAY OF THIS YEAR WHEN IT SLOWED DUE TO AN INFORMAL AGREEMENT BETWEEN THE GOVERNMENT AND THE HAITIAN GOVERNMENT. NGO REPRESENTATIVES WORKING IN RURAL AREAS REPORTED THAT DECISIONS TO DEPORT OFTEN WERE MADE BY LOWER RANKING MEMBERS OF THE SECURITY FORCES, SOMETIMES BASED UPON THE RACIAL CHARACTERISTICS OF THE DEPORTEES. THE PROCESS OF ROUNDING UP ILLEGAL HAITIANS IS PERFORMED BY THE RANK AND FILE OF THE ARMED FORCES AND MIGRATION OFFICERS. THEY APPROACH PERSONS WHO LOOK LIKE HAITIANS, INCLUDING PERSONS WHO HAVE VERY DARK COMPLEXIONS AND FAIRLY POOR CLOTHING. THEY ENGAGE THEM IN CONVERSATION ABOUT THEIR WORK AND RESIDENCE, MAINLY TO CHECK THEIR USE OF SPANISH AND ANY ACCENT THEY MAY HAVE. IF SUCH PERSONS SPEAK SPANISH POORLY OR WITH A NOTICEABLE ACCENT, THEY GENERALLY ARE DETAINED AND DEPORTED.

NGO'S AND CATHOLIC PRIESTS FAMILIAR WITH THE PROCESS ALSO HAVE PROTESTED THAT CHILDREN BORN OF ONE OR TWO HAITIAN PARENTS IN THE DOMINICAN REPUBLIC, GENERALLY DENIED REGISTRATION AS DOMINICAN CITIZENS, FREQUENTLY ARE AMONG THOSE DEPORTED AS ILLEGAL HAITIANS (SEE SECTION 5).

WHILE THE GOVERNMENT HAS A POLICY OF STRICTLY ENFORCING DOCUMENTARY REQUIREMENTS AND REPATRIATION FOR THOSE FOUND LACKING, IT APPEARS TO HAVE AN UNOFFICIAL POLICY THAT IS MORE TOLERANT, WHICH IS FUELED BY THE REALITY OF DEPENDENCE ON HAITIAN LABOR FOR CERTAIN AGRICULTURAL AND CONSTRUCTION WORK. THUS, AFTER BEING STOPPED AS A SUSPECTED ILLEGAL HAITIAN MIGRANT, AN

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

INDIVIDUAL MAY BE ALLOWED TO REMAIN IN THE COUNTRY DESPITE LACK OF DOCUMENTATION IF THE STORY ABOUT WORK SATISFIES THE DOMINICAN OFFICIAL. NGO'S HAVE REPORTED CORRUPTION AMONG THE MILITARY AND MIGRATION BORDER OFFICIALS, AND NOTED THAT THESE OFFICIALS

UNCLASSIFIED

PAGE 35 SANTO 04373 201350Z
SOMETIMES COOPERATE WITH THE TRANSIT OF HAITIAN WORKERS INTO THE COUNTRY.

THE GOVERNMENT COOPERATES WITH THE UNHCR AND OTHER HUMANITARIAN ORGANIZATIONS IN ASSISTING REFUGEES. THE GOVERNMENT PROVIDES FIRST ASYLUM AND RESETTLEMENT. ACCORDING TO A 1984 PRESIDENTIAL DECREE, AN APPLICANT FOR REFUGEE STATUS MUST BE REFERRED TO THE TECHNICAL SUBCOMMITTEE OF THE NATIONAL COMMISSION FOR REFUGEES BY THE NATIONAL OFFICE OF REFUGEE AFFAIRS. THE SUBCOMMITTEE, WHICH MAKES A RECOMMENDATION TO THE COMMISSION, IS MADE UP OF MEMBERS FROM THE FOREIGN MINISTRY, THE DNI, AND THE IMMIGRATION DIRECTORATE. THE COMMISSION, WHICH MAKES A FINAL DECISION ON THE APPLICATION, CONSISTS OF THE THREE MEMBERS OF THE SUBCOMMITTEE; THE LEGAL ADVISOR TO THE PRESIDENT; AND MEMBERS OF THE PN, THE MINISTRY OF LABOR, AND THE ATTORNEY GENERAL'S OFFICE.

IN SEPTEMBER, 68 CASES HAD BEEN FILED WITH THE OFFICE OF REFUGEES IN THE DEPARTMENT OF MIGRATION; 63 OF WHICH WERE FILED BY HAITIANS. OVER HALF OF THE APPLICANTS WERE STILL PENDING INTERVIEWS IN SEPTEMBER. IN JULY, THE NATIONAL COMMISSION FOR REFUGEES, AN OFFICE OF THE FOREIGN MINISTRY, MET FOR THE FIRST TIME SINCE 1993. THE NATIONAL COMMISSION REVIEWED 36 CASES BUT DID NOT MAKE ANY DECISIONS ON PENDING REFUGEE CASES. THERE WERE NO REPORTS OF REPATRIATION OR REFOULEMENT OF PERSONS CLAIMING REFUGEE STATUS.

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

THE CONSTITUTION PROVIDES CITIZENS WITH THE RIGHT TO CHANGE THEIR GOVERNMENT PEACEFULLY THROUGH PERIODIC ELECTIONS. CITIZENS

UNCLASSIFIED

PAGE 36 SANTO 04373 201350Z
EXERCISED THIS RIGHT IN FREE AND FAIR PRESIDENTIAL ELECTIONS IN MAY OF 2000.

THE PRESIDENT AND ALL 179 MEMBERS OF THE SENATE AND THE CHAMBER OF DEPUTIES ARE ELECTED FREELY EVERY 4 YEARS BY SECRET BALLOT. IN JANUARY 2001, THE CREATION OF A NEW PROVINCE, SAN JOSE DE OCOA, WENT INTO EFFECT. THE NEW PROVINCE WILL HAVE REPRESENTATION IN CONGRESS STARTING WITH THE MAY 2002 ELECTIONS. THERE IS UNIVERSAL ADULT SUFFRAGE; HOWEVER, ACTIVE DUTY POLICE AND

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

MILITARY PERSONNEL MAY NOT VOTE. VOTING IS RESTRICTED TO THOSE WHO CAN DOCUMENT NATIONALITY.

IN JULY 2001, NEW ELECTORAL DISTRICTS WERE ESTABLISHED FOR THE CHAMBER OF DEPUTIES (LOWER HOUSE OF CONGRESS) AND CITY COUNCIL MEMBERS. THE NATIONAL DISTRICT IS DIVIDED INTO 9 ELECTORAL DISTRICTS. THE SANTIAGO AND SAN CRISTOBAL PROVINCES HAVE 3 DISTRICTS. THE REST OF THE PROVINCES, BECAUSE OF THEIR SMALLER POPULATIONS, HAVE ONE OR TWO ELECTORAL DISTRICTS.

THE NATION HAS A FUNCTIONING MULTIPARTY SYSTEM. OPPOSITION GROUPS OF THE LEFT, RIGHT, AND CENTER OPERATE OPENLY. THE PRESIDENT OFTEN DOMINATES 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. FORMER PRESIDENT FERNANDEZ REDUCED THE RELIANCE ON RULE BY DECREE DURING HIS ADMINISTRATION. THE PRESIDENT APPOINTS THE GOVERNORS OF THE 30 PROVINCES.

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

PAGE 37 SANTO 04373 201350Z
AND DEBATE. THE MAIN OPPOSITION PARTY IS THE PLD, WHICH HOLDS 4 OF 30 SEATS IN THE UPPER HOUSE AND 49 OF 149 SEATS IN THE LOWER HOUSE. A THIRD MAJOR PARTY, THE PRSC OF FORMER PRESIDENT BALAGUER, CONTESTS ALL ELECTIONS; VARIOUS SMALLER PARTIES ARE CERTIFIED TO CONTEST PROVINCIAL AND NATIONAL ELECTIONS.

THE JCE CONDUCTS ALL ELECTIONS. IN APRIL 199, THE LEADING POLITICAL PARTIES AGREED THAT THE CONGRESS SHOULD APPROVE LEGISLATION EXPANDING THE JCE FROM FIVE TO SEVEN MEMBERS UNTIL AFTER THE MAY 2000 PRESIDENTIAL ELECTIONS. HOWEVER, THE SEVEN MEMBERS ARE CURRENTLY REMAINING IN THEIR POSITIONS UNTIL AFTER THE END OF THEIR TERMS IN 2002.

WOMEN AND MINORITIES CONFRONT NO SERIOUS LEGAL IMPEDIMENTS TO POLITICAL PARTICIPATION; HOWEVER, THEY ARE UNDERREPRESENTED IN GOVERNMENT AND POLITICS. BY LAW PARTIES MUST RESERVE 33 PERCENT OF POSITIONS ON VOTING LISTS FOR WOMEN FOR HOUSE MEMBERS AND CITY COUNCILS; THERE IS NO QUOTA FOR SENATORS. HOWEVER, THE PARTIES OFTEN PLACE WOMEN SO LOW ON THE LISTS AS TO MAKE THEIR ELECTION DIFFICULT OR IMPOSSIBLE. WITH THE ELECTION OF FORMER SENATOR MILAGROS ORTIZ-BOSCH TO THE VICE-PRESIDENCY, THERE IS ONLY 1 WOMAN IN THE 30-MEMBER SENATE; WOMEN HOLD 24 SEATS IN THE 149-MEMBER CHAMBER OF DEPUTIES. WOMEN CONTINUE TO BE REPRESENTED IN APPOINTED POSITIONS, ALTHOUGH TO A LIMITED DEGREE. THE PRESIDENT OF THE CHAMBER OF DEPUTIES IS A WOMAN, AS ARE TWO

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

CABINET SECRETARIES. WOMEN FILL 5 OF THE 16 SEATS ON THE SUPREME COURT.

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

UNCLASSIFIED

PAGE 38 SANTO 04373 201350Z

NONGOVERNMENTAL HUMAN RIGHTS ORGANIZATIONS GENERALLY OPERATE FREELY WITHOUT GOVERNMENT INTERFERENCE. IN ADDITION TO THE DOMINICAN HUMAN RIGHTS COMMITTEE, THE NATIONAL HUMAN RIGHTS COMMISSION, AND THE NONGOVERNMENTAL TRUTH COMMISSION (DEALING WITH THE NARCISO GONZALEZ CASE), SEVERAL HAITIAN, CHURCH, WOMEN'S, AND LABOR GROUPS EXIST.

THE GOVERNMENT ESTABLISHED THE REFORM COMMISSIONS FOR THE POLICE AND ARMED FORCES WHICH ALLOWED LIMITED CIVIL SOCIETY OR NGO REPRESENTATION. THE REFORM COMMISSION CREATED LEGISLATION THAT WAS SUBMITTED TO CONGRESS AND WHICH WAS STILL PENDING.

IN FEBRUARY, LEGISLATION WAS PASSED CREATING A HUMAN RIGHTS OMBUDSMAN'S OFFICE, THOUGH SELECTION OF THE INDIVIDUAL TO FILL THE POSITION WAS STILL PENDING. LEGISLATION TO CREATE A SPECIAL PROSECUTOR FOR HUMAN RIGHTS ABUSES DID NOT PASS BUT IS EXPECTED TO BE REINTRODUCED.

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

THE LAW PROHIBITS DISCRIMINATION BASED ON RACE AND SEX; HOWEVER, SUCH DISCRIMINATION EXISTS, THE GOVERNMENT SELDOM ACKNOWLEDGES ITS EXISTENCE OR MAKES EFFORTS TO COMBAT IT.

WOMEN

DOMESTIC VIOLENCE IS WIDESPREAD. WOMEN'S NGOS ESTIMATE THAT 40 PERCENT OF DOMINICAN WOMEN AND CHILDREN ARE THE SUBJECT OF DOMESTIC VIOLENCE. UNDER THE 1997 LAW AGAINST DOMESTIC VIOLENCE,
UNCLASSIFIED

PAGE 39 SANTO 04373 201350Z

THE STATE CAN PROSECUTE FOR RAPE, INCEST, SEXUAL AGGRESSION, AND OTHER FORMS OF DOMESTIC VIOLENCE. PENALTIES FOR THESE CRIMES RANGE FROM ONE YEAR TO 30 YEARS IN PRISON, AND HAVE FINES RANGING FROM \$30 TO \$6,000 (500 TO 100,000 PESOS). THE STATE CAN PROSECUTE A SUSPECT FOR RAPE EVEN IF THE VICTIM DOES NOT FILE CHARGES. THIS LAW ALSO ALLOWS A RAPE VICTIM TO PRESS CHARGES AGAINST HER HUSBAND WITHOUT HAVING HER MARRIAGE ANNULLED. THE

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

SECRETARIAT OF WOMEN, AS WELL AS VARIOUS NGO'S, HAVE OUTREACH PROGRAMS ON DOMESTIC VIOLENCE AND LEGAL RIGHTS. IN 1998 THE GOVERNMENT OPENED A CENTER IN VILLA JUANA (SANTO DOMINGO) FOR THE LEGAL SUPPORT AND FORENSIC EXAMINATION OF ABUSED WOMEN, WHICH HANDLED 35 TO 50 CASES PER DAY IN ITS FIRST YEAR, AND NOW HANDLES OVER 100 CASES PER DAY. DUE TO THE SUCCESS OF THIS FIRST CENTER, THE GOVERNMENT OPENED FIVE ADDITIONAL CENTERS. THERE ARE STILL NO SHELTERS FOR BATTERED WOMEN.

RAPE IS A SERIOUS PROBLEM AND IS BELIEVED TO BE WIDELY UNDERREPORTED. FROM JANUARY THROUGH AUGUST, THE SANTO DOMINGO DISTRICT ATTORNEY'S OFFICE RECEIVED 1004 REPORTS OF RAPE OR SEXUAL VIOLATION IN THE NATIONAL DISTRICT. THE PENALTIES FOR COMMITTING RAPE ARE 10 TO 15 YEARS IN PRISON AND A FINE OF \$6,097 TO \$12,195 (100,000 TO 200,000 PESOS). VICTIMS OFTEN DO NOT REPORT CASES OF RAPE BECAUSE OF FEAR OF SOCIAL STIGMA, AS WELL AS THE PERCEPTION THAT THE POLICE AND THE JUDICIARY WOULD FAIL TO PROVIDE REDRESS. THE POLICE ARE RELUCTANT TO HANDLE RAPE CASES AND OFTEN ENCOURAGE VICTIMS TO SEEK ASSISTANCE FROM NGO'S.

SEXUAL HARASSMENT IS WIDESPREAD. THE LAW PROHIBITS SEXUAL HARASSMENT IN THE WORKPLACE, BUT IT IS NOT ENFORCED.

PROSTITUTION IS ILLEGAL; HOWEVER, THE GOVERNMENT DOES NOT ENFORCE
UNCLASSIFIED

PAGE 40 SANTO 04373 201350Z

VIGOROUSLY PROSTITUTION LAWS, EXCEPT IN CASES INVOLVING CHILD PROSTITUTION AND INTERNATIONAL TRAFFICKING IN WOMEN AND GIRLS, WHICH IS A SERIOUS PROBLEM (SEE SECTIONS 6.C. AND 6.F.). 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, HOTEL AND INDUSTRIAL ZONE WORKERS, AND OTHER HIGH RISK GROUPS. THE 1997 DOMESTIC VIOLENCE LAW PROHIBITS ACTING AS AN INTERMEDIARY IN A TRANSACTION OF PROSTITUTION, AND THE GOVERNMENT HAS USED THE LAW TO PROSECUTE THIRD PARTIES THAT DERIVE PROFIT FROM PROSTITUTION.

DIVORCE IS EASILY OBTAINABLE BY EITHER SPOUSE, AND WOMEN CAN HOLD PROPERTY IN THEIR OWN NAMES APART FROM THEIR HUSBANDS. TRADITIONALLY, WOMEN HAVE NOT SHARED EQUAL SOCIAL AND ECONOMIC STATUS OR OPPORTUNITY WITH MEN, AND MEN HOLD THE MAJORITY OF LEADERSHIP POSITIONS IN ALL SECTORS. IN MANY INSTANCES WOMEN ARE PAID LESS THAN MEN IN JOBS OF EQUAL CONTENT AND EQUAL SKILL LEVEL. SOME EMPLOYERS REPORTEDLY GIVE PREGNANCY TESTS TO WOMEN BEFORE HIRING THEM, AS PART OF A REQUIRED MEDICAL EXAMINATION. UNION LEADERS AND HUMAN RIGHTS ADVOCATES REPORT THAT PREGNANT WOMEN OFTEN ARE NOT HIRED.

DECONTROLLED/UNCLASSIFIED

DESPITE THE EXISTENCE OF GOVERNMENT INSTITUTIONS DEDICATED TO CHILD WELFARE, PRIVATE SOCIAL AND RELIGIOUS ORGANIZATIONS CARRY THE PRINCIPAL BURDEN. THE OVERSIGHT ORGANIZATION FOR THE PROTECTION OF CHILDREN, CREATED BY THE EXECUTIVE BRANCH, IS THE PRIMARY GOVERNMENT INSTITUTION COVERING ISSUES OF CHILD WELFARE. PRIVATE INSTITUTIONS RECEIVE 35 TO 40 PERCENT OF THE BUDGET OF

UNCLASSIFIED

PAGE 41 SANTO 04373 201350Z
THE OVERSIGHT ORGANIZATION. THE MEJIA GOVERNMENT CREATED A NEW MINISTRY OF YOUTH SOON AFTER THE ELECTION.

THE 1994 MINOR'S CODE REQUIRES 8 YEARS OF FORMAL EDUCATION. CHILDREN OF HAITIAN DESCENT EXPERIENCE DIFFICULTIES ATTENDING SCHOOL DUE TO THEIR LACK OF OFFICIAL STATUS. THE OVERSIGHT ORGANIZATION WORKS WITH NGO'S, LAW ENFORCEMENT PERSONNEL, AND THE GENERAL PUBLIC TO PUBLICIZE CHILDREN'S RIGHTS. IN THE NATIONAL DISTRICT, THE DEPARTMENT OF FAMILY AND CHILDREN, IN THE OFFICE OF THE PROSECUTOR, ADMINISTERS THE MINOR'S CODE AND ARRANGES CONCILIATION OF FAMILY CONFLICTS TO EXECUTE COURT DECISIONS WITH RESPECT TO CHILD PROTECTION, AND TO INTERVIEW CHILDREN WHOSE RIGHTS HAVE BEEN VIOLATED.

ABUSE, INCLUDING PHYSICAL, SEXUAL, AND PSYCHOLOGICAL, IS THE MOST SERIOUS HUMAN RIGHTS VIOLATION AFFECTING CHILDREN. THE DEPARTMENT OF FAMILY AND CHILDREN ESTIMATES THAT 50 PERCENT OF THE CHILDREN IN THE COUNTRY ARE VICTIMS OF SOME SORT OF ABUSE, THOUGH FEW SUCH CASES REACH THE COURTS. IN THE MAJORITY OF THE CASES, THE ACCUSED IS A PERSON CLOSE TO THE CHILD: A FATHER, GRANDFATHER, UNCLE, BROTHER, COUSIN, OR CLOSE FAMILY FRIEND. THE CRIMINAL LAW PROVISION ON SEXUAL ABUSE AND INTRAFAMILY VIOLENCE PROVIDES FOR A PENALTY OF 10 TO 20 YEARS INCARCERATION AND A FINE OF \$6,600 TO \$13,200 (108,000 TO 216,000 PESOS) FOR PERSONS FOUND GUILTY OF SEXUAL ABUSE OF A MINOR, AND UP TO 30 YEARS IF THE VICTIM IS A FAMILY MEMBER OF THE ABUSER.

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 CHILD TO A PROTECTIVE ENVIRONMENT. ACCORDING TO LOCAL

UNCLASSIFIED

PAGE 42 SANTO 04373 201350Z
MONITORS, INSTANCES OF CHILD ABUSE WERE UNDERREPORTED BECAUSE OF TRADITIONAL BELIEFS THAT FAMILY PROBLEMS SHOULD BE DEALT WITH INSIDE THE FAMILY. HOWEVER, CHILD ABUSE IS RECEIVING INCREASING PUBLIC ATTENTION.

DECONTROLLED/UNCLASSIFIED

THE MINISTRY OF HEALTH GAVE CONSERVATIVE ESTIMATES THAT, FROM JANUARY THROUGH JUNE, THERE WERE 412 DELIVERIES BY FEMALE ADOLESCENTS UNDER AGE 15, AND 8,313 DELIVERIES BY ADOLESCENTS BETWEEN THE AGES OF 15 AND 19. THIS INFORMATION IS PRELIMINARY AND CONSERVATIVE IN LIGHT OF 2000 STATISTICS, WHICH ESTIMATED DELIVERIES BY ADOLESCENTS BELOW AGE 15 AT 1,395, AND BY ADOLESCENTS FROM 15 TO 19 AT 26,409 FOR THAT FULL YEAR. SOME OF THESE PREGNANCIES WERE REPORTED TO BE THE RESULT OF RAPE OR INCEST AND OFTEN ARE ACCOMPANIED BY SEXUALLY TRANSMITTED DISEASES.

SOME IN THE TOURIST INDUSTRY HAVE FACILITATED THE SEXUAL EXPLOITATION OF CHILDREN; PARTICULAR AREAS OF CONCERN ARE BOCA CHICA AND PUERTO PLATA. TOURS ARE MARKETED BY FOREIGNERS OVERSEAS WITH THE UNDERSTANDING THAT BOYS AND GIRLS CAN BE FOUND AS SEX PARTNERS. IN JULY, THE NATIONAL PROSECUTOR'S OFFICE AND THE THE ASSOCIATION OF HOTELS SIGNED AN AGREEMENT TO COMBAT THE EXPLOITATION OF CHILDREN IN THE TOURIST INDUSTRY. JOURNALISTS REPORTED THAT THE MAJORITY OF PROSTITUTES IN BROTHELS VISITED AROUND THE NATIONAL DISTRICT APPEARED TO BE BETWEEN 16 AND 18 YEARS OF AGE. THERE ARE SEVERAL CHURCH-RUN SHELTERS THAT PROVIDE REFUGE TO CHILDREN WHO BREAK FREE FROM THE PROSTITUTION TRADE. PROSTITUTION IS THE PRINCIPAL AREA OF EXPLOITATION OF UNDERAGE GIRLS IN THE INFORMAL ECONOMY. THE OVERSIGHT ORGANIZATION CARRIED OUT COMMUNITY INFORMATION CAMPAIGNS ON CHILDREN'S RIGHTS, INCLUDING THE PREVENTION OF CHILD ABUSE, CHILD LABOR, AND FAMILY

UNCLASSIFIED

PAGE 43 SANTO 04373 201350Z
VIOLENCE. IT ALSO PROVIDED TRAINING TO PERSONS AND GROUPS PROVIDING SOCIAL SERVICES TO CHILDREN, JUDICIAL OFFICIALS, AND OTHER CHILDREN'S ADVOCATES.

POOR ADOLESCENT GIRLS AND BOYS SOMETIMES ARE ENTICED INTO PERFORMING SEXUAL ACTS BY THE PROMISE OF FOOD OR CLOTHING; SOMETIMES THEY ARE FORCED INTO UNSAFE RELATIONSHIPS WITH STRANGERS BY THE NEED FOR MONEY. ONCE INVOLVED, THEY MAY BE HELD AGAINST THEIR WILL BY INDIVIDUALS WHO SELL THEIR SEXUAL FAVORS TO OTHERS. SOME OF THESE MINORS ARE LURED FROM THEIR PARENTAL HOMES; OTHERS ARE ALREADY ON THE STREET.

TRAFFICKING IN GIRLS IS A SERIOUS PROBLEM (SEE SECTION 6.C. AND 6.F.).

THE JUDICIAL SYSTEM SOMETIMES FAILS TO PROTECT THE STATUS OF MINORS IN CRIMINAL CASES. THE AUTHORITIES SOMETIMES TREATED MINORS AS ADULTS--MOST OFTEN WHEN PHYSICAL FORENSIC EXAMINATIONS INDICATED THAT THE PERSON CLAIMING TO BE MINORS WERE PROBABLY ADULTS--AND INCARCERATED THEM IN PRISON RATHER THAN JUVENILE DETENTION CENTERS. IN 1997 THE GOVERNMENT BEGAN IMPLEMENTING THE

DECONTROLLED/UNCLASSIFIED

1994 JUVENILE CODE, LAYING THE GROUNDWORK FOR A JUVENILE COURT SYSTEM. THE SUPREME COURT INAUGURATED THE FIRST OF 11 JUVENILE COURTS IN AUGUST 1999 AND CHOSE JUDGES FOR THE OTHER 10 COURTS, SOME OF WHICH WERE FUNCTIONING BY YEAR'S END. ALTHOUGH THESE JUVENILE COURTS ARE ORGANIZED WITH A FOCUS ON REHABILITATING OFFENDERS, VERY FEW SOCIAL SERVICES ARE AVAILABLE FOR MINORS. IN PRACTICE, JUVENILES ARE DETAINED IN EXCESS OF THE TIME PERMITTED BY LAW, AND THEN ARE SENT TO JAIL RATHER THAN REFERRED FOR REHABILITATIVE SERVICES. THERE ARE LEGAL ADVOCATES ESPECIALLY FOR JUVENILES IN SANTO DOMINGO AND LA VEGA TO PROVIDE THEM WITH

UNCLASSIFIED

PAGE 44 SANTO 04373 201350Z
 REPRESENTATION IN DELINQUENCY CASES. HUMAN RIGHTS ACTIVISTS REPORTED NUMEROUS CASES OF SEXUAL ABUSE OF MINORS IN NAJAYO PRISON (SEE SECTION 1.C.).

CHILD LABOR IS A PROBLEM (SEE SECTION 6.D.). IT IS NOT UNCOMMON FOR MINORS TO BE PUT ON THE STREET TO FEND FOR THEMSELVES AS YOUNGER SIBLINGS CLAIM THE PARENT'S MEAGER RESOURCES. HOMELESS CHILDREN CALLED "PALOMAS" (DOVES) ARE FREQUENTLY AT THE MERCY OF ADULTS WHO COLLECT THEM AND PUT THEM TO WORK BEGGING AND SELLING FRUIT, FLOWERS, AND OTHER GOODS ON THE STREET. IN RETURN FOR THEIR WORK THEY ARE GIVEN BASIC HOUSING. THE AGES AT WHICH THESE CHILDREN WORK, THE HOURS THEY PUT IN, AND THEIR FAILURE TO COMPLY WITH COMPULSORY SCHOOL ATTENDANCE ALL VIOLATE THE LAW, BUT THE GOVERNMENT HAS NOT BEEN ABLE TO COMBAT THIS PRACTICE.

PEOPLE WITH DISABILITIES

DISABLED PERSONS ENCOUNTER DISCRIMINATION IN EMPLOYMENT AND IN THE PROVISION OF OTHER SERVICES. DISCRIMINATION AGAINST PERSONS WITH MENTAL ILLNESS IS COMMON, AND THERE ARE FEW RESOURCES DEDICATED TO THE MENTALLY ILL. ALTHOUGH THE LAW PROVIDES FOR PHYSICAL ACCESS FOR THE DISABLED TO ALL NEW PUBLIC AND PRIVATE BUILDINGS, THE AUTHORITIES HAVE NOT ENFORCED THIS LAW UNIFORMLY. THERE IS A SUBSECRETARIAT FOR REHABILITATION UNDER THE MINISTRY OF PUBLIC HEALTH, A RECREATION CENTER FOR THE DISABLED IN LAS CAOBAS, AND A DEPARTMENT IN THE SPORTS MINISTRY TO FACILITATE ATHLETIC COMPETITION FOR THE DISABLED. HOWEVER, THERE IS LITTLE CONSCIOUSNESS OF THE NEED TO MAKE THE DAILY LIVES OF THE DISABLED SAFER AND MORE CONVENIENT. FOR EXAMPLE, NEW STREET CONSTRUCTION MAKES FEW PROVISIONS FOR THE DISABLED TO CROSS THE STREETS SAFELY.

UNCLASSIFIED

PAGE 45 SANTO 04373 201350Z

THE DOMINICAN REHABILITATION ASSOCIATION (ADR) HAS GROWN FROM A 1-ROOM OPERATION TO A LARGE COMPLEX WITH 17 AFFILIATES THROUGHOUT

DECONTROLLED/UNCLASSIFIED

THE COUNTRY. IT PROVIDES SERVICES FOR 2,500 PERSONS DAILY. THE GOVERNMENT PROVIDES ABOUT 30 PERCENT OF THE ADR'S BUDGET.

NATIONAL/RACIAL/ETHNIC MINORITIES

A STRONG PREJUDICE AGAINST HAITIANS EXISTS AND DISADVANTAGES MANY HAITIANS AND DOMINICANS OF HAITIAN ANCESTRY, AS WELL AS OTHER FOREIGNERS OF AFRICAN DESCENT. THE GOVERNMENT HAS RARELY ACKNOWLEDGED THE EXISTENCE OF THIS DISCRIMINATION. DARKER-SKINNED DOMINICANS ALSO FACE INFORMAL BARRIERS TO SOCIAL AND ECONOMIC ADVANCEMENT.

EFFORTS TO STEM THE INFLUX OF HAITIAN IMMIGRANTS HAVE MADE IT MORE DIFFICULT FOR THOSE HAITIANS ALREADY IN THE COUNTRY TO LIVE PEACEFULLY. POLICE REGULATIONS THREATEN THOSE OFFERING TRANSPORTATION TO ILLEGAL IMMIGRANTS WITH CONFISCATION OF THEIR VEHICLES, AND HAVE DISCOURAGED TAXI AND BUS DRIVERS FROM PICKING UP DARK-SKINNED PERSONS. IN ROUNDUPS OF ILLEGAL IMMIGRANTS, AUTHORITIES PICK UP AND EXPEL DARKER DOMINICANS AS WELL AS LEGAL HAITIAN RESIDENTS. FOR EXAMPLE, IN MAY, FOUR DOMINICANS WERE MISTAKENLY DEPORTED BY THE ARMY AFTER THEY WERE ARRESTED IN HIGUEY.

PERHAPS 500,000 HAITIAN IMMIGRANTS--OR 7 PERCENT OF THE COUNTRY'S POPULATION--LIVE IN SHANTYTOWNS OR SUGAR CANE WORK CAMPS, IN HARSH CONDITIONS WITH LIMITED OR NO ELECTRICITY, RUNNING WATER, OR SCHOOLING. THERE ARE ESTIMATES THAT AS MANY AS 1 MILLION HAITIANS LIVE IN THE COUNTRY. HUMAN RIGHTS GROUPS REGULARLY

UNCLASSIFIED

PAGE 46 SANTO 04373 201350Z
CHARGE THE GOVERNMENT WITH UNLAWFUL DEPORTATIONS OF, AND POLICE BRUTALITY TOWARD, THESE LEGAL AND ILLEGAL IMMIGRANTS (SEE SECTIONS 1.D AND 2.D.).

THE GOVERNMENT REFUSES TO RECOGNIZE AND DOCUMENT AS DOMINICAN CITIZENS MANY INDIVIDUALS OF HAITIAN ANCESTRY BORN IN THE COUNTRY. THE GOVERNMENT REGARDS UNDOCUMENTED HAITIANS LIVING IN THE COUNTRY AS "IN TRANSIT" AND THEREFORE NOT ENTITLED TO THE CONSTITUTIONAL RIGHT OF CITIZENSHIP THROUGH BIRTH IN THE DOMINICAN REPUBLIC UNDER THE CONSTITUTION. SINCE MANY HAITIAN PARENTS HAVE NEVER POSSESSED DOCUMENTATION FOR THEIR OWN BIRTH, THEY ARE UNABLE TO DEMONSTRATE THEIR OWN CITIZENSHIP. AS A RESULT, THEY CANNOT DECLARE THEIR CHILDREN'S BIRTHS AT THE CIVIL REGISTRY AND THEREBY ESTABLISH DOMINICAN CITIZENSHIP FOR THEIR OFFSPRING. SOME CIVIL REGISTRY OFFICES DO NOT ACCEPT LATE DECLARATIONS OF BIRTH FOR CHILDREN OF HAITIAN IMMIGRANTS, ALTHOUGH THEY ROUTINELY ACCEPT LATE DECLARATIONS FOR CHILDREN OF DOMINICAN PARENTS.

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

HAITIAN PARENTS ENCOUNTER DIFFICULTIES REGISTERING THEIR CHILDREN FOR SCHOOL. LACK OF DOCUMENTATION USUALLY DEPRIVES CHILDREN OF HAITIAN DESCENT OF THE OPPORTUNITY TO ATTEND SCHOOL WHERE THERE IS ONE AVAILABLE. SOME PARENTS FAIL TO SEEK DOCUMENTATION DUE TO FEAR OF BEING DEPORTED. IT FALLS TO THE DISCRETION OF PUBLIC SCHOOL PRINCIPALS WHETHER CHILDREN MAY ATTEND, WHEN IMMIGRANT PARENTS HAVE NO IDENTITY CARDS OR BIRTH CERTIFICATES TO REGISTER CHILDREN FORMALLY. EVEN WHEN PERMITTED TO ATTEND PRIMARY SCHOOL, IT IS RARE THAT THE CHILDREN OF HAITIAN PARENTS PROGRESS BEYOND SIXTH GRADE.

IN JULY, SECRETARY OF EDUCATION AND VICE PRESIDENT MILAGROS
UNCLASSIFIED

PAGE 47 SANTO 04373 201350Z
ORTIZ BOSCH ANNOUNCED THAT ALL CHILDREN WOULD BE ALLOWED TO ENROLL IN SCHOOL, WHETHER OR NOT THEY HAD A BIRTH CERTIFICATE. THE SECRETARIAT OF EDUCATION SUBSEQUENTLY ANNOUNCED IT HAD SIGNED AN AGREEMENT WITH THE CENTRAL ELECTIONS COMMISSION TO FACILITATE THE ACQUIRING OF BIRTH CERTIFICATES FOR PARENTS WHO COULD PRODUCE IDENTITY CARDS IN ORDER THAT ALL CHILDREN WOULD HAVE BIRTH CERTIFICATES TO ENROLL IN SCHOOL.

SOMETIMES POOR HAITIAN FAMILIES ARRANGE FOR DOMINICAN FAMILIES TO "ADOPT" AND EMPLOY THEIR CHILDREN. THE ADOPTING PARENTS CAN SIMPLY REGISTER A CHILD OF ANY AGE AS THEIR OWN. IN EXCHANGE, THE PARENTS RECEIVE MONETARY PAYMENT OR A SUPPLY OF CLOTHES AND FOOD. THEY BELIEVE THAT THIS ENSURES THEIR CHILDREN A MORE PROMISING FUTURE. IN MANY CASES, ADOPTIVE PARENTS DO NOT TREAT THE ADOPTED AS FULL FAMILY MEMBERS AND EXPECT THEM TO WORK IN THE HOUSEHOLDS OR FAMILY BUSINESSES RATHER THAN ATTEND SCHOOL. THE EFFECT IS A KIND OF INDENTURED SERVITUDE, AT LEAST UNTIL THE YOUNG PERSON REACHES MAJORITY (SEE SECTION 6.C.). THERE WERE REPORTS THAT HAITIAN GIRLS BETWEEN THE AGES OF 10 AND 14 WERE THE MOST SOUGHT AFTER, ESPECIALLY IN BORDER AREAS.

IN APRIL, HUNDREDS OF HAITIANS WERE DETAINED AFTER A RUMOR SPREAD THAT SOME HAITIAN YOUTHS HAD BURNED A DOMINICAN FLAG IN LA ROMANA. MANY WERE BEATEN AND WERE LATER DEPORTED. THE RUMOR ALSO SPARKED A WAVE OF VIOLENCE IN THE GENERAL POPULATION, RESULTING IN SEVERAL INJURIES TO HAITIANS.

THE GOVERNMENT IS DOING LITTLE TO IMPROVE THE CONDITIONS OF HAITIAN IMMIGRANTS. MOST SOCIAL SERVICES IN SHANTYTOWNS ARE PROVIDED BY NGO'S AND OTHER RELIEF ORGANIZATIONS.

UNCLASSIFIED

PAGE 48 SANTO 04373 201350Z
SECTION 6 WORKER RIGHTS

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

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), AND WORKERS IN ALL SECTORS EXERCISE THIS RIGHT. ALL WORKERS, EXCEPT THE MILITARY AND THE POLICE, ARE FREE TO ORGANIZE. ORGANIZED LABOR REPRESENTS AN ESTIMATED 10 PERCENT OF THE WORK FORCE AND IS DIVIDED AMONG FOUR MAJOR CONFEDERATIONS AND A NUMBER OF INDEPENDENT UNIONS. THERE ARE 3,506 REGISTERED UNIONS IN THE COUNTRY, BUT IT IS ESTIMATED THAT 60 PERCENT ARE INACTIVE. THE 1992 LABOR CODE PROVIDES EXTENSIVE PROTECTION FOR WORKER RIGHTS AND SPECIFIES THE STEPS LEGALLY REQUIRED TO ESTABLISH A UNION, FEDERATION, OR CONFEDERATION. THE CODE CALLS FOR AUTOMATIC RECOGNITION OF A UNION IF THE GOVERNMENT HAS NOT ACTED ON ITS APPLICATION WITHIN 30 DAYS. IN PRACTICE, THE GOVERNMENT READILY FACILITATES RECOGNITION OF LABOR ORGANIZATIONS.

UNIONS ARE INDEPENDENT OF THE GOVERNMENT AND GENERALLY INDEPENDENT OF POLITICAL PARTIES. THE LAW AGAINST COMPANIES WHO FIRE UNION ORGANIZERS OR MEMBERS IS ENFORCED SELECTIVELY, AND PENALTIES ARE INSUFFICIENT TO DETER EMPLOYERS FROM VIOLATING WORKER'S RIGHTS. THERE WERE REPORTS OF WIDESPREAD DISCREET INTIMIDATION BY EMPLOYERS IN AN EFFORT TO PREVENT UNION ACTIVITY. THIS IS APPARENT PARTICULARLY IN THE FREE TRADE ZONES (FTZ) WHERE FOREIGN COMPANIES HAVE LOCATED IN SEARCH OF LOW LABOR COSTS AND LITTLE INTERFERENCE IN THEIR OPERATIONS. UNIONS IN THE FTZS REPORT THAT THEIR MEMBERS HESITATE TO DISCUSS UNION ACTIVITY AT WORK, EVEN DURING BREAK TIME, DUE TO FEAR OF LOSING THEIR JOBS.

UNCLASSIFIED

PAGE 49 SANTO 04373 201350Z

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 MINISTRY OF LABOR, AND A 10-DAY WAITING PERIOD FOLLOWING NOTIFICATION BEFORE PROCEEDING WITH THE STRIKE. THE GOVERNMENT GENERALLY RESPECTS ASSOCIATION RIGHTS AND PLACES NO OBSTACLES TO UNION REGISTRATION, AFFILIATION, OR THE ABILITY TO ENGAGE IN LEGAL STRIKES. HOWEVER, ENFORCEMENT OF LABOR LAWS IS SOMETIMES UNRELIABLE, INHIBITING EMPLOYEES FROM FREELY EXERCISING THEIR RIGHTS.

THE NOVEMBER 1999 CASE INVOLVING EMPLOYEES OF THE FTZ COMPANY D & P HANDBAG IN SANTIAGO WAS STILL PENDING BEFORE A LABOR COURT IN SANTIAGO. THE 1999 CASE INVOLVING HAN CHANG COMPANY WAS SETTLED THROUGH MEDIATION. THE EMPLOYEES RECEIVED A SETTLEMENT AND WERE NOT REINSTATED. THE COMPANY DID NOT LOSE ITS EXPORT LICENSE.

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

LABOR UNIONS CAN AND DO AFFILIATE FREELY REGIONALLY AND INTERNATIONALLY.

B. THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY

COLLECTIVE BARGAINING IS LEGAL 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, AND THE INTERNATIONAL LABOR ORGANIZATION (ILO) CONSIDERS THE REQUIREMENTS FOR COLLECTIVE BARGAINING RIGHTS TO BE EXCESSIVE AND FINDS THAT IN MANY CASES THEY COULD IMPEDE COLLECTIVE BARGAINING. THE LABOR CODE STIPULATES THAT WORKERS CANNOT BE DISMISSED BECAUSE OF THEIR TRADE UNION MEMBERSHIP OR

UNCLASSIFIED

PAGE 50 SANTO 04373 201350Z
ACTIVITIES; HOWEVER, IN PRACTICE, WORKERS SOMETIMES ARE FIRED BECAUSE OF THEIR UNION ACTIVITIES.

THE LABOR CODE ESTABLISHES A SYSTEM OF LABOR COURTS FOR DEALING WITH DISPUTES. WHILE CASES DO MAKE THEIR WAY THROUGH THE LABOR COURTS, ENFORCEMENT OF JUDGMENTS IS SOMETIMES UNRELIABLE.

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 AND THE PAY IS HIGHER. SOME FTZ COMPANIES HAVE BEEN ACCUSED OF DISCHARGING WORKERS WHO ATTEMPT TO ORGANIZE UNIONS, BUT THERE ALSO HAVE BEEN REPORTS OF UNION ORGANIZERS EXTORTING MONEY FROM BUSINESS OWNERS. IN THE FTZS, WHILE THERE MAY BE AS MANY AS 10 COLLECTIVE BARGAINING AGREEMENTS ON PAPER, ONLY 3 ACTUALLY ARE FUNCTIONING. THE MAJORITY OF THE UNIONS IN THE FTZS ARE AFFILIATED WITH THE NATIONAL FEDERATION OF FREE TRADE ZONE WORKERS (FENATRAZONA) OR THE UNITED FEDERATION OF FREE TRADE ZONE WORKERS. FENATRAZONA ESTIMATES THAT ONLY 3 PERCENT OF THE WORKERS IN THE FTZS ARE UNIONIZED.

MANY OF THE MAJOR MANUFACTURERS IN THE FTZS HAVE VOLUNTARY "CODES OF CONDUCT" THAT PROVIDE FOR PROTECTION AGAINST FORCED LABOR, FREEDOM OF ASSOCIATION, FREEDOM FROM DISCRIMINATION, AND PROHIBIT THE USE OF CHILD LABOR. THEY ALSO CALL FOR A WORKPLACE THAT IS SAFE AND HEALTHY. HOWEVER, WORKERS RARELY HAVE HEARD OF SUCH CODES, OR THE PRINCIPLES THEY SET OUT.

C. PROHIBITION OF FORCED OR COMPULSORY LABOR

UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

PAGE 51

SANTO 04373 201350Z

THE LAW PROHIBITS ALL FORMS OF FORCED OR COMPULSORY LABOR, INCLUDING THAT PERFORMED BY CHILDREN; HOWEVER, SUCH PRACTICES STILL EXIST TO A LIMITED EXTENT IN THE ADULT WORKER POPULATION AND, TO A LIMITED EXTENT, AMONG CHILDREN IN THE INFORMAL SECTOR. YOUNG CHILDREN "ADOPTED" BY FAMILIES WORK UNDER A KIND OF INDENTURED SERVITUDE AND HOMELESS CHILDREN ARE MADE TO BEG BY ADULTS (SEE SECTION 5). TRAFFICKING IN WOMEN AND GIRLS FOR PURPOSES OF PROSTITUTION IS ALSO A PROBLEM (SEE SECTIONS 5 AND 6.F.).

THE FENATRAZONA NOTED THAT MANDATORY OVERTIME IN THE FTZ FACTORIES IS A COMMON PRACTICE. WORKERS ALSO GAVE EXAMPLES OF THEIR EMPLOYERS LOCKING FACTORY DOORS WITH CHAINS SO THEY COULD NOT LEAVE, AND TAKING INCENTIVE PAY AWAY FROM OR FIRING THOSE WHO REFUSED TO WORK OVERTIME. FOR EXAMPLE, MANY COMPANIES USE AN INCENTIVE SYSTEM IN WHICH A TEAM OF 12 TO 15 PERSONS IS GIVEN A QUOTA TO FILL BY THE END OF THE WEEK, IN ORDER TO RECEIVE EXTRA BENEFITS. MOST TEAMS ARE UNABLE TO FILL THE QUOTA TO RECEIVE THE BENEFITS AND ARE NOT PAID OVERTIME PAY FOR THE EXTRA TIME THEY PUT IN TO ATTEMPT TO FILL THE QUOTA. UNION OFFICIALS STATE THAT NEWLY HIRED WORKERS ARE NOT INFORMED THAT OVERTIME IS OPTIONAL.

THE ASSOCIATION FOR THE DEVELOPMENT OF WOMEN AND THE ENVIRONMENT REPORTED AN INCREASE OF FORCED ADULT LABOR IN THE SUGAR INDUSTRY IN THE SHANTYTOWNS OF LA JAGUA, SABANA GRANDE DE BOYA, AND LOS JOVILLOS. FIELD GUARDS REPORTEDLY KEPT WORKERS' CLOTHES AND DOCUMENTS TO PREVENT THEM FROM LEAVING. EMPLOYERS ALSO WITHHELD WAGES TO KEEP WORKERS IN THE FIELDS.

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

UNCLASSIFIED

PAGE 52

SANTO 04373 201350Z

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 LIMITING THE DAILY NUMBER OF WORKING HOURS TO 6, PROHIBITING EMPLOYMENT IN DANGEROUS OCCUPATIONS OR IN ESTABLISHMENTS SERVING ALCOHOL, AND LIMITING NIGHTTIME WORK. A COMPANY COULD FACE LEGAL SANCTIONS AND FINES IF CAUGHT EMPLOYING UNDERAGE CHILDREN. CHILDREN BETWEEN THE AGES OF 14 AND 16 MAY WORK IN APPRENTICESHIP AND ARTISTIC PROGRAMS. THE LAW REQUIRES 8 YEARS OF FORMAL EDUCATION. CHILDREN WHO DO NOT CONTINUE IN SCHOOL OFTEN SEEK ILLEGAL EMPLOYMENT BEFORE REACHING THE MINIMUM WORKING AGE (SEE SECTIONS 5 AND 6.C.).

THE HIGH LEVEL OF UNEMPLOYMENT AND LACK OF A SOCIAL SAFETY NET CREATE PRESSURES ON FAMILIES TO ALLOW OR ENCOURAGE CHILDREN TO

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

EARN SUPPLEMENTAL INCOME. TENS OF THOUSANDS OF CHILDREN BEGIN WORKING BEFORE THE AGE OF 14. CHILD LABOR TAKES PLACE PRIMARILY IN THE INFORMAL ECONOMY, SMALL BUSINESSES, CLANDESTINE FACTORIES, AND PROSTITUTION. CONDITIONS IN CLANDESTINE FACTORIES ARE GENERALLY POOR, UNSANITARY, AND OFTEN DANGEROUS. THE GOVERNMENT HAS ATTEMPTED TO ELIMINATE THE USE OF CHILDREN FOR CUTTING SUGAR CANE; HOWEVER, THERE ARE STILL REPORTS THAT POOR HAITIAN AND DOMINICAN CHILDREN ACCOMPANY THEIR PARENTS TO WORK IN THE CANE FIELDS, WITH THE TACIT ACCEPTANCE OF SUGAR COMPANIES. ALSO, HUMAN RIGHTS GROUPS REPORT AN INCREASE IN THE NUMBER OF UNDOCUMENTED HAITIAN 14 AND 15 YEAR OLDS WORKING IN THE CANE FIELDS.

SEXUAL EXPLOITATION OF CHILDREN IS A PROBLEM (SEE SECTION 5).

THE MINISTRY OF LABOR, IN COLLABORATION WITH THE INTERNATIONAL UNCLASSIFIED

PAGE 53 SANTO 04373 201350Z

LABOR ORGANIZATION'S PROGRAM ON THE ERADICATION OF CHILD LABOR, AND OTHER INTERNATIONAL LABOR RIGHTS ORGANIZATIONS, HAS IMPLEMENTED PROGRAMS TO COMBAT CHILD LABOR. THESE INCLUDE A NATIONAL CHILD LABOR SURVEY; A PROGRAM TO REMOVE CHILDREN FROM DANGEROUS AGRICULTURAL WORK IN SAN JOSE DE OCOA, CONSTANZA, AND AZUA; AND AN UPCOMING PROGRAM IN THE AREA OF CHILD PROSTITUTION IN BOCA CHICA AND PUERTO PLATA. THE CONSTANZA PROGRAM REMOVED OVER 550 CHILDREN, TWICE AS MANY AS THE TARGETED NUMBER, FROM WORK IN HAZARDOUS AGRICULTURE, AND PLACED THEM IN SCHOOLS.

THE LAW PROHIBITS FORCED OR COMPULSORY LABOR BY CHILDREN; HOWEVER, SUCH PRACTICES PERSIST IN THE INFORMAL SECTOR (SEE SECTION 6.C.). THERE WERE NO REPORTS OF FORCED CHILD LABOR IN THE FORMAL SECTOR.

E. ACCEPTABLE CONDITIONS OF WORK

THE CONSTITUTION EMPOWERS THE EXECUTIVE BRANCH TO SET MINIMUM WAGE LEVELS, AND THE LABOR CODE ASSIGNS THIS TASK TO A NATIONAL SALARY COMMITTEE. CONGRESS ALSO MAY ENACT MINIMUM WAGE LEGISLATION. THE MINIMUM MONTHLY SALARY IS \$159 (2,490 PESOS) IN THE FTZ'S AND IS \$204 (3,416) OUTSIDE THE FTZ'S. THE MINIMUM WAGE DOES NOT PROVIDE A DECENT STANDARD OF LIVING FOR A WORKER AND FAMILY. IT ONLY PROVIDES APPROXIMATELY ONE-THIRD OF THE INCOME NECESSARY TO SUSTAIN AN AVERAGE FAMILY. THE NATIONAL POVERTY LEVEL, WHICH IS BASED ON A BASKET OF GOODS AND SERVICES CONSUMED BY A TYPICAL FAMILY, IS \$402 (6,607 PESOS) PER MONTH FOR A FAMILY OF FIVE.

THE LABOR CODE ESTABLISHES A STANDARD WORK PERIOD OF 8 HOURS PER DAY AND 44 HOURS PER WEEK. THE CODE ALSO STIPULATES THAT ALL

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

UNCLASSIFIED

PAGE 54 SANTO 04373 201350Z

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

CONDITIONS FOR AGRICULTURAL WORKERS ARE POOR, ESPECIALLY IN THE SUGAR INDUSTRY. MOST SUGAR CANE WORKER VILLAGES HAVE HIGH RATES OF DISEASE AND LACK SCHOOLS, MEDICAL FACILITIES, RUNNING WATER, AND SEWAGE SYSTEMS. ON SUGAR PLANTATIONS, CANE CUTTERS USUALLY ARE PAID BY THE WEIGHT OF CANE CUT RATHER THAN THE HOURS WORKED. EMPLOYERS OFTEN DO NOT PROVIDE TRUCKS TO TRANSPORT THE NEWLY CUT CANE AT THE CONCLUSION OF THE WORKDAY, CAUSING WORKERS TO RECEIVE LOWER COMPENSATION BECAUSE THE CANE DRIES AND WEIGHS LESS.

WHEN THE CANE IS WEIGHED, WORKERS ARE GIVEN TICKETS INDICATING THE WEIGHT OF CANE CUT (OFTEN ROUNDED IN FAVOR OF THE EMPLOYER) AND THE AMOUNT OF MONEY DUE. THESE TICKETS, ISSUED TO A SPECIFIC PERSON BUT PAYABLE TO THE BEARER, MAY BE TURNED IN TO THE EMPLOYER AND REDEEMED FOR CASH EVERY 2 WEEKS. MANY CANE CUTTERS EARN LESS THAN \$4.00 (60 PESOS) PER DAY. BECAUSE WORKERS EARN SO LITTLE AND SOMETIMES CANNOT WAIT UNTIL PAYDAY TO REDEEM THEIR TICKETS, AN INFORMAL BARTER SYSTEM HAS EVOLVED IN WHICH THE TICKETS ALSO ARE USED TO PURCHASE ITEMS AT PRIVATE STORES LOCATED ON THE PLANTATIONS. THESE PRIVATE STORES MAKE CHANGE BY GIVING BACK A COMBINATION OF TICKETS AND CASH. HOWEVER, IT IS NOT UNUSUAL FOR THESE STORES TO RETAIN 10 PERCENT OF THE CASH DUE A CUSTOMER.

THE DOMINICAN HUMAN RIGHTS COMMITTEE AND BATEY RESIDENTS REPORT
UNCLASSIFIED

PAGE 55 SANTO 04373 201350Z

THAT CONDITIONS OF WORK FOR CANE WORKERS HAVE DETERIORATED SINCE THE INDUSTRY WAS PRIVATIZED IN 1999. WORKERS REPORTEDLY ARE PAID LESS, WORK LONGER HOURS, AND HAVE FEWER BENEFITS, ACCORDING TO THE COMMITTEE. WHILE CHILD LABOR IN THE SUGAR INDUSTRY HAD DECREASED SIGNIFICANTLY, IT STILL EXISTS ACCORDING TO HUMAN RIGHTS ADVOCATES AND LABOR FEDERATIONS, INCREASING SLIGHTLY IN THE PAST YEAR (SEE SECTION 5).

THE DOMINICAN SOCIAL SECURITY INSTITUTE (IDSS) SETS WORKPLACE SAFETY AND HEALTH CONDITIONS. A NEW SOCIAL SECURITY LAW WAS PASSED, EXPANDING COVERAGE OF THE SOCIAL SECURITY PROGRAMS. APPROXIMATELY 13,000 EMPLOYEES WORK IN THE IDSS BUREAUCRACY TO SUPPORT FEWER THAN 20,000 RETIREES.

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

BOTH THE IDSS AND THE MINISTRY OF LABOR HAVE SMALL CORPS OF INSPECTORS CHARGED WITH ENFORCING STANDARDS. THE SECRETARIAT OF LABOR HAS 250 INSPECTORS WHO SEEK TO IMPROVE SANITATION, HEALTH CARE, AND SAFETY FOR WORKERS. INCLUDED IN THIS NUMBER IS A SMALLER, SPECIALIZED CORPS (EIGHT IN SANTO DOMINGO) OF INSPECTORS FOR THE FTZ'S. INSPECTOR POSITIONS CUSTOMARILY ARE FILLED THROUGH POLITICAL PATRONAGE, AND BRIBES FROM BUSINESSES ARE COMMON. IN PRACTICE, WORKERS CANNOT REMOVE THEMSELVES FROM HAZARDOUS WORKING SITUATIONS WITHOUT JEOPARDIZING EMPLOYMENT (SEE SECTION 6.B.).

F. TRAFFICKING IN PERSONS

THE LAW PROHIBITS TRAFFICKING IN PERSONS, AND A 1998 ALIEN SMUGGLING LAW INCREASED THE PENALTIES FOR THOSE FOUND GUILTY OF VARIOUS PHASES OF THIS CRIME; HOWEVER, TRAFFICKING IN WOMEN AND CHILDREN FROM, TO AND WITHIN THE COUNTRY REMAINS A SERIOUS
UNCLASSIFIED

PAGE 56 SANTO 04373 201350Z
PROBLEM. WOMEN, AGES 18-25 ARE AT THE HIGHEST RISK FOR BEING TRAFFICKED. ACCORDING TO A REPORT RELEASED IN JULY BY THE INTERNATIONAL ORGANIZATION FOR MIGRATION (IOM), PRINCIPAL DESTINATION COUNTRIES ARE IN EUROPE AND LATIN AMERICA, INCLUDING SPAIN, ITALY, THE NETHERLANDS, SWITZERLAND, GERMANY, GREECE, BELGIUM, CURACAO, SAN MARTIN, ARUBA, PANAMA, VENEZUELA, AND ARGENTINA. WOMEN ARE TRAFFICKED TO THE UNITES STATES, THOUGH IN SMALLER NUMBERS. WITHIN THE COUNTRY, THERE IS A SERIOUS PROBLEM OF PROSTITUTION OF MINORS, PRIMARILY IN THE TOURIST AREAS. WOMEN AND CHILDREN ARE ALSO TRAFFICKED IN FROM HAITI AND OFTEN ARE FORCED TO BEG IN THE STREETS.

POOR HAITIAN AND DOMINICAN PARENTS SOMETIMES ARRANGE FOR MORE PROSPEROUS DOMINICAN FAMILIES TO "ADOPT" THEIR CHILDREN, IN EXCHANGE FOR MONEY OR GOODS. SUCH CHILDREN OFTEN ARE NOT TREATED AS FULL FAMILY MEMBERS AND ARE EXPECTED TO WORK LONG HOURS IN DOMESTIC SERVICE, AGRICULTURE, OR INDUSTRY UNDER THREAT OF CORPORAL PUNISHMENT AND WITHOUT COMPENSATION. ESPECIALLY IN THE CASE OF GIRLS, THESE CHILDREN OFTEN ARE ABUSED SEXUALLY.

THE DIRECTORATE OF MIGRATION ESTIMATES THAT THERE ARE APPROXIMATELY 400 RINGS OF ALIEN-SMUGGLERS, TRAFFICKERS, AND PURVEYORS OF FALSE DOCUMENTS OPERATING WITHIN THE COUNTRY. THESE INDIVIDUALS PROFIT BY FACILITATING THE TRAFFICKING OF WOMEN TO EUROPE AND THE EASTERN CARIBBEAN UNDER FALSE PRETENSES AND FOR PURPOSES OF PROSTITUTION.

THE DIRECTOR OF MIGRATION STATED THAT INDIVIDUAL MEMBERS OF MIGRATION, THE ARMED FORCES, OR NATIONAL POLICE WHO FACILITATE,

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

CONDONE, OR ARE COMPLICIT IN TRAFFICKING ACTIVITIES ARE
INVESTIGATED AND FIRED OR PROSECUTED WHEN APPROPRIATE. FROM
UNCLASSIFIED

PAGE 57 SANTO 04373 201350Z
JANUARY THROUGH SEPTEMBER, THE AUTHORITIES DISMISSED OVER 100
IMMIGRATION EMPLOYEES FOR LINKS WITH GROUPS TRAFFICKING IN
PERSONS. NGOS HAVE REPORTED CORRUPTION AMONG THE MILITARY AND
MIGRATION BORDER OFFICIALS, AND NOTED THAT THESE OFFICIALS
SOMETIMES COOPERATE WITH THE TRANSIT OF HAITIAN WORKERS INTO THE
COUNTRY TO WORK ON SUGAR PLANTATIONS AND CONSTRUCTION SITES
(SECTION 6.D.).

IN 1996 THE GOVERNMENT CREATED THE INTERINSTITUTIONAL COMMITTEE
FOR THE PROTECTION OF MIGRANT WOMEN (CIPROM), WHICH IS COMPOSED
OF REPRESENTATIVES FROM GOVERNMENT ENTITIES AND NGOS. CIPROM
WAS INACTIVE UNTIL FEBRUARY, WHEN IT BEGAN MEETING REGULARLY.
IN APRIL, THE SECRETARY OF WOMEN SIGNED AN AGREEMENT WITH THE
IOM TO HELP THEM DESIGN A COMPREHENSIVE PLAN TO COMBAT
TRAFFICKING.

ONE NGO, THE CENTER FOR INTEGRAL ORIENTATION AND INVESTIGATION
(COIN), COUNSELS WOMEN PLANNING TO ACCEPT JOB OFFERS IN EUROPE
AND THE EASTERN CARIBBEAN ABOUT IMMIGRATION, HEALTH, AND OTHER
ISSUES INCLUDING THE DANGERS OF TRAFFICKING, FORCED PROSTITUTION,
AND DOMESTIC SERVITUDE. THE PROGRAM ALSO PROVIDES SERVICES TO
RETURNING WOMEN. COIN ADMINISTERS THE CENTER FOR HEALTH AND
MIGRATION INFORMATION FOR MIGRANT WOMEN THAT CARRIES OUT
COMMUNITY EDUCATION CAMPAIGNS IN HIGH RISK AREAS ON VARIOUS
ISSUES, INCLUDING CITIZENSHIP, LEGAL WORK REQUIREMENTS, DANGERS
OF TRAFFICKING, FORCED PROSTITUTION, AND DOMESTIC SERVITUDE.

THE GOVERNMENT PROSECUTED SEVERAL TRAFFICKING RINGS. IN APRIL,
THE NATIONAL DEPARTMENT OF INVESTIGATIONS (DNI) DISMANTLED A
TRAFFICKING RING THAT WAS TRAFFICKING WOMEN TO CURACAO AND SAN
MARTIN. THE WOMEN, WHO REPORTEDLY PAID BETWEEN 7 AND 10
UNCLASSIFIED

PAGE 58 SANTO 04373 201350Z
THOUSAND PESOS FOR VISAS AND TRANSPORT, WERE HELD FOR
PROSECUTION. IN MAY, THE POLICE SHUT DOWN A PROSTITUTION RING
IN BOCA CHICA, ARRESTING 7 FOREIGNERS.

THE OVERSIGHT ORGANIZATION FOR THE PROTECTION OF CHILDREN
COORDINATES THE APPROACHES OF VARIOUS AGENCIES INVOLVED IN
COMBATING TRAFFICKING IN CHILDREN, WHETHER FOR ADOPTION, SEXUAL
EXPLOITATION, OR OTHER PURPOSES. THIS ORGANIZATION WORKS WITH
THE ATTORNEY GENERAL'S OFFICE, THE PUBLIC HEALTH MINISTRY,
MIGRATION, AND OTHER AGENCIES. IN THE NATIONAL DISTRICT, THE
DEPARTMENT OF FAMILY AND CHILDREN IN THE OFFICE OF PUBLIC

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

PROSECUTOR FOCUSES ON IDENTIFYING CHILDREN WHO ARE VICTIMS OF ABUSE AND PROSECUTES OFFENDERS UNDER HEIGHTENED PENALTIES CONTAINED IN THE DOMESTIC VIOLENCE LAW.

A PRIMARY CONCERN OF THE OVERSIGHT ORGANIZATION IS PREVENTING ABUSE OF THE CHILD ADOPTION PROCESS BY THOSE INTENDING TO SELL OR EXPLOIT CHILDREN THROUGH PROSTITUTION OR CHILD PORNOGRAPHY. THE DEPARTMENT OF FAMILY AND CHILDREN IS VERY CONCERNED ABOUT KIDNAPINGS, ESPECIALLY OF INFANTS, FOR SALE TO FOREIGNERS WHO DELIBERATELY HAVE SIDESTEPED LEGAL FORMALITIES--INCLUDING THOSE OF THEIR OWN COUNTRY. THE GOVERNMENT SEEKS TO PROTECT CHILDREN FROM VICTIMIZATION UNDER THE RUBRIC OF ADOPTION. MANY CHILDREN LEAVE THE COUNTRY AS ADOPTEES, BUT GOVERNMENT OFFICIALS HAVE MADE SUCH ADOPTIONS MUCH MORE DIFFICULT AND, THEY HOPE, HAVE PREVENTED WOULD-BE TRAFFICKERS FROM ABUSING THE SYSTEM.

THE DOMINICAN REPUBLIC HAS SEVERAL LAWS PROHIBITING TRAFFICKING IN PERSONS. ACCORDING TO THE LAW AGAINST ALIEN SMUGGLERS PERSONS INVOLVED IN PLANNING, FINANCING, FACILITATING OR ORGANIZING THE ILLEGAL TRANSPORTATION OF PEOPLE INTO OR OUT OF THE DOMINICAN
UNCLASSIFIED

PAGE 59 SANTO 04373 201350Z
REPUBLIC SHALL BE IMPRISONED FOR A PERIOD OF 3 TO 10 YEARS AND FINED US\$ 600 - \$3,000 (10,000 TO 50,000 PESOS). THE LAW FURTHER STATES THAT IF DEATH RESULTS FROM THE ILLEGAL TRANSPORTATION OF PERSONS, THE SMUGGLER SHALL BE IMPRISONED FOR A PERIOD OF 20 YEARS, NOT TO EXCEED 30 YEARS. IN ADDITION, THE DOMINICAN REPUBLIC HAS A LAW SPECIFICALLY TARGETING TRAFFICKING OF PEOPLE FOR PROSTITUTION. THE LAW IMPOSES JAIL TERMS OF 2-10 YEARS AND FINES OF UP TO US\$ 6,000 (100,000 PESOS) FOR TRAFFICKERS INVOLVED IN THE PROMOTION OF PROSTITUTION. LAWS DEALING WITH DOMESTIC VIOLENCE, AS WELL AS THE MINOR'S CODE, CREATE PROTECTION UNDER BOTH CIVIL AND CRIMINAL LAW AGAINST PARTICULAR SITUATIONS THAT MAY BE CONDUCIVE TO, OR ACTS THAT MAY BE A PART OF, THE TRAFFIC IN PERSONS, WHETHER FEMALE OR MALE, MINORS OR ADULTS. THE LAW ALSO PROHIBITS ACTING AS AN INTERMEDIARY IN A TRANSACTION OF PROSTITUTION, AND THE GOVERNMENT HAS USED THIS LAW TO PROSECUTE THIRD PARTIES THAT DERIVE PROFIT FROM PROSTITUTION.

THE DOMINICAN GOVERNMENT DOES NOT HAVE SERVICES FOR TRAFFICKING VICTIMS SUCH AS TEMPORARY OR PERMANENT RESIDENCY STATUS, RELIEF FROM DEPORTATION, SHELTER, OR ACCESS TO LEGAL, MEDICAL AND PSYCHOLOGICAL SERVICES. TRAFFICKING VICTIMS DETAINED HERE ARE GENERALLY DEPORTED. COIN PROVIDES AN INFORMATION HOTLINE AND OFFERS PSYCHOLOGICAL, LEGAL, AND HEALTH COUNSELING TO RETURNING WOMEN.
JACOBS

UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED

<< END OF DOCUMENT >>

DECONTROLLED/UNCLASSIFIED

DECONTROLLED/UNCLASSIFIED