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PTQ5452

PAGE 01 SANTO 05401 01 OF 08 301849Z
 ACTION IO-00

INFO	LOG-00	ACDA-08	ACDE-00	AID-00	ARA-01	CIAE-00	OASY-00
	DODE-00	SRPP-00	DS-00	EB-00	FBIE-00	UTED-00	H-01
	SSA-01	TEDE-00	INR-00	LAB-01	L-01	ADS-00	M-00
	NSAE-00	NSCE-00	OIC-02	OMB-01	OPIC-01	PA-00	PC-05
	PM-00	PRS-00	P-00	CIO-00	SP-00	STR-00	TRSE-00
	T-00	USIE-00	PMB-00	DSCC-00	PRM-10	PRME-01	DRL-04
	G-00	MR-00	/037W				

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R 301730Z SEP 97
 FM AMEMBASSY SANTO DOMINGO
 TO AMEMBASSY PORT AU PRINCE
 SECSTATE WASHDC 7171

UNCLAS SECTION 01 OF 08 SANTO DOMINGO 005401

E.O. 12958: N/A
 TAGS: PGOV, PREL, UNGA, DR, PHUM, CU
 SUBJECT: FIRST DRAFT SUBMISSION OF DOMINICAN REPUBLIC
 HUMAN RIGHTS REPORT

REF: STATE 133677

1. SENSITIVE BUT UNCLASSIFIED -- NOFORN -- ENTIRE TEXT.
2. FOLLOWING IS THE 1997 COUNTRY HUMAN RIGHTS REPORT FOR THE DOMINICAN REPUBLIC.
3. THE CONSTITUTION PROVIDES FOR A POPULARLY ELECTED
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PAGE 02 SANTO 05401 01 OF 08 301849Z

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PRESIDENT AND A BICAMERAL CONGRESS. PRESIDENT LEONEL FERNANDEZ OF THE DOMINICAN LIBERATION PARTY CAME TO OFFICE IN AUGUST 1996 AFTER A FREE AND FAIR ELECTION. THE SOCIAL CHRISTIAN REFORMIST AND DOMINICAN REVOLUTIONARY PARTIES DOMINATE THE TWO LEGISLATIVE CHAMBERS. THE GOVERNMENT CONTINUED AN OVERHAUL OF THE JUDICIARY, WHICH HAS BEEN HIGHLY POLITICIZED, BY OVERSEEING THE SELECTION OF A NEW SIXTEEN MEMBER SUPREME COURT THROUGH A TRANSPARENT AND HIGHLY PARTICIPATORY PROCESS.

THE NATIONAL POLICE (PN), THE NATIONAL DEPARTMENT OF INVESTIGATIONS (DNI), THE NATIONAL DRUG CONTROL DIRECTORATE (DNCD), AND THE MILITARY (ARMY, AIR FORCE, AND NAVY) FORM THE SECURITY FORCES. THE PN IS UNDER THE SECRETARY OF THE INTERIOR AND POLICE; THE MILITARY IS UNDER THE SECRETARY OF THE ARMED FORCES; AND THE DNI AND DNCD, WHICH HAVE PERSONNEL FROM BOTH THE POLICE AND THE MILITARY, REPORT DIRECTLY TO THE PRESIDENT. THE SECURITY FORCES ARE GENERALLY RESPONSIVE TO CIVILIAN EXECUTIVE BRANCH AUTHORITY. HOWEVER, SOME MEMBERS OF THE SECURITY FORCES CONTINUED TO COMMIT HUMAN RIGHTS ABUSES, SOMETIMES WITH THE TACIT ACQUIESCENCE OF THE CIVIL AUTHORITIES. MOST REPORTS OF HUMAN RIGHTS ABUSES INVOLVED THE POLICE AND DNCD. HUMAN RIGHTS TRAINING FOR NEW POLICE OFFICERS BECAME MORE EXTENSIVE IN 1997. TWO THOUSAND MILITARY PERSONNEL TRANSFERRED TO THE NATIONAL POLICE IN SEPTEMBER UNDERWENT SEVERAL WEEKS OF HUMAN RIGHTS COURSES.

THE ECONOMY, ONCE HEAVILY DEPENDENT ON SUGAR AND OTHER AGRICULTURAL EXPORTS, HAS DIVERSIFIED; TOURISM AND FREE
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PAGE 03 SANTO 05401 01 OF 08 301849Z
TRADE ZONES (FTZ'S) ARE NOW MAJOR SOURCES OF INCOME AND EMPLOYMENT. REMITTANCES FROM ABROAD PROVIDE AN ESTIMATED 10 PERCENT OF THE \$1,600 PER CAPITA GROSS DOMESTIC PRODUCT. STATE-OWNED FIRMS SUCH AS THE STATE SUGAR COUNCIL (CEA), THE CORPORATION FOR STATE ENTERPRISES, AND THE DOMINICAN ELECTRICITY CORPORATION HAVE IMPEDED ECONOMIC GROWTH BECAUSE OF POOR FINANCIAL AND ADMINISTRATIVE PRACTICES.

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THE GOVERNMENT'S HUMAN RIGHTS RECORD IMPROVED DURING 1997, ALTHOUGH SERIOUS ABUSES REMAIN. PRINCIPAL HUMAN RIGHTS PROBLEMS INCLUDE CONTINUING INSTANCES OF EXTRAJUDICIAL KILLINGS BY POLICE, ARBITRARY DETENTION AND BEATINGS OF SUSPECTS, SECURITY SERVICES' REFUSAL TO OBEY JUDICIAL ORDERS, INTERFERENCE WITH THE JUDICIARY, JUDICIAL CORRUPTION, MALADMINISTRATION OF THE COURTS, POOR PRISON CONDITIONS, DETENTION OF SUSPECTS' RELATIVES, ABUSES OF HAITIAN MIGRANTS AND THEIR DESCENDANTS, COMPULSORY AND CHILD LABOR, AND IMPEDIMENTS TO FREE ASSOCIATION. WORKERS IN THE STATE-OWNED SUGAR PLANTATIONS AND MILLS CONTINUED TO WORK UNDER DEPLORABLE CONDITIONS. DISCRIMINATION, VIOLENCE AGAINST WOMEN, AND PROSTITUTION ARE ALSO SERIOUS PROBLEMS.

RESPECT FOR HUMAN RIGHTS

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

A. POLITICAL AND OTHER EXTRAJUDICIAL KILLINGS

UNCLASSIFIED

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PAGE 04 SANTO 05401 01 OF 08 301849Z
THERE WERE NO REPORTS OF POLITICAL KILLINGS, BUT THERE WERE ABOUT 50 REPORTS OF EXTRAJUDICIAL KILLINGS BY THE SECURITY FORCES. HUMAN RIGHTS OBSERVERS AGREE THAT SUCH ABUSES OCCURRED LESS FREQUENTLY IN 1997 THAN IN 1996, BUT THAT SERIOUS PROBLEMS REMAIN. IN JANUARY, THE POLICE BEAT A MAN TO DEATH WHILE HE WAS PAINTING HIS HOUSE NEARBY A POLITICAL DEMONSTRATION IN THE CAPITAL; THE POLICE TOOK THE CORPSE TO THE HOSPITAL AND STATE PHYSICIANS REMOVED THE CORNEAS FROM ITS EYES WITH NO LEGAL CONSENT. IN FEBRUARY IN SANTO DOMINGO, POLICE FATAALLY SHOT A HAITIAN WOODWORKER IN HIS WORKSHOP AFTER HE DECLINED TO PAY A WEEKLY BRIBE DEMANDED BY THE OFFICERS. WHEN THE POLICE CAME TO REMOVE SQUATTERS FROM A PLOT OF LAND IN HERRERA, SANTO DOMINGO IN APRIL, THEY SLAPPED, KICKED AND BEAT ONE SQUATTER WHILE FORCING HIM TO PICK UP TRASH, WITH MANY WITNESSES AND REPORTERS PRESENT. HE LATER DIED OF THE BEATINGS. IN MAY, THE PRESS AND HUMAN RIGHTS GROUPS REPORTED THAT DNCD OFFICERS

IN NAGUA SHOT TO DEATH A SUSPECT WHILE TRYING TO EXTRACT TESTIMONY FROM HIM ABOUT ALLEGED DRUG OFFENSES. NO OFFICIALS WERE PUNISHED FOR THESE ACTS.

THE AUTHORITIES MADE SOME PROGRESS IN AN INVESTIGATION OF THE 1975 MURDER OF JOURNALIST ORLANDO MARTINEZ.

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UNCLASSIFIED PTQ5455

PAGE 01 SANTO 05401 02 OF 08 301850Z
ACTION IO-00

INFO	LOG-00	ACDA-08	ACDE-00	AID-00	ARA-01	CIAE-00	OASY-00
	DODE-00	SRPP-00	DS-00	EB-00	FBIE-00	UTED-00	H-01
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R 301730Z SEP 97
FM AMEMBASSY SANTO DOMINGO
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SECSTATE WASHDC 7172

UNCLAS SECTION 02 OF 08 SANTO DOMINGO 005401

E.O. 12958: N/A

TAGS: PGOV, PREL, UNGA, DR, PHUM, CU
SUBJECT: FIRST DRAFT SUBMISSION OF DOMINICAN REPUBLIC
HUMAN RIGHTS REPORT

PROSECUTORS INDICTED FIVE INDIVIDUALS -- INCLUDING THREE
FORMER GENERALS -- WHO AWAIT TRIAL.

MILITARY COURTS TRY MILITARY PERSONNEL CHARGED WITH
EXTRAJUDICIAL KILLINGS. POLICE TRIBUNALS HAVE ON
OCCASION TRIED, CONVICTED, AND SENTENCED PERSONNEL
CHARGED WITH EXTRAJUDICIAL KILLINGS. POLICE OFFICERS MAY
BE TRIED BY POLICE COURTS OR REMANDED TO CIVILIAN COURT

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PAGE 02 SANTO 05401 02 OF 08 301850Z
JURISDICTION. IN THE PAST YEAR XX POLICE WERE TRIED FOR
MURDER IN POLICE COURTS, WHILE XX WERE DISMISSED AND HAD
THEIR CASES REMANDED TO THE CIVILIAN COURT SYSTEM.

B. DISAPPEARANCE

THERE WERE NO REPORTS OF POLITICALLY MOTIVATED
DISAPPEARANCES.

ALTHOUGH THE FERNANDEZ GOVERNMENT IN 1996 REOPENED THE
CASE OF NARCISO GONZALEZ, A UNIVERSITY PROFESSOR AND
CRITIC OF THE GOVERNMENT WHO DISAPPEARED IN MAY 1994,
LITTLE PROGRESS WAS MADE DURING 1997. THE SANTO DOMINGO
DISTRICT ATTORNEY'S OFFICE FILED THE CASE WITH A CIVILIAN
COURT SYSTEM INVESTIGATIVE JUDGE WHO FOLLOWED UP SEVERAL
LEADS -- INCLUDING ONE PROVIDED BY A CONVICT WHO CLAIMED
IN AUGUST THAT HE HAD PARTICIPATED IN THE DISAPPEARANCE -
- AND QUESTIONED SEVERAL MILITARY OFFICERS. HOWEVER, THE
GOVERNMENT WAS UNRESPONSIVE TO THE JUDGE'S EFFORTS TO
EXTRACT INFORMATION FROM THE MILITARY HIERARCHY AND
OFFICIALS OF THE FORMER GOVERNMENT. THE INTERAMERICAN
COMMISSION OF HUMAN RIGHTS HEARD THE CASE IN WASHINGTON
IN OCTOBER.

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

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TORTURE AND OTHER FORMS OF PHYSICAL ABUSE ARE ILLEGAL,
BUT INSTANCES OF SECURITY SERVICE PERSONNEL PHYSICALLY
ABUSING DETAINEES CONTINUED. LACK OF SUPERVISION,
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UNCLASSIFIED

PAGE 03 SANTO 05401 02 OF 08 301850Z
TRAINING, AND ACCOUNTABILITY THROUGHOUT THE LAW
ENFORCEMENT AND CORRECTIONS SYSTEMS EXACERBATE THE
PROBLEM OF PHYSICAL ABUSE. HUMAN RIGHTS GROUPS AND THE
PRESS REPORTED NUMEROUS INCIDENTS OF PHYSICAL ABUSE OF
DETAINEES WHILE IN CUSTODY. EXAMPLES OF SUCH INCIDENTS
INCLUDED THE BRUTALIZING OF AN INMATE AND HIS WIFE AT
MODEL DE NAJAYO PRISON WHILE THE POLICE TRIED TO LEARN OF
AN ALLEGED PLAN TO HELP ANOTHER PRISONER ESCAPE, AND THE
EIGHT-DAY DETENTION AND TORTURING OF A TRUCKDRIVER, NEVER
FORMALLY ACCUED OF A CRIME, BY POLICE IN SANTO DOMINGO.
THEREWERE MULTIPLE PRESS REPORTS AND ALLEGATIONS FROM
EVERAL HUMAN RIGHTS GROUPS THAT THE DNCD LEADERSHI WAS
PRESENT DURING THE TORTURE OF PRISONERS. TE GOVERNMENT
DID NOT PUNISH THE PERPETRATORS OF HESE ABUSES.

DNCD AND SOME MID- AND LOWER-LEVELPOLICE AUTHORITIES
RESISTED EFFORTS OF CIVILIAN AUTHORITIES TO PROVIDE
ADEQUATE SUPERVISION OF THEINVESTIGATION PROCESS AS
REQUIRED BY DOMINICAN LW. THE PROSECUTOR'S OFFICE
PLACED LAWYERS IN TWLVE HIGH-VOLUME POLICE STATIONS AND
SEVERAL DNCD OFFICES TO MONITOR THE INVESTIGATIVE
PROCESS. IN SEPTEMBER, HOWEVER, THE PROSECUTOR'S OFFICE
OF SANTO DOMINGO WITHDREW FIVE OF THESE LAWYERS FROM THE
DNCD. THE CHIEF PROSECUTOR CLAIMED THESE LAWYERS HAD NOT
BEEN PERMITTED BY DNCD OFFICIALS TO OBSERVE CRIMINAL
INTERROGATIONS. THE DNCD ADDED NEW HUMAN RIGHTS TRAINING
COURSES FOR THEIR OFFICERS IN SEPTEMBER.

CIVILIAN PROSECUTORS SOMETIMES FILE FELONY CHARGES
AGAINST POLICE AND MILITARY OFFICIALS RELATED TO PHYSICAL
ABUSE, TORTURE AND RELATED CRIMES. IN THE PAST YEAR XX
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PAGE 04 SANTO 05401 02 OF 08 301850Z
CASES HAVE BEEN REFERRED BY THE POLICE TO THE
PROSECUTOR'S OFFICE, AND THE PROSECUTOR HAS UNILATERALLY
FILED CHARGES AGAINST XX POLICE OFFICIALS AND XX MILITARY
OFFICIALS. ALTHOUGH PUNISHMENT MAY RANGE UP TO 5 YEARS'
INCARCERATION FOR SERIOUS CASES OF ABUSE, AS A RULE
JUDGES HAVE SENTENCED CONVICTED OFFICIALS TO SENTENCES
RANGING FROM A 1-MONTH SUSPENSION TO 6 MONTHS'
INCARCERATION.

PRISON CONDITIONS SHOWED IMPROVEMENT OVER THE PREVIOUS
YEAR, BUT REMAINED SUBSTANDARD. PRISONS ARE GROSSLY
OVERCROWDED, AND HEALTH AND SANITARY CONDITIONS ARE POOR.
CONDITIONS AT LA VICTORIA PRISON POSE A SERIOUS THREAT TO
LIFE AND HEALTH; AS MANY AS 3,500 INMATES WERE HELD THERE
AT ONE POINT DURING THE YEAR, ALTHOUGH IT WAS ORIGINALLY
DESIGNED FOR 800. NAJAYO PRISON WAS BUILT FOR 700, YET
CONTAINED 2,400 PRISONERS FOR MOST OF THE YEAR. MEDICAL
CARE SUFFERS FROM A LACK OF SUPPLIES AND AVAILABLE
PHYSICIANS. PRISONERS IMMOBILIZED BY AND DYING OF AIDS
ARE NOT TRANSFERRED TO A HOSPITAL.

THE GOVERNMENT HAS BEGUN A PRISON RENOVATION PROGRAM. IN
APRIL, THE GOVERNMENT OPENED THE "ALASKA" WING AT LA
VICTORIA PRISON WITH IMPROVED SANITATION AND MORE

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PAGE 01 SANTO 05401 03 OF 08 301851Z
 ACTION IO-00

INFO	LOG-00	ACDA-08	ACDE-00	AID-00	ARA-01	CIAE-00	OASY-00
	DODE-00	SRPP-00	DS-00	EB-00	FBIE-00	UTED-00	H-01
	SSA-01	TEDE-00	INR-00	LAB-01	L-01	ADS-00	M-00
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R 301730Z SEP 97
 FM AMEMBASSY SANTO DOMINGO
 TO AMEMBASSY PORT AU PRINCE
 SECSTATE WASHDC 7173

UNCLAS SECTION 03 OF 08 SANTO DOMINGO 005401

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 TAGS: PGOV, PREL, UNGA, DR, PHUM, CU
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 HUMAN RIGHTS REPORT

COMFORTABLE FACILITIES. THE GOVERNMENT BEGAN TO DEPLOY
 A NEW PRISON POLICE FORCE IN SEPTEMBER, WHICH, THROUGH AN
 INTEGRATION OF SOLDIERS, LAWYERS, SOCIAL WORKERS AND
 PSYCHOLOGISTS, OFFERED INCREASED OPPORTUNITIES FOR
 REHABILITATION. THE FIRST EVER PRISON SCHOOL WAS ALSO
 OPENED AT NAJAYO PRISON IN SEPTEMBER, WHERE 200 PRISONERS
 SIGNED UP FOR CLASSES IN SEVEN SUBJECTS.

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PAGE 02 SANTO 05401 03 OF 08 301851Z
 THE GOVERNMENT MADE SOME PROGRESS SEPARATING JUVENILE
 FROM ADULT OFFENDERS, AND REMOVED ALL MINORS FROM LA
 VICTORIA. IN AUGUST, TEN JUVENILE PRISONERS SUCCESSFULLY
 PROTESTED A TRANSFER TO THE MONTE PLATA FACILITY, WHERE
 MANY VIOLENT OFFENDERS ARE HOUSED AND SEVERAL PRISON
 RIOTS OCCURRED DURING 1997. IN OTHER PRISONS, AUTHORITIES

STILL HOLD JUVENILES WITH ADULT INMATES.

THE GOVERNMENT PERMITS PRISON VISITS BY INDEPENDENT HUMAN RIGHTS MONITORS.

D. ARBITRARY ARREST, DETENTION, OR EXILE

THE CONSTITUTION STIPULATES THAT AUTHORITIES MAY DETAIN SUSPECTS FOR A MAXIMUM OF 48 HOURS BEFORE ARRAIGNMENT, AFTER WHICH THEY MUST CHARGE OR RELEASE THEM. HOWEVER, IN SPECIAL CIRCUMSTANCES, SUSPECTS MAY BE DETAINED FOR LONGER PERIODS WITH THE APPROVAL OF THE PROSECUTOR'S OFFICE. SECURITY FORCES CONTINUED TO VIOLATE CONSTITUTIONAL PROVISIONS BY DETAINING SUSPECTS FOR "INVESTIGATION" OR "INTERROGATION" BEYOND THE PRESCRIBED 48-HOUR LIMIT. SECURITY FORCES TRADITIONALLY DETAIN ALL SUSPECTS AND WITNESSES IN A CRIME AND USE THE INVESTIGATIVE PROCESS TO DETERMINE WHICH ONES ARE INNOCENT AND MERIT RELEASE AND WHICH ONES THEY SHOULD CONTINUE TO HOLD. AFTER THE PROSECUTOR'S OFFICE PLACED ITS LAWYERS IN SEVERAL POLICE STATIONS, THIS PRACTICE OF ARBITRARY DETENTION WAS CURTAILED IN THOSE PRECINCTS.

THE DNCD AND NATIONAL POLICE CONTINUED TO ENGAGE IN INDISCRIMINATE ROUNDUPS OF PEOPLE IN POORER
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PAGE 03 SANTO 05401 03 OF 08 301851Z
NEIGHBORHOODS. THE SECURITY FORCES ALSO CONTINUED TO DETAIN RELATIVES AND FRIENDS OF SUSPECTED CRIMINALS WITH THE AIM OF FORCING THE SURRENDER OF SUSPECTS. THE PROSECUTOR'S OFFICE CHALLENGED THE DNCD AND NATIONAL POLICE TO CURB THESE ABUSES, BUT HUMAN RIGHTS GROUPS CONTEND THAT MINIMAL PROGRESS WAS ACHIEVED.

E. DENIAL OF FAIR PUBLIC TRIAL

ALTHOUGH THE CONSTITUTION STIPULATES AN INDEPENDENT JUDICIARY, IN PRACTICE, INTERFERENCE FROM OTHER PUBLIC AND PRIVATE ENTITIES, INCLUDING THE EXECUTIVE BRANCH, HAS SUBSTANTIALLY UNDERMINED JUDICIAL INDEPENDENCE. FOR THE FIRST TIME, MEMBERS OF THE SUPREME COURT WERE CHOSEN IN AUGUST BY THE NATIONAL COUNCIL OF THE JUDICIARY,

UNDERSCORING A NEW INDEPENDENCE FROM THE EXECUTIVE AND LEGISLATIVE BRANCHES. UNDER THE 1994 CONSTITUTIONAL AMENDMENTS, THE SUPREME COURT IS RESPONSIBLE FOR NAMING ALL LOWER-COURT JUDGES IN ACCORDANCE WITH A JUDICIAL CAREER LAW, PENDING IN CONGRESS.

THE NEW SUPREME COURT BEGAN TO COMBAT JUDICIAL CORRUPTION BY ORGANIZING AN INSPECTIONS AND INVESTIGATIONS UNIT. THE HIGH COURT DISMISSED 18 JUDGES FOR CORRUPTION AND REFERRED XX JUDGES FOR CRIMINAL PROSECUTION ON CORRUPTION CHARGES.

THE CONSTITUTION PROVIDES FOR PUBLIC TRIAL. HOWEVER, DURING THE CLOSED PRE-TRIAL INSTRUCTIONAL OR INVESTIGATIVE PHASE OF THE CRIMINAL JUSTICE PROCESS, THE STATE TRADITIONALLY PROVIDED NO COUNSEL TO IMPRISONED

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PAGE 04 SANTO 05401 03 OF 08 301851Z
INDIGENTS. FOR THE FIRST TIME, THE NEW SUPREME COURT INITIATED A FULL-TIME PUBLIC DEFENDER PROGRAM IN DECEMBER. PREVIOUSLY, THE STATE CONTRACTED OUT TO PRIVATE PRACTICE LAWYERS FOR PUBLIC DEFENDER SERVICES IN FELONY CASES. THE COURTS RARELY APPOINT DEFENSE LAWYERS IN MISDEMEANOR CASES.

THE JUDICIAL SYSTEM IS PLAGUED BY CHRONIC DELAYS. MANY SUSPECTS SUFFER LONG PRETRIAL DETENTION; ACCORDING TO THE GOVERNMENT, APPROXIMATELY 88 PERCENT OF THE PRISON POPULATION IS AWAITING TRIAL. PRE-TRIAL DETENTION AVERAGES 29 MONTHS IN THE INSTRUCTIONAL PHASE AND ANOTHER 9 MONTHS IN THE TRIAL PHASE. IN SEPTEMBER, THE GOVERNMENT BEGAN A FIVE-YEAR PROGRAM TO MODERNIZE COURTS IN THE NATIONAL DISTRICT, BUT THE PROGRAM DID NOT YET MAKE AN IMPACT ON THE JUDICIAL BACKLOG.

DUE TO THE INEFFICIENCY OF THE COURTS, THE GRANTING OF BAIL HAS BECOME THE DE FACTO CRIMINAL JUSTICE SYSTEM. AS A RULE, DEFENDANTS AWARDED BAIL RARELY FACE AN ACTUAL TRIAL; THOSE DENIED BAIL MAY SERVE THEIR ENTIRE SENTENCES WHILE AWAITING TRIAL. THE DOMINICAN ASSOCIATION OF LAWYERS ESTIMATED IN AUGUST THAT SIXTY PERCENT OF UNTRIED INMATES HAD ALREADY SERVED MORE TIME IN PRISON THAN THEY

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UNCLASSIFIED

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UNCLASSIFIED PTQ5458

PAGE 01 ACTION IO-00 SANTO 05401 04 OF 08 301851Z

INFO	LOG-00	ACDA-08	ACDE-00	AID-00	ARA-01	CIAE-00	OASY-00
	DODE-00	SRPP-00	DS-00	EB-00	FBIE-00	UTED-00	H-01
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R 301730Z SEP 97
FM AMEMBASSY SANTO DOMINGO
TO AMEMBASSY PORT AU PRINCE
SECSTATE WASHDC 7174

UNCLAS SECTION 04 OF 08 SANTO DOMINGO 005401

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SUBJECT: FIRST DRAFT SUBMISSION OF DOMINICAN REPUBLIC
HUMAN RIGHTS REPORT

WOULD HAVE IF TRIED AND CONVICTED. AFTER BEING ACQUITTED
OF CRIMES, PERSONS SOMETIMES REMAIN INCARCERATED FOR

SEVERAL MONTHS.

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IN JANUARY, THE GOVERNMENT PASSED A LAW PARDONING THE FINES OF INSOLVENT PRISONERS. MANY PRISONERS WERE RELEASED WHO HAD SERVED MORE TIME IN PRISON THAN REQUIRED, BUT LACKED THE FUNDS TO PAY THE MONETARY
UNCLASSIFIED

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PAGE 02 SANTO 05401 04 OF 08 301851Z
PORTION OF THEIR SENTENCE. ACCORDING TO GOVERNMENT STATISTICS, ANOTHER 600 PRISONERS COULD BE IMMEDIATELY RELEASED IF A DECREE WERE ISSUED PARDONING INMATES WHO HAD NOT BEEN TRIED BUT HAD ALREADY SERVED THE MAXIMUM POSSIBLE SENTENCE FOR THE ACCUSED CRIME.

MILITARY OR POLICE COURTS HAVE JURISDICTION OVER MEMBERS OF THE SECURITY FORCES. WITH INCREASING FREQUENCY DURING 1997, MILITARY OR POLICE BOARDS REMANDED CASES INVOLVING CAPITAL CRIMES (MURDER, RAPE, ETC.) TO CIVILIAN COURTS FOR REVIEW AFTER DISHONORABLE DISCHARGE.

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

GENERALLY, THE GOVERNMENT DOES NOT ARBITRARILY USE WIRETAPPING OR OTHER SURREPTITIOUS METHODS TO INTERFERE WITH THE PRIVATE LIVES OF PERSONS OR FAMILIES AND OBSERVES CONSTITUTIONAL PROVISIONS AGAINST INVASION OF THE HOME. THE AUTHORITIES MAY ONLY SEARCH A RESIDENCE IN THE PRESENCE OF A PROSECUTOR OR AN ASSISTANT PROSECUTOR, OR IN CASES OF "HOT PURSUIT," OR WHERE THERE IS REASON TO BELIEVE THAT A CRIME IS IN PROGRESS.

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

SECTION 2 RESPECT FOR CIVIL LIBERTIES, INCLUDING:

A. FREEDOM OF SPEECH AND PRESS
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PAGE 03 SANTO 05401 04 OF 08 301851Z

THE LAW PROVIDES FOR THESE FREEDOMS, AND THE GOVERNMENT RESPECTS THEM IN PRACTICE.

CITIZENS OF ALL POLITICAL PERSUASIONS EXERCISE FREEDOM OF SPEECH. THE NUMEROUS PRIVATELY OWNED RADIO AND TELEVISION STATIONS BROADCAST ALL POLITICAL POINTS OF VIEW. A 1971 LAW PROHIBITS FOREIGN-LANGUAGE BROADCASTS.

THE GOVERNMENT CONTROLS ONE TELEVISION STATION BUT NO MAJOR NEWSPAPERS. NEWSPAPERS FREELY REFLECT INDEPENDENT AND OPPOSITION POINTS OF VIEW. ALTHOUGH JOURNALISTS OPERATE IN A RELATIVELY TOLERANT ENVIRONMENT, SOME SELF-CENSORSHIP EXISTS FOR FEAR OF RETALIATION, RANGING FROM LOSS OF INFLUENCE TO LOSS OF EMPLOYMENT.

PUBLIC AND PRIVATE UNIVERSITIES ENJOY BROAD ACADEMIC FREEDOM. THE MAIN PUBLIC UNIVERSITY, THE AUTONOMOUS UNIVERSITY OF SANTO DOMINGO, WITH APPROXIMATELY 35,000 STUDENTS, HAS NO RESTRICTIONS ON ENROLLMENT AND MAINTAINS A POLICY OF NONINTERVENTION (OTHER THAN 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 THESE FREEDOMS, WHICH THE GOVERNMENT COMMONLY RESPECTS IN PRACTICE. OUTDOOR PUBLIC
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PAGE 04 SANTO 05401 04 OF 08 301851Z
MARCHES AND MEETINGS REQUIRE PERMITS, WHICH THE GOVERNMENT USUALLY GRANTS. POLITICAL PARTIES FREELY

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

C. FREEDOM OF RELIGION

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

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

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

HAITIANS CONTINUE TO COME IN GREAT NUMBERS TO THE DOMINICAN REPUBLIC, SOME LEGALLY BUT MOST UNDOCUMENTED, IN SEARCH OF ECONOMIC OPPORTUNITY. THROUGHOUT THE YEAR, SECURITY FORCES, PARTICULARLY THE ARMY, DEPORTED

UNCLASSIFIED

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UNCLASSIFIED PTQ5459

PAGE 01 SANTO 05401 05 OF 08 301851Z
ACTION IO-00

INFO LOG-00 ACDA-08 ACDE-00 AID-00 ARA-01 CIAE-00 OASY-00

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R 301730Z SEP 97
FM AMEMBASSY SANTO DOMINGO
TO AMEMBASSY PORT AU PRINCE
SECSTATE WASHDC 7175

UNCLAS SECTION 05 OF 08 SANTO DOMINGO 005401

E.O. 12958: N/A
TAGS: PGOV, PREL, UNGA, DR, PHUM, CU
SUBJECT: FIRST DRAFT SUBMISSION OF DOMINICAN REPUBLIC
HUMAN RIGHTS REPORT

UNDOCUMENTED HAITIAN NATIONALS BELIEVED TO BE IN THE
COUNTRY ILLEGALLY. IN JANUARY AND FEBRUARY,
INTERNATIONAL OBSERVERS ESTIMATED THAT THE GOVERNMENT
DEPORTED BETWEEN 15,000 AND 25,000 HAITIANS.
DEPORTATIONS CONTINUED ON A DAILY BASIS THROUGH THE REST
OF THE YEAR, BUT IN MORE MODEST NUMBERS. IN MANY CASES,
THE GOVERNMENT DENIED THOSE DEPORTED THE OPPORTUNITY TO
DEMONSTRATE WHETHER THAT THEY LEGALLY RESIDED IN THE
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PAGE 02 SANTO 05401 05 OF 08 301851Z
DOMINICAN REPUBLIC. NGOS WORKING IN RURAL AREAS REPORTED
THAT DECISIONS TO DEPORT WERE OFTEN MADE BY LOWER RANKING
MEMBERS OF THE SECURITY FORCES, SOMETIMES BASED UPON THE
RACIAL CHARACTERISTICS OF THE DEPORTEES.

ACCORDING TO A 1984 LAW, AN APPLICANT FOR REFUGEE STATUS
MUST BE REFERRED TO THE NATIONAL COMMITTEE FOR REFUGEES
BY THE NATIONAL OFFICE OF REFUGEE AFFAIRS, WHICH HAS NOT
BEEN ESTABLISHED. INSTEAD, THE DEPARTMENT OF IMMIGRATION
ISSUES DOCUMENTATION TO UNHCR-CERTIFIED REFUGEES. WHILE
THESE DOCUMENTS ARE ACCEPTED BY THE POLICE AND
IMMIGRATION OFFICIALS, THE PROCESS BY WHICH THEY ARE

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ISSUED DOES NOT COMPLY WITH THE LAW. THERE WERE 637 REFUGEES LIVING IN THE DOMINICAN REPUBLIC IN SEPTEMBER.

THE GOVERNMENT COOPERATES WITH THE UNHCR AND OTHER HUMANITARIAN ORGANIZATIONS IN ASSISTING REFUGEES. THE GOVERNMENT PROVIDES FIRST ASYLUM AND RESETTLEMENT. ONE PERSON WAS GRANTED ASYLUM IN 1997. THERE WERE NO REPORTS OF THE FORCED RETURN OF PERSONS TO A COUNTRY WHERE THEY FEARED PERSECUTION.

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

THE DOMINICAN REPUBLIC IS A CONSTITUTIONAL DEMOCRACY. THE PRESIDENT, ALL 150 MEMBERS OF THE SENATE AND CHAMBER OF DEPUTIES, AND THE MAYORS AND CITY COUNCIL MEMBERS OF MORE THAN 100 MUNICIPALITIES ARE FREELY ELECTED EVERY 4 YEARS BY SECRET BALLOT AND UNIVERSAL ADULT SUFFRAGE. ACTIVE DUTY POLICE AND MILITARY PERSONNEL MAY NOT VOTE.
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PAGE 03 SANTO 05401 05 OF 08 301851Z
THE PRESIDENT APPOINTS THE GOVERNORS OF THE 29 PROVINCES. OPPOSITION GROUPS OF THE LEFT, RIGHT, AND CENTER OPERATE OPENLY. THE GOVERNMENT IS MOVING FORWARD WITH PLANS FOR CONGRESSIONAL AND MUNICIPAL ELECTIONS IN 1998, THE FIRST TIME SINCE 1968 THAT SUCH ELECTIONS WILL NOT COINCIDE WITH A PRESIDENTIAL ELECTION.

THE NATION HAS A FUNCTIONING MULTIPARTY SYSTEM. IN PRACTICE THE PRESIDENT CAN DOMINATE PUBLIC POLICY FORMULATION AND IMPLEMENTATION. HE CAN EXERCISE HIS AUTHORITY THROUGH THE USE OF THE VETO, DISCRETION TO ACT BY DECREE, AND INFLUENCE AS THE LEADER OF HIS PARTY. TRADITIONALLY, THE PRESIDENT HAS PREDOMINANT POWER IN THE GOVERNMENT, EFFECTIVELY MAKING MANY IMPORTANT DECISIONS BY DECREE.

CONGRESS PROVIDES AN OPEN FORUM FOR THE FREE EXCHANGE OF VIEWS AND DEBATE. THE TWO MAIN OPPOSITION PARTIES AND THEIR ALLIES COMBINED HOLD 88 AND 96 PERCENT OF THE LOWER AND UPPER HOUSES, RESPECTIVELY, LEAVING PRESIDENT FERNANDEZ'S PARTY WITH SCANT CONGRESSIONAL PRESENCE.

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WOMEN AND MINORITIES CONFRONT NO SERIOUS LEGAL IMPEDIMENTS TO POLITICAL PARTICIPATION. WOMEN HOLD 14 SEATS IN THE 120-MEMBER HOUSE OF DEPUTIES AND 1 SEAT IN THE 30-MEMBER SENATE. WOMEN CONTINUE TO HAVE REPRESENTATION IN APPOINTED POSITIONS, ALBEIT LIMITED. TWO OF THE 15 CABINET SECRETARIES ARE WOMEN, AND FEMALES HOLD 3 OF 29 PROVINCIAL GOVERNORSHIPS. FIVE OF SIXTEEN JUSTICES CHOSEN FOR THE NEW SUPREME COURT ARE WOMEN, THE FIRST FEMALES EVER TO SERVE ON THE HIGH COURT.

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PAGE 04 SANTO 05401 05 OF 08 301851Z

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

NONGOVERNMENTAL HUMAN RIGHTS ORGANIZATIONS OPERATE FREELY WITHOUT GOVERNMENTAL INTERFERENCE. IN ADDITION TO THE DOMINICAN HUMAN RIGHTS COMMITTEE, SEVERAL OTHER HAITIAN, CHURCH, AND LABOR GROUPS EXIST.

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

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

WOMEN

DOMESTIC VIOLENCE AND SEXUAL HARASSMENT ARE WIDESPREAD. IN JANUARY PRESIDENT FERNANDEZ SIGNED A LAW WHICH, FOR THE FIRST TIME, PROTECTS WOMEN AGAINST DOMESTIC AND WORKPLACE ABUSE. THE GOVERNMENT UNDERTOOK A PUBLIC

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PAGE 01 SANTO 05401 06 OF 08 301851Z
ACTION IO-00

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R 301730Z SEP 97
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TO AMEMBASSY PORT AU PRINCE
SECSTATE WASHDC 7176

UNCLAS SECTION 06 OF 08 SANTO DOMINGO 005401

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HUMAN RIGHTS REPORT

INFORMATION CAMPAIGN, INFORMING THE POPULATION OF THE LAW
THROUGH TELEVISION ADVERTISING, DISTRIBUTION OF FLYERS
AND ORIENTATION IN SCHOOLS. SEVERAL MEN WERE
INCARCERATED DURING 1997 FOR VIOLATION OF THIS LAW, AND
IN A HIGHLY PUBLICIZED CASE, A JUDGE WAS INDICTED FOR THE
SEXUAL ABUSE OF ONE OF HIS EMPLOYEES.

THE GOVERNMENT DOES NOT VIGOROUSLY ENFORCE PROSTITUTION

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PAGE 02 SANTO 05401 06 OF 08 301851Z
LAWS. SEX TOURISM IS A GROWING INDUSTRY THROUGHOUT THE
COUNTRY AS INTERNATIONAL VISITORS CONTINUE TO INCREASE.
NON-GOVERNMENTAL ORGANIZATIONS HAVE ONGOING HIV/AIDS AND
SEXUALLY TRANSMITTED DISEASE PREVENTION PROGRAMS FOR MALE
AND FEMALE PROSTITUTES, AS WELL AS HOTEL AND INDUSTRIAL
ZONE WORKERS. ONE NGO COUNSELS PRE-DEPARTURE WOMEN
PLANNING TO ACCEPT JOB OFFERS IN EUROPE AND THE EASTERN
CARIBBEAN ABOUT IMMIGRATION, HEALTH AND OTHER ISSUES.
THE PROGRAM ALSO PROVIDES SERVICES TO RETURNING WOMEN.
THE NEW LAW AGAINST DOMESTIC VIOLENCE PROHIBITS ACTING AS
AN INTERMEDIARY IN A TRANSACTION OF PROSTITUTION, BUT THE
GOVERNMENT HAS NOT USED THE LAW TO PROSECUTE THIRD
PARTIES WHO DERIVE PROFIT FROM PROSTITUTION.

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

CHILDREN

DESPITE THE EXISTENCE OF GOVERNMENT INSTITUTIONS
DEDICATED TO CHILD WELFARE, PRIVATE SOCIAL AND RELIGIOUS
ORGANIZATIONS CARRY THE PRINCIPAL BURDEN. THE PRIVATE

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 SANTO 05401 06 OF 08 301851Z
INSTITUTIONS RECEIVE NO GOVERNMENT FINANCING. THE 1994
MINOR'S CODE REQUIRES ONLY 6 YEARS OF FORMAL EDUCATION.

THE MOST SERIOUS ABUSE INVOLVING CHILDREN IS THE FAILURE
OF THE JUDICIAL SYSTEM TO PROTECT THE STATUS OF MINORS IN
CRIMINAL CASES. THE AUTHORITIES SOMETIMES TREATED MINORS
AS ADULTS AND INCARCERATED THEM IN PRISON RATHER THAN
JUVENILE DETENTION CENTERS. COURTS FOR MINORS, MANDATED
BY THE CODE, HAVE NOT BEEN ESTABLISHED.

THE UNIMPLEMENTED MINOR'S CODE CONTAINS PROVISIONS
AGAINST CHILD ABUSE, INCLUDING PHYSICAL AND EMOTIONAL
MISTREATMENT, SEXUAL EXPLOITATION, AND CHILD LABOR. IT
ALSO PROVIDES FOR REMOVAL OF A MISTREATED OR DELINQUENT
CHILD TO A PROTECTIVE ENVIRONMENT. HOWEVER, ACCORDING TO
LOCAL MONITORS, INSTANCES OF CHILD ABUSE WERE
UNDERREPQ OF TRADITIONAL BELIEFS THAT FAMILY
PROBLEMS SHOULD BE DEALT WITH INSIDE THE FAMILY. SOME IN
THE TOURIST INDUSTRY HAVE PROVIDED OR FACILITATED SEXUAL
EXPLOITATION OF CHILDREN. TOURS ARE MARKETED OVERSEAS
WITH THE UNDERSTANDING THAT BOYS AND GIRLS CAN BE FOUND
FOR SEX PARTNERS. THERE ARE NO SHELTERS PROVIDING REFUGE
TO CHILDREN WHO BREAK FREE FROM THE PROSTITUTION TRADE.

PEOPLE WITH DISABILITIES

DISABLED PERSONS ENCOUNTER DISCRIMINATION IN EMPLOYMENT
AND PROVISION OF OTHER SERVICES. ALTHOUGH THE LAW
CONTAINS PROVISIONS FOR PHYSICAL ACCESS FOR THE DISABLED
TO ALL NEW PUBLIC AND PRIVATE BUILDINGS, THE AUTHORITIES
UNCLASSIFIED

UNCLASSIFIED

PAGE 04 SANTO 05401 06 OF 08 301851Z
HAVE NOT UNIFORMLY ENFORCED THIS LAW.

NATIONAL/RACIAL/ETHNIC MINORITIES

A STRONG CURRENT OF ANTI-HAITIANISM RUNS THROUGH
DOMINICAN SOCIETY, DISADVANTAGING MANY HAITIANS AND
DOMINICANS OF HAITIAN ANCESTRY. THE GOVERNMENT HAS NOT
ACKNOWLEDGED THE EXISTENCE OF THIS DISCRIMINATION NOR

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MADE ANY EFFORTS TO COMBAT IT. DARKER-SKINNED DOMINICANS ALSO FACE INFORMAL BARRIERS TO SOCIAL AND ECONOMIC ADVANCEMENT.

CREDIBLE SOURCES CHARGE THAT THE GOVERNMENT AT TIMES REFUSES TO RECOGNIZE INDIVIDUALS OF HAITIAN ANCESTRY BORN IN THE COUNTRY AS DOMINICAN CITIZENS, IN VIOLATION OF ARTICLE 11 OF THE CONSTITUTION. CHILDREN BORN TO HAITIAN PARENTS ARE CAUGHT IN A BUREAUCRATIC BIND: SINCE MANY HAITIAN PARENTS HAVE NEVER PROCESSED DOCUMENTATION FOR THEIR OWN BIRTH, THEY ARE UNABLE TO DECLARE THEIR CHILDREN'S BIRTHS AT THE CIVIL REGISTRY -- AND HENCE 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

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PAGE 01 SANTO 05401 07 OF 08 301852Z
ACTION IO-00

INFO	LOG-00	ACDA-08	ACDE-00	AID-00	ARA-01	CIAE-00	OASY-00
	DODE-00	SRPP-00	DS-00	EB-00	FBIE-00	UTED-00	H-01
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FM AMEMBASSY SANTO DOMINGO
TO AMEMBASSY PORT AU PRINCE
SECSTATE WASHDC 7177

UNCLAS SECTION 07 OF 08 SANTO DOMINGO 005401

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SUBJECT: FIRST DRAFT SUBMISSION OF DOMINICAN REPUBLIC
HUMAN RIGHTS REPORT

CHILDREN OF DOMINICAN PARENTS. LACK OF DOCUMENTATION
ALSO SOMETIMES HINDERS THE ABILITY OF CHILDREN OF HAITIAN
DESCENT TO ATTEND SCHOOL WHERE THERE IS ONE AVAILABLE.
SOME PARENTS FAIL TO SEEK DOCUMENTATION FOR FEAR OF BEING
DEPORTED.

SECTION 6 WORKER RIGHTS

UNCLASSIFIED

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PAGE 02 SANTO 05401 07 OF 08 301852Z

A. THE RIGHT OF ASSOCIATION

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

REQUIREMENTS FOR CALLING A STRIKE INCLUDE THE SUPPORT OF
AN ABSOLUTE MAJORITY OF ALL COMPANY WORKERS WHETHER
UNIONIZED OR NOT, A PRIOR ATTEMPT TO RESOLVE THE CONFLICT
THROUGH ARBITRATION, WRITTEN NOTIFICATION TO THE LABOR
SECRETARIAT, AND A 10-DAY WAITING PERIOD FOLLOWING
NOTIFICATION BEFORE PROCEEDING WITH A STRIKE. THE
GOVERNMENT RESPECTS ASSOCIATION RIGHTS AND PLACES NO
OBSTACLES TO UNION REGISTRATION, AFFILIATION, OR THE
ABILITY TO ENGAGE IN LEGAL STRIKES.

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THE 1992 LABOR CODE PROVIDES EXTENSIVE PROTECTION FOR WORKER RIGHTS AND SPECIFIES THE STEPS LEGALLY REQUIRED TO ESTABLISH A UNION, FEDERATION, AND CONFEDERATION. THE CODE CALLS FOR AUTOMATIC RECOGNITION OF A UNION IF THE GOVERNMENT HAS NOT ACTED ON ITS APPLICATION WITHIN A SPECIFIC TIME. IN PRACTICE, THE GOVERNMENT HAS READILY FACILITATED RECOGNITION OF LABOR ORGANIZATIONS. ORGANIZED LABOR REPRESENTS LITTLE MORE THAN 10 PERCENT OF THE WORK FORCE AND IS DIVIDED AMONG THREE MAJOR CONFEDERATIONS, FOUR MINOR CONFEDERATIONS, AND A NUMBER OF INDEPENDENT UNIONS. UNIONS ARE INDEPENDENT OF THE GOVERNMENT AND POLITICAL PARTIES.

UNCLASSIFIED

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PAGE 03 SANTO 05401 07 OF 08 301852Z
WIDESPREAD DISCREET INTIMIDATION OF UNION ACTIVITY WAS REPORTED. FOR EXAMPLE, UNION MEMBERS IN FREE TRADE ZONES (FTZ'S) REPORT THAT THEY HESITATE TO DISCUSS UNION ACTIVITY AT WORK, EVEN DURING BREAK TIME, FOR FEAR OF LOSING THEIR JOBS.

LABOR UNIONS CAN AND DO FREELY AFFILIATE REGIONALLY AND INTERNATIONALLY.

B. THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY

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

THE LABOR CODE ESTABLISHES A SYSTEM OF LABOR COURTS FOR DEALING WITH DISPUTES, BUT THESE COURTS HAVE PROVEN INEFFECTUAL AT ENFORCING THE LAW. THERE ARE COUNTLESS REPORTS OF BRIBES SOLICITED BY LABOR JUDGES FROM COMPANIES DURING THE DELIBERATION PROCESS. THE NEW SUPREME COURT BEGAN AN OVERHAUL OF THE LABOR COURTS, DISMISSING THE PRESIDENT OF THE LABOR COURT OF SANTO DOMINGO.

THE LABOR CODE APPLIES IN THE 36 ESTABLISHED FTZ'S, WHICH EMPLOY APPROXIMATELY 172,000 WORKERS, MOSTLY WOMEN. WORKPLACE REGULATIONS AND THEIR ENFORCEMENT IN THE FTZ'S DO NOT DIFFER FROM THOSE IN THE COUNTRY AT LARGE,
UNCLASSIFIED

UNCLASSIFIED

PAGE 04 SANTO 05401 07 OF 08 301852Z
ALTHOUGH WORKING CONDITIONS ARE SOMETIMES BETTER. SOME FTZ COMPANIES HAVE A HISTORY OF DISCHARGING WORKERS WHO ATTEMPT TO ORGANIZE UNIONS. ALTHOUGH THERE ARE APPROXIMATELY 70 UNIONS IN THE FTZ'S, MANY EXIST ONLY ON PAPER. THE MAJORITY ARE AFFILIATED WITH THE NATIONAL FEDERATION OF FREE TRADE ZONE WORKERS.

THE STATE SUGAR COUNCIL (CEA) EMPLOYS WORKERS FROM MORE THAN 100 UNIONS. DOMINICAN WORKERS PREDOMINATE IN MOST OF THE UNIONS, ALTHOUGH TWO UNIONS ARE HAITIAN-DOMINATED. THE CEA HAS LONG MAINTAINED A NEGATIVE ATTITUDE TOWARD ADDITIONAL ORGANIZING EFFORTS.

C. PROHIBITION OF FORCED OR COMPULSORY LABOR

THE LAW PROHIBITS FORCED OR COMPULSORY LABOR.

THERE WERE NUMEROUS CREDIBLE REPORTS OF FORCED OR COERCED OVERTIME IN FACTORIES. THERE HAVE BEEN REPORTS OF WORKERS BEING FIRED FOR REFUSING TO WORK OVERTIME, AND BOTH EMPLOYERS AND WORKERS STATE THAT NEWLY HIRED WORKERS ARE NOT INFORMED THAT OVERTIME IS OPTIONAL.

HAITIAN SUGAR CANE WORKERS CONTINUED TO ENCOUNTER

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PAGE 01 ACTION IO-00 SANTO 05401 08 OF 08 301852Z

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TO AMEMBASSY PORT AU PRINCE
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HUMAN RIGHTS REPORT

RESTRICTIONS ON THEIR FREEDOM OF MOVEMENT. THESE INCLUDE
ARMED GUARDS ON THE PLANTATIONS WHO TRY TO FIND DEPARTING
WORKERS BEFORE THEY LEAVE COMPANY LANDS. EXPERTS FROM
NGO'S AND UNIONISTS AGREE THAT WORKING AND LIVING
CONDITIONS AMONG HAITIAN CANE WORKERS HAVE IMPROVED IN
THE PAST 5 YEARS.

D. STATUS OF CHILD LABOR PRACTICES AND MINIMUM AGE
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PAGE 02 SANTO 05401 08 OF 08 301852Z
FOR EMPLOYMENT

THE LABOR CODE PROHIBITS EMPLOYMENT OF CHILDREN UNDER 14 YEARS OF AGE AND PLACES RESTRICTIONS ON THE EMPLOYMENT OF CHILDREN UNDER THE AGE OF 16. THESE RESTRICTIONS INCLUDE A LIMITATION OF NO MORE THAN 6 HOURS OF DAILY WORK, NO EMPLOYMENT IN DANGEROUS OCCUPATIONS OR ESTABLISHMENTS SERVING ALCOHOL, AND LIMITATIONS ON NIGHTTIME WORK.

THE HIGH LEVEL OF UNEMPLOYMENT AND LACK OF A SOCIAL SAFETY NET CREATE PRESSURES ON FAMILIES TO ALLOW CHILDREN TO EARN SUPPLEMENTAL INCOME. THE INTERNATIONAL LABOR ORGANIZATION ESTIMATED IN AUGUST THAT 169,000 CHILDREN BETWEEN THE AGES OF SEVEN AND FOURTEEN HOLD JOBS. THE PARENTS OF THESE CHILDREN WERE NOT SANCTIONED BY THE GOVERNMENT. WHEN A FIREWORKS FACTORY SUFFERED AN EXPLOSION IN SANTO DOMINGO IN SEPTEMBER, ALL FIVE WORKERS KILLED WERE CHILDREN, FOUR OF THEM TWELVE YEARS OLD OR YOUNGER.

E. ACCEPTABLE CONDITIONS OF WORK

THE CONSTITUTION PROVIDES THE GOVERNMENT WITH LEGAL AUTHORITY TO SET MINIMUM WAGE LEVELS AND THE LABOR CODE ASSIGNS THIS TASK TO A NATIONAL SALARY COMMITTEE. CONGRESS MAY ALSO ENACT MINIMUM WAGE LEGISLATION. THE MINIMUM MONTHLY SALARY IS APPROXIMATELY \$90 (1,296 PESOS) IN THE PRIVATE SECTOR AND \$110 (1,500 PESOS) IN THE PUBLIC SECTOR. THIS COVERS ONLY A FRACTION OF THE LIVING COSTS OF A FAMILY IN SANTO DOMINGO, BUT MANY WORKERS RECEIVE ONLY THE MINIMUM WAGE. FOR EXAMPLE, 60 PERCENT

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 SANTO 05401 08 OF 08 301852Z
OF GOVERNMENT EMPLOYEES EARN ONLY THE MINIMUM WAGE.

THE LABOR CODE ESTABLISHES A STANDARD WORK PERIOD OF 8 HOURS PER DAY AND 44 HOURS PER WEEK. THE CODE ALSO STIPULATES THAT ALL WORKERS ARE ENTITLED TO 36 HOURS OF

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UNINTERRUPTED REST EACH WEEK. IN PRACTICE, A TYPICAL WORKWEEK IS MONDAY THROUGH FRIDAY PLUS A Q SATURDAY, BUT LONGER HOURS ARE NOT UNUSUAL. THE CODE GRANTS WORKERS A 35 PERCENT DIFFERENTIAL FOR WORK OVER 44 HOURS UP TO 68 HOURS PER WEEK AND DOUBLE TIME FOR ANY HOURS ABOVE 68 HOURS PER WEEK.

THE DOMINICAN SOCIAL SECURITY INSTITUTE (IDSS) SETS WORKPLACE SAFETY AND HEALTH CONDITIONS. THE EXISTING SOCIAL SECURITY SYSTEM DOES NOT APPLY TO ALL WORKERS AND IS UNDERFUNDED. IN SEPTEMBER, THE GOVERNMENT DENOUNCED THE FACT THAT MANY EMPLOYERS WITHHOLD SOCIAL SECURITY PAYMENTS FROM EMPLOYEE PAYCHECKS, BUT DO NOT TRANSFER THE FUNDS TO THE IDSS. THE GOVERNMENT ESTIMATED THAT THE IDSS LOST \$11 MILLION EACH MONTH (160 MILLION PESOS) THROUGH SUCH TAX EVASION SCHEMES, PAYING OUT A THIRD LESS TO RETIREMENT FUNDS THAN IT HAD PLANNED.

BOTH THE IDSS AND THE LABOR SECRETARIAT HAVE SMALL CORPS OF INSPECTORS CHARGED WITH ENFORCING STANDARDS. INSPECTOR POSITIONS ARE CUSTOMARILY FILLED THROUGH POLITICAL PATRONAGE. IN PRACTICE, WORKERS CANNOT REMOVE THEMSELVES FROM HAZARDOUS WORKPLACE SITUATIONS WITHOUT JEOPARDY TO CONTINUED EMPLOYMENT. IN MANY COMPANIES, THE RESTROOM FACILITIES ARE UNSANITARY AND EMERGENCY EXITS REMAIN LOCKED AT ALL TIMES.

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PAGE 04 SANTO 05401 08 OF 08 301852Z

CONDITIONS FOR AGRICULTURAL WORKERS ARE IN GENERAL MUCH WORSE, ESPECIALLY IN THE SUGAR INDUSTRY. ON MANY SUGAR PLANTATIONS, CANE CUTTERS ARE PAID BY THE WEIGHT OF CANE CUT RATHER THAN HOURS WORKED. SOMETIMES EMPLOYERS DO NOT PROVIDE TRUCKS TO TRANSPORT THE NEWLY CUT CANE AT THE CONCLUSION OF THE WORKDAY, CAUSING WORKERS TO RECEIVE LOWER COMPENSATION AFTER THE CANE HAS DRIED OUT AND BECOME LIGHTER. MANY CANE CUTTERS EARN APPROXIMATELY \$4.50 (60 PESOS) PER DAY. MANY WORKER VILLAGES HAVE HIGH RATES OF DISEASE AND LACK SCHOOLS, MEDICAL FACILITIES, RUNNING WATER, AND SEWAGE SYSTEMS. WORKERS ON SUGAR PLANTATIONS SOMETIMES RECEIVE COUPONS AS PART OF THEIR WAGE WHICH CAN ONLY BE REDEEMED AT A COMPANY STORE WITH

INFLATED PRICES.

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