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TO SECSTATE WASHDC 1032

LIMITED OFFICIAL USE SECTION 01 OF 09 SANTO DOMINGO 008536

DEPARTMENT FOR DRL

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

REF: STATE 23850

1. LOU/NOFORN -- ENTIRE TEXT.
2. FOLLOWING IS THE 1994 COUNTRY HUMAN RIGHTS REPORT
FOR THE DOMINICAN REPUBLIC.
3. DOMINICAN REPUBLIC

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THE DOMINICAN REPUBLIC IS A CONSTITUTIONAL DEMOCRACY
WITH A POPULARLY ELECTED PRESIDENT AND A BICAMERAL
CONGRESS. IN PRACTICE, THE SYSTEM HEAVILY FAVORS THE
EXECUTIVE BRANCH, HEADED BY SEVEN-TERM PRESIDENT
JOAQUIN BALAGUER. THE SUPREME COURT HEADS AN ONLY
NOMINALLY INDEPENDENT JUDICIARY WHOSE MEMBERS ARE
APPOINTED BY THE SENATE. UNDER A 1994 CONSTITUTIONAL
REFORM, JUDGES ARE TO BE CHOSEN BY A NATIONAL JUDICIAL
COUNCIL STARTING IN 1996. POLITICAL PARTIES

REPRESENTING THE IDEOLOGICAL SPECTRUM FROM LEFT TO
RIGHT FREELY PARTICIPATE IN ELECTIONS.

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THE NATIONAL POLICE (PN), THE NATIONAL DEPARTMENT OF INVESTIGATIONS (DNI), THE NATIONAL DRUG CONTROL DIRECTORATE (DNCD), AND THE MILITARY (ARMY, AIR FORCE, AND NAVY) FORM THE SECURITY SERVICES. THE PN HAS GENERAL INVESTIGATIVE AND PRINCIPAL ARREST AUTHORITY. THE MILITARY SERVICES HAVE INVESTIGATIVE AND GENERAL ARREST AUTHORITY FOR ARMED FORCES PERSONNEL AND MAY ARREST SUSPECTS APPREHENDED BY MILITARY PATROLS. THE DNI IS THE PRINCIPAL NATIONAL INVESTIGATIVE BODY FOR NATIONAL SECURITY CONCERNS AND ALSO POSSESSES ARREST AUTHORITY. THE DNCD, A NARCOTICS LAW ENFORCEMENT AGENCY FORMED IN 1988, BRINGS UNDER A SINGLE AUTHORITY ELEMENTS OF THE PN AND MILITARY SERVICES. ALL SECURITY SERVICES ARE UNDER CONTROL OF THE GOVERNMENT AND ARE GENERALLY RESPONSIVE TO CIVILIAN AUTHORITY, BUT SOME MEMBERS OF THESE ORGANIZATIONS CONTINUED TO BE RESPONSIBLE FOR HUMAN RIGHTS ABUSES.

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ONCE HEAVILY DEPENDENT ON SUGAR, THE DOMINICAN ECONOMY HAS GROWN MORE DIVERSE; TOURISM AND EXPORT PROCESSING ZONES (EPZ'S) ARE NOW MAJOR SOURCES OF INCOME AND EMPLOYMENT. THE ECONOMY RESPONDED VERY POSITIVELY TO REFORMS INITIATED IN 1990. OTHER REFORMS, INCLUDING COMPREHENSIVE TRADE LIBERALIZATION AND PRIVATIZATION, REMAIN PENDING. STATE-OWNED FIRMS SUCH AS THE STATE SUGAR COUNCIL (CEA), THE CONSORTIUM OF STATE ENTERPRISES (CORDE), AND THE DOMINICAN ELECTRICITY CORPORATION (CDE) CONTINUE TO BE HEAVILY INVOLVED IN THE ECONOMY, AND THE FINANCIAL AND ADMINISTRATIVE DIFFICULTIES OF THESE FIRMS STILL IMPEDE ECONOMIC GROWTH. TARIFF AND NONTARIFF BARRIERS ARE HIGH.

PRINCIPAL HUMAN RIGHTS PROBLEMS INCLUDED CONTINUING INSTANCES OF POLICE KILLINGS OF CIVILIANS, ARBITRARY DETENTION AND BEATINGS OF SUSPECTS, SECURITY SERVICES' REFUSAL TO OBEY JUDICIAL ORDERS, JUDICIAL CORRUPTION AND MALADMINISTRATION, ELECTORAL IRREGULARITIES, AND ABUSES OF HAITIAN MIGRANT WORKERS. DESPITE ANTI-UNION SENTIMENT IN THE EPZ'S, UNIONS GAINED A FOOTHOLD WITH THE SIGNING OF TWO COLLECTIVE BARGAINING AGREEMENTS. THE CONDITION OF ITINERANT HAITIAN WORKERS IN THE SUGAR

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INDUSTRY. CONTINUED TO SHOW IMPROVEMENT. DECONTROLLED/UNCLASSIFIED

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

A. POLITICAL AND OTHER EXTRAJUDICIAL KILLING

NO POLITICAL KILLINGS OCCURRED IN 1994. EXTRAJUDICIAL
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KILLINGS BY USUALLY LOW-RANKING POLICE AND MILITARY
PERSONNEL RESULTED IN THE DEATH OF AT LEAST HALF A
DOZEN CIVILIANS. THE KILLINGS OCCURRED USUALLY AS A
RESULT OF PERSONAL DISPUTES BUT IN SOME CASES
APPARENTLY AS A RESULT OF EXCESSIVE FORCE WHILE IN
CUSTODY. IN JULY, A POLICE LT. COLONEL AND THREE
LIEUTENANTS WERE CHARGED IN THE KILLING OF FOUR PERSONS
ARRESTED FOR ROBBERY. IN SEPTEMBER, THE COLONEL GAINED
HIS FREEDOM ALLEGEDLY BY BRIBING THE CIVILIAN JUDGE AND
FLED THE COUNTRY. MILITARY PERSONNEL CHARGED WITH
EXTRAJUDICIAL KILLINGS ARE TRIED IN MILITARY COURTS.
POLICE PERSONNEL ARE SUBJECT TO DISMISSAL FROM THE
POLICE FORCE THEN THEIR CASES ARE HEARD IN CIVILIAN
COURTS. POLICE TRIBUNALS HAVE ON OCCASION TRIED,
CONVICTED AND SENTENCED PERSONNEL CHARGED WITH
EXTRAJUDICIAL KILLINGS.

B. DISAPPEARANCE

IN MAY, A PROFESSOR FROM THE AUTONOMOUS UNIVERSITY OF
SANTO DOMINGO, NARCISO GONZALEZ, DISAPPEARED. HE WAS

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DEPARTMENT FOR DRL

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TAGS: PHUM, ELAB, DR
SUBJECT: DOMINICAN REPUBLIC: DRAFT COUNTRY REPORT ON
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LAST SEEN BY HIS FAMILY WHEN HE LEFT HOME ON MAY 26.
POLICE INVESTIGATORS HAVE VERIFIED THE PROFESSOR'S
WHEREABOUTS ON MAY 26. THEY HAVE PURSUED NUMEROUS
UNFRUITFUL LEADS AND HAVE BEEN UNABLE TO DETERMINE WHAT
HAPPENED TO HIM. ASSOCIATES OF THE PROFESSOR NOTE THAT
IT WAS NOT IN HIS CHARACTER TO NOT RETURN HOME AND MANY
BELIEVE THAT THE GOVERNMENT ORDERED THE PROFESSOR'S
DISAPPEARANCE BECAUSE OF HIS ACCUSATIONS AGAINST

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MEMBERS OF THE GOVERNMENT, INCLUDING PRESIDENT
BALAGUER, IN LECTURES AND IN A MAGAZINE ARTICLE
PUBLISHED NEAR THE TIME OF HIS DISAPPEARANCE. THE CASE
HAS RECEIVED WIDE PUBLIC ATTENTION AND REMAINS OPEN.

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

TORTURE AND OTHER FORMS OF PHYSICAL ABUSE ARE ILLEGAL.
THERE CONTINUED TO BE INSTANCES OF SECURITY SERVICE
PERSONNEL ENGAGING IN PHYSICAL ABUSE OF DETAINEES.

AUTHORITIES USUALLY RECEIVE LITTLE OR NO PUNISHMENT FOR CASES OF ABUSE. ALTHOUGH PUNISHMENT MAY RANGE UP TO FIVE YEARS INCARCERATION FOR SERIOUS CASES OF ABUSE, AS A RULE, CONVICTED OFFICIALS HAVE BEEN SUBJECT TO SENTENCES RANGING FROM A ONE-MONTH SUSPENSION TO SIX MONTHS OF INCARCERATION. IN SEPTEMBER, A POLICE APPEALS TRIBUNAL UPHELD THE CONVICTION OF A LIEUTENANT COLONEL ACCUSED OF HEADING A TORTURE RING IN POLICE HEADQUARTERS (SEE COUNTRY REPORT FOR 1993). THE OFFICER WAS SENTENCED TO TWO YEARS IMPRISONMENT.

PRISONS ARE OVERCROWDED, AND HEALTH AND SANITARY CONDITIONS ARE SUBSTANDARD. SOME PRISON PERSONNEL REPORTEDLY ENGAGE IN EXTORTION AND OTHER CORRUPT ACTIVITIES, AND MOST PRISONERS FIND IT NECESSARY TO RELY ON RELATIVES OR THEIR OWN FINANCES IN ORDER TO BE FED ADEQUATELY. MEDICAL CARE SUFFERS FROM A LACK OF SUPPLIES. IN 1994, AT LEAST TWO PERSONS DIED WHILE INCARCERATED, REPORTEDLY BECAUSE OF ABUSE BY THE AUTHORITIES. IN SOME INSTANCES, MINORS HAVE BEEN LIMITED OFFICIAL USE

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 INCARCERATED IN ADULT PRISONS (SEE SECTION 5).

D. ARBITRARY ARREST, DETENTION, OR EXILE

THE CONSTITUTION STIPULATES THAT SUSPECTS MAY BE DETAINED FOR A MAXIMUM OF 48 HOURS FOR INVESTIGATION BEFORE ARRAIGNMENT, AFTER WHICH THEY MUST BE CHARGED OR RELEASED. HOWEVER, IN SPECIAL CIRCUMSTANCES, SUSPECTS MAY BE DETAINED FOR LONGER PERIODS WITH THE APPROVAL OF THE PROSECUTOR'S OFFICE. SECURITY SERVICES ROUTINELY VIOLATED CONSTITUTIONAL PROVISIONS BY DETAINING SUSPECTS FOR "INVESTIGATION" OR "INTERROGATION" BEYOND THE PRESCRIBED 48-HOUR LIMIT. LAW ENFORCEMENT AUTHORITIES TRADITIONALLY DETAIN ALL SUSPECTS AND WITNESSES TO A CRIME. THEY THEN DETERMINE WHO ARE NOT RESPONSIBLE AND SHOULD BE RELEASED AND WHO SHOULD CONTINUE TO BE HELD.

MILITARY OFFICERS OCCASIONALLY VIOLATED LEGAL PROVISIONS AGAINST MILITARY DETENTION OF CIVILIANS. THE DNCD AND NATIONAL POLICE CONTINUED TO ENGAGE IN INDISCRIMINATE ROUNDUPS OF PEOPLE IN POORER NEIGHBORHOODS. IN SEPTEMBER, FOR EXAMPLE, POLICE DETAINED MORE THAN 200 PERSONS IN ONE ROUND-UP IN THE

COUNTRY'S CAPITAL. MOST DETAINEES WERE RELEASED AFTER SEVERAL HOURS IN CUSTODY. THE SECURITY SERVICES ALSO OCCASIONALLY DETAIN RELATIVES OF SUSPECTED CRIMINALS WITH THE AIM OF FORCING THE SURRENDER OF SUSPECTS.

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AUTHORITIES DETAINED HUNDREDS OF PERSONS, AMONG THEM SUPPORTERS OF THE LEADING OPPOSITION PARTY, JOURNALISTS
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AND MEMBERS OF OTHER ANTI-GOVERNMENT GROUPS, IN THE PERIOD FOLLOWING THE MAY ELECTIONS. IN SOME CASES, THE DETENTIONS WERE CARRIED OUT OSTENSIBLY TO FOIL POSSIBLE VIOLENT DEMONSTRATIONS. VARIOUS ORGANIZATIONS HAD CALLED FOR STRIKES AND DEMONSTRATIONS DEMANDING THAT THE MAY ELECTIONS BE ANNULLED AND CALLING FOR NEW ELECTIONS. THEY ALSO DEMANDED THAT THE MISSING UASD PROFESSOR (SECTION I.B.) BE "REAPPEARED". THE DETENTIONS OCCURRED IN THE DAYS IMMEDIATELY AFTER THE ELECTION AND LATER, IN JULY. AT YEAR'S END, MORE THAN ONE HUNDRED DETAINEES REMAINED IN CUSTODY, HELD BY LOCAL AUTHORITIES, IN DIFFERENT PARTS OF THE COUNTRY, ACCORDING TO AN OPPOSITION POLITICAL PARTY ACTIVIST.

NO EXILE OF CITIZENS TOOK PLACE IN 1994

E. DENIAL OF FAIR PUBLIC TRIAL

ALTHOUGH THE CONSTITUTION STIPULATES AN INDEPENDENT JUDICIARY, IN PRACTICE THERE IS INTERFERENCE FROM PUBLIC AND PRIVATE ENTITIES, INCLUDING THE EXECUTIVE

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TAGS: PHUM, ELAB, DR
SUBJECT: DOMINICAN REPUBLIC: DRAFT COUNTRY REPORT ON
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BRANCH. THE COURT SYSTEM INCLUDES A SUPREME COURT, AN APPELLATE COURT, AND COURTS OF THE FIRST INSTANCE. THE SENATE APPOINTS JUDGES AT ALL LEVELS. THEIR TERMS OF OFFICE CORRESPOND ROUGHLY TO THOSE OF THE PRESIDENT AND OTHER ELECTED OFFICIALS. A NEWLY ELECTED SENATE CAN EITHER REPLACE THE JUDGES OR RECONFIRM THEM, AND MAY REMOVE OR TRANSFER THEM BY A MAJORITY VOTE. CRITICS CREDIBLY CHARGE THAT SENATORS CUSTOMARILY NOMINATE

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JUDGES ON POLITICAL GROUNDS RATHER THAN FOR THEIR COMPETENCE AS JURISTS. THESE SAME CRITICS ALSO FAULT SOME PROSECUTORS AND JUDGES FOR CORRUPTION, INCOMPETENCE, AND A LACK OF EFFORT. ADMINISTRATIVE SUPERVISION OF JUDGES AND PROSECUTORS BY THE AUTHORITIES IN CHARGE OF THESE BODIES IS POOR TO NONEXISTENT. A 1994 CONSTITUTIONAL REFORM CREATED A NATIONAL JUDICIAL COUNCIL WHICH IS TO BEGIN NAMING JUDGES IN 1996 BUT ITS COMPOSITION HAS NOT YET BEEN DETERMINED. THE REFORM ALSO FREES THE JUDICIARY'S BUDGET FROM LEGISLATIVE CONTROL TO GIVE IT MORE INDEPENDENCE.

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THE CONSTITUTION PROVIDES FOR PUBLIC TRIAL, AND COURT-APPOINTED LAWYERS OR LAW STUDENTS NORMALLY ARE PROVIDED AT PUBLIC EXPENSE TO INDIGENTS IN FELONY CRIMINAL CASES, BUT RARELY IN MISDEMEANOR CASES. THE JUDICIAL PROCESS IS PLAGUED BY CHRONIC DELAYS; OF THE PENAL SYSTEM'S APPROXIMATELY 11,000 DETAINEES, ONLY ABOUT 10 PERCENT HAVE BEEN CONVICTED. ALTHOUGH THE RIGHT TO JUDICIAL DETERMINATION OF THE LEGALITY OF DETENTION EXISTS, PRETRIAL DETENTION IS LEGAL AND COMMONLY EMPLOYED. THIS CUSTOM, COUPLED WITH A LACK OF ADMINISTRATIVE AND FINANCIAL SUPPORT FOR THE SYSTEM, CREATES A MAJOR BACKLOG OF CASES, WHICH IN TURN CAUSES SUSPECTS TO SUFFER LONG PERIODS OF PRETRIAL DETENTION THAT SOMETIMES EXCEED POSSIBLE CRIMINAL PENALTIES.

THE NATIONAL POLICE AND THE DNCD PERSISTED IN THEIR REFUSALS TO RELEASE SOME PRISONERS AND DETAINEES WHO HAD BEEN GRANTED JUDICIAL RELEASE ORDERS. LAW

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ENFORCEMENT AND OTHER GOVERNMENTAL AUTHORITIES CITED JUDICIAL CORRUPTION AS THE JUSTIFICATION FOR THIS NONCOMPLIANCE. MORE THAN 250 PERSONS, AMONG THEM MORE THAN 50 PERSONS WITHOUT OFFICIAL CHARGES AGAINST THEM, REMAINED INCARCERATED IN SANTO DOMINGO'S LA VICTORIA PRISON DESPITE HAVING JUDICIAL ORDERS FOR THEIR RELEASE, ACCORDING TO A GROUP OF HUMAN RIGHTS ACTIVISTS. THE PRISONERS HAVE BEEN IN CUSTODY FOR AS LITTLE AS ONE MONTH TO MORE THAN FIVE YEARS. MOST OF THOSE WITHOUT CHARGES AGAINST THEM ARE SUSPECTED OF SERIOUS CRIMES SUCH AS MURDER, DRUG TRAFFICKING, GRAND LARCENY AND EMBEZZLEMENT. MINORS CONSTITUTE MORE THAN HALF OF THE GROUP.

THERE ARE PROVISIONS FOR BAIL IN DOMINICAN JUDICIAL SYSTEM. RELEASE ON BAIL USUALLY SIGNIFIES DISMISSAL OF A CASE AS THE JUDICIARY RARELY, IF EVER, CONTINUES PROCEEDINGS IN SUCH INSTANCES.

THERE ARE NO SPECIAL COURTS FOR POLITICAL OR NATIONAL SECURITY CASES, AND CIVILIANS MAY NOT BE TRIED BY A MILITARY COURT. MILITARY OR POLICE COURTS HAVE JURISDICTION OVER MEMBERS OF THE ARMED FORCES AND POLICE, BUT CASES ARE FREQUENTLY REMANDED TO CIVILIAN COURTS AFTER REVIEW BY A MILITARY OR POLICE BOARD.

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THE DOMINICAN REPUBLIC HAS NO POLITICAL PRISONERS.

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

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THE GOVERNMENT DOES NOT ARBITRARILY INTERFERE WITH THE
PRIVATE LIVES OF PERSONS OR FAMILIES. CONSTITUTIONAL
SAFEGUARDS AGAINST INVASION OF THE HOME ARE GENERALLY
OBSERVED. A RESIDENCE MAY NOT BE SEARCHED EXCEPT IN
THE PRESENCE OF A PROSECUTOR OR AN ASSISTANT
ROSECUTOR, OR EXCEPT IN INSTANCES WHERE THERE IS
PROBABLE CAUSE TO BELIEVE THAT A CRIME IS IN PROGRESS
OR "HOT PURSUIT". DURING THE 1994 ELECTORAL CAMPAIGN
AND THE POST-ELECTORAL CRISIS THERE WERE ALLEGATIONS OF
WIDESCALE INTERCEPTION OF TELEPHONE CONVERSATIONS AND
SURVEILLANCE OF INDIVIDUALS WHICH MAY HAVE INVOLVED THE
GOVERNMENT AS WELL AS POLITICAL PARTIES. IN ADDITION,
OPPOSITION POLITICIANS CHARGED THAT GOVERNMENT RAIDS ON
THEIR HOMES, OSTENSIBLY TO SEARCH FOR FIREARMS, WERE
POLITICALLY MOTIVATED. THEY ALSO CHARGED THAT MANY OF
THE DETAINEES MENTIONED EARLIER WERE PICKED UP BY
SECURITY SERVICES IN ILLEGAL RAIDS ON THEIR HOMES.

SECTION 2 RESPECT FOR CIVIL LIBERTIES, INCLUDING

A. FREEDOM OF SPEECH AND PRESS

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THE LAW PROVIDES FOR THESE LIBERTIES AND THEY ARE
 RESPECTED IN PRACTICE. DOMINICANS OF ALL POLITICAL
 PERSUASIONS EXERCISE FREEDOM OF SPEECH. THE NUMEROUS
 PRIVATELY OWNED RADIO AND TELEVISION STATIONS BROADCAST
 ALL POLITICAL POINTS OF VIEW.

THE GOVERNMENT CONTROLS ONE TELEVISION STATION BUT NO
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 MAJOR NEWSPAPERS. NEWSPAPERS FREELY REFLECT
 INDEPENDENT AND OPPOSITION POINTS OF VIEW. ALTHOUGH
 JOURNALISTS OPERATE IN A RELATIVELY TOLERANT
 ENVIRONMENT, A CERTAIN AMOUNT OF SELF-CENSORSHIP EXISTS
 FOR FEAR OF OFFENDING PROMINENT PERSONS. ECONOMIC
 CONSIDERATIONS ALSO INHIBIT FREE EXPRESSION, AS ALL THE
 PRINCIPAL MEDIA OUTLETS ARE OWNED BY POWERFUL ECONOMIC
 CONSORTIUMS OR WEALTHY, INFLUENTIAL FAMILIES. IN
 ADDITION, SOME JOURNALISTS SOLICIT, OR ARE RESPONSIVE
 TO, BRIBES IN ORDER TO GENERATE REPORTS.

IN JULY, THE EXECUTIVE COMMITTEE OF THE COLLEGIUM OF
 DOMINICAN JOURNALISTS DENOUNCED POLICE INFRINGEMENT OF

THE ACTIVITIES OF JOURNALISTS DURING THE POST-ELECTORAL PERIOD. DURING THE ENSUING MONTHS, A NUMBER OF JOURNALISTS WERE JAILED TEMPORARILY AND SOME WERE BEATEN AND THEIR EQUIPMENT, SUCH AS CAMERAS AND TAPE RECORDERS, DAMAGED.

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PUBLIC AND PRIVATE UNIVERSITIES ENJOY BROAD ACADEMIC FREEDOM. THE MAIN PUBLIC UNIVERSITY, THE AUTONOMOUS UNIVERSITY OF SANTO DOMINGO, WITH APPROXIMATELY 45,000 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
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THE CONSTITUTION GRANTS THESE FREEDOMS, WHICH ARE COMMONLY RESPECTED IN PRACTICE. OUTDOOR PUBLIC MARCHES AND MEETINGS REQUIRE GOVERNMENT PERMITS, WHICH ARE USUALLY GRANTED. IN THE POST-ELECTORAL PERIOD, AUTHORITIES PRE-EMPTED ANTIGOVERNMENT DEMONSTRATIONS BY DETAINING ORGANIZERS. POLITICAL PARTIES FREELY AFFILIATE WITH THEIR INTERNATIONAL PARENT ORGANIZATION. 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 HAS NOT INTERFERED WITH THE FREE PRACTICE OF RELIGION. THERE EXIST NO RELIGIOUS REQUIREMENTS TO HOLD PUBLIC OFFICE, NO RESTRICTIONS ON THE PRACTICE OF RELIGIOUS FAITHS, AND NO SOCIAL DISCRIMINATION BASED ON RELIGION. THE DOMINICAN POPULATION IS PREDOMINANTLY ROMAN CATHOLIC; SEVERAL NON-CATHOLIC FAITHS HAVE WELL-ESTABLISHED CHURCHES IN THE COUNTRY.

D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN

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DOMINICAN CITIZENS FACE NO UNUSUAL LEGAL RESTRICTIONS
ON TRAVEL WITHIN OR OUTSIDE THE COUNTRY. IN 1994,
AUTHORITIES FORCIBLY REPATRIATED BETWEEN SEVERAL
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HUNDRED TO A FEW THOUSAND HAITIANS BELIEVED TO BE IN
THE COUNTRY ILLEGALLY, ACCORDING TO VARIOUS SOURCES.
AT TIMES, LEGAL RESIDENT HAITIANS AND PERSONS OF
HAITIAN ANCESTRY WHO MAY HAVE CLAIMS TO DOMINICAN
CITIZENSHIP HAVE BEEN FORCED TO LEAVE THE COUNTRY.
LOCAL AUTHORITIES IN BORDER REGIONS HAVE ALSO
UNDERTAKEN ON THEIR OWN AUTHORITY TO REPATRIATE SMALL
NUMBERS OF ILLEGAL HAITIANS, BUT THESE INSTANCES ARE
DIFFICULT TO DOCUMENT. FORCED RECRUITMENT AND
DETENTION OF HAITIANS TO WORK ON SUGAR PLANTATIONS
DIMINISHED IN COMPARISON WITH EARLIER YEARS (SEE
SECTION 6.C.).

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

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DOMINICAN GOVERNMENT FACILITATED THE MOVEMENT OF
HUNDREDS OF HAITIANS GRANTED REFUGEE STATUS BY THE USG.

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
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CHAMBER OF DEPUTIES, AND THE MAYORS AND CITY COUNCILMEN
OF OVER 100 MUNICIPALITIES ARE FREELY ELECTED EVERY 4
YEARS BY SECRET BALLOT AND UNIVERSAL SUFFRAGE (EXCEPT
FOR ACTIVE DUTY MILITARY AND POLICE, WHO MAY NOT VOTE).
THE PRESIDENT APPOINTS THE GOVERNORS OF THE 29
PROVINCES. THE NATION ENJOYS A FUNCTIONING MULTIPARTY
SYSTEM. OPPOSITION GROUPS OF THE LEFT, RIGHT, AND
CENTER OPERATE OPENLY.

IN PRACTICE, THE PRESIDENT DOMINATES PUBLIC POLICY
FORMULATION AND IMPLEMENTATION, EXERCISING HIS
AUTHORITY THROUGH USE OF THE VETO, DISCRETION TO ACT BY
DECREE, AND INFLUENCE AS THE LEADER OF HIS PARTY. THE
CONGRESS TRADITIONALLY HAS HAD LIMITED POWERS AND

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SELDOM DISAPPROVES ACTIONS BY THE EXECUTIVE BRANCH, BUT IT PROVIDES AN OPEN FORUM FOR THE FREE EXCHANGE OF VIEWS AND DEBATE. THE GOVERNING REFORMED CHRISTIAN SOCIALIST PARTY (PRSC) HAS A WORKING MAJORITY IN THE 30-SEAT SENATE WHEN IT COMBINES ITS 14 VOTES WITH ONE VOTE FROM THE DOMINICAN LIBERATION PARTY (PLD) AND ONE VOTE FROM THE DEMOCRATIC UNION. SIMILARLY, IT HAS IN COALITION WITH THE PLD A WORKING PLURALITY IN THE CHAMBER OF DEPUTIES.

THE DOMINICAN PEOPLE VOTED IN RECORD NUMBERS IN THE MAY 16 NATIONAL ELECTIONS. THE ELECTIONS, HOWEVER, WERE MARRED BY SIGNIFICANT IRREGULARITIES IDENTIFIED BY INTERNATIONAL OBSERVERS. IN ADDITION TO THE DISENFRANCHISEMENT OF TENS OF THOUSANDS OF VOTERS PRIMARILY SUPPORTERS OF THE LEADING OPPOSITION PARTY, THERE WERE ALSO INSTANCES OF DOUBLE VOTING AND VOTING LIMITED OFFICIAL USE

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BY INELIGIBLE PERSONS. AN INVESTIGATION COMMISSION APPOINTED BY THE CENTRAL ELECTIONS BOARD LARGELY CONFIRMED THE IRREGULARITIES, NOTING THAT THEY PLACED IN DISPUTE A NUMBER OF VOTES POTENTIALLY LARGER THAN THE MARGIN OF VICTORY. DESPITE THE IRREGULARITIES, THE CENTRAL ELECTORAL BOARD DECLARED INCUMBENT PRESIDENT JOAQUIN BALAGUER THE WINNER BY 22,000 VOTES. THE CONGRESS SUBSEQUENTLY RATIFIED THE DECISION AS PART OF A POLITICAL AGREEMENT INVOLVING SEVERAL CONSTITUTIONAL REFORMS, MOST NOTABLY THE SHORTENING OF THE ENSUING PRESIDENTIAL TERM. ALTHOUGH UNDER THE PACT IT WAS FIRST AGREED TO LIMIT THE TERM TO 18 MONTHS WITH ELECTIONS IN NOVEMBER 1995, THE PRSC-DOMINATED CONGRESS CHANGED THE TERM TO TWO YEARS AND SCHEDULED ELECTIONS FOR MAY 1996.

WOMEN AND MINORITIES CONFRONT NO LEGAL OR PRACTICAL IMPEDIMENTS TO POLITICAL PARTICIPATION. EIGHT OF THE COUNTRY'S 29 GOVERNORS, 5 CABINET-LEVEL EXECUTIVE BRANCH OFFICIALS, 14 OF THE 120 CONGRESSIONAL DEPUTIES AND ONE SENATOR ARE FEMALE.

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

NONGOVERNMENTAL HUMAN RIGHTS ORGANIZATIONS OPERATE

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FREELY WITHOUT GOVERNMENT INTERFERENCE. IN ADDITION TO THE DOMINICAN HUMAN RIGHTS COMMITTEE, SEVERAL OTHER HAITIAN, CHURCH, AND LABOR GROUPS EXIST. THE DOMINICAN REPUBLIC HAS BEEN SLOW TO ACKNOWLEDGE REQUESTS FOR LIMITED OFFICIAL USE

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INFORMATION AND CRITICISM FROM SOME INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS. THERE WERE NO INSTANCES OF KILLINGS, BEATINGS, OR HARASSMENT OF HUMAN RIGHTS MONITORS IN 1994.

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

DISCRIMINATION BASED ON RACE AND SEX IS PROHIBITED BY LAW. HOWEVER, WOMEN TRADITIONALLY HAVE NOT SHARED EQUAL SOCIAL AND ECONOMIC STATUS OR OPPORTUNITY WITH MEN, AND MEN HOLD THE OVERWHELMING MAJORITY OF LEADERSHIP POSITIONS IN ALL SECTORS. IN MANY INSTANCES, WOMEN ARE PAID LESS THAN MEN IN JOBS OF EQUAL CONTENT AND EQUAL SKILL LEVEL. ACCORDING TO ONE STUDY, WOMEN ARE THE HEAD OF THE HOUSEHOLD IN 37 PERCENT OF THE FAMILIES IN THE CAPITAL. DIVORCE IS EASILY OBTAINABLE BY EITHER SPOUSE, AND WOMEN CAN HOLD PROPERTY IN THEIR OWN NAMES APART FROM THEIR HUSBANDS. CONGRESS DID NOT ACT ON LEGISLATIVE PROPOSALS

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INTRODUCED IN 1993 TO MODIFY WOMEN'S STATUS UNDER THE
CIVIL AND PENAL CODE.

NO SYSTEMATIC STUDIES EXIST ON THE EXTENT OF SEXUAL
HARASSMENT WHICH APPEARS TO BE WIDESPREAD. AN
UNDETERMINED NUMBER OF DOMINICAN WOMEN ARE VICTIMS OF
RINGS WHICH SMUGGLE THIRD WORLD WOMEN TO EUROPE TO WORK
AS PROSTITUTES IN CONDITIONS RIFE WITH EXPLOITATION AND
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MISTREATMENT. THE GOVERNMENT PERIODICALLY PROSECUTES
ORGANIZED ALIEN SMUGGLING RINGS (COMMONLY ON DOCUMENT
FALSIFICATION CHARGES), BUT ENFORCEMENT IS HINDERED BY
CORRUPTION AND RELUCTANCE TO RESTRICT EMIGRATION. A
STUDY BY ONE WOMEN'S GROUP REPORTED 280 CASES OF
VIOLENCE AGAINST WOMEN FROM NOVEMBER 1990 TO NOVEMBER
1992, BASED UPON MEDIA REPORTS AND NATIONAL POLICE
STATISTICS. OF THESE, 64 PERCENT WERE HOMICIDES,
INDICATING THAT PHYSICAL ABUSE CASES ARE GREATLY
UNDERREPORTED.

CHILDREN

THE GOVERNMENT'S PROFESSED COMMITMENT TO CHILD WELFARE
HAS NOT BEEN SUPPORTED BY FINANCIAL AND HUMAN

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RESOURCES. DESPITE THE EXISTENCE OF GOVERNMENT INSTITUTIONS DEDICATED TO CHILD WELFARE, THE PRINCIPAL BURDEN IS CARRIED BY PRIVATE SOCIAL AND RELIGIOUS ORGANIZATIONS. THE MOST SERIOUS ABUSE INVOLVING CHILDREN IS THE FAILURE OF THE JUSTICE SYSTEM TO RESPECT THE STATUS OF MINORS IN CRIMINAL CASES. ESPECIALLY IN NARCOTICS CASES, MINORS ARE SOMETIMES TREATED AS ADULTS AND INCARCERATED IN PRISONS RATHER THAN JUVENILE DETENTION CENTERS. ONE GROUP OF ATTORNEYS INTERESTED IN THE ISSUE REPORTED THAT THERE ARE MORE THAN 150 MINORS IN THE COUNTRY'S MAIN PRISON. ACCORDING TO LOCAL MONITORS, THE INCIDENCE OF CHILD ABUSE IS UNDERREPORTED BECAUSE OF TRADITIONAL BELIEFS THAT FAMILY PROBLEMS SHOULD BE DEALT WITH INSIDE THE FAMILY. SPORADIC INSTANCES OF HAITIAN CHILD LABOR ON SUGAR PLANTATIONS CONTINUED TO OCCUR (SEE SECTION

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6.D.). A NEW MINOR'S CODE APPROVED BY THE LOWER CHAMBER OF THE CONGRESS IN 1993 WAS PASSED BY THE SENATE IN 1994.

NATIONAL/RACIAL/ETHNIC MINORITIES

DOMINICANS ARE STRONGLY PREJUDICED AGAINST HAITIANS, MANY OF WHOM ARE ILLEGAL IMMIGRANTS, AND WHO CONSTITUTE A SIGNIFICANT PERCENTAGE OF THE UNSKILLED MANUAL LABOR FORCE. THIS OFTEN TRANSLATES INTO DISCRIMINATION AGAINST THOSE WITH DARKER SKIN. THE GOVERNMENT HAS NOT ACKNOWLEDGED THE EXISTENCE OF THIS DISCRIMINATION NOR MADE ANY EFFORTS TO COMBAT IT. DARK-SKINNED DOMINICANS ALSO FACE STRONG INFORMAL BARRIERS TO SOCIAL AND ECONOMIC ADVANCEMENT.

CREDIBLE SOURCES CHARGE THAT A LONG-STANDING GOVERNMENT PRACTICE IS TO OBSTRUCT THE RECOGNITION OF INDIVIDUALS OF HAITIAN ANCESTRY BORN IN THE COUNTRY AS DOMINICAN CITIZENS. LACK OF DOCUMENTATION ALSO SOMETIMES HINDERS THE ABILITY OF CHILDREN OF HAITIAN DESCENT TO ATTEND SCHOOL; SOME PARENTS FAIL TO SEEK DOCUMENTATION FOR FEAR OF BEING DEPORTED.

PEOPLE WITH DISABILITIES

DISABLED PERSONS ENCOUNTER DISCRIMINATION IN EMPLOYMENT AND THE PROVISION OF OTHER SERVICES. LAW NO. 21-91,

WHICH TOOK EFFECT IN SEPTEMBER 1991, MANDATES CERTAIN PROVISIONS FOR PHYSICAL ACCESS FOR THE DISABLED FOR ALL NEW PUBLIC AND PRIVATE BUILDINGS. THE LAW, HOWEVER HAS LIMITED OFFICIAL USE

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NOT BEEN UNIFORMLY ENFORCED.

SECTION
6 WORKER RIGHTS

A. THE RIGHT OF ASSOCIATION

THE CONSTITUTION PROVIDES FOR THE FREEDOM TO ORGANIZE LABOR UNIONS AND ALSO FOR THE RIGHTS OF WORKERS TO STRIKE (AND FOR PRIVATE SECTOR EMPLOYERS TO LOCK OUT WORKERS). ALL WORKERS, EXCEPT MILITARY AND POLICE, ARE FREE TO ORGANIZE AND WORKERS IN ALL SECTORS EXERCISE THIS RIGHT. THE NEW LABOR CODE ENACTED IN 1992 SIGNIFICANTLY STRENGTHENED THE RIGHT OF FREEDOM OF ASSOCIATION AND REMOVED SOME RESTRICTIONS ON THE RIGHT TO STRIKE BY NARROWING THE DEFINITION OF ESSENTIAL SERVICES TO EXCLUDE TRANSPORTATION, FOOD SERVICES, AND FUEL SERVICES. REQUIREMENTS FOR CALLING A STRIKE INCLUDE THE SUPPORT OF AN ABSOLUTE MAJORITY OF THE WORKERS OF THE COMPANY, A PRIOR ATTEMPT TO RESOLVE THE CONFLICT THROUGH ARBITRATION, WRITTEN NOTIFICATION TO

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THE LABOR SECRETARIAT, AND A 10-DAY WAITING PERIOD
FOLLOWING NOTIFICATION BEFORE PROCEEDING WITH THE
STRIKE. THE CODE ALSO ELIMINATED PREVIOUS PROHIBITIONS
AGAINST POLITICAL AND SYMPATHY STRIKES. THE GOVERNMENT
RESPECTS ASSOCIATION RIGHTS AND PLACES NO OBSTACLES TO
UNION REGISTRATION, AFFILIATIONS, OR THE ABILITY TO
ENGAGE IN LEGAL STRIKES.

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STRIKES IN 1994 OCCURRED PRINCIPALLY IN THE PUBLIC
SECTOR, WHERE TEACHERS, DOCTORS AND NURSES CONTINUED TO
STAGE PERIODIC STRIKES AND WALKOUTS, AND EMPLOYEES OF
STATE-OWNED COMPANIES STAGED STRIKES IN RESPONSE TO
FINANCIAL DIFFICULTIES AND THREATS OF JOB LOSSES. THE
LABOR CODE SPECIFIES IN DETAIL THE STEPS LEGALLY
REQUIRED TO ESTABLISH A UNION, FEDERATION, AND
CONFEDERATION. THE CODE CALLS FOR AUTOMATIC
RECOGNITION OF A UNION IF THE GOVERNMENT HAS NOT ACTED
ON ITS APPLICATION WITHIN A SPECIFIC TIME. IN
PRACTICE, THE GOVERNMENT HAS READILY FACILITATED
RECOGNITION OF LABOR ORGANIZATIONS. ORGANIZED LABOR
REPRESENTS BETWEEN 10 AND 15 PERCENT OF THE WORK FORCE
AND IS DIVIDED AMONG THREE LARGE CONFEDERATIONS, THREE
MINOR CONFEDERATIONS, AND A NUMBER OF INDEPENDENT
UNIONS. THE INTERNATIONAL LABOR ORGANIZATION'S (ILO)

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COMMITTEE OF EXPERTS (COE) CONSIDERS THAT THE TWO-THIRDS MAJORITY VOTE REQUIRED TO FORM CONFEDERATIONS IS TOO HIGH.

UNIONS ARE INDEPENDENT OF THE GOVERNMENT AND POLITICAL PARTIES, ALTHOUGH SYMPATHIZERS OF VARIOUS POLITICAL PARTIES ARE FOUND IN MOST UNION ORGANIZATIONS. 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 LIMITED OFFICIAL USE

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COMPANIES HAVE COLLECTIVE BARGAINING PACTS. THE LABOR CODE STIPULATES THAT WORKERS CANNOT BE DISMISSED BECAUSE OF THEIR TRADE UNION MEMBERSHIP OR ACTIVITIES. THE PREVIOUS CODE ALLOWED ARBITRARY TERMINATION OF A WORKER SO LONG AS SEVERANCE PAY WAS PROVIDED; THE 1992 CODE EXEMPTS FROM DISMISSAL SPECIFIC NUMBERS OF UNION ORGANIZERS AND OFFICIALS. THE NUMBER OF UNION ORGANIZERS OR OFFICIALS GIVEN PROTECTION FROM LAYOFFS CAN TOTAL UP TO 20 MEMBERS OF A UNION IN FORMATION, BETWEEN 5 TO 10 MEMBERS OF A UNION EXECUTIVE COUNCIL (DEPENDING ON THE SIZE OF THE WORK FORCE), AND UP TO 3 MEMBERS OF A COLLECTIVE BARGAINING NEGOTIATING COMMITTEE. THE NEW CODE ESTABLISHED A NEW SYSTEM OF LABOR COURTS FOR DEALING WITH LABOR DISPUTES; BUT THEIR EFFECTIVENESS HAS YET TO BE DETERMINED.

THE LABOR CODE APPLIES IN THE 26 ESTABLISHED EXPORT PROCESSING ZONES (EPZ'S) COMPRISED OF OVER 400, MOSTLY U.S.-OWNED OR ASSOCIATED, COMPANIES AND EMPLOYING MORE THAN 170,000 WORKERS, MOSTLY WOMEN. SOME EPZ COMPANIES HAVE A HISTORY OF DISCHARGING WORKERS WHO ATTEMPT TO ORGANIZE UNIONS. ALTHOUGH THE GOVERNMENT REGISTERED MORE THAN 50 UNIONS IN THE EPZ'S SINCE THE NEW LABOR CODE WENT INTO EFFECT IN JUNE 1992, FEWER THAN 10 OF THESE UNIONS STILL HAVE THEIR MEMBERSHIP INTACT. SOME UNIONS APPARENTLY CEASED TO FUNCTION DUE TO FIRINGS OF UNION MEMBERS, WHILE SOME MAY HAVE DISSOLVED BECAUSE OF VOLUNTARY RESIGNATIONS OR COMPANY CLOSURE. MORE THAN 30 EPZ FIRMS FACE CRIMINAL CHARGES BROUGHT BY THE

SECRETARIAT OF LABOR FOR LABOR CODE VIOLATIONS
INVOLVING WORKER RIGHTS. THREE FIRMS HAVE BEEN
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CONVICTED OF SUCH VIOLATIONS. IN 1994, TWO EPZ
COMPANIES CONCLUDED COLLECTIVE BARGAINING AGREEMENTS
WITH UNIONS.

THE STATE SUGAR COUNCIL (CEA) EMPLOYS WORKERS FROM OVER
100 UNIONS. DOMINICAN WORKERS PREDOMINATE IN THE
UNIONS, ALTHOUGH BETWEEN TWO AND FIVE UNIONS ARE
HAITIAN-DOMINATED. THE CEA'S NEGATIVE ATTITUDE TO
ADDITIONAL EFFORTS BY HAITIANS TO ORGANIZE. IS
UNCHANGED.

AT YEAR'S END, NO AGREEMENT HAD BEEN REACHED IN A 1990
DISPUTE IN WHICH THE ADMINISTRATOR OF THE STATE-OWNED
DOMINICAN ELECTRIC CORPORATION (CDE) CHARGED THE CDE
UNION (SITRACODE) WITH SABOTAGE, FEATHERBEDDING, AND
CORRUPTION, AND BEGAN MASSIVE FIRINGS OF SITRACODE
LEADERS AND ACTIVISTS WHICH GENERATED A COMPLAINT
AGAINST THE DOMINICAN REPUBLIC IN THE ILO. IN DECEMBER
1991, THE GOVERNMENT AGREED TO A SETTLEMENT CALLING FOR
PENSIONING 75 PERCENT OF THE FIRED WORKERS AND REHIRING
THE REMAINDER. HOWEVER, THE GOVERNMENT REFUSED TO

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REHIRE SITRACODE LEADERS, WHICH THE UNION THOUGHT HAD
BEEN PART OF THE AGREEMENT. THE CASE REMAINS BEFORE
THE ILO, WHICH REQUESTED THAT THE TRADE UNION LEADERS
BE REINSTATED.

C. PROHIBITION OF FORCED OR COMPULSORY LABOR

FORCED OR COMPULSORY LABOR IS PROHIBITED BY LAW.
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DURING PREVIOUS YEARS, THE GOVERNMENT AND THE CEA
FORCIBLY RECRUITED HAITIAN SEASONAL AGRICULTURAL
WORKERS AND THEN RESTRICTED THEM TO SPECIFIC SUGAR
PLANTATIONS. CEA DENIED THE USE OF PAID RECRUITERS
INSIDE HAITI TO OBTAIN WORKERS, AND THERE IS NO
CONCLUSIVE EVIDENCE THAT EITHER PRACTICE OCCURRED TO
ANY SIGNIFICANT DEGREE IN 1994. THERE ARE NO FIRM
STATISTICS ON THE NUMBER OF CANE CUTTERS ON CEA
PLANTATIONS; MOST ESTIMATES PLACE THE NUMBER AT
APPROXIMATELY AS MANY AS 30,000. HOWEVER, HAITIAN
WORKERS CONTINUED TO FACE OTHER PROBLEMS (SEE BELOW).
HUMAN RIGHTS GROUPS ALLEGED SOME INSTANCES OF FORCED
RECRUITMENT AND FORCED LABOR OF HAITIANS IN THE
HARVESTING OF OTHER CROPS SUCH AS COFFEE AND RICE. THE
EXTENT OF SUCH ABUSES REMAINED UNCLEAR, AS THESE
AGRICULTURAL SECTORS WERE NOT TRADITIONALLY SUBJECT TO
THE SCRUTINY RECEIVED BY THE SUGAR INDUSTRY.

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IN 1994 HAITIAN SUGAR CANE WORKERS CONTINUED TO ENCOUNTER RESTRICTIONS ON THEIR FREEDOM OF MOVEMENT, BUT THE RESTRICTIONS WERE LESS ONEROUS THAN IN THE PAST. THEY INCLUDED THE PRESENCE OF ARMED GUARDS IN AND AROUND VARIOUS SUGAR PLANTATIONS AND THE SEQUESTERING OF WORKERS' BELONGINGS IN ORDER TO DISCOURAGE THEIR MOVEMENT TO OTHER CEA PLANTATIONS OR OTHER TYPES OF EMPLOYMENT. CEA AND THE DOMINICAN OFFICE OF IMMIGRATION INITIATED A PROGRAM IN LATE 1991 TO ISSUE 1-YEAR TEMPORARY WORK PERMITS TO THE WORKERS TO ALLEVIATE FREEDOM OF MOVEMENT PROBLEMS FACED BY ITINERANT HAITIAN WORKERS. ACCORDING TO A 1993 SURVEY BY AN INDEPENDENT POLLING FIRM, 50 PERCENT OF ALL

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ITINERANT HAITIAN WORKERS POSSESSED PERMITS. THERE ARE NO FIGURES AVAILABLE ON THE NUMBER OF FORCIBLY REPATRIATED HAITIAN CANE AND COFFEE WORKERS.

D. MINIMUM AGE FOR EMPLOYMENT OF CHILDREN

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

IN PRACTICE, MANY OF THE CHILD LABOR RESTRICTIONS ARE IGNORED. THE HIGH LEVEL OF UNEMPLOYMENT AND THE LACK OF A SOCIAL SAFETY NET CREATE PRESSURES ON FAMILIES TO ALLOW CHILDREN TO EARN SUPPLEMENTAL INCOME. A UNITED NATIONS CHILDREN'S FUND STUDY ESTIMATED THAT APPROXIMATELY 58,000 MINORS WORK AS ITINERANT VENDORS IN OCCUPATIONS SUCH AS SHINING SHOES, SELLING NEWSPAPERS, AND CLEANING CARS. DURING THE PAST FEW YEARS, THE LABOR SECRETARIAT MADE SOME EFFORT TO ENFORCE THE LAW IN CASES WHERE COMPANIES EMPLOYED UNDERAGE WORKERS, BUT PENALTIES WERE LARGELY LIMITED TO SMALL FINES. SOME YOUNG WORKERS OBTAINED WORK PERMITS AND CONTINUED THEIR EMPLOYMENT; THOSE UNABLE TO OBTAIN PERMITS WERE DISMISSED.

INSTANCES OF CHILD LABOR IN CEA SUGAR PLANTATIONS HAVE

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DIMINISHED GREATLY. CEA AND THE LABOR SECRETARIAT TOOK
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STEPS TO DISCOURAGE CHILD LABOR, AND IN 1994 IT
OCCURRED IN ONLY ISOLATED INSTANCES, MOST INVOLVING
CHILDREN ACCOMPANYING THEIR FATHERS INTO THE FIELDS.

E. ACCEPTABLE CONDITIONS AT WORK

THE CONSTITUTION GIVES THE GOVERNMENT 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. REAL WAGES,
ESPECIALLY IN THE PUBLIC SECTOR, STILL SUFFERED FROM A
SERIOUS EROSION CAUSED BY INFLATION IN YEARS PAST.
MINIMUM WAGE RAISES HAVE NOT COMPENSATED FOR THE LOSS
OF PURCHASING POWER, AND SCHEDULED WAGE INCREASES IN
1994 ONLY PROVIDED PARTIAL RELIEF. THE VAST MAJORITY
OF WORKERS RECEIVE ONLY THE MINIMUM WAGE, WHICH
AVERAGES AROUND 90 USD PER MONTH DEPENDING ON THE
SECTOR AND EMPLOYER SIZE. THE MINIMUM WAGE REPRESENTS
ONLY 20 PERCENT OF THE ESTIMATED MONTHLY COST OF LIVING
FOR AN AVERAGE-SIZE FAMILY IN SANTO DOMINGO. AS A
RESULT, MANY PEOPLE HOLD MORE THAN ONE JOB.

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THE LABOR CODE ESTABLISHES A STANDARD WORK PERIOD OF 8 HOURS PER DAY AND 44 HOURS PER WEEK. THE CODE ALSO STIPULATES THAT ALL WORKERS ARE ENTITLED TO 36 HOURS OF UNINTERRUPTED REST EACH WEEK. IN PRACTICE, A TYPICAL WORKWEEK IS MONDAY THROUGH FRIDAY PLUS A HALF DAY ON SATURDAY, BUT LONGER HOURS ARE NOT UNUSUAL. THE CODE GRANTS WORKERS A 35 PERCENT WAGE DIFFERENTIAL FOR WORK
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OVER 44 AND UP TO 68 HOURS PER WEEK AND A 100 PERCENT DIFFERENTIAL FOR ANY HOURS ABOVE 68 HOURS PER WEEK.

WORKPLACE SAFETY AND HEALTH CONDITIONS FREQUENTLY DO NOT MEET LEGAL STANDARDS. HEALTH STANDARDS FOR WORKERS ARE SET BY THE DOMINICAN SOCIAL SECURITY INSTITUTE (IDSS). NON-HEALTH SAFETY STANDARDS ARE COVERED BY THE LABOR CODE. THE EXISTING SOCIAL SECURITY SYSTEM DOES NOT APPLY TO ALL WORKERS AND IS UNDERFUNDED. FURTHERMORE, SOME EMPLOYERS CHARGE WORKERS FOR SOCIAL SECURITY COVERAGE BUT FAIL TO PASS THE PAYMENTS ON TO THE IDSS. AS A RESULT, BENEFITS ARE LOW, PAYMENTS OFTEN DELAYED, AND MEDICAL CARE IS LIMITED AND AVAILABLE ONLY IN THE MAJOR CITIES.

WORKPLACE REGULATIONS AND THEIR ENFORCEMENT IN THE EPZ'S DO NOT DIFFER FROM THOSE IN THE COUNTRY AT LARGE, ALTHOUGH WORKING CONDITIONS ARE TYPICALLY BETTER. SOME

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COMPANIES IN PRIVATELY OWNED EPZ'S PRACTICE MUCH HIGHER
WORKER SAFETY AND HEALTH STANDARDS. BOTH THE IDSS AND
THE LABOR SECRETARIAT HAVE SMALL CORPS OF INSPECTORS
CHARGED WITH ENFORCING STANDARDS. HOWEVER, THESE POSTS
ARE CUSTOMARILY FILLED THROUGH POLITICAL PATRONAGE, AND
SOME INSPECTORS HAVE EARNED A REPUTATION FOR
CORRUPTION.

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CONDITIONS FOR AGRICULTURAL WORKERS, PARTICULARLY
HAITIANS, ARE IN GENERAL MUCH WORSE, ESPECIALLY IN THE
SUGAR INDUSTRY. ALTHOUGH CEA READILY COOPERATES WITH
NONGOVERNMENTAL ORGANIZATIONS ACTIVE IN EFFORTS TO
IMPROVE THE CONDITIONS OF SUGAR CANE WORKERS, IN SOME

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CASES CEA AND THE GOVERNMENT HAVE FAILED TO TAKE
MEASURES TO IMPLEMENT WRITTEN AGREEMENTS DESIGNED TO
OVERCOME THE PROBLEMS FACING SUGAR CANE WORKERS. CANE
CUTTERS ON CEA PLANTATIONS ARE PAID BY WEIGHT OF CUT
CANES RATHER THAN HOURS WORKED AND THUS ARE USUALLY
REQUIRED TO WORK SIGNIFICANTLY MORE HOURS THAN THE
STANDARD WORKWEEK IN ORDER TO EARN A WAGE APPROACHING
THAT OF WORKERS IN OTHER INDUSTRIES. CEA CONTINUED TO
PAY CANE CUTTERS IN VOUCHERS RATHER THAN CASH, A
VIOLATION OF THE 1992 LABOR CODE'S PROHIBITION OF
PAYMENT IN NONCASH FORMS. CANE CUTTERS ALSO FACED
WIDESPREAD CHEATING DURING THE WEIGHING OF THEIR CUT
CANES. ALTHOUGH CEA AND THE LABOR SECRETARIAT SIGNED AN
AGREEMENT WITH LABOR UNIONS TO ALLOW UNION OFFICIALS TO
ASSIST THE LABOR SECRETARIAT IN THE INSPECTION AND
MONITORING OF CEA WEIGH STATIONS, NO ACTION
WAS TAKEN TO IMPLEMENT THIS AGREEMENT. MANY
HAITIAN WORKER VILLAGES CONTINUED TO SUFFER HIGH RATES
OF DISEASE AND A LACK OF SCHOOLING, MEDICAL FACILITIES,
RUNNING WATER, AND SEWAGE SYSTEMS. OROZCO

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