

# DOMINICAN REPUBLIC 2019 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Dominican Republic is a representative constitutional democracy. In 2016 Danilo Medina of the Dominican Liberation Party (PLD) was re-elected president for a second four-year term. Impartial outside observers assessed the election as generally free and orderly.

The National Police and the Tourist Police maintain internal security. They report to the Minister of Interior and Police and through him to the president. The Airport Security Authority, Port Security Authority, and Border Security Corps have some domestic security responsibilities and report to the Ministry of Armed Forces and through that ministry to the president. The National Drug Control Directorate, which has personnel from both the police and the armed forces, reports directly to the president. The National Department of Intelligence reports directly to the president. Both the National Drug Control Directorate and the National Department of Intelligence have significant domestic security responsibilities. Civilian authorities generally maintained effective control over the security forces.

Significant human rights issues included reports of unlawful or arbitrary killings by government security forces; torture by police and other government agents; arbitrary detention; harsh and life-threatening prison conditions; arbitrary interference with privacy; serious problems with the independence of the judiciary; criminal libel for individual journalists; serious government corruption; police violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; and forced and child labor.

The government took some steps to punish officials who committed human rights abuses, but there were widespread reports of official impunity and corruption, especially among senior officials.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

In November a leading newspaper published an investigative series on extrajudicial killings in which active-duty police officers admitted they killed

unarmed civilians. In most cases the officers claimed the victims had criminal records or links to criminal organizations. Some officers said their commanders gave them direct orders to kill and then stage crime scenes to give the appearance of an exchange of gunfire. The investigative report found that 99 percent of victims were men between 18 and 35 years old who lived in low-income neighborhoods.

According to government data, more than 3,000 individuals died during confrontations with police or security forces between 2007 and March 2019. Of this number, the exact number of extrajudicial killings was unknown. The National Human Rights Commission (NHRC), a nongovernmental organization (NGO), reported that as of October there were more than 70 extrajudicial killings by police in 2019. Although this represented approximately a 30 percent decrease from 2018, media and civil society acknowledged that many of these cases went unreported due to a lack of faith in the justice system to pursue charges. According to the report, only 5 percent of these cases were brought to trial in the last 15 years. The police reported that 31 officials were removed from service between June 2016 and February 2019 for involvement in homicides. The Police Inspector General reported that all of these cases were forwarded to the Attorney General's Office, but few led to prosecution.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

Although the law prohibits torture, beating, and physical abuse, there were reports that security force members, primarily police, carried out such practices.

The NHRC reported police used various forms of physical and mental abuse to obtain confessions from detained suspects. According to the NHRC, abusive methods included covering detainees' heads with plastic bags, hitting them with broom handles, forcing them to remain standing overnight, and hitting them in the ears with gloved fists or hard furniture foam so as not to leave marks.

In March, Amnesty International released a report detailing incidents of police raping and abusing sex workers. Nearly one-half of the victims were transgender women. They testified that police raped them at gunpoint and threatened to arrest

or kill them if they did not comply with the police's sexual demands. The report suggested that colonels and other senior police officers participated in these acts.

### **Prison and Detention Center Conditions**

Prison conditions ranged from general compliance with international standards in “new-model” prisons (correctional rehabilitation centers or CRCs) to harsh and life threatening in “old-model” prisons. Threats to life and health included communicable diseases, inadequate sanitary conditions, inadequate medical care, a lack of well trained prison guards, and prisoner-on-prisoner violence, all of which were exacerbated in the severely overcrowded, old-model prisons.

Physical Conditions: Gross overcrowding was a problem in old-model prisons. The Directorate of Prisons reported that as of September there were 17,428 prisoners in old-model prisons and 9,354 in CRCs, a ratio that remained constant for the past several years because old-model prisons had not been phased out. La Victoria, the oldest prison, held 7,758 inmates, although it was designed for a maximum capacity of 2,011. The inmate population at all 19 old-model prisons exceeded capacity, while only one of the 22 CRCs was over capacity.

Police and military inmates received preferential treatment, as did those with the financial means to rent preferential bed space and purchase other necessities.

According to the Directorate of Prisons, military and police personnel guarded old-model prisons, while a trained civilian corps guarded CRCs. Reports of mistreatment and violence in old-model prisons were common, as were reports of harassment, extortion, and inappropriate searches of prison visitors. Some old-model prisons remained effectively outside the control of authorities, and there were reports of drug trafficking, arms trafficking, prostitution, and sexual abuse. Wardens at old-model prisons often controlled only the perimeter, while inmates controlled the inside with their own rules and system of justice. Although the law mandates separation of prisoners according to severity of offense, authorities did not do so.

In old-model prisons, health and sanitary conditions were generally inadequate. Prisoners often slept on the floor because there were no beds available. Prison officials did not separate sick inmates. Delays in receiving medical attention were common in both the old-model prisons and CRCs. All prisons had infirmaries, but most infirmaries did not meet the needs of the prison population. In most cases inmates had to purchase their own medications or rely on family members or

outside associates to provide medications. Illness was the primary cause of deaths reported in the prison system. According to the Directorate of Prisons, all prisons provided HIV/AIDS treatment, but the NHRC stated that none of the old-model prisons were properly equipped to provide such treatment.

In CRCs some prisoners with mental disabilities received treatment, including therapy, for their conditions. In old-model prisons, the government did not provide services to prisoners with mental disabilities. The government reported it had installed wheelchair ramps in some prisons for prisoners with physical disabilities. NGOs claimed the majority of prisons still did not provide access for inmates with disabilities.

The International Organization for Migration (IOM) reported that migration detention centers were not adequately equipped to accommodate large numbers of detainees and at times were overcrowded. IOM representatives noted the centers needed improved sanitary facilities, better access to drinking water, and more structures to protect detainees from the sun. The General Directorate of Migration generally provided food to detainees being held at the border with Haiti but at times asked for IOM support.

Administration: Authorities investigated credible allegations of mistreatment.

Independent Monitoring: The government permitted visits to prisons and monitoring by independently funded and operated nongovernmental observers, international organizations, and media. The NHRC, National Office of Public Defense (NOPD), Attorney General's Office, and CRC prison administration together created human rights committees in each CRC that were authorized to conduct surprise visits. Access to migrant detention centers for monitoring was not systematically granted to human rights organizations.

#### **d. Arbitrary Arrest or Detention**

The constitution prohibits detention without a warrant unless authorities apprehend a suspect during the commission of a crime or in other special circumstances. The law permits detention without a charge for up to 48 hours. The constitution provides for the right of any person to challenge the lawfulness of his or her detention in court, and the government generally observed this requirement. Arbitrary arrest and detention were problems, and there were numerous reports of individuals held and later released with little or no explanation for the detention. NGOs reported many detainees were taken into custody at the scene of a crime or

during drug raids. In many instances authorities fingerprinted, questioned, and then released those detainees.

### **Arrest Procedures and Treatment of Detainees**

The law provides that an accused person may be detained for up to 48 hours without a warrant before being presented to judicial authorities. The law also permits police to apprehend without an arrest warrant any person caught in the act of committing a crime or reasonably linked to a crime, such as cases involving hot pursuit or escaped prisoners. Police sometimes detained suspects for investigation or interrogation longer than 48 hours. Police often detained all suspects and witnesses to a crime. Successful habeas corpus hearings reduced abuses of the law significantly. There was a functioning bail system and a system of house arrest, but these provisions were rarely used in cases involving foreigners.

The law requires provision of counsel to indigent defendants, although staffing levels were inadequate to meet demand. The NOPD provides free legal aid to those who cannot afford counsel. In March, NOPD's director stated the NOPD had only 124 attorneys, and many provinces had no NOPD representation. Many detainees and prisoners who could not afford private counsel did not have prompt access to a lawyer. Prosecutors and judges handled interrogations of juveniles, as the law prohibits interrogation of juveniles by or in the presence of police.

Arbitrary Arrest: Police made sporadic sweeps or roundups in low-income, high-crime communities during which they arrested and detained individuals without warrants. During these operations police arrested large numbers of residents and seized personal property allegedly used in criminal activity.

The IOM reported cases of Haitian migrants and their children, as well as persons perceived as such, being detained and deported because authorities did not permit them to retrieve immigration or citizenship documents from their residences. There were also reports of deportations of unaccompanied children and of deporting women who left children behind.

Civil society organization representatives said some deportations consisted of taking persons across the border without any record of doing so. The IOM reported that the General Directorate of Migration referred to these cases as "devolutions" or "not admitted," and that there is no due process for such operations. The IOM worked with the government to establish a system for nonadmitted persons.

Pretrial Detention: Many suspects endured long pretrial detention. A judge may order detention between three and 18 months. According to the Directorate of Prisons, as of September, 67 percent of inmates in old-model prisons were in pretrial custody, compared with 51 percent of prisoners in CRCs. The average pretrial detention time was three months, but there were reports of pretrial detention lasting up to three years, including cases involving foreign citizens. Time served in pretrial detention counted toward completing a sentence.

The failure of prison authorities to produce detainees for court hearings caused some trial postponements. Many inmates had their court dates postponed due to a lack of transportation from prison to court or because their lawyer, codefendants, interpreters, or witnesses did not appear. Despite protections for defendants in the law, in some cases authorities held inmates beyond the legally mandated deadlines, even when there were no formal charges against them.

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary; however, the government did not respect judicial independence and impartiality. Improper influence on judicial decisions was widespread. Interference ranged from selective prosecution to dismissal of cases amid allegations of bribery or undue political pressure. The judiciary routinely dismissed high-level corruption cases. Corruption of the judiciary was a serious problem. The NOPD reported the most frequent form of interference with judicial orders occurred when authorities refused to abide by writs of habeas corpus to release detainees.

#### **Trial Procedures**

The law provides for the right to a defense in a fair and public trial; however, the judiciary did not always enforce this right. The courts frequently exceeded the maximum period of time established by the law for setting hearing dates.

The law provides for a presumption of innocence. The District Attorney's Office is required to notify defendants and their attorneys of criminal charges. Defendants have the right to be present at their trial and to consult with an attorney in a timely manner. The indigent have the right to a public defender, but the director of the Office of the Public Defender said the number of public defenders was insufficient. Defendants have adequate time and facilities to prepare a defense. The law provides for free interpretation as necessary. The law provides

for the right to confront or question witnesses and the right against self-incrimination. Defendants have the right to present their own witnesses and evidence. The constitution provides for the right to appeal and prohibits higher courts from increasing the sentences of lower courts.

Military and police tribunals share jurisdiction over cases involving members of the security forces. Military tribunals have jurisdiction over cases involving violations of military rules and regulations. Civilian criminal courts handle cases of killings and other serious crimes allegedly committed by members of the security forces.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

There are separate court systems for criminal law, commercial and civil law, and labor law. Commercial and civil courts reportedly had lengthy delays in adjudicating cases, although their ultimate decisions were generally enforced. As in criminal courts, undue political and economic influence in civil court decisions remained a problem.

Citizens have recourse to file an *amparo*, an action to seek redress of any violation of a constitutional right, including violations of human rights. This remedy was used infrequently and only by those with sophisticated legal counsel.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law prohibits arbitrary entry into a private residence, except when police are in hot pursuit of a suspect, a suspect is caught in the act of committing a crime, or police suspect a life is in danger. The law provides that all other entries into a private residence require an arrest or search warrant issued by a judge. Police conducted illegal searches and seizures, however, including many raids without warrants on private residences in poor neighborhoods.

Human rights groups, opposition politicians, and journalists critical of the government alleged the government used unauthorized wiretaps, monitored private email, and used other surreptitious methods to interfere with the private lives of

individuals and families. The government denied this. Opposition political parties alleged government officials at times threatened subordinates with loss of employment and other benefits to compel them to support PLD candidates.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

The constitution provides for freedom of expression, including for the press, and the government generally respected this right. Media expressed a wide variety of views, but the concentration of media ownership, weaknesses in the judiciary, and political influence limited the media's independence.

Freedom of Expression: Individuals and groups were generally able to criticize the government publicly and privately without reprisal, although there were several incidents in which authorities intimidated members of the press. In September a television news program hosted by a well known journalist was canceled two days after presenting an investigative report alleging that the attorney general's sister received no-bid government contracts worth 750 million pesos (\$15 million), positioning her as the sole supplier of asphalt products to the government. The program demonstrated that at the time the contracts were signed, the sister was drawing a salary as an employee of the Ministry of Public Works. The journalist alleged his program was canceled after the attorney general called the station owner and threatened legal action. On September 30, the journalists' association held a press conference denouncing political interference to silence reporting on corruption.

Violence and Harassment: Journalists and other persons who worked in media were occasionally harassed or physically attacked. Some media outlets reported that journalists, specifically in rural areas, received threats for investigating or denouncing criminal groups or official corruption. In October a local television commentator in Monte Plata Province reported he received threats due to his coverage critical of local politicians' connections with narcotics traffickers. The Inter American Press Association reported journalists suffered violent attacks from military and police security details of government officials, particularly while covering civil-society-led protests.

Some media outlets chose to omit the bylines of journalists reporting on drug trafficking and other security matters to protect the individual journalists.

Censorship or Content Restrictions: The constitution provides for protection of the confidentiality of journalists' sources and includes a "conscience clause" allowing journalists to refuse reporting assignments. Journalists practiced self-censorship, particularly when coverage could adversely affect the economic or political interests of media owners. Observers suggested the government influenced the press through advertising contracts. A prominent journalist who hosted a highly rated news and commentary television show stated that her exit from traditional media was one example of the government's influence on media outlets. She highlighted that the government spent close to 12.5 million pesos (\$250,000 daily) in advertisements.

Libel/Slander Laws: The law criminalizes defamation and insult, with harsher punishment for offenses committed against public or state figures than for offenses against private individuals. The Dominican College of Journalists reported that journalists were sued by politicians, government officials, and the private sector to pressure them to stop reporting. The law penalizes libel for statements concerning the private lives of certain public figures, including government officials and foreign heads of state.

In July the Constitutional Tribunal annulled an article in the electoral law that set prison sentences of three to 10 years for defamatory and libelous messages and for false campaigns published through media that damage the honor and privacy of political candidates. The tribunal ruled the article violated the right to freedom of speech established in the constitution. The tribunal also declared unconstitutional a paragraph in the law that penalized the publication of negative messages on social media that damage the public image of candidates.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content without appropriate legal authority; however, there were allegations that the government monitored private online communications without appropriate legal authority.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedoms of Peaceful Assembly and Association**

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights, with some exceptions.

In-country Movement: Civil society representatives reported that citizens of Haitian descent, those perceived to be a Haitian, and Haitian migrants faced obstacles while traveling within the country. NGOs reported that security forces at times asked travelers to show immigration and citizenship documents at road checkpoints throughout the country. Citizens of Haitian descent and migrants without valid identity documents reported fear of swift deportation when traveling within the country, especially near the border with Haiti (see also section 1.d.).

### **e. Internally Displaced Persons**

Not applicable.

### **f. Protection of Refugees**

The government cooperated in a limited manner with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

Government officials and NGOs estimated between 40,000 and 100,000 Venezuelans lived in the country. In December the government instituted a regulation requiring Venezuelans to apply for a tourist visa before entry into the country. Previously, Venezuelans needed only a valid passport and could receive a tourist visa at the point of entry. Many Venezuelans resident in the country entered legally before the new regulation and stayed longer than the three-month allowance.

The government did not issue guidelines to facilitate the regularization of status for Venezuelans living in the country. The inability to apply for in-country adjustment of status hindered Venezuelans' access to basic services and increased their vulnerability to labor exploitation and trafficking. Venezuelan immigrant associations, with the support of the IOM, coordinated with Dominican government entities to provide public-health and essential legal services for Venezuelan immigrants.

Refoulement: Although the constitution prohibits administrative detention and the law establishes that asylum seekers should not be detained under any circumstance, there were reports of persons potentially in need of international protection being denied admission at the point of entry and subsequently being deported to their countries of origin without being granted access to the asylum process (see also section 1.d.).

Access to Asylum: The law provides for the granting of asylum or refugee status. While the government has established a system for providing protection to refugees, it did not effectively implement it. The government recognized and issued identity documents to very few refugees during the past few years. The government did not respond to requests for the current number of asylum seekers.

The National Office of Refugees in the Migration Directorate of the National Commission for Refugees (CONARE) is an interministerial body responsible for adjudicating asylum claims. The law requires individuals to apply for asylum within 15 days of arrival in the country. If an asylum seeker is in the country for more than 15 days and does not apply for asylum, the individual permanently loses the right to apply for asylum. The law also rejects any asylum application from an individual who was in, or who proceeds from, a foreign country where the individual could have sought asylum. Thus, the government makes inadmissibility determinations administratively before an asylum interview or evaluation by CONARE.

According to refugee NGOs, there was no information posted at ports of entry to provide notice of the right to seek asylum, or of the timeline and process for doing so. Furthermore, NGOs reported that immigration officials did not appear to understand how to handle asylum cases consistent with the country's international commitments. By law the government must give due process to asylum seekers. Persons expressing a fear of return to their country of nationality or habitual residence should be allowed to apply for asylum under the proper procedures.

Nonetheless, there was generally neither judicial review of deportation orders nor any third-party review of “credible fear” determinations.

UN officials reported asylum seekers were not properly notified of inadmissibility decisions. CONARE did not provide rejected asylum seekers with details of the grounds for the rejection of their asylum application or with information on the appeal process. Rejected applicants received a letter saying they had 30 days to leave the country voluntarily. Government policy is that from the time they receive the notice of denial, rejected asylum seekers have seven days to file an appeal. The letter providing the notice of denial does not mention this right of appeal.

UN officials said a lack of due process in migration procedures resulted in arbitrary detention of persons of concern with no administrative or judicial review (see also section 1.d.). As a result, asylum seekers and refugees in the country were at risk of refoulement and prolonged detention.

During the year government authorities participated in UNHCR-sponsored training designed to ensure that asylum procedures are fair, efficient, and gender-sensitive. Reports of discriminatory practices against female asylum seekers and refugees continued, however. The country failed to implement a gender-sensitive identification system for female asylum seekers and refugees, including potential victims of trafficking and sexual exploitation.

Freedom of Movement: Persons claiming asylum often waited months to receive a certificate as an asylum seeker and to be registered in the government database. The certificate must be renewed every 30 days in the national office in Santo Domingo, forcing asylum seekers who live outside Santo Domingo to return to the capital monthly or lose their claim to asylum. Asylum seekers with pending cases only had this certificate, or nothing at all, to present to avoid deportation. This restricted their freedom of movement. In cases where approved asylum seekers were detained for lack of documentation, refugee organizations were able to advocate for their release.

Some refugees recognized by CONARE were either issued travel documents that were not accepted in visa application processes, or they were not issued travel documents at all.

Employment: The government prohibited asylum seekers with pending cases from working. This situation was complicated by the long, sometimes indefinite waiting

periods for pending asylum cases to be resolved. Lack of documentation also made it difficult for refugees to find employment. Employment was, nonetheless, a requirement for the government to renew refugees' temporary residency cards.

Access to Basic Services: Approved refugees have the same rights and responsibilities as legal migrants with temporary residence permits. Approved refugees have the right to access education, employment, health care, and other social services. Nonetheless, refugee organizations reported that problems remained. Only those refugees able to afford health insurance were able to access adequate health care. Refugees reported their government-issued identification numbers were sometimes not recognized, and thus they could not open a bank account or enter service contracts for basic utilities. Refugees had to rely on friends or family for such services.

Temporary Protection: The law enables undocumented migrants in the country to apply for temporary legal residency. Although the exact number of undocumented migrants was unknown, the law granted temporary residency status to more than 260,000 applicants (97 percent of whom were Haitian). As of August 2018, 196,000 persons renewed temporary status, which was due to expire in 2020. Civil society organizations expressed concern that many plan participants lacked passports, which could hinder their ability to renew their status.

No temporary residence documents were granted to asylum seekers; those found to be admissible to the process were issued a certificate that provided them with protection from deportation but did not confer other rights. This certificate often took months to be delivered to asylum seekers. Due in part to this delay, both refugees and asylum seekers lived on the margins of the migration system. Foreigners often were asked to present legal migration documents to obtain legal assistance or access the judicial system; therefore, many refugees and asylum seekers were unable to access legal help for situations they faced under criminal, labor, family, or civil law.

Refugees recognized by CONARE underwent annual re-evaluation of their need for international protection, a procedure counter to international standards. Refugees were issued one-year temporary residence permits that could not be converted to a permanent residence permit.

#### **g. Stateless Persons**

A constitutional change in 2010 and a 2013 Constitutional Tribunal ruling revised the country's citizenship laws. One effect was to strip retroactively Dominican citizenship from approximately 135,000 persons, mostly the children of undocumented Haitian migrants, who had previously been conferred Dominican citizenship by virtue of *jus soli* (birthright citizenship) since 1929. The Inter-American Commission on Human Rights (IACHR) found that these legal revisions led to statelessness for the persons who lost their Dominican citizenship. UN officials and NGOs said the legal changes had a disproportionate and negative impact on women and their children, in part because the law treats foreign-born mothers differently than foreign-born fathers.

The government subsequently passed a law creating a mechanism to provide citizenship papers or a naturalization process to stateless persons. The exact mechanism depended on the documentary status of the individual at the time the citizenship law changed. In practice the new documentation mechanism was only partially successful. Many stateless persons did not register for the mechanism before the deadline.

Dominican-born persons without citizenship or identity documents faced obstacles traveling both within and outside the country. Authorities attempted to deport some of these persons between 2015 and 2019 but were prevented by IOM intervention. The stateless persons had limited access to electoral participation, formal-sector jobs, public education, marriage and birth registration, formal financial services such as loans, court and judicial procedures, and ownership of land and property.

The government agreed in 2017 to address 12 priority issues related to these stateless persons. In March the IACHR noted that the government had partially implemented solutions to this list of issues.

### **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on nearly universal and equal suffrage. The constitution prohibits active-duty police and military personnel from voting or participating in partisan political activities.

#### **Elections and Political Participation**

Recent Elections: In 2016 voters participated in general elections for all levels of government and elected Danilo Medina of the PLD as president for a second four-year term. The Central Electoral Board (JCE) instituted a system of electronic voting during the 2016 election. According to international observers and experts on electronic voting systems, the JCE did not follow international standards, as it neither audited nor gradually implemented the system. On election day many electronic voting systems failed or were unused. The JCE did not announce final, official results with all ballots counted until 13 days after the elections. Many congressional and municipal races remained contested for weeks, leading to sporadic protests and violence. On election day in 2016, the Organization of American States (OAS) and domestic observers noted widespread political campaigning immediately outside of voting centers, in violation of the law. They also noted indications of vote buying.

Political Parties and Political Participation: A political parties law promulgated in August 2018 seeks to formalize certain political party processes, including party primaries, financing, and establishment of new political parties. The electoral institutions and courts were interpreting and implementing the new law during the 2019-20 national electoral cycle. By law major parties, defined as those that received 5 percent of the vote or more in the previous election, receive 80 percent of public campaign finances, while minor parties share the remaining 20 percent of public funds. The OAS and domestic NGOs criticized this allocation of funding as unequal and unfair. Civil society groups criticized the government and the incumbent PLD party for using public funds to pay for advertising in the months leading up to the 2016 elections, although the law prohibits the use of public funds for campaigns. According to civil society groups, revenue from government advertising influenced media owners to censor voices that disagreed with their largest client, the PLD.

Participation of Women and Minorities: No laws limit the participation of women or members of minorities in the political process, and they did participate. The law stipulates that at least 40 percent of a political party's nominees must be women.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. The attorney general investigated allegedly corrupt officials.

NGOs noted the greatest hindrance to effective investigations was a lack of political will to prosecute individuals accused of corruption, particularly well connected individuals or high-level politicians. Government corruption remained a serious problem and a public grievance.

Corruption: In September the Supreme Court began a trial against six of the 14 defendants indicted in 2017 for alleged links to \$92 million in bribes paid by the Brazilian construction company Odebrecht to obtain public works contracts. The six defendants included a senator, a lower house representative, a former senator, and a former minister of public works. Civil society welcomed the trial as a step forward in the fight against corruption, but activists highlighted what they perceived as a lack of political will thoroughly to investigate the case, which involved the country's political and economic elites.

In June an International Consortium of Investigative Journalists report revealed that in addition to the publicly reported \$92 million in bribes, Odebrecht distributed another \$39.5 million in inducements during the construction of the Punta Catalina coal-fired power plant. After this report was made public, the Attorney General's Office questioned financial consultants involved in the plant's tendering process but did not file any additional charges. The attorney general and a government-appointed commission previously dismissed allegations of irregularity in the plant's contracting process.

NGOs criticized the widespread practice of awarding government positions as political patronage. They alleged many civil servants received a government salary without performing any work. Some small municipalities had more employees on the payroll than their physical offices could accommodate.

NGOs and individual citizens regularly reported acts of corruption by various law enforcement officials, including police officers, immigration officials, and prison officials. The government on occasion used nonjudicial punishments for corruption, including dismissal or transfer of military personnel, police officers, judges, and other minor officials. Widespread acceptance and tolerance of petty corruption, however, hampered anticorruption efforts.

Financial Disclosure: The law requires the president, vice president, members of congress, some agency heads, and some other officials, including tax and customs duty collectors, to declare their personal property within 30 days of being hired, elected, or re-elected as well as when they end their responsibilities. These declarations are made public. The constitution further requires public officials to

declare the provenance of their property. The Chamber of Accounts is responsible for receiving and reviewing these declarations. Many public officials did not comply. NGOs questioned the veracity of the declarations, as amounts often fluctuated significantly from year to year, and total declared assets often appeared unrealistically low.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A number of domestic and international organizations generally operated without government restriction, investigating and publishing their findings on human rights cases. While government officials often were cooperative and responsive to their views, human rights groups that advocated for the rights of Haitians and persons of Haitian descent faced occasional government obstruction.

Government Human Rights Bodies: The constitution establishes the position of human rights ombudsman. The ombudsman's functions are to safeguard human rights and protect collective interests. There is also a human rights commission, chaired by the minister of foreign affairs and the attorney general. The Attorney General's Office has its own human rights division.

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

#### **Women**

Rape and Domestic Violence: The law criminalizes rape of men or women, including spousal rape, domestic violence, and other forms of violence, such as incest and sexual aggression. The sentences for rape range from 10 to 15 years in prison and a fine of 100,000 to 200,000 pesos (\$2,000 to \$4,000). The Attorney General's Office oversees the specialized Violence Prevention and Attention Unit, which had 19 offices in the country's 32 provinces. The Attorney General's Office instructed its officers not to settle cases of violence against women and to continue judicial processes even when victims withdrew charges. District attorneys provided assistance and protection to victims of violence by referring them to appropriate institutions for legal, medical, and psychological counseling.

The Ministry of Women actively promoted equality and the prevention of violence against women through implementing education and awareness programs, as well as training other ministries and offices. The ministry operated shelters and

provided counseling services, although NGOs argued these efforts were inadequate.

Despite government efforts, violence against women, including rape, was pervasive. In September attorney Anibel Gonzalez was shot and killed by her former husband Yasmil Fernandez, who then committed suicide. Fernandez previously attacked Gonzalez in 2017 and was sentenced to five years in prison for attempted murder. Press, civil society, and politicians called for an investigation and heavily criticized the Attorney General's Office for its handling of the case. The press and civil society questioned why Fernandez was permitted a cell phone while incarcerated, from which he placed harassing calls to Gonzalez, and questioned why, in contravention of the law, Fernandez was released on parole before completing one-half of his sentence. Media reported the Attorney General's Office transferred a prosecutor who opposed Fernandez's petition for early release. Her successor granted Fernandez parole in violation of the law. Following a similar incident in November that also resulted in the murder of a victim by her recently paroled former husband, the Attorney General's Office pressed civil charges against the prosecutor involved in both cases.

Sexual Harassment: Sexual harassment in the workplace is a misdemeanor, and conviction carries a sentence of one year in prison and a fine equal to the sum of three to six months of salary. Union leaders reported the law was not enforced and that sexual harassment remained a problem.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Although the law provides women and men the same legal rights, women did not enjoy social and economic status or opportunity equal to that of men. In November the Latin American Public Opinion Project published findings that 66 percent of Dominicans believed a woman's children suffer when she works outside of the home.

## **Children**

Birth Registration: Citizenship comes with birth in the country, except to children born to diplomats, to those who are "in transit," or to parents who are illegally in the country (see also section 2.g.). A child born abroad to a Dominican mother or father may also acquire citizenship. A child not registered at birth remains undocumented until parents file a late declaration of birth.

Education: The constitution stipulates free, compulsory, and universal public education through age 18. Public schools enrolled children who lacked identity documentation and promoted undocumented children between grades, although an identity document was necessary for the Ministry of Education to issue a high-school diploma. The Ministry of Education and the Vice President's Office, through the Progressing with Solidarity program, worked with families to assist with late registration of birth and identity documentation.

Child Abuse: Abuse of children, including physical, sexual, and psychological abuse, was a serious problem. The law contains provisions concerning child abuse, including physical and emotional mistreatment, sexual exploitation, and child labor. The law provides for sentences of two to five years' incarceration and a fine of three to five times the monthly minimum wage for persons convicted of abuse of a minor.

Early and Forced Marriage: The legal minimum age for marriage with parental consent is 16 for boys and 15 for girls. Marriage, particularly of female minors, younger than age 18 was common. According to a 2019 UNICEF-supported government survey, 12 percent of girls were married by age 15 and 36 percent by age 18. In addition, 22 percent of girls ages 15 to 19 had been pregnant, an issue directly related to early marriage. Girls often married much older men. Child marriage occurred more frequently among girls who were uneducated, poor, and living in rural areas. More than one-half of women in the country's poorest quintile were married by age 17.

Sexual Exploitation of Children: The law defines statutory rape as sexual relations with anyone younger than age 18. NGOs noted that due to the law that allows marriage with parental consent for girls as young as 15, some men arrange to marry girls to avoid prosecution for statutory rape. Penalties for conviction of statutory rape are 10 to 20 years in prison and a fine of 100,000 to 200,000 pesos (\$2,000 to \$4,000).

Children were exploited for commercial sex, particularly in coastal, tourist locations and major urban areas. The government conducted programs to combat the sexual exploitation of minors.

Displaced Children: Large populations of children, primarily Haitians or Dominicans of Haitian descent, lived on the streets and were vulnerable to trafficking.

International Child Abductions: The country is a party to the 1980 Hague Convention on International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

### **Anti-Semitism**

The Jewish community comprised approximately 350 persons. There were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

Although the law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, these individuals encountered discrimination in employment, education, the judicial system, and in obtaining health care and transportation services. The law provides for access to basic services and physical access for persons with disabilities to all new public and private buildings. It also specifies that each ministry should collaborate with the National Disability Council to implement these provisions. Authorities worked to enforce these provisions, but a gap in implementation persisted. Very few public buildings were fully accessible. The Attorney General's Office signed an agreement with the Council on People with Disabilities to provide services and accessibility to persons with disabilities who access the justice system.

The Dominican Association for Rehabilitation received support from the Secretariat of Public Health and from the Office of the Presidency to provide rehabilitation assistance to persons with physical and learning disabilities and to operate schools for children with physical and mental disabilities. Lack of accessible public transportation was a major impediment.

The law states the government should provide access to the labor market and to cultural, recreational, and religious activities for persons with disabilities, but the law was not consistently enforced. There were three government centers for care

of children with disabilities--in Santo Domingo, Santiago de los Caballeros, and San Juan de la Maguana. The most recent information, from a 2016 Ministry of Education report, found that 80 percent of registered students with disabilities attended some form of school.

### **National/Racial/Ethnic Minorities**

The law prohibits discrimination on the basis of skin color and nationality. There was evidence of racial prejudice and discrimination against persons of dark complexion, Haitians, or those perceived to be Haitian. The government denied such prejudice or discrimination existed and did little to address the problem. Civil society and international organizations reported that officials denied health care and documentation services to persons of Haitian descent and Haitian migrants (see also sections 1.d., 2.d., and 2.g.).

According to media reports, in June a mob in Santiago lynched one Haitian immigrant and severely injured another. The men were falsely accused of killing a Dominican. The true killer, the victim's relative, later confessed to the crime. At year's end no one had been arrested for either the killing or the violent assault on the Haitian immigrants.

A 2017 National Statistics Office and UN Population Fund study estimated Haitians constituted 7.4 percent of the population, of whom two-thirds were Haitian-born immigrants and one-third were persons of Haitian descent. In March the IACHR noted the absence of a comprehensive policy to prevent, protect from, and punish acts of violence against Haitian nationals in the country. The IACHR assessed that the government had partially implemented the IACHR's 2017 recommendations to address this concern.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The constitution upholds the principles of nondiscrimination and equality before the law, but it does not specifically include sexual orientation or gender identity as protected categories. It prohibits discrimination on the grounds of "social or personal condition" and mandates that the state "prevent and combat discrimination, marginalization, vulnerability, and exclusion." The law prohibits discrimination based on sexual orientation and gender identity only for policies related to youth and youth development.

In March, Amnesty International released a report detailing incidents of police rape and abuse of transgender sex workers (see also section 1.c.). Other NGOs reported police abuse, including arbitrary arrest, police violence, and extortion against LGBTI persons. According to civil society organizations, authorities failed to properly document or investigate the incidents that were reported. According to a report presented by civil society to the UN Human Rights Committee, the law does not provide for the prosecution of hate crimes against LGBTI individuals based on their sexual orientation or gender identity.

Discrimination limited the ability of LGBTI persons to access education, employment, health care, and other services. NGOs reported widespread discrimination against LGBTI persons, particularly transgender individuals and lesbians, in health care, education, justice, and employment. LGBTI individuals often faced intimidation and harassment.

### **HIV and AIDS Social Stigma**

Although the law prohibits the use of HIV testing to screen employees, Human Rights Watch, Amnesty International, and the International Labor Organization (ILO) reported that workers in various industries faced obligatory HIV testing. Workers were sometimes tested without their knowledge or consent. Many workers found to have the disease were not hired, and some of those already employed were either fired from their jobs or denied adequate health care.

### **Other Societal Violence or Discrimination**

On a number of occasions, citizens attacked and sometimes killed alleged criminals in vigilante-style reprisals for theft, robbery, or burglary.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of workers, with the exception of the military and police, to form and join independent unions, conduct legal strikes, and bargain collectively; however, it places several restrictions on these rights. For example, a requirement, considered excessive by the ILO, restricts trade union rights by requiring unions to represent 51 percent of the workers in an enterprise in order to bargain collectively. In addition the law prohibits strikes until mandatory mediation requirements have been met. Formal requirements for a strike to be

legal also include the support of an absolute majority of all company workers for the strike, written notification to the Ministry of Labor, and a 10-day waiting period following notification before the strike can proceed. Government workers and essential public service personnel may not strike. The government considers teachers as essential, as are public service workers in communications, water supply, energy supply, hospitals, and pharmacies.

The law prohibits antiunion discrimination and forbids employers from dismissing an employee for participating in union activities, including being on a committee seeking to form a union. Although the Ministry of Labor must register unions for the unions to be legal, the law provides for automatic recognition of a union if the ministry does not act on an application within 30 days. The law allows unions to conduct their activities without government interference. Public-sector workers may form associations registered through the Office of Public Administration. The law requires that 40 percent of employees of a government entity agree to join for the association to be formed. According to the Ministry of Labor, the law applies to all workers, including foreign workers, those working as domestic workers, workers without legal documentation, and workers in the free-trade zones (FTZs).

The government did not effectively enforce laws related to freedom of association and collective bargaining. Enforcement and penalties were not sufficient to deter violations. The process for addressing labor violations through criminal courts can take years, leaving workers with limited protection in the meantime. There were reports of intimidation, threats, and blackmail by employers to prevent union activity. Some unions required members to provide identity documents to participate in the union despite the fact that the labor code protects all workers regardless of their legal status.

Labor NGOs reported companies resisted collective negotiating practices and union activities. Companies reportedly fired workers for union activity and blacklisted trade unionists, among other antiunion practices. Workers reported they believed they had to sign documents pledging to abstain from participating in union activities. Companies also created and supported “yellow” or company-backed unions to counter free and democratic unions. Formal strikes occurred but were not common.

Some companies used short-term contracts and subcontracting, which made union organizing and collective bargaining more difficult. Few companies had collective bargaining pacts, partly because companies created obstacles to union formation

and could afford to go through lengthy judicial processes that independent unions could not afford.

Unions in the FTZs, which are subject to the same labor laws as all other workers, reported that their members hesitated to discuss union activity at work due to fear of losing their jobs. Unions accused some FTZ companies of dismissing workers who attempted to organize unions.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. The law prescribes imprisonment and fines for persons convicted of engaging in forced labor. Such penalties were sufficiently stringent to deter violations.

The government reported it received no forced labor complaints during the year but there were reports of forced labor of adults and children in construction, agriculture, and services.

The law applies equally to exploitation of migrant workers, but Haitian workers' lack of documentation and uncertain legal status in the country made them more vulnerable to forced labor. NGOs reported many irregular Haitian laborers and citizens of Haitian descent did not exercise their rights due to fear of being fired or deported.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits employment of children younger than age 14 and places restrictions on the employment of children younger than age 16, limiting their working hours to six hours per day. For persons younger than age 18, the law limits night work and prohibits employment in dangerous work such as work involving hazardous substances, heavy or dangerous machinery, and carrying heavy loads. The law provides penalties for child labor violations, including fines and prison sentences. Penalties were sufficient to deter violations.

The Ministry of Labor, in coordination with the National Council for Children and Adolescents, the National Police, the Attorney General's Office, and the Specialized Corps for Tourist Safety Local Vigilance Committees, is responsible

for enforcing child labor laws, and they did effectively enforce the law. The government has established mechanisms to coordinate its efforts on child labor.

The porous border with Haiti allowed some Haitian children to be trafficked into the country, where they were forced into commercial sexual exploitation or forced to work in agriculture, often alongside their parents, domestic work, street vending, or begging (see also section 6).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

#### **d. Discrimination with Respect to Employment and Occupation**

The constitution creates a right of equality and nondiscrimination, regardless of sex, skin color, age, disability, nationality, family ties, language, religion, political opinion or philosophy, and social or personal condition. The law prohibits discrimination, exclusion, or preference in employment, but there is no law against discrimination in employment based on sexual orientation or gender identity.

The government did not effectively enforce the law against discrimination in employment. Discrimination in employment and occupation occurred with respect to HIV/AIDS-positive persons; and against persons with disabilities, persons of darker skin color, those of Haitian nationality, and women (see section 6). In March the IACHR annual report noted with concern the absence of concrete policies targeting the reduction of discrimination in the workplace.

#### **e. Acceptable Conditions of Work**

The law provides for a minimum wage that varies depending on the size of the enterprise and type of labor. As of October the minimum wage for all sectors, except sugar cane harvesters, was above the official poverty line; however, a study by the Juan Bosch Foundation found that only one-half of the minimum wage rates were high enough for a worker to afford the minimum family budget. The government estimated 23 percent of the population was living in poverty.

The law establishes a standard workweek of 44 hours, not to exceed eight hours per day on weekdays, and four hours on Saturdays before noon. Agricultural workers are exempt from this limit, however, and may be required to work up to 10 hours each workday without premium compensation. The law stipulates all workers are entitled to 36 hours of uninterrupted rest each week. Although the law

provides for paid annual holidays and premium pay for overtime, enforcement was ineffective. The law prohibits excessive or compulsory overtime and states that employees may work a maximum of 80 hours of overtime over the course of three months.

The labor code covers different sectors separately. For example, the section covering domestic workers establishes lower standards for hours of work, rest, annual leave, sick leave, and remuneration, and it does not provide for notice or severance payments. Domestic workers are entitled to two weeks' paid vacation after one year of continuous work as well as a Christmas bonus equal to one month's wage. The labor code also covers workers in the FTZs, but they are not entitled to bonus payments.

The law applies to both the formal and informal sectors, but it was seldom enforced in the informal sector. Workers in the informal economy faced more precarious working conditions than formal workers.

The Ministry of Labor sets workplace safety and health regulations that are appropriate for the main industries. By regulation employers are obligated to provide for the safety and health of employees in all aspects related to the job. By law employees may remove themselves from situations that endanger health or safety without jeopardy to their employment, but they may face less severe reprisal.

Authorities conducted inspections but did not adequately enforce minimum wage, hours of work, and workplace health and safety standards. Penalties for violations were not sufficient to deter violations. The Public Ministry is responsible for pursuing and applying penalties for labor violations uncovered by labor inspectors; it infrequently applied penalties in practice. During the year the Ministry of Labor increased its inspector workforce by 30 percent from 2018, but the number of labor inspectors remained insufficient.

Mandatory overtime was a common practice in factories, enforced through loss of pay or employment for those who refused. The Dominican Federation of Free Trade Zone Workers reported that some companies in the textile industry set up "four-by-four" work schedules, under which employees worked 12-hour shifts for four days. In a few cases employees working the four-by-four schedules were not paid overtime for hours worked in excess of maximum work hours allowed under the law.

Conditions for agricultural workers were poor. Many workers worked long hours, often 12 hours per day and seven days per week, and suffered from hazardous working conditions, including exposure to pesticides, long periods in the sun, limited access to potable water, and sharp and heavy tools. Some workers reported they were not paid the legally mandated minimum wage.

Industrial accidents caused injury and death to workers, but information on the number of accidents was unavailable.